

**APPLICATION REPORT – FUL/346918/21
Planning Committee 8th June 2022**

Registration Date: 10 November 2021
Ward: Hollinwood

Application Reference: FUL/346918/21
Type of Application: Full

Proposal: Siting of an ancillary food kiosk (mobile catering van) and provision of sheltered seating areas (including within a converted steel container)

Location: The Vestacare Stadium, Whitebank Road, Oldham

Case Officer: Mr. Stephen Gill
Applicant: AVRO Junior Football Club
Agent: Mr. Mark Prestwich

INTRODUCTION

The application is referred to Planning Committee for determination since the site is Council owned land.

RECOMMENDATION

It is recommended that the application be approved for a temporary period of 3 years subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The site forms part of the Vestacare Stadium complex located along Whitebank Road, Oldham. The stadium landholding is within the Green Belt and is surrounded primarily by residential properties of predominantly two-storeys adjacent to the site to the north, south and west.

THE PROPOSAL

The application is for the retention of a mobile catering van, the provision of a sheltered seating area, and an outdoor seating area. In addition, the application also includes the retention of two storage containers on the site which are used for the storage of football equipment, and are situated directly north of the football pitch.

The food truck is a converted steel container, which sits on the bed of the food truck, the indoor seating area sits directly adjacent, and this is enclosed by a metal sheet cover, supported by scaffolding. The entire development is enclosed within the stadium from the frontage by high

paladin style fencing, and within the site, the facility and is enclosed by timber fencing and a storage container, and a gated entrance to the facility.

RELEVANT PLANNING HISTORY:

FUL/347685/21 - Temporary permission for a period of 3 years for retention of 2 no. steel containers to provide temporary changing rooms and a marquee to provide replacement gym facilities. Granted, 14/01/2022.

PA/339093/16 - 1) Replacement of the existing grass football pitch with a new 3G pitch and associated fencing , 2) Development of a new natural turf playing field and associated works. – Granted 16/11/2016.

PA/059224/11 - Erection of 6 no. temporary single and two storey modular buildings (temporary consent 5 years) – Granted, 25/03/2011.

RELEVANT PLANNING POLICIES

The following policies in the Joint Core Strategy and Development Management Policies DPD (Joint DPD) are relevant to the determination of this application:

Policy 5 - Promoting Accessibility and Sustainable Transport;

Policy 9 - Local Environment;

Policy 20 – Design;

Policy 21 – Protecting Natural Environmental Assets; and,

Policy 22 – Protecting Open Land

CONSULTATIONS

Highways Engineer: No objection

Environmental Health: No objection

United Utilities: No objection

REPRESENTATIONS

The application has been publicised by means of site notice and press notice. In response, 9 representations have been received raising the following issues (summary):

- The stadium should not be located where it is.
- There is a lack of facilities on the overall premises, and this results in people relieving themselves in open view.
- The shouting and screaming during games are a noise disturbance for surrounding residents.
- The AVRO Academy is a constant disruption, which means local residents cannot sit out in their gardens.

- The AVRO Academy should be relocated to a less sensitive location.
- The application is causing major distress to local residents.
- The light pollution from the floodlights is a major disturbance.
- The AVRO management do not communicate with the residents.
- The applicant has little regard for the planning process.
- The food truck looks unsightly to the street scene.
- The facility is selling alcohol and food for 11 hours a day without planning permission.
- The hours of operation are excessive.
- The facility will create more anti-social behaviour.
- The application will cause additional parking issues in the area.
- Residents' quality of life is severely compromised by the overall facility.
- The AVRO facility has destroyed all the local wildlife.
- The facility has the potential to attract vermin and cause food odours.

PLANNING CONSIDERATIONS

Principle

The site is designated as being within the Green Belt. National Planning Policy Framework ("NPPF") at paragraph 147 is clear that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in Very Special Circumstances ("VSCs"), and NPPF paragraph 148 states that substantial weight should be given to the potential harm to the Green Belt.

When considering the impact on the Green Belt, National Planning Practice Guidance states that Green Belt has both a spatial and visual aspect. Firstly, considering the retention of the storage containers, NPPF paragraph 149 lists some exceptions for development in the Green Belt, which includes (b) "*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*". The storage containers are used for the storage of football and maintenance equipment, and are connected to the use of the land, and given their containment within the site, are not considered to have a greater impact on the openness of the Green Belt. Therefore, they are considered to meet the exceptions for development in the Green Belt, and do not need to be considered further.

Considering the food catering van and the seating areas, this development does not meet the exceptions for development in the Green Belt under NPPF paragraph 149 and is therefore considered inappropriate. Considering the impacts to Green Belt, the food catering van and seating area are visually contained and set back from the street scene of White Bank Road and are not readily visible. The development sits in a discreet location north of the pitch, near the entrance, in an urban setting, and would have minimal impact to the Green Belt from a visual standpoint. From a spatial standpoint, the scheme adds a level of development and volume that was not there previously, and this is considered as inappropriate. On that basis, the applicant needs to demonstrate very special circumstances (VSCs) as required by NPPF paragraph 147.

