

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/01/2025	Ref: 71201/FUL
Registration: 13/11/2024	LDfC: 03/01/2025	Expiry Date: 08/01/2025
Site Visit: 29/11/2024	Site Notice: 09/12/2024	Press Date: 05/12/2024
Objections: 5	Con Area: ALSA	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Erection of 4 no. Padel Courts

Location: Stand Cricket And Tennis Club, Hamilton Road, Whitefield, Manchester, M45 7WF

Description

The application relates to Stand Cricket and Tennis Club. The site is bound by Higher Lane to the west, Hamilton Road to the north and Parklands to the south. Hamilton Road Park is located to the east of the site. The site is located within All Saints Conservation Area. Grade I Listed Building All Saints Church is located to the north of the site.

The site comprises of cricket pitches, and associated buildings that include a club house, and changing rooms. An existing spectators area is located to the front of the club house for the cricket pitches. 3no. tennis courts are located to the eastern end of the cricket pitches. An area of playing field is located to the side of these tennis courts. This area appears to have been previous utilised as tennis courts but is no longer laid out to facilitate this use.

Planning permission is sought to create 4no. padel courts to the side of the existing tennis courts. The proposed courts would be accessed on foot from both Stand Cricket Club and via an existing access through Hamilton Park. Seating areas are indicated adjacent to each of the padel courts, and to the north of the padel courts between the proposed courts, and existing tennis courts. A proposed new boundary fence is also proposed adjacent to the cricket pitches, and a single storey unit is also included on the proposed site plan.

The padel courts would be enclosed with glass rebound panels/walls , weldmesh fencing and that reach a maximum height of 4000mm at either end of each court. A canopy is also proposed over each of the padel courts that reaches a height of 9490mm and includes an optional overhang on the drawings. The padel court playing surface would comprise of artificial grass.

Relevant Planning History

00887/E - Demolish existing clubhouse and develop residential units; Erect new clubhouse on existing tennis courts - Enquiry completed 21/09/2011

02799/E - Building of new changing facilities - Enquiry completed 15/12/2023

70269 - Single storey extension at rear of existing changing rooms and erection of porch; refurbishment of existing scoreboard building including external alterations, new entrance porch and disabled access to form new toilets and members bar, new timber decking to provide spectators area in front of clubhouse. - Approve with Conditions 07/02/2024

Publicity

Letters sent to 46 neighbouring properties on the 26th November and 29th November 2024.

Site notice posted 09/12/2024

Notice published in the Bury Times 05/12/2024

2 representations of support in relation to:

- Valuable facility for the local area and local residents.
- Well positioned and designed.

5 representations of objection in relation to:

- Lack of parking.
- Highway safety due to increased number of cars.
- Damage to highway.
- Double yellow lines should be placed on the roads to ensure access can be retained by residents and Emergency Vehicles.
- Disruption during construction.
- Does not include an adequate noise assessment.
- Eyesore in Conservation Area.
- Impact of opening hours on neighbouring properties.
- Industrial in appearance.
- Light Pollution
- Noise and disturbance from proposed and existing uses.
- Introduces a commercial scale sports facility in a residential neighbourhood.
- The application is not clear as to access and whether this will be from Parklands, via the Cricket club, or via Hamilton Road Park as per the existing tennis courts.
- There is a vague reference to a shop/reception that would be open till 10pm at night.
- No consideration as to the impact of having such a facility situated within the park and the impact on park users.
- Endorse the clear and focused comments of the conservation officer that this is not a suitable development in the area.
- Trees may be lost.

2 comments relating to:

- Lack of car parking.
- Concern in relation to lighting and opening hours.
- Will there be a public meeting to discuss comments and concerns that have been raised?

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal as the The proposed development would result in the intensification of the use of a site with inadequate car parking facilities,

Sport England - Sport England objects to the proposal as it currently fails to meet the requirements of Exception 5 of the Playing Fields Policy and the NPPF paragraph 103 c).

Environmental Health - Pollution Control - No response.

Conservation Officer - The proposal would not be acceptable in heritage conservation terms as it would neither preserve or enhance the character or appearance of the conservation area and it would cause a loss of significance of the church through harm caused to its setting. Furthermore the proposal would not further enhance the understanding of the significance of the conservation area or the listed building.

Environmental Health - Contaminated Land - No comments to make regarding contaminated land and air quality.

Greater Manchester Ecology Unit - Habitats on site are limited, but wooded edges have potential for protected species. Lighting strategy can be secured via condition but would have been useful at application stage.

BNG feasible on through the purchase of units from a habitat bank to discharge the

Biodiversity Gain Condition.

