

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/02/2024	Ref: 70269/FUL
Registration: 15/12/2023	LDfC: 01/02/2024	Expiry Date: 09/02/2024
Site Visit: 15/01/2024	Site Notice: 05/01/2024	Press Date: 11/01/2024
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Single storey extension at rear of existing changing rooms and erection of porch; refurbishment of existing scoreboard building including external alterations, new entrance porch and disabled access to form new toilets and members bar, new timber decking to provide spectators area in front of clubhouse.

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

Description

The application relates to Stand Cricket and Tennis Club. The site is bound by Higher Lane to the west, Hamilton Road to the north and Parklands to the south. Hamilton Road Park is located to the east of the site. The site is located within All Saints Conservation Area.

The site comprises of cricket pitches, and associated buildings that include a club house, scoreboard and changing rooms. An existing spectators area is located to the front of the club house.

Planning permission is sought for a single storey extension at rear of existing changing rooms that projects approximately 4800mm beyond the rear of the existing changing rooms. A flat roof porch is also proposed to the rear of the existing club house that projects approximately 300mm. To the front of the existing club house it is proposed to construct an area of new timber decking to provide spectators area, above the existing concrete steps. Planning permission is also proposed for the refurbishment of existing scoreboard building including external alterations, new entrance porch and disabled access to form new toilets and members bar.

Relevant Planning History

02799/E - Building of new changing facilities - Enquiry complete

Publicity

Neighbour letters 21/12/2023
Site Notice 05/01/2024
Press Notice 11/01/2024

2 representations of support received in relation to:

- I write to state my agreement with the planning application filed under the above reference
- The cricket club is a great community asset and I think this will only enhance the opportunities they are able to offer.
- The plans have clearly been carefully considered to ensure minimal impact on the surrounding areas.
- Not clear on the objection by sports England but would suggest that it is manageable in the confines of existing space and conservation area.
- I would only ask that appropriate soundproofing and licence conditions are used to ensure that if the function room is utilised frequently it does not impact on the

surrounding residents.

1 comment received in relation to:

- In regard to the proposed planning application for Stand Cricket Club on Higher Lane Whitefield.
- Request that any conditions regarding Licensing Hours & Music that apply to the main Function Room would also apply to the proposed "Members Bar" that is to be converted from the existing scoreboard building, this building is in close proximity to residential properties and therefore any noise from music or TV would be more noticeable than from the main building.
- We would also like to take this opportunity to request that double yellow lines be placed on one side of the road of Parklands, as at busy times of the day & night cars are double parked, making entry & access impossible to the underground car park of Parklands House, or in fact access to the street itself by Emergency Vehicles should it be necessary.

Following a change of description of development to include the proposed new spectator's decking further neighbour letters sent 22/01/2024. No further representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

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

Environmental Health - Contaminated Land - no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - No response

Borough Engineer - Drainage Section - No response

Greater Manchester Ecology Unit - Potential ecological issues include bats, nesting birds and mitigation for loss of trees.

Sport England - Sport England **withdraws its statutory objection, subject to condition** to the application because it is considered to accord with Exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

Sport England **maintains its objection in a non-statutory role** in relation to the changing room design.

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

Unitary Development Plan and Policies

EN2/2	Conservation Area Control
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
EN2/1	Character of Conservation Areas
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 (Recreation)

Paragraph 102 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and

recreational provision is needed, which plans should then seek to accommodate.

Paragraph 103 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.

Bury UDP Policy RT1/1 states that development will not be allowed where it would result in the loss of:

- existing and proposed outdoor public or private recreation facilities, including playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses;
- recreation space within settlements located in the Green Belt
- indoor facilities for which there is a recreational need; and
- any other unidentified recreation provision such as playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses, including sites created during the period of the Plan.

