

**APPLICATION REPORT – VAR/352279/24
Planning Committee 5th June 2024**

Registration Date: 26th January 2024
Ward: Chadderton South

Application Reference: VAR/352279/24
Type of Application: Full (Variation of Condition)

Proposal: Variation of Condition 3 relating to application PA/341172/17 to allow for use of pitch from 9.00am to 9.30pm for school use and wider community use, 7 days a week.

Location: Yew Tree Community School, Alcester Street, Chadderton.

Case Officer: Abiola Labisi
Applicant: Mr. Rais Bhatti
Agent: (None)

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation since the development is located on land owned by the Council and objections to the application have been received.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Assistant Director of Planning, Transport and Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site forms part of the Yew Tree Community School and is located to the south-west of the existing school buildings and currently comprises of an artificial grass football pitch approximately 60m x 30m in area.
- 3.2 The school is within a predominantly residential area.
- 3.3 There is a gated vehicular access and drive off Alcester Street leading to the pitch.

4. THE PROPOSAL

- 4.1 The application seeks a variation to condition 3 attached to planning permission granted under application reference PA/341172/17 for an artificial surface multi use games area (MUGA) and associated fencing on an area of the school playing field. This condition states:

“For a temporary period of 12 months from the date of this permission the use hereby approved shall not operate outside of the following hours:

08.00 Hours - 19.00 Hours (Monday to Friday)

09.00 Hours - 13.00 hours (Saturdays)

10.00 Hours - 13.00 Hours (Sundays and Bank and Public Holidays)

Following the expiration of the 12 month period specified above, the permitted use shall thereafter be limited to use by pupils of Yew Tree Community School between the following hours:

08.00 Hours - 17.30 Hours (Monday to Friday)

Reason - The permission for a limited period will allow the Local Planning Authority to assess the impact of the use on the local area”.

- 4.2 Planning permission was subsequently granted under reference FUL/350732/23 for the installation of floodlights on 30th January 2024. This application proposes for the above condition to be varied to allow the use of the pitch from 9.00am to 9.30pm each day of the week for use by the school and wider community with the later evening hours enabled by the approved floodlighting.

5. PLANNING HISTORY

- 5.1 Under planning ref. PA/341172/17, retrospective permission was granted on 24th October 2018 for the retention of an artificial surface - multi use games area (MUGA) and associated fencing on an area of the school playing field. Three conditions were attached to the permission, Condition 1 being the approved details, Condition 2 related to the Parking Management Plan and Condition 3 related to hours of use.
- 5.2 Under planning ref. FUL/350732/23, permission was granted for installation of new lighting columns along with LED lighting to light 3G football pitch on 30th January 2024. Four conditions were attached to the permission, Condition 1 being the time limit condition, Condition 2 being the approved details, Condition 3 being the illuminance level for the flood lighting and Condition 4 being hours within which the lighting could be used. Condition 4 allowed the floodlights to be used between 1530 and 2130 hours daily.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated within this document. Also, the Places for Everyone Joint Plan for the Greater Manchester Area was adopted in March 2024 and this documents also forms a material consideration in the assessment of this application.

- 6.2 As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 2 – Communities;
- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 9 - Local Environment;
- Policy 23 – Open Spaces and Sports;
- Policy JP-P1 Sustainable Places – (Places for Everyone);

- Policy JP-P7: Sport and Recreation – (Places for Everyone)

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Formal response received. No objection subject to condition relating to noise level.
Sport England	Formal response received and no objection raised
Highways	Formal response received. No objection subject to proposal implemented in accordance with the Parking Management Plan.

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 minor development by neighbour notification letters and display of a site notice.
- 8.2 In response, 7 representations have been received raising the following material planning issues:
- Parking and highway safety issues (addressed in paras 12.3 – 12.7);
 - Light pollution (addressed in paras 10.6 and 10.7); and,
 - Noise disturbance (addressed in paras 10.2, 10.3 and 10.4).
- 8.3 Other issues raised in the objection which are however not afforded any weight in the assessment because they are not material planning considerations in this instance include issues relating to litter, anti-social behaviours and effect on value of properties.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Whilst the application site is unallocated within the Oldham Local Plan, it is however an established playing pitch. In relation to sport and physical activities, para. 102 of the National Planning Policy Framework states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. In the same vein, Policy JP-P7 (Sport and Recreation) of the Places for Everyone Joint Plan provides that a network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages, including by creating a public realm that provides frequent opportunities for play and that all ages can enjoy together.
- 9.2 The proposal would allow for a more effective and more efficient use of the playing pitch by making it accessible to a wider section of the community. The increased opportunity

for play would enhance sport and physical activities in the neighbourhood and this would enhance the health and well-being of the community. As such, the proposal would be in accordance with relevant provisions of paragraph 102 of the NPPF and Policy JP-P7 of the Places for Everyone Joint Plan.

