

APPLICATION REPORT – VAR/353080/24
Planning Committee 04 June 2025

Registration Date: 28th June, 2024
Ward: Hollinwood

Application Reference: VAR/353080/24
Type of Application: Full

Proposal: Vary Conditions 13 (Hours of Operation of floodlights), 14 (Hours of use) and 15 (Community Use Scheme) of PA/339093/16 for hours of operation until 11pm 4 nights per year, in the summer months.

Location: The Vestacare Stadium, Whitebank Road, Oldham

Case Officer: Abiola Labisi
Applicant: Mr Charlie O'Brien
Agent: Mr. Matthew Symons (Edgeplan)

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the application relates to Council owned land and there have been objections to the proposal.

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 Planning, Transport & Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site forms part of the Vestacare Stadium grounds which is on the north side of Whitebank Road, Oldham. The site is adjoined by dwellings to the north and west and in close proximity to dwellings on Whitebank Road to the south of the site.
- 3.2 The site lies within the Green Belt and to the immediate north of the site is an area designated as a Conservation Area within the Oldham Local Plan.

4. THE PROPOSAL

- 4.1 The proposal seeks approval for the variation of some of the conditions attached to a previous permission on the site.
- 4.2 Under reference number PA/339093/16 planning permission was granted for proposals comprising 1) Replacement of the existing grass football pitch with a new 3G pitch and associated fencing; and, 2) Development of a new natural turf playing field and associated works. Conditions were imposed on that permission and the purpose of the current application is to vary conditions 13, 14 and 15.

- 4.3 Condition 13 relates to the use of the floodlights and states:

“The floodlights illuminating the new 3g pitch shall not be illuminated outside the hours of 8am and 10pm from Mondays to Fridays and between 8am and 8pm on Saturdays and Sundays. Reason: To minimise the impact of the floodlights and protect adjacent occupiers’ residential amenity”.

- 4.4 Condition 14 relates to the use of the pitch and states:

“The use hereby approved shall not operate outside the hours of 8am and 10pm from Mondays to Fridays and between 8am and 8pm on Saturdays and Sundays. Reason: To protect the residential amenity of adjacent residents from noise and disturbance.”

- 4.5 Condition 15 relates to community use and states:

“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, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development. Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the grass playing field and accord with Policy 23 - Protection and Open Spaces.”

- 4.6 The applicant has not proposed any specific wording for the conditions to be varied but has stated that they want the hours of operation of the floodlights and the use of the pitch extended till 11.00pm for four days in a year, during the summer months.

- 4.7 The applicant’s reason for seeking to vary the conditions is to enable the use of the playing pitch for non-football related events for four days per year - specifically during the summer months as the proposed events are not covered under the existing permission and also, the events are likely to extend beyond the permitted hours of the use of the pitch and the floodlights. The type of events to be held during the four days include music festivals, beer festivals and boxing events.

- 4.8 Furthermore, the applicant has stated that the aim of these non-football events is to generate additional income for the club and also to support for the local community.

- 4.9 For the avoidance of doubt, the proposal does not include any alterations to the existing site access which remains off Whitebank Road.

5. PLANNING HISTORY

- 5.1 The relevant planning is set out below.

PA/339093/16 – Permission granted for (i) replacement of the existing grass football pitch with a new 3G pitch and associated fencing, and, (ii) development of a new natural turf playing field and associated works.

CD/340147/17 - Discharge of Condition Nos. 6 (waste), 12 (secure cycle store) and 15 (community use) relating to PA/339093/16

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. In addition, the Places for Everyone (PfE) Joint Plan which was adopted in March 2024 forms a material consideration in the assessment of planning proposals. The site is allocated in the Proposals Map associated with the Oldham Local Plan as Green Belt.
- 6.2 The following policies are considered relevant to the determination of this application:
- Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 22 – Protecting Open Land;
 - Policy 24 – Historic Environment;
 - Policy JP-S1 - Sustainable Development;
 - Policy JP-G9 - The Green Belt; and,
 - Policy JP-P1 - Sustainable Places.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Sport England	Formal response received. No objection subject to a condition requiring an appropriate revision of the approved Community Use Scheme.
Environmental Health	Formal response received. No objection subject to conditions relating to the submission of details of events prior to commencement of development.
Highways	Formal response received. No objection subject to conditions relating to submission of traffic management plan prior to the event.

