

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/11/2021	Ref: 67574/FUL
Registration: 13/10/2021	LDFC: 18/11/2021	Expiry Date: 08/12/2021
Site Visit: 28/10/2021	Site Notice: 28/10/2021	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 V-mesh fencing around 3 football pitches including access gates for vehicles and public; Fenced enclosure surrounding existing storage container

Location: King George V Playing Fields, Outwood Road, Radcliffe, Manchester, M26 9AQ

Description

The application relates to an area of recreation space off Outwood Road. The site comprises of 3 no. football pitches, playing fields and a play area and a community centre. The site bounded by residential properties to the east and open land to the north, south and west. The site is located within the Green Belt and is an area of recreation space identified within the UDP.

Planning permission is sought for the erection of V-mesh fencing around 3 football pitches including access gates for vehicles and public and a fenced enclosure surrounding existing storage container. The fencing would reach a height of approximately 1800mm. The application form states that there is a need for this enclosure to protect the playing areas from damage and vandalism caused by horse riders, off road motorbikes and quad-bikes.

Relevant Planning History

46182 - Outline application for the provision of new cricket pitch, bowling green, associated pavilions and reprovision of 2 x football pitches and 2 x new senior football pitches and associated facilities including access- Approve with Conditions 28/06/2007

Publicity

Neighbour letters 15/10/2021 and 25/10/2021
Site Notice 28/10/2021

No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
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 (Green Belt)

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. 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); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

The proposal is considered to fall under exception b of paragraph 149 and would lead to appropriate facilities for outdoor sport/recreation in connection with the existing use of the land, to prevent damage to the football pitches.

Principle (Recreation)

RT1/2 - Improvement of Recreation Facilities states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough. The improvement of existing recreation facilities will allow greater use to be made of them and thus enable a larger demand to be satisfied.

It is considered that the proposal would comply with the above policy and would lead to the improvement of existing recreational land by preventing damage to the football pitches, but still allowing unimpeded access to the playing fields and play area.

Visual amenity

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.

The proposed mesh fencing is a type commonly used around recreation sites. It provides a secure boundary whilst allowing a high level of visibility through. The trees and shrubs that border the site to the north and west would also provide a level of screening of the fencing and the green colour would see it blend well with the surroundings.

The proposal complies with UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity

There are no residential properties located close enough for the development to have any serious impact.

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 Site location plan, 100, 101, 102, 103, 104, 105 and 106 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Pressley	19/11/2021	DM	23/11/2021