

DELEGATED REPORT

Report by Helen Leach	Date of report: 11/10/2023	Ref: 69774/FUL
Registration: 04/07/2023	LDFC: 10/08/2023	Expiry Date: 29/08/2023
Site Visit: 20/07/2023	Site Notice: 20/07/2023	Press Date: N/A
Objections:	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Extension to existing bin store; erection of storage container and 2.6m high screen fencing and provision of additional flood lighting to tennis courts.

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

Description

The site was previously used as grazing land and is located to the east of Longsight Road and the north of the unadopted Hazel Hall Lane. It is a greenfield site and is located within the Green Belt. The field is approximately level and rectangular in shape with a hedgerow to all boundaries. There is a small brook located in the south west corner of the site.

The site is bounded by Longsight Road to the east and is surrounded by open fields to all other boundaries. There are residential properties beyond the fields to the north.

Permission was granted in March 2011 for a tennis club facility at the site, which includes 8 tennis courts, a outdoor mini tennis coaching area, a clubhouse, car park and floodlighting. Access to the site would be taken from Hazel Hall Lane via Longsight Road and would lead to the car park. Non-material amendments were approved in 2012 and 2014 for a number of minor amendments to the clubhouse, including the creation of a mezzanine level, the relocation of rooms and corridors and an increase in width of 600mm of the building and to the highways layout, following a change in the speed limit on Longsight Road. The club has been open and operating for a number of years.

The proposed development involves the extension of the existing bin store, the erection of a storage container and 2.6 metre high screen fencing as well as the installation of additional floodlighting to 3 tennis courts.

The proposed storage container would be located within the bin store area, which would be enlarged. The proposed container and bin store would be surrounded by 2.6 metre high fencing.

The floodlighting columns would be 10 metres in height and would be located on 3 of the tennis courts (numbered 7 - 9 on the proposed site plan).

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.

Publicity

Site notices were posted on 20 July 2023.
There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No response.

Designforsecurity - No response.

Waste Management - No response.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary 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
EN7	Pollution Control
OL1/2	New Buildings in the Green Belt
RT1/2	Improvement of Recreation Facilities
HT2/4	Car Parking and New Development
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) 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 - The application site is located within the Green Belt and involves the extension of the bin store and the installation of the storage container.

NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 states that a local planning authority should regard the construction of new buildings 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
- 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.

The proposed development would provide a storage container, which would be used to store equipment required for cleaning the courts and a lawnmower. There are storage areas within the clubhouse building, but only 1 at ground floor level. This storage area is used for rackets, balls, chairs and other paraphernalia. As such, there is not enough space to store the outdoor maintenance equipment and the upstairs storage rooms would be impractical. Given that the equipment is required for the maintenance of the tennis courts, the proposed development would provide facilities in connection with the existing use of the land for outdoor sports and would be acceptable in principle.

The proposed development would install lighting to 3 tennis courts (numbered 7, 8 and 9 on the proposed site plan). There are 9 tennis courts in total at the club and 6 tennis courts have floodlighting currently. The proposed floodlighting would not be an alien feature in the landscape and would ensure that the tennis 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.

The proposed development would involve an extension to the bin store and the installation of a storage container for the storage of maintenance equipment for the tennis courts and outside areas. The proposed development would be located adjacent to the existing bin store and would not impact upon any courts. As such, the proposed development would improve the recreational facilities by ensuring the club have appropriate storage for the maintenance equipment. Therefore, the proposed development would be in accordance with Policy RT1/2 of the Bury Unitary Development Plan.

Design and layout - The proposed storage container would be located within the bin store, which would be extended. The bin store is located in the north eastern corner of the car park, adjacent to Hazel Hall Lane. The proposed bin store would be bounded by 2.6 metre high timber fence, which would screen the proposed storage container and the bins. There is a 2 metre high hedgerow along Hazel Hall Lane, which would screen the proposed development. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and OL1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The proposed bin store and storage container would be located on the opposite side of the clubhouse to the residential dwellings. As such, the proposed bin store and storage container would not have an adverse impact upon the amenity of the neighbouring properties.

The proposed lighting columns would be installed on courts 7, 8 and 9, which are located to the north of the site and there are existing lighting columns on the remaining 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 floodlights. 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. In addition to the distances involved, it is proposed to include conditions restricting the hours of use of the floodlights and the direction and intensity of the floodlights.

Therefore, the proposed development would not have a significantly adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies EN1/2 and EN7 of the Bury Unitary Development Plan.

Highways issues - The proposed development would utilise the existing access, which would have appropriate visibility splays. The proposed development would not generate any more demand for parking. The Traffic Section has no objections to the proposal. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

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 HBTC.080523, HBSC-06-04-23-B, Lighting details received on 15/06/23, Details of lighting columns received on 07/07/2023 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.
- 3 The floodlighting hereby approved shall not be illuminated later than 22:00 hours on any day.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy EN7 - Pollution Control
Policy RT3/5 - Noise sport

- 4 The tennis courts hereby permitted shall not be in use later than 22:00 hours on any day.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy EN7 - Pollution Control
Policy RT3/5 - Noisy Sport
- 5 The lighting columns shall not be brought into use unless or until baffles have been installed on the lighting columns hereby approved.
Reason: To protect the amenity of adjoining occupiers pursuant to Policy EN7 - Pollution Control of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 11/10/2023			