

Application Number: 11/16/0132

Full Application: Major Full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.

Address: Accrington Stanley, Livingstone Road, Accrington

Determination by: 7th July 2016

Applicant: D Burgess

Agent: Neil Ainsworth

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

The application is before Planning Committee as it has been requested by the Chief Planning and Transportation Officer and the proposal is for a major development on land owned by Hyndburn Borough Council.

Application Site

Accrington Stanley is approximately 1.5 miles north from the centre of Accrington and is within 10 minutes from the M65. The site lies in the north east portion of the Wham Stadium ground between Livingstone Road to the South, Epping Avenue to the North, Haworth Street and Whalley Road to the West and the fields to the East which are used for community sports.

The site is enclosed on its northern boundary by two storey residential development along Epping Avenue and by the rest of the Wham Stadium to the West and South. The site is within an area consisting mainly residential developments with a number of small shops along Whalley Road.

Proposal

The planning application proposes a new North Stand to be built to replace the existing Whinney Hill North Stand in order to meet the needs of Accrington Stanley for spectator seating and facilities. The proposed stand will provide covered seating for approximately 1500 supporters, including 14 wheelchair spectator spaces. It will also provide suitable improved spectator facilities such as WCs and refreshments/merchandise kiosks. The ground floor of the proposed stand will provide a single concourse. This will be sub divided into two smaller concourses for away supporters, if required. The remainder of the ground floor footprint will be given over to plant, storage and service spaces.

The proposed stand will be modern in appearance and will be constructed in brick, steel and metal cladding. The stand will feature a single pitched roof. As part of the proposal, the hard and soft landscaping on the site and around the proposed stand will be enhanced.

Vehicular access to the proposed stand for deliveries, service and emergency access will be provided and will link the existing track to the rear of the East Stand. Pedestrian access will be provided to the proposed stand from around the existing East and West Stands, via the improved hard landscaping. The existing three floodlight towers along the North side of the pitch will be replaced with the two new flood light towers to the sides of the stand. New perimeter fencing will be provided between the existing and proposed football stands

Consultations

Public consultation: Site notices and neighbour letters were sent out, 38 letters of support and 2 no objections were received relating to:

- Impact on light and overshadowing to 21 and 23 Epping Avenue
- Noise
- Rubbish generation

LCC Highways: No objections have been raised to the application, although conditions have been suggested in relation to lighting and the provision of an emergency plan.

Police Liaison Officer:

HBC Trees and Woodlands Officer: No objections to the scheme provided a full, detailed landscaping plan (including tree planting) with long term management (minimum 25 years) is a condition of the permission.

HBC Environmental Health: No objections to the scheme providing that conditions are attached relating to:

- Construction deliveries
- Noise dust and fumes
- Lighting
- Odour and noise
- Landfill gas protection

Relevant Planning History

N/A

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development Criteria

Hyndburn Core Strategy

- Policy BD1 The Balanced Development Strategy
- Policy HC2
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

Material considerations

National Planning Policy Framework

Hyndburn Borough Council Employment Land Study January 2016

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide (SPD) 2009

Planning Practice Guidance (PPG)

Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Design, scale and layout, 3) Residential amenity, 4) Traffic and highways, and 5) Trees, Landscaping and Ecology. The concerns raised by neighbouring properties are addressed in the relevant section of the report.

1. Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

The football stadium is within the urban area within a reasonable distance of Accrington Town Centre and in close proximity to an arterial route that is served by a high quality bus route (Pennine Reach). Policy HC2 of the Hyndburn Core Strategy states that proposals for new or improved sports, recreation, health, community and cultural facilities will be supported. The application is to improve the facilities at the stadium and improve seating facilities. As such the principle of the proposal is considered to be acceptable.

2. Design, scale and layout

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: '*...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Paragraph 56 goes on to state: '*The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*'. Paragraph 62 states: '*Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review*'.

A Design and Access Statement has been submitted with the application which considers the design of the proposed new stand. It states that externally, the proposed Whinney Hill Stand will be of a similar height to the existing South stand. The stand will be modern in appearance and will be constructed from brick, steel and metal cladding and feature a simple single-pitch roof. The scale of the proposed stand would be in-keeping with the height and massing of existing stands within the stadium and would provide an improvement over the current unsightly views of the existing site, in particular from the houses along Epping Avenue. Amended plans have been received which reduced the height of the stand at each end slightly to minimise the impact on the neighbouring houses on Epping Avenue. At its highest point the roof of the proposed stand is approximately 9.8m above ground level but this slopes down to approximately 8.2m where it is closest to the houses on Epping Avenue. The stadium also benefits from being at a lower ground level than the neighbouring houses, bringing the height of the roof to the same height of the roofs of nearby properties.

There would also be hard and soft landscaping (with relevant conditions attached) which will help to enhance the development. This will improve the aesthetics of the site (particularly when looking the development from the houses along Epping Avenue). Officers have considered the design and are satisfied that it would be suitable for this location; within an existing football stadium. A condition is attached to ensure suitable materials are used in the development. As such, Officers are satisfied that the development complies with the relevant planning policies in terms of scale, design and layout.

