

DELEGATED REPORT

Report by Claire Booth	Date of report: 25/10/2024	Ref: 70847/FUL
Registration: 29/08/2024	LDfC: 23/09/2024	Expiry Date: 24/10/2024
Site Visit: 05/09/2024	Site Notice: 05/09/2024	Press Date: N/A
10:30:00		
Objections: 2	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Two storey side extension on west facing elevation; Balcony to eastern side; Front extension to ground floor under existing balcony; Amendments to front fenestration

Location: Sedgley Park RUFC Park Lane, Whitefield, Manchester, M25 7PA

Description

The application site relates to the Club House at Sedgley Park Rugby Club off Park Lane, Whitefield. The front elevation of the Club House overlooks Rugby Pitches. A car parking area abuts the west facing elevation of the building and car parking exists along the Park Lane boundary adjacent to the rugby pitches and along the boundary to the rear of the Club House.

To the north and east of the application site exists a Golf Course. Residential properties exist to the west and north west of the Club House.

The site is on land allocated as Green Belt as defined by the Council's adopted Development Plan, and is within an allocated Mineral Safeguarding Area. A Public Right of Way, Footpath no. 34WHI, runs along the northern boundary of the site.

Planning permission is sought for 3 elements:

1. A two storey side extension on the west facing elevation of the Club House;

The proposed two storey side extension would project from a portion of the west facing elevation of the building that has a lower roof than the main two storey part of the Club House. The proposal seeks to extend the length of this lower part of the building so this part of the building runs flush with the front elevation of the building and to increase its height to match the eaves and ridge height of the existing west facing side elevation of the building.

2. Change a pitched roof single storey addition on the east facing elevation and install a flat roof and balcony on it to serve the upstairs area of the Club House; and
3. A ground floor front extension under the existing balcony projection, which appears to infill the existing stanchions supporting the balcony area.
- 4.

Relevant Planning History

65629 - New balcony to front - Approved with Conditions, 21/08/2020

59593 - Erection of a temporary stand containing 448 seats for a period from 5 February 2016 to 19 September 2016 - Withdrawn by Applicant, 04/04/2016

33316 - Extension of Club House with changing facilities on ground floor fitness suite to first floor and stewards flat to second floor - Approved with Conditions, 16/10/1997

31942 - Extension of Club House with changing facilities on ground floor and hospitality suite to first floor - Approved with Conditions, 22/05/1996

25611 - First floor extension at side and new entrance at ground floor - Approved 04/04/1991

25337 - Sun Terrace at first floor - 20/12/1990

Publicity

A Site Notice was erected on the 05 September 2024 outside each of the two entrance to the Club grounds on Park Lane.

32 nearby neighbouring properties have been notified by letter.

2 no representations have been received raising the following objections:

- Concerned about the proposed increase in size and more noise being generated adversely affecting the amenity of residents
- Concerned the proposals would result in an increase in on-street parking taking place along Park Lane and Philips Park Road West opposite residents driveways and houses and causing dangerous highway safety conditions.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to pre-commencement condition requiring details of the storage of construction materials

Environmental Health - Contaminated Land- No objections, subject to conditions

Environmental Health - Pollution Control - No comments or observations

Greater Manchester Ecology Unit - No objections, subject to a condition securing enhancements to biodiversity.

GMCA - Minerals and Waste consultations - No objections

United Utilities (Water and waste) - No comments or observations received

Public Rights of Way Officer - No comments or observations received

Pre-start Conditions - Not applicable.

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
RT1/2	Improvement of Recreation Facilities
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
GMMWP	Greater Manchester Minerals and Waste Plan
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), 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 of Development

The proposed extension of an existing sports club in the manner proposed would not result in the loss of any Rugby playing pitched. The proposal therefore accords with UDP Policy RT1/1 and is thus acceptable in principle.

Sites Location in the Green Belt

The application site is within the defined Green Belt as designated within the adopted Development Plan.

Paragraph 154 of the National Planning Policy Framework states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include, amongst other things, *"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"*

The proposed side extension would extend an existing side projection and would match the eaves and ridge height of the main building. The proposed front ground floor addition would sit beneath an existing first floor balcony addition. On the north-west elevation, the sloping This element would therefore not cause any harm to the openness and permanence of the Green Belt.

The ground floor front extension would be under the existing first floor balcony in an area used for outside seating purposes. The proposed extension would be seen against the front of the Rugby Club and therefore would not cause any harm to the openness and permanence of the Green Belt.

The final external alteration is to remove the sloping roof of a single storey extension to the north-east facing elevation of the building, and install a flat roof to accommodate a balcony area. Again, this alteration would not cause any harm to the openness and permanence of the Green Belt.

The Club House is currently 1,295 sq.m. The proposed extensions would increase the size of the Club house by 83 sq.m, a 6% increase in its size.

Due to all the above, the proposals are acceptable in Green Belt terms.

Mineral Safeguarding

The Greater Manchester Minerals Plan (adopted 2013) forms part of the Council's Development Plan and sets out policies relating to minerals, including the safeguarding of mineral resources.

The proposed development is located within a Mineral Safeguarding Area for coal and brick clay and therefore Greater Manchester Minerals Plan Policy 8 - Prior Extraction of Mineral Resources Within Mineral Safeguarding Areas is relevant.

The proposed development is for an extension to the existing building and therefore, as confirmed by Greater Manchester Minerals and Waste team, the proposal is acceptable in terms of Minerals Plan Policy 8.