United Utilities (Water and waste) - Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application. Should planning be granted without the provision of this information a SuDs condition is requested.

Borough Engineer - Drainage Section - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
H3	Incompatible Uses in Residential Areas
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P7	Sport and Recreation
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S5	Clean Air
NPPF	National Planning Policy Framework
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 (Recreation)

Paragraph 103 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The site is designated as protected recreation in the urban area under UDP Policy RT1/1.

Policy RT1/1 seeks to safeguard the provision of recreation land within the urban area and development will not be allowed where it would result in the loss of recreation facilities unless it meets specific criteria.

Whilst similar, the approach in Policy RT1/1 has now been superseded by Paragraph 104 of the NPPF which states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Additionally, PfE Policy JP-P7: Sport and Recreation states that high quality and accessible sports and recreation facilities will be protected and enhanced.

The proposal to enhance the existing Cricket and Tennis Club offer with an additional sport, and re-purpose the currently disuse land is in accordance with policy JP-P7 however, the applicant has not demonstrated how the benefits of the proposed development for alternative sports and recreational provision would clearly outweigh the loss of the former use. As such the proposal would fail to comply with UDP Policy RT1/1 and paragraph 104 of the NPPF.

Sport England have been consulted as part of the application process. They consider that the proposal site now comprises of an existing playing field, which was formerly used for tennis courts. The introduction of the padel courts would lead to the loss of 0.15ha of playing field land.

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 104) and against its own Playing Fields Policy, which states:

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

In their consideration, Sport England acknowledge that Bury Council have undertaken an updated needs assessment and have gathered data preparing their Playing Pitch and Outdoor Sports Strategy(PPOSS). Padel was referred to within the document and is acknowledged as an emerging sport in terms of needs assessments, no padel facilities were noted in Bury and one of the aims was to support new facilities in the right places. The cricket pitches are identified as being protected.

As the proposal is for a sports facility, it could be considered to fall under exception 5 of Sport England's Playing Field Policy. Proposals however need to demonstrate that the loss of any area of playing field would not have an unacceptable impact on the potential provision on the site. There is a lack of evidence within the supporting documentation to indicate that there is no risk of ball strike from cricket on the users and spectators of the padel facility, and the proposal does not support the development of sport sufficiently to outweigh the potential detriment caused by the loss of the playing field.

It is therefore considered that the proposal would fail to comply with UDP Policy RT1/1, Paragraph 104 of the NPPF and exception 5 of Sport England's Playing Field Policy and as such the proposal would not be acceptable in principle.

Design and Layout

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The proposed courts layout plan makes reference to a "new single storey unit". From the layout it appears that this would provide changing room, storage, and WC facilities. No elevations have been provided of this unit. There is also seating indicated next to this single storey unit. It appears that this may be the outdoor patio area references within the facilities section of the Design and Access Statement but no details have been provided as to how this area would be surfaced.

The Design and Access Statement references a "small onsite shop where players may buy

equipment or shirts if required" within the facilities section. No information has been provided as to where this shop would be located, or whether it would be sited within the existing ancillary buildings associated with the cricket club for example.

The proposed courts layout plan states that new perimeter fencing is proposed to the western end of the proposed courts, No elevations or details, have been provided in relation to this fencing however the Design and Access Statement appears to confirm that this would be 2.4m high.

Access to the proposed padel courts appears to be taken from Stand Cricket Club, but also from Hamilton Park. This is outside of the red edge of development, and the blue edge that is under the control of the applicant. Similarly a new hard standing for emergency vehicle access to the site is shown outside of the red edge.

Elevations have been provided in relation to a single padel court, and associated canopy however the proposed courts layout shows 4no. padel courts. No streetscene style plan has been provided to allow the assessment of cumulative impact of the proposed 4no. 9490mm high canopies. The proposed elevations also include the optional overhang however the proposed court layout plan appears to indicate that this overhang would not be implemented as such the proposed elevations are unclear.

It is therefore considered that the proposal contains insufficient information in relation to the above to allow a full assessment of the proposal in terms of visual amenity.

Notwithstanding the above the site to which the proposal relates is relatively open, and visible parcel of land that is visible from Higher Lane, Hamilton Road, Bury New Road, Parklands and Hamilton Road Park. Any buildings within the vicinity of the site are largely of a domestic scale, constructed from traditional materials. The scale and materials of the proposed canopies that have been submitted would not be in keeping with the locality and as such are unlikely to be supported.

Heritage

The application site is located in the All Saints Conservation Area and is within the setting of All Saints Church, Whitefield (1822) a Grade I listed church of national significance.