3. Residential amenity

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising

my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Council's Householder Design Guide Supplementary Planning Document also provides guidance in relation to separation distances.

Noise: An objection has been received to the proposal with regards to increased noise generated as a result of the development. A football stadium already exists in this location and the development of the proposed stand should not result in an increase in the frequency of use of the stadium. Officers consider that the noise generated from the proposed stand would be similar to that generated from the existing development as attending numbers would not be increased. It is anticipated that noise would be somewhat decreased in relation to the houses on Epping Avenue as the stand would have a solid rear elevation. No objections have been received from Environmental Health in relation to noise. As such, Officers are satisfied that with the relevant conditions attached, the proposal meets with the provisions of the relevant planning policy in this regard.

Lighting impact: It is proposed that changes would be made to the floodlighting at the ground. The floodlighting is currently provided through three lighting towers. It is proposed that the new stand would have lighting from two towers which would be located at each end of the stand to provide lighting across the pitch in line with current standards. A condition is recommended to ensure a full lighting scheme is submitted and agreed in writing with the local planning authority. This will enable Officers to ensure that there would not be a significantly detrimental impact on the amenity of the neighbours on Epping Avenue, in particular in terms of light nuisance/spillage. As such, Officers are satisfied that with the conditions recommended, the proposal meets with the provisions of the relevant planning policy in this regard.

Loss of light/ Overshadowing: Objections have been received in relation to the impact the development would have on the neighbours at 21 and 23 Epping Avenue in terms of loss of light to their rear single storey extension which the recent planning approval shows projects 6.35m from the rear main wall of the dwelling house. The extension has habitable room windows facing the development and is separated from the Accrington Stanley stadium by a 1.8m fence. The house is elevated in comparison to the Accrington Stanley ground by approximately 2m¹. The difference in land levels means that the height of the stand is similar to that of the height of a two storey dwelling in comparison with the dwellings on Epping Avenue. This has been demonstrated by cross section plans provided by the applicant.

The distance from the first floor windows of 21 and 23 Epping Avenue and the proposed stand is over 15m, with the distance from the ground floor extension being approximately 9m. The Council's Householder Design Guide SPD provides guidance in relation to distances between first floor windows and gable walls of two storey dwellings. Although the stand is not a dwelling house, the height, due to the differences in ground levels would

¹ The plans submitted by the applicant indicate that neighbouring residential gardens are at 155.1m AOD and the base of the proposed stand would be at 152.50 AOD, a difference of 2.6m.

mean the rear elevation can be treated as a gable wall and that the guidance in the SPD gives a good indication of what distance would be acceptable. The SPD details a minimum of 12m between facing first floor habitable room windows and gable wall. The proposed stand would comply with these provisions.

On request from Officers, the applicant has supplied shadow diagrams that show that the proposed stand would have minimal impact on the neighbouring dwellings due to loss of light and overshadowing, during the spring, summer and autumn months. There would be some impact in the mid-winter months (December is shown on the shadow diagrams). However, on consideration of the information submitted, Officers do not consider that this would be significantly detrimental to the amenity of these neighbours due to loss of light or overshadowing. Although there would be some overshadowing of the gardens on Epping Avenue, in mid-winter, the ground floor extension at 23 Epping Avenue is already affected in this regard, as a result of the fence. As such Officers do not consider the impact on the ground floor extension windows would be significantly worse than the current situation as a result of the proposed development.

Also during this time of year, the shadow diagrams show that any impact on the rear gardens of these properties is minimal. In addition to this, it is also unlikely that people would be sat in the gardens during this time of year. Therefore Officers do not consider this is a reason the refuse the application.

As such Officers consider that the proposal complies with the relevant planning policies in this regard.

Loss of privacy: It is also necessary to consider if there would be an impact on privacy of neighbouring house on Epping Avenue as a result of the proposed development. In order to ensure this is not the case, Officers have attached a condition to ensure that any windows in the stand facing Epping Avenue are obscure glazed. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

Mound: During development which has already taken place, land has been stored at the rear of the site, adjacent to the fences of the properties on Epping Avenue. This has been detailed on the topographical survey submitted with the planning application. A condition has been attached to the permission to ensure that is reduced to be in line with the bottom of the fences of those houses and a further condition is attached, to landscape the bund within three months of the first use of the stand. This will ensure that nuisance does not occur in respect of neighbour amenity, with regards to people climbing and standing on the bund. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

4. Traffic and Highways

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. HC3 deals with the design of residential roads.

The Highways Authority has considered the application and considers that given that the proposal will not seek to increase ground capacity, they do not envisage any requirement to add to the existing on-site parking provision as a result of this application. They also confirm that although there is some level of local highway disruption caused by match day parking and travel movements, this is not untypical for a football stadium. They also confirm that consultation with colleagues from the Police's Traffic Movement Team indicates that disruption from the local highway network, although noticeable is not exceptional. The County Council has previously undertaken a suite of traffic management measures in order to maintain traffic flow and safety within the vicinity of the ground. They state that these measures significantly improved traffic flow and safety around the stadium and continue to be effective. They highlight that no mitigation measures have been proposed as part of the application, however this is acceptable as the submission itself is unlikely to generate any significant difference in traffic or travel patterns over the existing.

