

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/01/2022	Ref: 67687/FUL
Registration: 20/10/2021	LDFC: 26/11/2021	Expiry Date: 15/12/2021
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 100 seater football stand following removal of existing stand.

Location: Prestwich Hey F C, Sandgate Road, Whitefield, M45 6NT

Description

The site relates to an existing football club and grounds which is located within a predominantly residential area.

The site is bounded by houses to the south on St Joseph's Avenue and to the west by Sandgate Road beyond which are also residential properties. To the north is the M60 motorway and to the east playing fields/pitches associated with the football club.

Within the site, the football pitch and grounds are enclosed by a concrete perimeter fence. There are also a variety of containers used as changing rooms, club house and a 25 seater supporter stand on the northern side of the pitch.

The wider part of the site is used for parking which is accessed via a double gate off Sandgate Road.

The application seeks the erection of a new 100 seater football stand to replace the existing 25 seater stand.

The applicant states the need for the development is due to the success of the club in the football division, and thereby to comply with the FA's National Ground Grading Document.

Relevant Planning History

46044 - Retrospective application for temporary developments including car park, portable contractors office units and holding compound - Approve with Conditions 26/07/2006

47511 - Retention of changing rooms, store, clubhouse and fencing and installation of six floodlighting units - Refused 31/05/2007

48290 - Retention of changing rooms, store, toilets, clubhouse and fencing; installation of six floodlighting units including resurfacing and landscaping of car park - approve with conditions 21/11/2007

55178 - Prior notification for installation of 15 metre high streetpole with 6 no. antennas and equipment cabinets to facilitate site sharing. - Prior Approval Required and Granted 20/06/2012

55197 - Variation of Condition 6 on planning permission 48290 to allow the retention of changing rooms, store, toilets and clubhouse until 31st December 2015 - Approve with Conditions 26/06/2012

59412 - Variation of conditions 3 and 5 on pp 55197 to allow for retention of changing rooms, store, toilets, floodlights and clubhouse until December 2018 - approved 4/1/2016

60567 - Removal of conditions 4,6,11 of pp 59412 - approved 24/1/2017

66856 - Covered stand of 50 no seats for spectators - withdrawn 12/8/21

Publicity

Letters sent on 4/11/21 to 26 properties on Warwick Avenue, St Josephs Avenue, Sandgate Road.

Two objections received from Nos 42 St Joseph's Avenue, 2 Sandgate Road with the following issues raised:

- The enclosed has been sublet.
- The site is an eyesore.
- There are old vans on site in various states of disrepair.
- They have tipped UPVC windows, guttering and fascia boards.
- Someone from planning needs to visit the site.
- Recently this Club has caused us a lot of problems. The grounds were being used at night time by the Motorways workmen, all through the summer until recently, we had large vehicle engines running all nights, with their lights shining right towards our property and noisy heavy equipment being moved causing disturbed sleep. The number of vehicles coming and going including the workmen's own cars, caused a significant amount of sand and dust to be deposited on our cars.
- For nearly twelve months now we have also had Council vehicles on and off the site all day long and more than a dozen metal containers on the football site to facilitate works to local housing projects, this has also caused noise and dust pollution. A few weeks ago, Gypsies came through the unlocked gates and were resident for a few days until the council moved them on.
- On recent match days I have come home from work and not been able to park outside my own house due to the fact that the football grounds were full (despite also extending the car parks), this is now getting way out of hand and the clubs activities are now encroaching on us too much (I didn't move to Old Trafford, we had lovely rolling hills originally). I approached the Club recently regarding this issue and they haven't bothered to call me or rectify the issue.
- We do not support the extension of the stands. The location is simply not suitable for the amount of traffic being brought into the area. The traffic comes to a complete stand still on match days when cars are coming out because they have also parked up and down Sandgate Road, it is dangerous the way they turn on to the Road.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Sport England - No response received.

United Utilities (Water and waste) - No comments to make.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT3/5	Noisy Sport
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be

specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies

RT1/1 - Protection of Recreation Provision in the Urban Area seeks to safeguard the existing provision for recreation in the urban area. Development will not be allowed where there would be a loss of facilities and recreation space unless alternative provision or an excess of sports pitch provision is evident.

RT1/2 - Improvement of Recreation Facilities seeks to give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities.

Policy RT3/5 - Noisy Sports takes into account effects on the surrounding environment and amenity of local residents, any increased traffic flows which would be generated and provision of adequate car parking.

