

**APPLICATION REPORT – VAR/352459/24
Planning Committee 5th June 2024**

Registration Date: 18th March 2024
Ward: Coldhurst

Application Reference: VAR/352459/24
Type of Application: Variation of Condition

Proposal: Variation of condition 10 (hours of use) relating to application FUL/351570/23 to permit use between 09.00 and 18.00 hours on Saturdays and between 09.00 and 21.00 hours on all other days (previously approved hours between 09.00 and 21.00 hours on Monday to Friday, 10.00 and 18.00 hours on Saturday and 10.00 and 21.00 hours on Sunday)

Location: Little Wembley training pitch, Oldham Athletic Football Club, Boundary Park, Hilbre Avenue, Oldham, OL1 2PA

Case Officer: Graham Dickman
Applicant: Oldham Athletic Football Club
Agent: Richard Gee

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the planning condition for which amendment is sought was imposed in its present form by Planning Committee.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

3.1 The application relates to the north-west corner of the Boundary Park Football Stadium site. It comprises an existing enclosed grass football pitch and an adjoining area of car parking separated by a mounded area of former spoil material. There are 4 existing floodlight columns.

3.2 Clayton Playing Fields is to the west, separated from the site by a footpath.

3.3 To the north and north-east are established housing areas on Broadway and Downham Close. Further housing is located across a small area of open land to the south on Boundary Drive.

4. THE PROPOSAL

- 4.1 Planning permission to replace the existing facility with a new full-sized, football and rugby league compliant 3G pitch and associated lighting was granted in December 2023.
- 4.2 Approval for use of the facility was sought between 08.00 hours until 18.00 hours on Saturdays, and from 09.00 hours until 21.00 hours on all other days.
- 4.3 Following consideration of the application, Planning Committee approved the application subject to revised hours of use restricting use on Saturdays to between 10.00 and 18.00 hours, on Sundays between 10.00 and 21.00 hours and on Monday to Friday between 09.00 and 21.00 hours.
- 4.4 The present application now seeks to revise the permitted hours of use to allow a start at 09.00 hours rather than 10.00 hours on Saturdays and Sundays. Other start and finish times would remain as approved.

5. PLANNING HISTORY

- 5.1 FUL/351570/23 - Replacement of existing grass training pitch known as Little Wembley (and floodlights, means of enclosure and ball-catch fencing) with a new multi-sports 3G pitch with associated earth works / engineering operations / retaining structure (to provide a flat surface), ball-catch fencing, security and acoustic fencing, 8 column sports lights, 10 cycle parking spaces, and the erection of an ancillary single storey building to accommodate changing rooms, classroom / office, toilets and refreshments area,, a bin store and associated hard and soft landscaping. Access via the existing access from Hilbre Avenue. Approved 21 December 2023.
- 5.2 PA/053017/07 - Outline application for mixed use redevelopment including demolition of existing and construction of new south and west stands, with a combined capacity of 6,200 seats and accommodation comprising spectator facilities, Hotel (west stand) and Fitness club (south stand), Residential apartments (553 Units) and key worker housing (140 Units), Ancillary retail/cafe units together with associated landscaping and external works. Approved 9 May 2008.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Joint DPD), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-S4 – Flood risk and Water Management;
Policy JP-G7 – Trees and Woodlands;
Policy JP-P1 – Sustainable Places; and,
Policy JP-P7 – Sport and Recreation.

Local plan

Policy 9 - Local Environment;
Policy 19 – Water and Flooding; and,
Policy 23 – Open Spaces and Sports

7. CONSULTATIONS

Environmental Health	No objections.
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8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, one representation has been received raising the following issues:

- The requested hours, including the arrival and departure of cars, will add to existing noise and light nuisance. (Addressed at paragraph 10.2 and in the listed conditions)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

9.1 The principle of the proposed redevelopment of the ‘Little Wembley’ pitch has been established through the planning permission granted in December 2023. Consideration of the present application is therefore limited to the assessment of the impact from permitting use on Saturday and Sunday to commence at 09.00 hours rather than 10.00 hours.

10. RESIDENTIAL AMENITY

10.1 The application site is in immediate proximity to neighbouring residential properties on Broadway and Downham Close to the north and Boundary Drive to the south.

10.2 In this context, it is recognised that activity on the site has potential to impact on neighbouring residents. As a consequence, conditions in relation to the installation of acoustic and ball-stop fencing, and for the levels of luminance of the necessary floodlighting were imposed on the previous application and will continue to apply.