The Highways Authority has recommended two planning conditions, the first of which is to ensure the ground has a suitable emergency plan and the second, that the flood lighting does not have the potential to be hazardous to highway users due to glare and dazzle. Therefore in the absence of any objection from the statutory consultee and the inclusion of relevant conditions, Officers are satisfied that the proposal meets with the relevant planning policy in terms of traffic and highways safety.

5. Trees, landscaping and ecology

Policy Env2 of the Core Strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the National Planning Policy Framework.

On consideration of the application, the Council's Trees and Woodlands Officer has no objections to the scheme provided that a condition is attached to ensure a landscaping scheme be submitted and implemented accordingly. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. The proposed development complies with the policies of the development plan and although some concerns have been raised about the impact of the development on local amenity, it is not considered that the proposed development will have an unacceptable adverse impact on

local amenity. For these reasons it is recommended that the planning application should be supported subject to the conditions set out below.

Recommendation

That planning permission is GRANTED subject to the following conditions and the applicant entering into a S106 agreement with the Council in relation to the matters listed above:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

5599-FWP-XX-XX-IE-A-01_Location Plan – Rev P2
5599-FWP-XX-XX-IE-A-02_Site Plan – Building Hatch – Rev P2
5599-FWP-XX-XX-IE-A-03_Existing Site Plan – Rev P2
5599-FWP-XX-XX-IE-A-04_Proposed Site Plan – Rev P2
5599-FWP-XX-XX-IE-A-07_Existing Floor Plans – Rev P2
5599-FWP-XX-XX-IE-A-08_Proposed Floor Plans – Rev P2
5599-FWP-XX-XX-IE-A-09_Existing Elevations – Rev P2
5599-FWP-XX-XX-IE-A-10_Proposed Elevations – Rev P2
5599-FWP-XX-XX-IE-A-11_Proposed Elevations with Colour – Rev P2
5599-FWP-XX-XX-IE-A-12_Existing 3Ds – Rev P2
5599-FWP-XX-XX-IE-A-13_Proposed 3Ds – Rev P2
5599-FWP-XX-XX-IE-A-14_Existing and Proposed Sections – Rev P2
5599-FWP-XX-XX-IE-A-15_Site Levels – Rev P2
5599-FWP-XX-XX-IE-A-16_Plan Highlighting Sections – Rev P2
5599-FWP-XX-XX-IE-A-17_Site Sections – Rev P2

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

Levels

3. Prior to the commencement of development details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

Landscaping and maintenance plan

4. Prior to the commencement of development a satisfactory programmed landscaping scheme (with 25 year management plan), which shall include hard surfacing, means of enclosure, planting of the development, (including tree and shrub planting on the mound, indicated on the approved Topographical survey), shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented during the first planting season following the first use of the development hereby approved, and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

Environmental Health

5. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs
Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.
Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.
Works should not take place on Sundays and bank holidays.
All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

6. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.
There should be no burning off on site of construction waste. A Construction Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

Lighting

7. Prior to the first use of the development hereby approved, a detailed lighting scheme, including hours of use and spillage, shall be submitted to and approved with the local planning authority, in conjunction with the Highways Authority. The scheme shall

then be implemented in accordance with the approved details and retained thereafter.

Reason: in the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Odour and noise

8. Prior to the first use of the development, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the local planning authority, unless otherwise prior approved in writing. The scheme shall then be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Landfill Gas Protection.

9. A well-constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which shall provide adequate protection against the ingress of any landfill gas. The membrane should be:
 1. Laid carefully so as to avoid tears or perforations
 2. Well capped and taped at the joints, and
 3. Continuous across the whole area of the new development.

Reason: Reason: In the interest of amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Highways

Emergency Plan

10. Prior to the first use of the development hereby permitted a Grounds Emergency Plan, which will detail procedures available to deal with situations including fire, adverse weather, terrorism, electric/gas faults, safety systems, crowd problems, evacuation procedures and emergency access, shall be submitted to and agreed in writing with the local planning authority (in conjunction with the Highways Authority). The plan shall then be updated in line with a timescale prior agreed with the local planning authority.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

Mound

11. The mound which is indicated on the Topographical Survey (submitted 8th June 2016) to the rear of the proposed stand, adjacent to the houses on Epping Avenue, shall be reduced to a height in line with the bottom of the garden fences of these neighbouring residential properties, within three months of the date of this planning permission. The mound shall also be landscaped in accordance with condition 4 of

this permission and retained at that height thereafter, unless otherwise prior agreed in writing with the local planning authority.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy.

Windows

12. Any windows in the rear elevation of the stand facing the neighbours on Epping Avenue, shall be obscure glazed unless otherwise prior approved in writing with the local planning authority.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy.

Informatives

13a, 14, 15, 16, 17

Low risk coal

The applicant is advised to take note of the full comments from United Utilities which are available on the Council's website.

Should operatives discover any adverse ground conditions during earth works and suspect it to be contaminated, then they must report this to Environmental Health on 01254 380623.