In terms of VSCs, following extensive discussions with the applicant and a detailed site visit, the following points are considered to make a valid case for VSCs:

1. The staff involved with the Vestacare Stadium are volunteers who work very closely with local charities. With that considered, the applicant confirmed that any profit generated from development is always reinvested into maintaining and enhancing the Vestacare facilities. During the site visit, it was clear that a new boxing gym has opened on the premises for the local community to use, and this is managed by volunteers. The money generated by the development during match days helps to sustain the overall facility.
2. The applicant states that the development was introduced in response to Covid-19 and the need for the football club to provide safe, outdoor catering facilities to replace the indoor arrangement, which was cramped and does not allow safe social distancing to take place. It is noted that social distancing is no longer a legal requirement, however what Covid-19 has highlighted is the need for businesses to have the facilities available to adapt quickly to changing circumstances so they can survive. Covid-19 has been particularly hard on businesses and has seen many cease trading, and as stated above, for those that have survived, and in the right circumstances, the planning system should provide support to help local businesses ensure they have the right facilities to survive.

Based on the above, it is considered that of the clear community benefit of the proposals (enabling the wider club to be financially viable) form the VSCs that outweigh the limited harm to Green Belt caused by the proposal, and therefore, the principal of development is acceptable.

Residential Amenity

Local Plan Policy 9 states that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

Environmental Health have been consulted on the application and do not object on residential amenity or waste management grounds. A condition has been recommended in relation to hours of operation (10am – 9pm) when an event takes place and the condition also stipulates that the facility should not be open outside of those hours.

Many of the residential amenity issues raised in this application seem to relate to the overall use of the site, specifically on match days, and the disturbance this causes to residents in terms of lighting, noise, hours of operation and anti-social behaviour. Whilst these issues are noted, the Council are not considering the matter of whether the stadium use is appropriate to the site. This application is solely in relation to the food truck and associated seating areas and the proposal to retain two storage containers. The storage containers have no impact on residential amenity. In terms of the food truck and seating areas these are located just under 50m away from the nearest residential property (opposite the site on White Bank Road) and given that Environmental Health do not object on residential amenity grounds (subject to

condition), it is not considered reasonable to refuse the application on residential amenity grounds.

Therefore, the development complies with Local Plan Policies 5 & 9 and NPPF section 12.

Design and Integration with Local Character

Local Plan Policies 9 and 20 and NPPF Section 12 require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The food truck and enclosure and the steel containers are purely functional in their design. The part of the site where the food truck and seating areas are situated is set-back from the main street scene of White Bank Road by over 35m, which means the development is not readily visible to passers-by. It is noted from a site visit that the appearance of the development is not overly appealing, specifically the metal sheet and supporting scaffolding that cover the area, however, as set out above, it is set back considerably from the street scene, within the curtilage of the stadium. The steel containers are not visible at all from the street scene and are set well within the site. They are considered entirely appropriate in terms of design and appearance, as these types of structures are expected in leisure facilities.

In conclusion, whilst it is acknowledged that the appearance of the food truck and seating area, specifically the way it is enclosed is not appealing, given the set back and the fact that it is not readily visible from the street scene, means on balance, it is acceptable in this instance. Therefore, it is not considered reasonable to refuse the application on design grounds in this instance.

Highways

The Highway Engineer has reviewed the application and does not object to the proposed development. It is not considered that proposal will cause severe highway safety issues to the main highway network, and it is not considered that the proposal will cause severe parking issues as a result. Therefore, the development is considered to comply with Local Plan Policies 5 and 9.

Ecology

It was brought to the Council's attention that there are badger setts within the curtilage of the AVRO site. Badgers and their setts are legally protected under the terms of the Protection of Badgers Act 1992.

After liaison with Greater Manchester Ecology Unit ("GMEU") the Council is now aware of the position of badger setts within the site, and we can confirm that the development will have no impact on Badgers or their setts and so the development complies with Local Plan Policy 21.

CONCLUSION

In conclusion, the development is acceptable. The proposal would not be an undue and dominant addition to the site. The proposals' proximity and siting mean neighbours' amenity would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained.

The limited impact to the Green Belt is outweighed by the VSC's discussed in the principal section of this Committee Report, and therefore, the development meets the criteria in NPPF Sections 5,12 and 13 and Local Plan Policies 5, 9, 20 and 22.

RECOMMENDED CONDITIONS

1. This permission hereby granted shall be for a limited period only expiring on 8th June 2025 and the use shall be discontinued on or before this date. REASON - In order that the effect of the development upon the amenity of the area can be assessed during this period having regard to Policies 9 and 20 of the Oldham Local Plan.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The mobile catering van shall not be parked on the site except on days when an event is taking place. The use hereby permitted shall not be open to customers outside the following times 10:00 to 21:00 Monday to Sunday and Bank Holidays and shall only be open when an event is taking place. REASON - To protect the amenities of surrounding residents and occupiers in accordance with Local Plan Policy 9.

SITE LOCATION PLAN (NOT TO SCALE):