Principle - The site is a well established sports ground and football stadium.

Due to the success in the football division, and to comply with the FA's National Ground Grading Document, a covered seating capacity for 100 spectators is now required to be provided. There is currently a small covered stand at the side of the pitch which contains a limited number of seats and is no longer fit for purpose for the club.

The proposed development would provide improvements to the club facilities for supporters and visitors to the site enabling the club to continue to compete and play within the football league at a higher level.

The proposed development would replace the existing stand and there is plenty of room in this area of the site to locate the new stand next to the football pitch and within the site area. Existing access and parking arrangements would not be affected.

As such it is considered the proposed development would be acceptable in principle and comply with policies RT1/1, RT1/2 and EN1/2.

Impact on residential amenity - The nearest properties would be those houses to the west on Warwick Avenue and Sandgate Road, and to the south on St Joseph's Avenue.

The proposed stand would be located along the northern edge of the football pitch and facilitate a seated crowd of 100 spectators. Whilst this would accommodate an additional 75 seated spectators more than is provided in the existing stand, there are already areas around the pitch and the grounds which could draw the same numbers of people to stand and watch a game.

The spectator stand would be 3.3m high with a perspex screen to the sides and would be partly hidden from views outside the site by the existing club house, changing rooms and containers which are located to the west. There is also a concrete boundary wall which encloses the pitch and grounds screening a large part of the site.

It is therefore considered that the proposed development would not be significantly harmful to the amenity of nearby occupiers in terms of generating any more noise, activity or affecting residents' outlook than currently exists on site.

The proposed development would therefore comply with policies RT3/4 and EN1/2.

Visual amenity - The proposed stand would be located within the football grounds which is enclosed by a concrete boundary fence. The proposed stand would be 3.3m high and 14.8m long at a depth of 4.2m and would have 4 shall tiers of seating and would not be significantly larger or higher than the one it would replace.

The residential properties to the west and south would be over 100m away, the M60 motorway is over 60m to the north and as such it is considered the siting and design of the proposed stand would not have a significant impact on the visual amenity of the area.

As such, it is considered the proposed development would comply with RT1/2, RT3/4 and EN1/2.

Highways issues - access, parking and traffic generation.

The site is currently accessed via Sandgate Road and a double gate where there is adequate room for a cars to pass and enter and exit the grounds simultaneously.

The access leads directly into the football club and grounds and a yard/car park area. Whilst not formally laid out or demarcated, there is a wide and relatively expansive area to the west and south of the stadium where cars can park on match days.

Whilst the erection of a 100 seater stand would facilitate a larger number of seated spectators and may encourage more people to attend local games, given there is already an existing stand and other areas around the ground to watch the game, it is considered that crowd numbers would not significantly increase by the provision of additional seating beyond those which already attend.

Football games tend to be held either at weekends and matches could potentially occur during the week. Whilst the number of games held may vary due to the times of match fixtures or success of the club, the number of games held at the ground would likely be more or less the same as previous seasons and it is therefore considered there would not be a significant increase in traffic to the site or increased demand for parking beyond that which already exists.

The Highway Section have raised no objection to the proposed development or raise concerns of impacts to highway safety.

It is therefore considered the proposed development would be acceptable and would comply with Policies RT1/2, RT3/4, HT2/4 and HT6/2.

United Utilities - As it is not believed that any flows generated by the proposed development would connect with the public sewer network there are no comments to make. An informative note would be added that the applicant contact UU should connection be required to a water supply.

Response to objectors

- The objections mainly relate to issues of traffic and parking which have been covered in the above report.
- In terms of the comments relating to the untidiness of the site, there are a number of shipping type containers within the site which have been there for some time. There are some trees along the boundary with Sandgate Road which screen much of the site and therefore it is considered the untidiness of the site is marginal. from public views.
- The applicant has clarified that there are containers in the car park which belong to Six Town Housing over which the applicant has no control. The siting of these are not relevant to this application but may be a matter for enforcement.
- There are containers within the grounds which were originally used as changing rooms and are gradually being phased out as facilities are improved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Location plan NK1-00; Existing site layout NK1-01; Proposed site layout NK1-02; Proposed stand NK1-03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Prior to the erection of the football stand hereby approved, the existing football stand

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shall be permanently removed from site.

Reason. To ensure the suitable phasing of the development and maintain acceptable levels of amenity and facilities for the surrounding area pursuant to Bury Unitary Development Plan Policies RT3/4 - Noisy Sports, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/1/22	DM	07/01/22