

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/07/2026	Ref: 73059/FUL
Registration: 21/04/2026	LDFC: 14/05/2026	Expiry Date: 16/06/2026
Site Visit: 19/05/2026	Site Notice: 19/05/2026	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 5 no. covered padel courts (Class F2(c)) with ancillary food and beverage facility with seating area and associated lighting, landscaping and infrastructure

Location: Unsworth Cricket And Tennis Club Ltd, Pole Lane, Bury, BL9 8QL

Description

The application relates to a small area within the grounds of Unsworth Cricket and Tennis Club. The site comprises an area of mostly mown grassland in the north east corner of the grounds. It is bordered to the north by open land comprising trees and shrubs and to the east by the treed embankment of the M66 motorway. The existing cricket pitch lies to the west with the clubhouse to the south. The nearest residential properties are on pole lane, approximately 200m to the west. The site lies within the Green Belt and is within Flood Risk Zone 1.

The proposal seeks to provide

- 5 no. covered padel courts;
- associated circulation space; and
- a small ancillary food and beverage facility with an outdoor seating area.

The five courts are arranged in a three-sided courtyard configuration, creating a clearly defined space. This arrangement provides a central area accommodating an outdoor seating space and small ancillary food and beverage outlet. Access will be taken from the existing clubhouse via a pedestrian path and parking would be on the existing car park (49 spaces).

The proposed canopy structures have the following maximum heights:

- approximately 6.5 metres to eaves;
- approximately 9.05 metres to the apex of the outer bays; and
- approximately 9.7 metres to the apex of the central bay.

Relevant Planning History

60261 - Prior notification of telecommunications development for the replacement of 15m phase 4 monopole with 15m phase 5 monopole and 1 no. equipment cabinet. - Prior Approval Granted 26/07/2016

64247 - Replacement of 15m monopole supporting 3 no. antennas with 20m high capacity monopole supporting 6 no. antenna apertures and 4 no. 600mm dishes - Approved with Conditions 08/08/2019

70140 - Prior approval for proposed installation of a 25.0m lattice mast with an existing compound approximately 36m to the south of the site - Prior Approval Granted 28/11/2023

Publicity

Immediate neighbours notified by letter dated 22/04/2026. Site notice posted.

No objections to the proposal received and ten representations received in support of the

proposal, including one from the local MP.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Sport England - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - No objection subject to conditions.

United Utilities - No objection.

Drainage Section - No objection.

Planning Policy Manager - No objection.

National Highways - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF National Planning Policy Framework

PfE Places for Everyone

JP-G9 The Green Belt

JP-P1 Sustainable Places

JP-P7 Sport and Recreation

CF1/1 Location of New Community Facilities

EN1/1 Visual Amenity

EN7/2 Noise Pollution

HT2/4 Car Parking and New Development

OL1/2 New Buildings in the Green Belt

RT1/2 Improvement of Recreation Facilities

RT2 New Provision for Recreation in the Urban Area

EN6/3 Features of Ecological Value

EN6 Conservation of the Natural Environment

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.

Use/Need - The application is a response to the growing popularity of Padel as a sport and improves the facilities at the cricket club in an area that is currently unserved by this particular sport. The 'non-profit' concern would help stabilise the club economically and improve its long term value within the community. The inclusion of canopies would allow use of the facilities in all weathers and increase participation.

The proposal would be acceptable in principle and complies with the NPPF, PfE policy Policy JP-P7 and UDP Policies CF1/1 Location of New community Facilities, RT1/2 Improvement of Recreation Facilities.

Green Belt and Visual amenity - Paragraphs 152 and 153 of the NPPF state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) 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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);

The Joint Development Plan - Places for Everyone Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including

land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The proposed development would provide facilities in connection with the existing use of the land for outdoor sports, The proposed canopy would ensure that the padel courts can be used in winter. As such, the proposed development would provide facilities in connection with the existing use of the land for outdoor sports and would be acceptable in principle.

UDP Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

Although the use is considered appropriate with the green belt, it may be considered that the site falls within the definition of "Grey Belt land" and that the principle of padel development should not be regarded as inappropriate development.

The padel courts would be covered in a lightweight PVC canopy to ensure safe and effective use. The height of the canopy would be just less than 10m which is similar to the height of the existing cricket pavilion. The structure would have a simple and functional form and gives a sense of openness. It would be viewed against the established mature tree canopy along the boundary, much of which is significantly higher than the proposed structure.

Positioned in the far corner of the site, the overall massing of the padel courts would remain subordinate to the wider cricket ground setting, which is characterised by open space and existing recreational infrastructure. The proposed development would be screened from the most publicly accessible viewpoints by the existing mature tree canopy and boundary vegetation, meaning its visual impact on the surrounding area would be limited.

Given its relatively modest scale within the wider sports club, with appropriate finishing and set against the tree canopy, the facility would not appear particularly prominent from the public realm and would not have a material impact on the character or openness of the Green Belt.

