

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 23/09/2022	Ref: 68651/FUL
Registration: 08/07/2022	LDfC: 05/09/2022	Expiry Date: 02/09/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey extension to existing groundsman store

Location: Bury Sports Club, Radcliffe Road, Bury, BL9 9JX

Description

The proposal relates to Bury Sports Club, which is bounded by residential development to the south and east and playing fields associated with Derby High School and Bury CE High School to the west and north.

The proposal is to add a single storey extension to the existing part single storey/two storey groundsman's store. It would measure approximately 7.65m long (due to the angle of attachment the rear elevation would be slightly longer) x 7.02m wide and a maximum height of 2.8m. It would have a shallow monopitch roof and two roller shutter doors to the front elevation. External materials would be rendered with profiled metal roofing.

Relevant Planning History

55137 - Construction of new cricket pavilion, covered practice nets and equipment store - Approve with Conditions 20/06/2012

57906 - Installation of 3 no. floodlights to rugby pitch and training area - Approve with Conditions 24/10/2014

67649 - Construction of single storey extension to main clubhouse and external balcony - Approve with Conditions 21/02/2022

Publicity

The proposal has been advertised by direct neighbour notification letter. One representation has been received objecting to the proposal due to impact on the view of the cricket ground from neighbouring residential property.

Statutory/Non-Statutory Consultations

None required

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
RT1	Existing Provision for Recreation in the Urban Area
RT1/2	Improvement of Recreation Facilities
NPPF	National Planning Policy Framework

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.

Principle of development

UDP policies RT1 and RT1/1 seek to protect recreation provision and support the improvement of facilities. The National Planning Policy Framework (NPPF) states that sports and recreational buildings and land should not be built on unless specific circumstances prevail. The proposed development is for additional storage capacity for grounds maintenance plant and equipment (which is stored in a shipping container adjacent to the existing building (upon the area subject to the application). The proposal would not impact upon the sports pitches.

The proposed development is for improved facilities to indirectly enhance the sports

provision for the sport presently associated with the site and is therefore acceptable in principle and thus compliant with UDP policies RT1 and RT1/1 and Section 8 of the NPPF.

Visual Amenity

UDP Policy EN1/2 supports proposals which do not have an unacceptable adverse effect on townscape. The NPPF states that developments should be sympathetic to local character.

The whole site is significantly screened from public vantage points, being largely overlooked from private property only and neighbouring gardens contain significant screening due to tree cover.

The development is for a single storey relatively minor extension that would be akin in scale and form to a single storey domestic double garage that would assimilate with the existing building. Given the circumstances, the development would not therefore be visually prominent or invasive. Furthermore, it is reasonable to expect that a sports facility would accommodate complementary maintenance buildings. The proposal would not have any unacceptable impacts upon visual amenity of the site or the wider locality and would comply with UDP Policies EN1/1 and EN1/2 and Section 12 of the NPPF.

Residential Amenity

Nearest residential dwellings are at least 50m from the proposed extension. The objection refers to loss of view, which is not a material planning consideration in the assessment and determination of the application. Regardless, given the scale of the proposal and the juxtaposition of it to neighbouring dwellings, the extension would not have any unacceptable impact upon neighbouring amenity.

Conclusion

The proposed development would not have any unacceptable impacts on visual or residential amenity. Given this, it is not considered that the proposal would conflict with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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 (Dwg no. 21.609.GS.SLP)
Site Block Plan (Dwg no. 21.609.GS.SBP)
Proposed Garage Floor Plan (Dwg no. 21/609.12)
Proposed Garage Elevations (Dwg no. 21/609.11)
and the development shall not be carried out except in accordance with the development hereby approved.

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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 The finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and EN1/2 of Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 23/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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