Ground Conditions

The NPPF is clear that Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

It is noted that the application is supported with information relating to soil samples taken within the application area. Laboratory analysis indicates the presence of asbestos in one sample, but as there are two locations named TP1 it is not certain whether the sample is from the area of the proposed extension or just off the pitch.

The application is for an extension to the existing building and as such will be completely

hard surfaced and so it is not proportionate to request contaminated land planning conditions. As a precaution all workers during the build should be made aware of the potential presence of asbestos and undertake the necessary protective measures. If the sample was from pitch side, it would be prudent for the club's health and safety to undertake additional sampling of the pitch area to be certain that there is no asbestos present in the playing area.

The applicants, via their agent, have been made aware of the above-mentioned risks and it is recommended that the risks are made clear within a Planning Informative. Notwithstanding this, the NPPF clearly states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Biodiversity

Having assessed the work planned for the building, there is only a negligible potential for the works to disturb roosting bats. As protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity, an informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.

Nesting birds are also protected by legislation and an informative will also be imposed making the applicants aware of this legalization and any work affecting nesting birds should be undertaken outside the main bird nesting period.

The NPPF encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application. A condition is therefore recommended requiring both bat and bird boxes to be affixed to the building.

Design and Visual Amenity

The proposed extensions and alterations are considered to be satisfactorily designed and would not cause any noticeable harm to the appearance of the Club House or wider visual amenity.

Residential Amenity

Residential properties exist along the western boundary of the site along Park Lane up to its junction with Philips Park Road West. A detached property no. 157 Park Lane shares a boundary with the Rugby Club in the north-west corner of the site, close to the entrance of the Rugby Club.

The representations are from properties close to the northern boundary of the site who raise objections about existing noise emanating from the Club House. Increasing the size of the Club House in the manner proposed would not cause additional noise issues over and above the existing situation. The new balcony would be proposed on the eastern end of the building which is at the end of the Club House furthest away from Park Lane and the properties in close proximity to the north-west-west boundary of the site. The proposals would therefore not result in demonstrable harm over and above the existing situation to justify refusal of the application on this basis and is thus acceptable in this regard.

Surface Water Drainage

The application site is in Flood Zone 1, which means there is a low risk of flooding. The extensions to the building, with one extension being sited under an existing balcony area would not result in materially more surface water being drained from the Club House. Moreover, the areas used for car parking is already hard surfaced. For these reasons, there is no justified reason to impose a condition requiring a surface water management plan.

Parking and Highway Safety

Car Parking provision exists surrounding part of the Rugby Pitches and takes place to the side of the Club facing the entrance onto Park Lane.

Despite the concerns raised within the representations and photographs received over current on-street parking issues outside the Rugby Club site on match days, no additional car parking provision is being sought through this proposal as the building would not become demonstrable larger than the existing Club House and therefore a request for additional parking provision is not justified. Moreover, the on-street parking issues being experienced appear to be on match days due to the success of the club as they climb the league(s). This is not a matter that can be controlled through this planning application.

Notwithstanding the above, the proposed Site Plan illustrates on-site parking provision for 115 cars. At the time of my site visit, part of the car parking area was being used for non-parking purposes. To reaffirm that the parking spaces shown should be utilised for car parking purposes only, it is recommended a planning condition will be imposed to this effect.

The Local Highway Authority has requested a pre-commencement condition be imposed requiring the applicant to submit a plan where building materials would be stored and contractors vehicles would be parked during the construction phase of the development. Given the size of the site, it is clear there is sufficient room to store materials and park contractors vehicles off the highway, therefore, the LPA consider it would be unreasonable to impose such a condition.

Conclusion

The proposal is acceptable in principle and in green belt terms as the proposals would not harm the openness and permanence of the Green Belt. The design of the extensions and alterations proposed are also considered acceptable.

The representations received raise concerns about on-street parking taking place during match days and existing noise generating from the Rugby Club. Both issues would not be made any worse by the proposals and therefore there would be no sound reasons to justify refusing this application on the grounds suggested. On this basis, subject to the recommended planning conditions, it is recommended the application be approved.

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 permission relates to the following plans:

Drawing ref. Location Plan;
Drawing no. 2800_SED_01_Planning_Rev_B: Proposed Site Plan;
Drawing no. 2800_SED-04_Planning_Rev_C: Proposed Plans; and,
Drawing no. 2800_SED_05_Planning_Rev_B: Proposed Elevations.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, Places for Everyone Plan and the National Planning Policy Framework.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason: In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan and National Planning Policy Framework.

- 4 Prior to any above ground works taking place, details of ecological enhancement measures shall be submitted to and approved in writing by the Council. This shall detail the biodiversity net gain, plans showing the proposed location of ecological enhancement measures (including bat boxes, bird boxes and bee bricks), justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

Prior to the occupation of development, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to and approved by the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures is in accordance with the approved measures and in accordance with CIEEM standards.

Development shall accord with the details as approved and retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change, in accordance with Policy Policy JP-G8: 'A Net Enhancement of Biodiversity and Geodiversity' and the National Planning Policy Framework and the National Planning Policy Framework.

- 5 The car parking indicated on the approved plans shall be made available for use prior to the extensions hereby approved being brought into use and shall be available for use 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 and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

<u>Case Officer</u> CB	<u>Date</u> 25/10/2024	<u>Sign off Officer</u> DM - 25/10/2024	<u>Date</u>
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