In terms of Green Belt, the proposed development would be in accordance with the NPPF, The Joint Development Plan and Bury Unitary Development Plan green belt policies and associated guidance.

Lighting - An Environmental Lighting Impact Assessment was submitted with the application. The proposed lighting includes floodlighting units, comprising powder-coated aluminium bodies, specified at a 5700K colour temperature in line with the recommended threshold of above 5000K for commercial padel court installations. The courts are designed to achieve an average illumination level of 300 lux across the playing surface at ground level, with a uniformity ratio of no less than 0.50, ensuring consistent and even light distribution suitable for recreational use.

The lighting assessment indicates that all external lighting would comply with ILP guidance for an Environmental Zone E3 location. Horizontal cut-off luminaires installed at 0° tilt with flat glass lenses are specified to control glare, minimise light spill and direct light in a controlled pattern, thereby limiting sky glow. As the padel courts are not proposed to operate beyond 22:00, obtrusive light levels and sky glow contributions are both satisfactory

in accordance with pre-curfew values.

In terms of potential light pollution, with the appropriate condition, based on the recommendations with the Lighting Impact Assessment, the proposed development would be acceptable and in accordance with the NPPF, The Joint Development Plan (Places for Everyone) and Bury Unitary Development Plan green belt policies and associated guidance.

Noise - Padel generates noise with balls sometimes being hit off the back walls and in an unsuitable location, this could give rise to complaint.

The site is in the north east corner of the cricket ground, adjacent to the M66 embankment with a separation distance to the nearest residential properties of around 200m. This relatively isolated location, bounded to the north and east by trees and shrubs, ensures that any noise generated by play would dissipate and would not give rise to seriously adverse impacts on residential amenity. The continuous traffic movements along the M66 would further mitigate the intermittent noise from the padel courts which is unlikely to be perceptible or harmful.

Given the separation distance to the nearest dwellings, it is considered that acceptable noise levels would be readily achievable and significant adverse effects are not anticipated. On this basis, and taking into account the established sporting use of the site, the nature of the use and existing background noise environment, it is considered that a detailed noise assessment is not necessary to support the application.

Given the nature of the proposal, the separation distances to residential properties and a condition limiting operating hours to between 7am and 10pm, the impact of any noise from the padel courts would be negligible. The traffic generated by the proposal should not be so serious as to warrant refusal as the car park at the cricket club is set well within the site, behind boundary planting.

Given its relatively isolated position in the north east corner of the cricket ground, over 200m from the nearest residential properties, this proposed facility would not have a serious impact on residential amenity and is considered acceptable and complies with the NPPF, Joint Development Plan and UDP Policies EN7/2 Noise Pollution and RT3/5 Noisy Sports.

Parking and Access - The site has good accessibility and would utilise the existing access and parking facilities (49 spaces). A detailed traffic statement has been submitted in support of the proposal and concludes that there would be no adverse impact on the surrounding road network as the existing car park could accommodate vehicles related to the cricket, tennis and padel uses. Should the car park reach capacity, there would be an additional grassed area, adjacent, for 'overflow' parking.

Given the scale of the proposal and the existing parking and access at the site, there is no objection from TfGM or the Council's own traffic team. The proposal would therefore be acceptable in terms of access and parking and complies with UDP Policy HT2/4 Car Parking and New Development.

National Highways - There is no objection from National Highways in relation to the site's proximity with the M66 to the east.

Ecology - A Great Crested Newt survey confirmed that newts are present within the area and that the population is breeding in ponds within 250m of the application site. The proposed development is expected to result in the removal of 0.12ha of short, regularly mown modified grassland and 0.07ha of tall forbs.

The development would not impact any breeding habitat (ponds), and given its small scale, would not adversely impact potential GCN dispersal/movement corridors.

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The report states that the risk of incidental harm to newts during the construction period should be mitigated for by adoption of Precautionary Working Methods as follows:

- All grassland habitats within the application site must be kept short by regular mowing, as would ordinarily be the case for the land surrounding the cricket pitch.
- No night time construction working is to be undertaken.
- Any excavations should be ramped to ensure amphibians are not accidentally trapped.
- Storage of materials, soils and turf must be kept off the ground on wooden pallets to avoid GCN using them for shelter.
- In the unlikely event that a GCN is encountered work will need to stop immediately and the advice of a Suitably Qualified Ecologist be sought immediately. Do not move or disturb the GCN and replace the material that the GCN was taking refuge under. Work will only re-start if there is no risk of disturbance, harm, or injury to GCN and the work will not cause damage or loss of GCN habitat. If there is any risk of committing an offence it is likely that work will need to stop until appropriate licensing is obtained.

