

DELEGATED REPORT

Report by Helen Pressley	Date of report: 18/11/2024	Ref: 71043/FUL
Registration: 01/10/2024	LDfC: 14/11/2024	Expiry Date: 26/11/2024
Site Visit: 23/10/2024	Site Notice: 24/10/2024	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: Alterations to existing tennis court to create 2 no. padel courts

Location: Holcombe Brook Sports Club, Hazel Hall Lane, Tottington, Bury, BL0 9FS

Description

The application relates to a tennis club facility, which includes tennis courts, coaching areas, a club house, car park and floodlighting. The site is located to the east of Longsight Road and to the north of the unadopted Hazel Hall Lane. The site is located within the Green Belt.

Planning permission is sought for alterations to existing 1no. tennis court to the north east end of the site to create 2 no. padel courts. The proposal would also include provision of a an 8 metre galvanised steel frame covered with material and with toughened glass rebound panels to the end.

Relevant Planning History

42996 - Construction of 13 tennis courts (9 with floodlights); new clubhouse, car park, 2 childrens courts, practice wall and landscaping at land off Hazel Hall Lane, Holcombe Brook. Refused - 13 October 2004.

45384 - Construction of 9 tennis courts (5 with floodlights); new clubhouse, car park, 2 childrens courts, practice wall and landscaping at land off Hazel Hall Lane, Holcombe Brook. Refused - 20 December 2005.

53247 - Construction of 8 Tennis Courts (6 with floodlighting), club house, associated car parking, mini tennis area with practice wall and landscaping at land off Hazel Hall Lane, Holcombe Brook. Approved with conditions - 2 March 2011.

55014 - Non material amendment (following grant of permission 53247) to clubhouse for alterations to layout; external alterations to openings and increase in width of building by 900mm at land off Hazel Hall Lane, Holcombe Brook. Approved - 17 April 2012.

55673 - Non material amendment following grant of permission 53247 for amendments to roof of proposed clubhouse at land off Hazel Hall Lane, Holcombe Brook. Approved - 10 October 2012.

57587 - Non-material amendment following grant of planning permission 53247 for construction of 8 tennis courts (6 with floodlighting), club house, associated car parking, mini tennis area with practice wall and landscaping:

Revise and reduce the scope of the approved vehicular access arrangements to the development site from Longsight Road at Hazel Hall Lane, Longsight Road, Holcombe Brook. Approved - 13 June 2014.

58735 - Variation of condition no. 27 following grant of permission of pp 53247 - variation of materials to be surfaced in areas of the car park (Retrospective) at land off Hazel Hall Lane,

Holcombe Brook. Received - 27 May 2015.

59309 - Prior notification for proposed installation of 230 solar photo-voltaic modules, Suntech STP285S-20/Wew (285W). A total of 66kW at Holcombe Brook Tennis Club, Hazel Hall Lane, Ramsbottom. Prior approval required and refused - 17 November 2015.

69774 - Extension to existing bin store; erection of storage container and 2.6m high screen fencing and provision of additional flood lighting to tennis courts. - Approve with Conditions 11/10/2023

Publicity

Neighbour letters sent 3rd October 2024.

Site Notice posted 24th October 2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the grant of planning permission

Environmental Health - Contaminated Land - Given that a watching brief for unforeseen contamination was not reported on during the development of the site, we have no information regarding the nature of ground conditions at the site. As such it is recommended that a watching brief be undertaken during excavation works and documentation be submitted prior to first use.

Greater Manchester Ecology Unit - 10% BNG can be provided on site and secured via condition

Sport England - It has been demonstrated that the loss of a single court with replacement with 2 padel courts, will not harm the delivery of tennis and is likely to support the tennis use of the site in the future and as such it meets the requirements of paragraph 98 of the NPPF and accords with Sport England's 12 planning for sport principles

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
RT1/2	Improvement of Recreation Facilities
HT2/4	Car Parking and New Development
JP-P1	Sustainable Places
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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 (Green Belt)

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); and

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.

PfE 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.