- 10.3 In respect of the hours in which the pitch can be used, the Environmental Health Officer had previously considered that, with the above measures in place, a start time of 08.00 hours on a Saturday and 09.00 hours on a Sunday would be acceptable.
- 10.4 In seeking to amend the approved hours, the applicant has provided supporting information showing that Saturdays and Sundays are the most important days of the week for mini-junior/youth football. Therefore, a maximum feasible amount of time is needed to satisfy demand. It is noted that junior teams would suffer most from the loss of the two hours at the weekends.
- 10.5 As a result, many facilities open from 09.00 hours or earlier, although this varies given the context of the setting of the facility. The applicant has, for example, drawn attention to improvements to the facility at Chadderton AFC, where there is a similar close relationship to residential neighbours, and where start times have been permitted from 08.00 hours (FUL/349908/22, approved 9th June 2023).
- 10.6 It should also be noted that there are presently no restrictions on the hours at which the existing pitch could be used, and the club has indicated that the proposed start time is already in operation without the generation of complaints.
- 10.7 Whilst this use could continue, it would not of course ensure the benefits of the replacement pitch in terms of the quality of the playing surface and its weather resilience.
- 10.8 Nevertheless, the applicant has recognised the concerns previously expressed by Planning Committee, and therefore, is seeking a Saturday start time of 09.00 hours rather than 08.00 hours as originally sought.

11. OTHER CONDITIONS OF THE APPROVAL

- 11.1 Should planning permission be granted for the amended hours, all other conditions imposed on the earlier permission will continue to apply.

12. CONCLUSION

- 12.1 The enhancement of the existing pitch within a larger sports complex will provide significant benefits through the provision of a facility of substantially better quality than the existing poor quality, sloping pitch. It is considered that the planning conditions to be applied will ensure the facility can operate effectively whilst securing measures to protect neighbouring amenity. The proposed amendment to 09.00 hours represents an appropriate compromise towards achieving these objectives and is therefore deemed to be acceptable.
- 12.2 It is therefore recommended that the application should be approved subject to the following conditions.

13. RECOMMENDED CONDITIONS

1. The development must be begun not later than 20th December 2026. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and,
 - v. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies 9 and 19 of the Oldham Local Plan.

4. Prior to first use of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy ref: HYD833_LITTLE.WEMBLEY_FRA&DMS Rev 1.0 dated 24th August 2023. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained, and managed in accordance with the approved plan. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.
5. Prior to the commencement of the development, a condition survey of the culverted watercourse running through the site shall be undertaken and the results submitted to the Local Planning Authority. Following the completion of the development, and prior to the commencement of the use of the pitch, a further

survey shall be undertaken to demonstrate that there has been no adverse impact on the condition of the culvert and the results submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with any identified remedial measures. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.

6. The existing car park directly adjacent the development site shall always remain available for users of the development and the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles whilst the pitch is in use. Should the parking or turning areas be severed from the development the use hereby permitted shall cease. REASON - To ensure that adequate off-street parking and servicing facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
7. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
8. The development shall be implemented in accordance with the measures as set out in the submitted Construction Management Plan Ref: P23028 dated August 2023. REASON - To safeguard the amenities of the neighbouring residential properties and the area having regard to Policy 9 of the Oldham Local Plan.
9. The use of the pitch shall not commence until the acoustic and ball stop fencing indicated on the approved plans have been installed in full. The fencing shall be retained at all times thereafter whilst the pitch remains in use. REASON - In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
10. The use of the pitch shall only take place between 09.00 and 18.00 hours on Saturdays and between 09.00 and 21.00 hours on all other days. REASON - In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
11. The installation of replacement floodlighting to the site shall be carried out in accordance with the details as set out in the ATP Floodlighting Lighting Impact Assessment (Ref:SP1297 Rev 1, Pitch Lighting Details SP1297 Rev 1 plan, column details HLSSTD Rev A, and lighting unit 'Siteco' LED lamps Ref: SITECO FL11 MAXI PL33T. No lighting shall take place outside these hours except when faded to 20% of luminance for a period of 10 minutes at the end of the period allowed by Condition 10. REASON - In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
12. The 1 hour LAeq from the use of the pitch when measured in free field conditions at 1.5 metres from the ground at any residential property shall not exceed 50dBA.

REASON - In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.

13. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: AT.23.1262.103 R.04 prior to the commencement of the use of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
14. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the development and shall be retained thereafter REASON - To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport having regard to Policy 23 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