The report confirms, as a result of the very minor loss of potentially supporting habitat and the separation distance between this habitat and the pond, there would be no material adverse impact to GCN habitat. Any occasional, Incidental harm would be controlled via the adoption of the Reasonable Avoidance Measures and as such there would be no detriment to GCNs which breed within the nearby ponds, hence a Mitigation Licence is not required.

A suitable condition would be attached to any approval, securing the implementation of the mitigation measures suggested.

Biodiversity Net Gain (BNG) - The BNG assessment appears to be accurate and is resulting in a gain of 0.06 habitat units (+11.14%) with the trading rules satisfied.

As per the report, the gains to be delivered on-site meet the criteria of 'significant on-site enhancements' due to the medium distinctiveness habitats proposed (e.g. other neutral grassland and trees). Therefore, a Habitat Management and Monitoring Plan (HMMP) detailing management prescriptions for a 30-year period needs to be provided and this can be secured via a Section 106 agreement or a condition. GMEU recommends that a Section 106 is used in this instance as it provides a legal agreement to secure the mitigation for the habitat lost and also provides a resource for the monitoring required by the LPA, which cannot be secured via a condition. We would advise that mechanism is agreed between the applicant and the LPA before the application is determined.

The statutory Biodiversity Gain Condition will be applied to the planning permission, should it be granted. To discharge the condition, the following is required: Biodiversity Gain Plan (using DEFRA template), final BNG metric and a 30-year HMMP for on-site gains. Please see Biodiversity net gain - GOV.UK for how this should be dealt with on the decision notice.

Public Representations - Ten representations, including one from the Local Member of Parliament, were received and support the proposal, stating that it would improve facilities at the club which would have positive benefits to the local community.

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 numbered 260020-EDGE-XX-XX-DR-C-2001/P01, AS893-01A, 02/B 03B, 04B, 05/B, 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 and Places for Everyone Joint Development Plan listed.
- 3 Prior to commencement of above ground works, in line with approved drawings AS893-04 Proposed G. A. Plans and AS893-05 REV B Proposed G. A. Elevations, the detailed finish and colour of all steel framework, mesh fencing and canopy shall be submitted to and agreed in writing agreed with the Local Planning Authority.
Reason. In the interests of visual amenity pursuant to Joint Development Plan (Places for Everyone) JP-P1 and UDP Policy EN1/1 Visual Amenity.
- 4 The padel facility hereby permitted shall not be open for use outside the following times: 0700 to 2200 hours daily.
Reason. In the interests of residential amenity pursuant to UDP Policies EN7 Pollution Control, EN7/2 Noise Pollution.
- 5 Prior to the use commencing, a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.has been submitted to, and approved in writing by, the local planning authority.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 6 The proposed lighting strategy, as set out in the Environmental Lighting Impact Assessment Report Ref:SHD2356-SHD-HLG-UNSW-RP-EO-Lighting Assessment Report - R1, submitted with the Planning application shall be implemented in full.
Reason. In order to mitigate light pollution pursuant to UDP Policy EN7 Pollution Control.
- 7 The development hereby approved shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with National Planning Policy Framework.

- 8 Any soil or soil forming materials to be brought to site for use in soft landscaping, filling and level raising shall be tested for contamination and suitability for use.
- a) Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.
 - b) The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the National Planning Policy Framework.

- 9 The Precautionary Working Methods Statement (PWMS) principles as set out in Chapter 5 of the Preliminary Ecological Report shall be implemented to safeguard potential common amphibians, badgers and other small mammals such as hedgehogs and any other wildlife which may be present.

Reason. In the interests of nature conservation and protection pursuant to the NPPF, Joint Development Plan (Places for Everyone) and UDP Policy EN6 Conservation of the Natural Environment.

- 10 All retained trees shall be safeguarded through the implementation of the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) as submitted.

Reason. In order to protect trees in accordance with UDP Policy EN6/3 Features of Ecological Value.

- 11 No removal of or works to any trees/shrubs/vegetation shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and ensured that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason. In order to protect nesting birds pursuant to UDP Policy EN6 Conservation of the Natural Environment.

- 12 Prior to commencement of above ground works, details of surface water drainage proposals shall be submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical

Standards for Sustainable Drainage Systems (March 2015) or subsequent revisions of it. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Design details should comply with guidance contained in the Greater Manchester's Sustainable Drainage Design Guide, March 25. Details of proposed maintenance arrangements should also be provided.

Reason: To promote sustainable development pursuant to the NPPF, Joint Development Plan (Places for Everyone and UDP Policies listed).

- 13 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 14 The existing car park and overspill area, identified in the Transport Statement (April 2026), shall be made available for use and thereafter maintained, free of obstruction, at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 15 Prior to the use hereby approved commencing, the 3 Sheffield cycle stands, accommodating 6 cycles, and indicated on the approved plan, shall be provided for users of the padel courts.

Reason. To provide suitable cycle parking pursuant to Joint Development Plan - Places for Everyone Policy JP-P1.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/07/2026	DM	15/7/26