Exceptions to this policy may be permitted where:

- sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

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

The site is allocated as protected recreation land and forms part of the cricket club. The proposed extensions/improvements and refurbishment of existing scoreboard building are designed to take place within the existing building areas and do not encroach onto the playing field area. In this regard the proposal does not impact the use of the playing field for pitch sport. It is considered that the proposal would therefore represent an improvement to the existing facilities and as such would comply with Policies RT1/1 and RT1/2 of the Bury Unitary Development Plan and the NPPF.

Sport England

Sport England originally objected to the application due to the layout of the changing rooms. An amended internal layout was sent to Sport England and they have confirmed that they withdraw their statutory objection, subject to condition in relation to a Construction Management Plan because it is considered to accord with Exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

Sport England however maintains its objection in a non-statutory role to the proposed changing room design as they layout does not meet ECB and Sport England guidance and require amendments and does not meet Sport England's objective to provide and enhance playing field provision.

Potential Resolution to Overcome Non-Statutory Objection:

- Arrange to meet with the ECB to achieve an amendment to the design and layout of the proposed changing and toilet facilities to meet ECB and Sport England guidelines.

As this relates to the internal layout configuration this will be added as an informative.

Heritage, design and layout

The application site is located in the All Saints Conservation Area. As the site is located within Bury Town Centre Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP. 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.

Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

A Heritage Statement has been submitted with the application that includes extracts of the Council Conservation Area Appraisal. This statement considers that the proposal would have no impact on the significance of the Conservation Area and the improved club and community facilities would be seen as public benefits.

The proposed site is lower than the surrounding land and streets and is screened by mature trees to the south. The proposed extension to the rear of the existing changing rooms would bring this element closer to Higher Lane but would maintain the existing ridge height.. The ridge of the proposed extension would be visible above the hedge and fencing that makes up the boundary with Higher Lane as existing, but this ridge would still be lower than the main club house building. The use of the materials to match the existing changing rooms is considered to be acceptable.

Given the topography of the site, and the relationship of the proposed extension to the host building it is considered that the proposed extension would not be a prominent feature in the locality.

The proposed rear porch would project towards Higher Lane and has a flat roof. Whilst flat roofs aren't a feature of the Conservation Area the lower height of this roof, compared to the main building and Higher Lane would mean that this element of the proposal would be largely screened from public vantage points. As such no objections are raised to this element of the proposal.

The proposed decking would be sited above the existing concrete spectator steps to the front of the club house. This area of decking would be screened from Higher Lane by the existing club house, and is sited at such a distance from Hamilton Road and Parklands, with soft landscaping screening that it would not impact on the character of these streets. Decking of this style is not uncommon at similar sports venues and as such it is considered to be acceptable.

The proposed refurbishment of the existing score board building would see this building changed in use from a store room, to a social area and bar. This would include the extension and replacement of existing glazing to the front and rear elevations, replacement of existing damaged doors in the north side elevation and a new front door. Works also

include refurbishment of the roof and new elements of brick work to match the existing building. The proposed external alterations are considered to be acceptable and would have minimal impact on the character of the existing building. Adequate screening is provided to the south boundary.

On balance, it is considered that due to the lack of prominence of the alterations proposed within the Conservation Area that the proposal would preserve the character of the Conservation Area pursuant to UDP Policies EN2/1, EN2/2 and the NPPF.

Impact upon residential amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. This is further supported by UDP Policy EN7 - Pollution Control that seek to control environmental nuisance and minimise pollution levels, and UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The proposed development would re-provide the changing facilities and spectators area and would not intensify the use adjacent to the existing club house. As such, this element of the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents.

The amendments of the existing score board building would change the use of this building from storage, to a social area/bar. Whilst the use of the overall site is unchanged, It is likely that the proposal would intensify the use of this building. New glazing is also proposed in the rear elevation. The nearest properties to the south of this building are the apartments at No. 46 Higher Lane and No.1 Parklands. Both of these properties are sited between 25 and 28 metres from the existing score board/store and are separated from the site by a highway and tree planting. No. 8 Parklands is sited to the east of the existing building with the shared boundary located approximately 30metres away, and the dwelling located approximately 51 metres away from the existing score board. Given the distances, screening and existing use of the site it is considered that the renovation works to the score board building are acceptable.