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 affecting the character of a Conservation Area by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, 14 representations have been received objecting to the proposal and raising the following (summarised) issues:
- Parking and potential highway safety issues (Addressed in paras. 13.1 – 13.4)
 - Noise disturbance (Addressed in para. 11.2 – 11.3)
 - Light pollution (Addressed in para. 11.4 – 11.5)
 - Impact on wildlife and ecology (Addressed within paras. 10.1 – 10.4)

- 8.3 Issues relating to antisocial behaviour were also raised in some of the objections. However, such issues are not considered to be material in this instance and have therefore not been accorded any significant weight in the assessment of the application. They are not considered material because the proposal by nature does not directly cause antisocial behaviours and therefore, such issues would not be sufficient to refuse planning permission.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document. Para 154 of the NPPF provides that development in the Green Belt is inappropriate unless at least one of a number of exceptions applies. The exception considered applicable in this instance includes:
- 9.2 Para 154 (b) - the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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.
- 9.3 Notwithstanding the introduction of other uses, the proposal would not constitute a change of use as the proposed uses are merely ancillary to the already established use as a playing pitch. The proposal only seeks to vary the restrictive conditions attached to the use of the site and the floodlighting to accommodate the proposed ancillary use for no more than four days in a year. Significantly, the proposed uses would not detract from the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 9.4 Furthermore, paragraph 104 of the NPPF resists the loss of existing open space, sports and recreational buildings and land, including playing fields and formal play spaces. It is noted that the proposal would not lead to the loss of the playing field as the proposed events would be held for just four days in a year with the pitch returning to its principal use thereafter.
- 9.5 In addition, the site has an established use as a place where large numbers of people congregate. The proposed uses would be similar in nature to the existing in this regard. Since the proposals would not lead to any significant harm to the openness of the Green Belt, and with the use of the site for purposes that involve congregations of large numbers of people already established, the proposal to vary the conditions to facilitate the temporary use of the site for four days per year is considered acceptable in principle.

10. BIODIVERSITY NET GAIN AND IMPACT ON ECOLOGY

- 10.1 Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), amongst others.

- 10.2 Accordingly, Policy JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) of the Places for Everyone Joint Plan provides that development will be expected to:
- a. Follow the mitigation hierarchy of:
 - i. Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then
 - ii. Adequately mitigating any harm to biodiversity, then
 - iii. Adequately compensating for any remaining harm to biodiversity
 - b. Avoid fragmenting or severing connectivity between habitats;
 - c. Achieve a measurable net gain in biodiversity of no less than 10%;
 - d. Make appropriate provision for long-term management of habitats and geological features connected to the development.
- 10.3 By virtue of the existing ecological value of the site as well as the nature of the current use, it is not considered that the proposal would lead to any additional adverse impact on biodiversity. The requirement for biodiversity net gain does not also apply given the nature of the proposal.
- 10.4 With regard to ecology, it is considered that the only potential impact would be effect of lighting on wildlife. However, taking into account the additional periods of time that the lighting would be on for, as well as the time of the year, it is considered that having the floodlights on for an extended period for just four days in a year would not lead to a significant adverse impact on ecology and wildlife.

11. RESIDENTIAL AMENITY

- 11.1 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 potential impact on amenity would relate to noise and light pollution.
- 11.2 Whilst the proposal has the potential to generate elevated noise levels, it is however pertinent to consider the likelihood of the current lawful use generating a similar noise level. There is currently no restriction on noise levels in relation to the existing use and there is no requirement to control noise.
- 11.3 However, with the proposed use of the site for non-football purposes, the Environmental Health Officers have recommended that details of any such uses should be provided, as well as details of measures to be put in place to minimise impact of noise, prior to the event taking place. This would give the Local Planning Authority the opportunity to assess the proposals and to be satisfied that adequate measures will be put in place for each event to protect the amenity of local residents. This issue can be addressed with relevant planning conditions.
- 11.4 With regard to light pollution, the proposal does not include any alterations to luminance levels. The only amendment sought in this regard is an extension of the time that the lights could be used.

- 11.5 It is proposed that the lights be used until 11.00pm at the latest for four days each year, during the summer months. Whilst this would generate some impacts on residential amenity given such events would take place during the summer months the additional impacts from extended uses of floodlighting would not be significant.

12. INTEGRATION WITH LOCAL CHARACTER/LANDSCAPE CHARACTER

- 12.1 NPPF paragraph 135 as well as Oldham Local Plan Policy 9 and Places for Everyone Joint Plan Policy JP-P1 (Sustainable Places) 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.
- 12.2 The proposal does not include the erection of any permanent structures and in this regard, would not lead to any significant adverse impact on the character of the area. With regard to the nature of the proposed uses, these are considered similar to the existing lawful use which is one that attracts a large congregation of people.

13. HIGHWAY SAFETY

- 13.1 The proposal would utilise existing parking and access arrangements and the applicant has advised that the number of persons expected at the events is not expected to be significantly higher than the number of spectators that come to watch football games on site. The applicant has also stated that measures would be put in place on event days for the management of both human and vehicular traffic.
- 13.2 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 13.3 Having regard to the nature of the proposed use, as well as the nature of the existing use, it is considered that the proposal would not lead to any severe, unacceptable impact on highway safety that would exceed the impact of the current use.
- 13.4 The proposal has been reviewed by the Council's Highway Engineer and they have not raised an objection subject to submission of details relating to how vehicular traffic would be managed prior to the events being held.