As the site is located within the Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP. Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

EN2/3-Listed Buildings confirms that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 208 of the National Planning Policy Framework (NPPF) states local planning authorities should identify and assess the particular significance of any heritage asset that

may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 210 of the NPPF states in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 219 of the NPPF states local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The cricket club which forms a majority of the green space within the conservation area together with Hamilton Road Park, All Saints Church, cemetery and grounds and the area of the former town hall to the south east creates an open linked space with surrounding residential development from the late 19th century to the early 20th century creating a landscape little changed in the last 100 years.

Conservation Area -

The proposal represents an incongruous, urbanising and contemporising development in the conservation area. The proposed building by virtue of its size, design, materials, mass and scale would be visible in views from Higher Lane, Hamilton Road, Bury New Road, Parklands and Hamilton Road Park. The proposal would be a wholly unacceptable feature totally at odds with the green open landscape fringed by dense tree coverage in parts and historic residential development and the setting of All Saints church. As such the proposal would not preserve or enhance the character or appearance of the conservation area. As such it would represent less than substantial harm to the significance of the conservation area.

The proposal would not satisfy the requirement under Section 72 of the Planning (Listed

Buildings & Conservation Areas) Act 1990.

The proposal would not comply with the NPPF or UDP Policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control.

Listed Building

All Saints Church is a Grade I Listed church in the Gothic style (1822 Charles Barry). The proposal would have views from Hamilton Road, Hamilton Road Park, Stand Cricket Club and other locations identified above. There is intervisibility between the church and the application site although there would be some filtered views at certain times of the year through the trees on Hamilton Road and within the church grounds.

It is considered that the proposed canopies would still have sufficient intervisibility between its siting and the church by virtue of its size, scale, mass and height to have a significant visual impact on the setting of the Grade I listed church. As such the proposal would be viewed within the setting of the church from the areas identified causing harm to its special architectural interest and aesthetic. The harm identified would represent less than substantial harm.

The proposal would not satisfy the requirement of Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal would therefore not comply with the NPPF or UDP Policy EN2/3-Listed Buildings.

In summary, the proposal would not be acceptable in heritage conservation terms as it would neither preserve or enhance the character or appearance of the conservation area and it would cause a loss of significance of the church through harm caused to its setting. Furthermore the proposal would not further enhance the understanding of the significance of the conservation area or the listed building.

Impact upon residential amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users. Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution."

A padel lighting design calculation dialux has been submitted with the application. This gives limited information in relation to the proposed lighting for a single court. No information has been submitted in relation to the cumulative impact of lighting for the 4no. padel courts or the extent of light pollution in relation to the neighbouring residential properties. As such it is considered that insufficient information has been provided to enable the application to be adequately assessed in terms of light pollution.

There are areas of seating proposed within the padel court complex and the Design and Access Statement confirms that the proposed courts would be used from 7am to 10pm daily. No noise survey has been submitted that takes into consideration the impact of the proposed use, and ancillary facilities on the nearest sensitive noise receptors. As such it is considered that the proposal provides insufficient information to be adequately assessed in terms of noise pollution.

Ecology and Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition.

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

Although the habitats on the site have very limited ecological value (being mown lawn) the wooded edges of the site could potentially support protected species such as bats, which could roost in the trees or forage/commute along the edge or within the woodland. The PEA has advised that a sensitive lighting strategy will be adopted post-development which outlines the areas of the site that will be retained as dark corridors. This can be secured via condition, although GMEU have advised that they would have liked to have seen a lighting plan prior to determination indicating the predicated lux levels on the sensitive ecological features and how these will be reduced (if needed) to provide confidence that such a strategy can be implemented effectively.

The BNG assessment indicated that all the habitat on the site will be lost (0.29 habitat units) comprised of low value habitat (modified grassland in poor condition). With this in mind, it is likely that units will need to be purchased from a habitat bank to discharge the Biodiversity Gain Condition (BGC). As the number of units required will be small, it is entirely feasible that the applicant will be able to achieve this.

GMEU would therefore advise that a biodiversity gain condition applies to any planning permission detailing that a Biodiversity Gain Plan should be submitted and agreed in writing by the LPA, prior to the commencement of any development. This should include, where relevant updated Statutory Metric with accurate condition assessment scores, an off-site baseline and post-development plan if required, and the process by which a finalised number of off-site units will be secured, or a commitment to purchase statutory credits only as a last resort.