It is therefore considered that the proposed development would be in accordance with Policies EN1/2, EN7 and EN7/2 of the Bury Unitary Development Plan.

Ecology

UDP Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological value seek 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 - Woodland and Tree Planting.

Building works are restricted to extensions and refurbishment and whilst trees are to be removed, these are relatively low risk for bats based on the arboricultural reports photographs and information submitted. GMEU have confirmed that they are satisfied that all the potential risks are very low.

The extension to the existing club house impacts on one gable, the roof currently profiled metal sheeting as is the soffit. These will provide very poor thermal regulation and be unlikely to be utilised by bats. The two trees proposed for removal are only mature and lack features likely to be utilised by bats and whilst the refurbishment of the scoreboard building may include repairs to the roof these are measures that could occur without the need for planning permission. An informative is proposed to be attached to any permission in relation to what should be done if a bat is found during works.

The development will result in the loss of trees and therefore 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. A condition should be attached to any permission restricting works to trees to outside of the nesting season.

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of two trees and a small area of land. It is noted that a replacement tree is proposed for the silver birch. GMEU would also recommend a replacement tree for the sycamore is provided. Both trees should be native. GMEU also recommend mitigation for loss of bird nesting habitat through provision of one bird box on a retained tree. Tree planting and bird box details can be conditioned.

With regards biodiversity net gain, it would appear likely that the development would be exempt as the de minimis threshold currently recommended by defra is 25sqm of vegetation. The development appears to be below this threshold.

Trees

2no. trees are proposed to be removed to facilitate the development.

T1 is a silver birch that has been assessed as category B however, it is very close to the existing building and further growth of the tree would become problematic for the building even without an extension. No objections are raised in relation to the removal of this tree provided it is adequately replaced on site.

It should also be noted that the silver birch was included in notice LP/CA/00434 prior to the application being determined. The tree was not worthy of TPO and as such no objections were raised to it's removal.

Sycamore tree T3 is a multi-stemmed tree, very likely a result of historic coppice cutting and is considered to be a category C tree. A number of the coppice stems are showing bark necrosis and there is some die-back of the upper crown area. T3 is proposed to be removed due to its reduced fair condition and it being located at the site of the proposed septic tank. Due to the condition of the tree no objections are raised in relation to it's removal provided it is adequately replaced on site.

2no. replacement trees would be secured via a landscaping condition, that will include a replacement for the silver birch that was removed under LP/CA/00434.

Works are also proposed to T5, a holly tree. This will be cut to a low coppice during construction works but post construction will be allowed to re-grow.

Highways issues

The proposed development would not intensify the overall use of the site and would not impact upon the access or parking facilities. The Traffic Section has no objections to the proposal. Therefore, the proposed development would not have a detrimental impact upon highway safety and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan.

Response to representations

Licensing conditions would be dealt with under the Licensing Act 2003 and regulations outside of the planning application process.

Similarly, Traffic Regulation Orders (TROs) such double yellow lines would be outside of the remit of this planning application. No objections have been raised to the proposal from the Traffic Section.

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 the drawings received on the 21st November 2023, 19th January 2024, 22nd January 2024 and 2nd February 2024 and documents Site Tree Appraisal RTS/04012024, RTS/04012024/TCP 001, RTS/04012024/TCP 002, Heritage Statement and Design and Access Statement 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 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.
- 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 EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include planting of 2no. native trees and the provision of bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
 Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 6 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and approved Tree Protection Plan RTS/04012024/TPP 002 and Site Tree Appraisal RTS/04012024 Revision 001. The development shall not commence unless and until the measures

required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 7 No development shall commence until full details of:
- (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
 - (b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.
- Reason. To protect playing fields from damage, loss or availability of use and to accord with Bury Unitary Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area and RT1/2 - Improvement of Recreation Facilities.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 06/02/2024			