Therefore, the proposed development would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Principle (Recreation)

Policy RT1/2 states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities within the Borough. Paragraph 103 of the NPPF 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.

The proposed development would involve the creation of padel courts, to replace an existing tennis court to the north east end of the site. This would therefore lead to the loss of one existing tennis court at the site.

Sport England consider that padel can increase the opportunity to access tennis as a sport, regardless of the padel sport itself. As part of the application, the applicant has provided a

justification for the proposal that includes how the proposal will benefit the use of the site for the purpose of tennis. Sport England consider that given the loss is only a single court, and that it is being replaced by a racquet facility it can be considered as a minimal loss and that there are sporting benefits that will result in the replacement.

It is therefore considered that the applicant has demonstrated that the loss of a single court, and provision of 2no. padel courts will not harm the delivery of tennis and is likely to support the tennis use of the site in the future and as such meets the requirements of paragraph 103 of the NPPF and Policy RT1/2 of the Bury Unitary Development Plan.

Layout and Design

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.

All padel courts have the requirement for the inclusion of rebound ends (with fencing above). At the ends of the court a total height of 4.0m metres is required. This would be higher than the existing 2.7 metre wire mesh fencing that surrounds the tennis courts, but significantly lower than the 10 metre high lighting columns approved under application 69774. A canopy is proposed above the padel courts, which is not currently a feature in relation to the existing tennis courts. The applicant has requested this to facilitate all year use of the courts.

The proposed courts would be located within the curtilage of the existing sporting facility although the second court would encroach on an area of scrubland to the west of the existing court. There is a 2 metre high hedgerow along Hazel Hall Lane, which would largely screen the proposed development, and limited glimpses would be available from Longsight Road which is also bound by a hedge. The proposed area of habitat creation submitted within the BNG statement also indicates an area of mixed scrub to the north of the proposed courts which would act as an additional screen immediately adjacent to the site.

Given the location of the proposed courts, within the boundary of the existing facility, and the other associated structures in relation to the use of the site as tennis courts it is considered that the structures proposed to facilitate the use of this area as padel courts throughout the year is considered to be acceptable. The site is well screened from existing public vantage points and as such it is considered that the proposal would not have a detrimental impact on the character of the area. The proposal is therefore considered to comply with the policy considerations set out above.

Amenity

The proposal would utilise an area of the site current utilised as tennis courts. The adjacent field would act as a buffer zone to the nearby residential properties and the proposed development would be no worse than the existing sporting use. The site would be 145 metres from the nearest residential properties on Longsight Road and the dwellings on Hazel Hall Lane would be 125 metres from the site.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2.

Ecology and Biodiversity Net Gain

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 UDP Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE 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.

Protected Species

GMEU are satisfied that it is very unlikely that there are any significant ecological issues associated with this development, given the footprint of the development and extensive surveys that occurred for the existing sport club, that found no evidence of any such species. No further information or measures are therefore required.

Nesting Birds

Scrub will be lost, which is potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU therefore recommend a condition to restrict works to outside of the bird nesting season.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The BNG assessment and metric have been amended in-line with GMEU recommendations. 10% BNG can be achieved on the site.

The habitat creation is significant under BNG guidance consisting of mixed scrub a medium distinctiveness habitat. It will therefore require controlling by either condition or legal agreement. Given the units involved however only equate to 0.02BU, GMEU would regard a legal agreement as unreasonable and as such a condition has been sought.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. The applicant has confirmed within their supporting documentation that the proposal would satisfy Part L of the building regulations. As such the proposal is considered to comply with this policy consideration.

Digital Connectivity

PfE Policy 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. Internet connections are already available at the club house and on the courts. This will continue to be the case for the proposed development. It is unlikely that provision would be needed for full fibre connectivity on the padel courts

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 HBTC.070824.B, HBTC.070824.C, HBSC-22-06-24 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 The development hereby approved within any approved phase 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 the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

- 4 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated September 2024 Rev B and prepared by Verity Webster and must include:
 1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.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 policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 6 The development shall not commence until 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 policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 7 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

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 policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 8 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- 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 policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	18/11/2024	DM	18/11/24