A number of trees are located to the western and southern boundary of the proposed padel courts. No arboricultural statement has been submitted, and the BNG assessment is limited to the area to be developed rather than the potential impact that a new sealed surface and potential boundaries may have on the roots of the adjacent trees. No information has been provided on whether there will be any works required to facilitate the development in terms of crown lifting, or thinning etc to enable the proposed canopies to be installed. It is therefore considered that the proposal contains insufficient information to assess whether the proposal would have an adverse impact on the adjacent trees.

Access and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency. In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car

parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

As set out above, some of the pedestrian access proposed is outside of land controlled by the applicant.

SPD 11 confirms that parking for outdoor sports and recreation will be determined on the individual merits of the planning application. Limited information is included within the proposed application in terms of parking with the Design and Access Statement stating "nor should there be any congestion arising from a shortage of parking due to the number of public spaces within the surrounding area". In the assessment of car parking the Design and Access Statement concludes that car parking is not relevant or not applicable.

There is currently no on site car parking for the existing cricket club facilities. It is noted that the site is located in an accessible location however, given the extent of the proposal, with 4 padel courts and associated buildings, seating etc it is considered that the proposal will create some additional need in terms of parking and it is unclear from the information submitted if this can be accommodated on the existing limited on street car parking on the streets around the site. Certainly, it appears from the comments from the neighbouring properties that parking in association with the Cricket Club already causes issues and as such the intensification of the site with the introduction of new sporting facilities therefore has the potential to impact on highway safety.

The proposed development would therefore result in the intensification of the use of a site with inadequate car parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety contrary to the policy considerations set out above.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The submitted Carbon and Energy Statement confirms that the proposal will be required to Pass Part L of the building regulations, and proposes other measures to ensure optimum performance. As such it is considered that the proposal would comply with the above policy.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that proposed outdoor facility would include high speed full-fibre broadband, available to all visitors free of charge. The download speed would be a minimum of 1,000 MBPS. The proposal therefore complies with the above policy.

Response to Representations

It is considered that the material considerations have been addressed within the main body of the report.

As the proposal is recommended for refusal, a delegated decision will be issued rather than the proposal going before Planning Control Committee where there would be the ability to speak in relation to the proposal. The LPA would not be responsible for setting up a community meeting in relation to the proposal but this may be an avenue the Cricket Club seek to review prior to any future submissions at the site to ensure they adequately address resident's concerns.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to demonstrate the benefits of the proposed development for alternative sports and recreation provision that would outweigh the loss of the former use. In addition to this, there is a lack of evidence within the supporting documentation to indicate that the proposal would not have an adverse impact on the existing adjacent cricket pitch use. The proposal would therefore fail to comply with UDP Policy RT1/1- Protection of Recreation Provision in the Urban Area and paragraph 104 of the National Planning Policy Framework.
- 2 The application, submitted plans and supporting information contain insufficient information in relation to the proposed single storey unit, shop, fencing, surfacing, access, and the cumulative impact of the proposed court canopies to enable them to be properly assessed in terms of visual amenity contrary to Development Plan Policies EN1/2 - Townscape and Built Design and JP-P1 Sustainable Places.
- 3 The proposed development by virtue of its size, design, materials, mass and scale would be visible in views from Higher Lane, Hamilton Road, Bury New Road, Parklands and Hamilton Road Park within All Saints Conservation Area. The proposal represents an incongruous, urbanising and contemporising development in the conservation area. The proposal would be a wholly unacceptable feature totally at odds with the green open landscape fringed by dense tree coverage in parts and historic residential development and the setting of All Saints church. The size, scale, mass and height of the proposed canopies would have a significant visual impact on the setting of the Grade I Listed All Saints Church. As such the proposal would not preserve or enhance the character or appearance of the conservation area and would be viewed within the setting of the church from the areas identified causing harm to its special architectural interest and aesthetic. The proposal would not comply with the NPPF or UDP Policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control and EN2/3-Listed Buildings.
- 4 The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of likely noise and light pollution from the proposed Padel Courts which are proposed to be open 07:00 - 22:00 daily and have potential to impact on the residential amenity of neighbouring properties and protected species contrary to Development Plan Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution, EN6/3 - Features of Ecological Value , JP-G8 - A Net Enhancement of Biodiversity and Geodiversity, JP-P1 - Sustainable Places and the Chapter 15 of the National Planning Policy Framework
- 5 The proposed development would result in the intensification of the use of a site with inadequate car parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street

parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety contrary to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11 - Parking Standards in Bury.

- 6 The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of likely impact on the trees adjacent to the proposed development contrary to Development Plan Policies EN8/2 Woodland and Tree Planting and JP-G7 Trees and Woodland.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	07/01/25	DM	07/01/25