

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Kearns
FLH Architectural Design Services
1 Young Close
Overstone Gate
Northampton
NN6 0GD

On Behalf Of:

Mr Rubenstien
Prestige Padel
Stand Cricket And Tennis Club Hamilton
Road
Whitefield
Bury
M45 7WF

PART 1 - Particulars of Application

Application Number: 71201

Date of Registration: 13/11/2024

Proposal:

Erection of 4 no. Padel Courts

Location:

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

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following 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.

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.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

EN1/2	EN1/2 - Townscape and Built Design
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN2/3	EN2/3 - Listed Buildings
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN8/2	EN8/2 - Woodland and Tree Planting
H3	H3 - Incompatible Uses in Residential Areas
H3/1	H3/1 - Assessing Non-Conforming Uses
HT2/4	HT2/4 - Car Parking and New Development
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT1/2	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	Development Control Policy Guidance Note 11 - Parking Standards in Bury

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

A4224-01-O3, A4224-02-O3, A4224-03-O, A4224-04-O3, A4224-08-O, A4224-09-O, A4224-10-O

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 07/01/2025