14. AMENDMENT TO CONDITION 15

- 14.1 Condition 15 relates to a Community Use Scheme. The scheme addresses details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. As the applicant now proposes the use of the pitch for other purposes apart from playing of football, it would be necessary to amend the scheme accordingly.
- 14.2 It is noted that the pitch is not used for the playing of football every day of the year and therefore it is not considered that the inclusion of the proposed events for four days in a year into the Community Use Scheme would detract significantly from the availability of the pitch for the playing of football. Significantly, the applicant has stated that these

events would help to raise funds to support the club financially. The events would therefore contribute towards the continued use of the pitch for football and therefore, it is considered that the proposal is acceptable in principle.

- 14.3 Significantly, the proposal has been reviewed by Sport England and they have not raised an objection in principle.

15. CONCLUSION

- 15.1 Notwithstanding its location within the Green Belt, the proposed development is considered acceptable in principle given that it does not include the erection of any structure that could lead to any harm to the Green Belt neither would it lead to a loss of the playing field. In addition, the proposal would not lead to a significant additional impact on the amenity of local residents and would not detract significantly from the character of the area.
- 15.2 As such, the proposal would be in accordance with relevant provisions of Policies JP-G8 (A Net Enhancement of Biodiversity and Geodiversity), JP-G9 (The Green Belt), JP-P1 (Sustainable Places) and JP-S1 (Sustainable Development) of the Places for Everyone Joint Plan.

16. RECOMMENDED CONDITIONS

1. Prior to the use of the pitch for any of the events during the four days for which such events are hereby permitted, an Event Management Plan shall be submitted to the Local Planning Authority for written approval. The Event Management Plan shall contain details including nature of the event, date of events, expected number of spectators (which should not exceed the current level of match day spectators and associated employees/players), noise management plan, traffic management plan, waste management plan etc. The Plan shall be submitted to the Local Planning Authority for approval no less than four weeks prior to the date of the event. The event shall thereafter be held in accordance with the approved details. REASON: In the interest of amenity and highway safety, in accordance with Policies 5 and 9 of the Oldham Local Plan.
2. Prior to the commencement of the use of the pitch for any of the proposed events, a revised Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities in relation to the use of the pitch for the playing of football and the holding of the events hereby approved, and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development. REASON: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the grass playing field and accord with Policy 23 – Protection and Open Spaces.
3. The floodlights illuminating the new 3G pitch shall not be illuminated outside the hours of 08.00 and 22.00 from Mondays to Fridays and between 08.00 and 20.00 hours on Saturdays and Sundays, except on days which other events (which shall not exceed four days in a year during the summer months (June, July, August) and prior notice of which must have been given to the Local Planning Authority for written approval) are held. On such days, the floodlights shall not be illuminated outside the

hours of 08.00 and 23.00. REASON: To minimise the impact of the floodlights and protect adjacent occupiers' residential amenity, in accordance with Policy 9 of the Oldham Local Plan.

4. The use of the pitch for the playing of football shall not operate outside the hours of 08.00 and 22.00 hours from Mondays to Fridays and between 08.00 and 20.00 hours on Saturdays and Sundays. The use of the pitch for other events (which shall not exceed four days in a year during the summer months (June, July, August) and prior notice of which must have been given to the Local Planning Authority for written approval) shall only take place between the hours of 08.00 and 23.00 on any of the four days. REASON: To protect the residential amenity of adjacent residents from noise and disturbance.
5. If any of the dense scrub and tall ruderal vegetation to the north and east of the '3G artificial turf' playing area needs to be removed to facilitate the scheme, then this vegetation should be removed by hand, outside of the optimum bird nesting season (which is between March and July inclusive). REASON: To minimise the impact of the proposed development on breeding birds and to ensure the removal of vegetation does not affect other wildlife unduly.
6. Waste management on the site shall be in accordance with the details approved under planning ref. CD/340147/17. This shall be complemented by any additional waste management measure that may be approved for the days that the site would be used for other events apart from the playing of football. REASON: In the interests of public health and safety.
7. Foul and surface water shall be drained on separate systems. REASON: To secure proper drainage and to manage the risk of flooding and pollution.
8. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted foul and surface water drainage design drawing no. 07 Rev 00 - dated 21 September 2016 which was prepared by SSL and submitted as part of planning ref. PA/339093/16

For the avoidance of doubt and unless otherwise agreed in writing by the local planning authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details. REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

9. Prior to the commencement of use of the grass training pitch, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. 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 resident's 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: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. The existing car parking area 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. Should the parking area be severed from the development, the use hereby permitted shall cease. 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.
11. The secure cycle parking facilities provided in accordance with the details approved under planning ref. CD/340147/17 shall remain available for users of the development at all times. REASON: To ensure adequate cycle storage facilities are available to users of the development.

SITE LOCATION PLAN (NOT TO SCALE):

Whitebank Stadium

Artificial Turf Pitch

