

APPLICATION REPORT – FUL/354415/25
Planning Committee 13 August 2025

Registration Date: 22nd April, 2025
Ward: Hollinwood

Application Reference: FUL/354415/25
Type of Application: Full

Proposal: Retention of 4 no. containers, seating area and siting of canopy for the provision of food, storage and changing facilities.

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 since the application relates to Council owned land and there have been objections received 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 overall stadium ground is adjoined by dwellings to the north and west and near 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.

4. THE PROPOSAL

- 4.1 The proposal seeks approval for the retention of four containers and external seating area including the provision of a canopy over the external seating area.
- 4.2 Two of the containers serve as changing rooms relating to the established use of the site while one is used for storage purposes. The fourth container serves as a food kiosk and replaces a mobile food kiosk of approx. the same size.

- 4.3 Each of the two containers serving as changing rooms measures approx. 9.7m x 3m and are both located within the eastern section of the site while the storage container, located within the southern section of the site measures approx. 6m x 2.1m. The food kiosk measures approx. 6m x 2.4m.
- 4.4 The proposal includes the provision of a canopy across a section of the external seating area and the section to be covered is the triangular section which is immediately adjacent the food kiosk. The fabric canopy would be approx. 4.2m in overall height and would be attached to a central support post and to the existing fencing.
- 4.5 The applicant has submitted that the structures to which the application relates have been in situ for a number of years, supporting the established use of the site albeit with the benefit of temporary permission and they are now seeking permanent permission for the structures.
- 4.6 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

The relevant planning is set out below.

FUL/346918/21 – Three year temporary permission granted for retrospective siting of an ancillary food kiosk (mobile catering van) and provision of sheltered seating areas.

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.

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 1 - Climate Change and Sustainable Development
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
Environmental Health	Formal response received. Raised no objection to the proposal.
Highways	Formal response received. Raised no objection.

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, 3 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)
 - Unsightly cabins (Addressed in para. 12.2)
- 8.3 Issues relating to antisocial behaviour such as littering 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:
- 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.
- 9.2 The proposal relates to the provision of appropriate ancillary facilities to support the existing use of the site for outdoor sport and as such, would be in accordance with provisions of para 154(b) of the NPPF. Significantly, having regard to its scale, the proposal would not detract from the openness of the Green Belt and would not conflict with the purposes of including land within it.

- 9.3 Furthermore, with regard to promoting healthy and safe communities, para 96 of the NPPF provides that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 9.4 The proposal would enhance the use of the site for sporting events and would therefore contribute towards building a healthy community.
- 9.5 In addition, Policy 1 (Climate Change and Sustainable Development) of the Oldham Local Plan provides that when allocating sites and determining planning applications, the council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings (including Oldham's industrial mills) and development on previously developed land (including through land reclamation, remediation of contaminated land and recycling derelict, vacant and underused land) prior to the use of greenfield sites.
- 9.6 The proposal relates to the retention of existing structures on site rather than erection of new structures on greenfield sites. The structures have been on site for at least four years now with no evidence of any significant harm to amenity or the general character of the area. The proposal to retain and reuse the structures would therefore be in accordance with the policy promoting effective use of land.
- 9.7 Having regard to the foregoing, it is considered that the proposal is 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 follow the mitigation hierarchy of:
- Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then
 - Adequately mitigating any harm to biodiversity, then
 - Adequately compensating for any remaining harm to biodiversity Avoid fragmenting or severing connectivity between habitats;
 - Achieve a measurable net gain in biodiversity of no less than 10%;

- Make appropriate provision for long-term management of habitats and geological features connected to the development.

10.3 Whilst the structures would cover more than the 25 square metre threshold for biodiversity net gain to be applicable, it is however noted that the structures had been in existence before the requirement came into force. As such, there is no requirement for biodiversity net gain in this instance.

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 odour.

11.2 With regard to noise, it is considered that the only likely source of noise would be the external seating area. However, this area would mostly be used during breaks in games and as such, not considered to be likely to generate a noise level that would significantly impact on the amenity of neighbours. Significantly, the seating area is well set back from neighbouring dwellings and this separation distance would further minimise any potential noise impact.

11.3 With regard to odour, this has been discussed further with Environmental Health Officers and they have advised that they are of the opinion that the mode of operation of the food kiosk is such that any potential odour would not be such that would detract from the amenity of the occupiers of neighbouring properties to a significant degree.

11.4 Significantly, the Environmental Health Officers have raised no objection to the proposal.

11.5 There would be no overbearing, overshadowing or overlooking impact as a result of the proposal.

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 site is located within the central part of the stadium grounds, well set back from various boundaries and the public highway. This, in addition to the scale of the proposal, minimises any potential visual impact or effect on street scene.

12.3 In addition, the site is well set back from the boundary with the adjacent Conservation Area and having regard to its scale, the proposal is not such that would impact on views towards the Conservation Area.

13. HIGHWAY SAFETY

13.1 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.

- 13.2 The proposal would utilise existing parking and access arrangements. By virtue of it being ancillary to the established authorised use of the site, the proposal on its own would not generate any additional vehicular traffic.
- 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 any objection.

14. CONCLUSION

- 14.1 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 openness of 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.
- 14.2 As such, the proposal would be in accordance with relevant provisions of Policies JP-G9 (The Green Belt), JP-P1 (Sustainable Places) and JP-S1 (Sustainable Development) of the Places for Everyone Joint Plan.

15. RECOMMENDED CONDITIONS

- 1. 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.
- 2. The food kiosk hereby approved shall only be open to members of the public on days when an event is taking place and on such days, shall not be open to customers outside the hours of 10:00 to 21:00 Monday to Sunday and Bank Holidays. REASON - To protect the amenities of surrounding residents and occupiers in accordance with Local Plan Policy 9.

SITE LOCATION PLAN (NOT TO SCALE):