- 9.3 The site is also subject of a previous planning permission reference FUL/350732/23 for the installation of floodlights. It is considered that the proposal permitted under FUL/350732/23 is to further enhance the use of the pitch.
- 9.4 Having regard to these considerations the principle of development is acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Policy 9 of the Oldham Local Plan, the impact of the development on surrounding residents needs to be considered. In this instance, the proposal does not involve any construction works but only relates to the use of the pitch. As such, there would be no overbearing, overshadowing, or overlooking issues.
- 10.2 The main impact on residential amenity is potential noise disturbance as well as light pollution due to the proposed extended hours of use of the pitch. It is however noted that the pitch is well separated from the neighbouring dwellings and this separation gap would limit any potential noise disturbance from the use of the pitch.
- 10.3 Notwithstanding the separation distance between the pitch and neighbouring properties, to ensure that the proposal would not lead to significant noise disturbance, the applicant was requested to undertake a noise assessment and the report of the assessment indicates that the proposal would not lead to unacceptable levels of noise pollution.
- 10.4 The noise report has been reviewed by the Council's Environmental Health Officers and they have advised that they have no objection to the proposal.
- 10.5 Regarding potential light pollution, the application seeks permission for the use of the pitch until 9.30pm and as such, there would be a need for the use of floodlights in the evenings.
- 10.6 Whilst no lighting details have been provided as part of this application, it is noted that permission for the installation of floodlights on the site was approved under planning ref. FUL/350732/23. An assessment of potential light pollution was undertaken as part of the assessment of that application, and it was concluded that the proposed floodlighting would not lead to significant light pollution and hence, permission was granted for the floodlighting. The permission allows the floodlights to be used up till 9.30pm daily.
- 10.7 The current application seeks permission for the use of the pitch up to 9.30pm. This time aligns with the time approved for the use of floodlights on the pitch. Since planning application reference FUL/350732/23 already establishes that there would be no significant light pollution as a result of the floodlights proposed under that permission, and on the assumption that any lighting would be in accordance with that permission, it is considered that the current proposal would not lead to any significant light pollution.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposal does not involve any construction works neither does it include any physical alterations to the pitch and as such, it is considered that the proposal would not lead to any harm to the character of the area.

12. HIGHWAY SAFETY

- 12.1 The application does not include the formation of a new vehicular access as existing access to the school car park would be used. The applicant has stated further that the existing school car parks would be used to facilitate the proposed variation of use.
- 12.2 As an existing vehicular access which is considered to be adequate would be used, the main highway issue is considered to be parking related due to the extended hours of use of the pitch and with it being made available to the wider community. Whilst the applicant has indicated that the existing school car parks would be used, it was considered necessary to request further details on how parking would be managed to ensure that the proposal would not result in unacceptable on-street parking.
- 12.3 Accordingly, the applicant was requested to provide a Parking Management Plan for the consideration of the Planning Authority.
- 12.4 The Parking Management Plan indicates that the school has about 70 off-street parking spaces. It is stated in the Parking Management Plan that the pitch, which is approx. 60m x 30m in size, does not meet the FA requirement for adult competitive football and as such, this would limit its usage to mainly junior category of users. The applicant has stated that given the limitations resulting from the size of the pitch, it is not expected that the use would generate a level of vehicular traffic that cannot be accommodated by the existing parking spaces on site.
- 12.5 It is stated further in the Parking Plan that the pitch would only be available for use by the wider community when the school is not in session and as such, the parking spaces would always be available for external users of the pitch. A member of staff would also be available any time the pitch is to be used by external parties to direct users to the parking areas.
- 12.6 Therefore, having regard to the size of the pitch and the number of parking spaces available on site, and subject to the facility being used in accordance with the details in the Parking Management Plan, it is not considered that the proposed use of the pitch would lead to on-street parking of a level that would cause severe detrimental highway issues.
- 12.7 The application has been reviewed by the Council's Highway Engineer who has raised no objections subject to the imposition of a condition requiring that the development be implemented in accordance with the approved Parking Management Plan.

13. CONCLUSION

- 13.1 The proposed development is considered acceptable in principle given that it would not lead to any significant adverse impact on the amenity of the occupiers of neighbouring properties neither would it cause any severe detrimental highway issues. In addition, by virtue of the nature of the proposal, there would be no harm to the character of the area as a result of the proposal.

13.2 It is therefore recommended that the proposal be approved, subject to conditions.

14. RECOMMENDED CONDITIONS

1. The 1 hour LAeq from the use of the pitch shall not exceed 46dB when measured in free field conditions at 115 Sycamore Avenue, Chadderton or at 46 Alcester Street, Chadderton (or at equivalent representative measurement locations). REASON – In the interest of the amenity of the occupiers of neighbouring properties, in accordance with Policy 9 of the Oldham Local Plan
2. All fence panels around the pitch must be securely clamped together and to existing supporting poles using resilient fixings in order to minimise resonance of the fence from ball strikes. REASON - In the interest of the amenity of the occupiers of neighbouring properties, in accordance with Policy 9 of the Oldham Local Plan.
3. The development hereby approved shall be carried out in full accordance with the Parking Management Plan submitted with the application and titled – “Parking Management Plan for Yew Tree Community School – Variation of Condition 3 relating to PA/341172/17”. REASON - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety, in accordance with Policy 5 of the Oldham Local Plan.
4. The pitch shall not be used for sporting purposes beyond 21.30pm everyday. REASON - In the interest of the amenity of the occupiers of neighbouring properties, in accordance with Policy 9 of the Oldham Local Plan.

ITE LOCATION PLAN (NOT TO SCALE):

