

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Pressley | <b>Date of report:</b> 27/06/2023 | <b>Ref:</b> 69387/FUL          |
| <b>Registration:</b> 03/03/2023 | <b>LDFC:</b> 24/03/2023           | <b>Expiry Date:</b> 28/04/2023 |
| <b>Site Visit:</b> 03/03/2023   | <b>Site Notice:</b> 03/03/2023    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 2            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PI            |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Formation of car park and erection of boundary fence; Provision of stairs/steps down to football field

**Location:** Land off Arley Avenue, rear of 1 Copse Drive & 2 Spinney Drive, Bury, BL9 5HE

**Description**

The application relates to a vacant plot of land between No. 1 Copse Drive, and 2 Spinney Drive. The land fronts onto Arley Avenue. The front of the site is bounded by railings, with the side and rear boundaries depicted by various styles of timber fencing. The site also comprises of an area of land opposite the site, accessed on via an existing pedestrian footpath and comprises of part of the playing fields currently associated with the former Seedfield School.

Planning permission is sought for the formation of a 14 car park and erection of boundary fence on the plot of land that directly fronts Arley Avenue. Steps are also proposed on the opposite side of the road from the car park site, accessed from an existing path that leads from Arley Avenue.

The application is associated with application 69079 and 69333.

**Relevant Planning History**

None

**Publicity**

Neighbour letters 03/03/2023

Site notice 03/03/2023

2 objections received in relation to:

- I'm concerned about the noise level of 14 cars and their occupants using the car park early weekend mornings. My bedroom is directly above that spare ground.
- I wish to object to the current plans to put a temporary small car park for the Seedfield football club on Arley Avenue, Walmersley.
- This is only going to bring more cars attempting to park on an already busy single traffic, Parkinson Street and Wooded Close.
- We have a large number of elderly and disabled residents who already struggle getting parking in front of the homes or trying to cross the areas roads safely.
- Parkinson Street is already congested with parked cars from the church hall and the bowling green, this causes a dangerous situation for pulling in and out of Seedfield Road.

1 support received in relation to:

- I think this would be a great use of the space and provide a better access for the sport teams who play on seed field.
- This would also clean up the area.

- Great idea! I hope this happens.

**Statutory/Non-Statutory Consultations**

**Traffic Section** - conditions requested in relation to submission of details for the widened access, foundation details for the proposed gates, porous permeable surfacing, dimensioned car park layout, and steps and the submission of a construction traffic management plan.

**Borough Engineer - Drainage Section** - No response

**United Utilities (Water and waste)** - No response

**Sport England** - no objections raised.

**Pre-start Conditions** - Agent has agreed with pre-start conditions

**Unitary Development Plan and Policies**

|       |                                                      |
|-------|------------------------------------------------------|
| EN1/2 | Townscape and Built Design                           |
| RT1   | Existing Provision for Recreation in the Urban Area  |
| RT1/1 | Protection of Recreation Provision in the Urban Area |
| RT1/2 | Improvement of Recreation Facilities                 |
| HT6/2 | Pedestrian/Vehicular Conflict                        |
| EN7   | Pollution Control                                    |
| EN7/2 | Noise Pollution                                      |
| SPD11 | Parking Standards in Bury                            |
| OL1   | Green Belt                                           |
| OL1/2 | New Buildings in the Green Belt                      |
| 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.

**Principle (Recreation)**

UDP Policy RT1/1 - Protection of Recreation Provision in the Urban Area does not allow development that would result in the loss of existing and proposed public or private recreation facilities. UDP Policy RT1/2 - Improvement of Recreation Facilities states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough. The improvement of existing recreation facilities will allow greater use to be made of them and thus enable a larger demand to be satisfied.

Paragraph 99 of the NPPF considers 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.

In addition to the above as the proposal relates to a playing field use a consultation with Sport England is a statutory requirement. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all/part of a playing field.

The proposed residential development 69079 would lead to the loss of playing field, loss of a sports building and loss of non-playing field land along with prejudicing the use of the existing playing pitches. The proposal therefore needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 99 of the NPPF.

The site is currently vacant and is not allocated within the UDP. Whilst not currently used as recreation provision or in association with recreation provision, it is proposed to be used in relation to recreation to allow the playing fields at the former Seedfield School/resource centre site to continue to be used. As such the above policies are relevant.

The proposals for application 69079, 69333 and 69387 show that three access points would be created, or maintained onto the playing field to compensate for the loss of the existing level pedestrian access from the existing site. A new level pedestrian and vehicular access would be provided through the residential scheme 69079 and would have direct access onto a newly created car parking area for 42 spaces (including 3 disabled spaces). This car park would be secured by fencing and lockable gates. Drw No: 21-040 CPS1 shows the location and details of the proposed signage for this car park and that it is for exclusive use by Seedfield Sports Junior FC.

This proposal would provide 14 additional spaces for the playing fields, in addition to the 42 spaces provided within application 69079. These spaces would be utilised by officials associated with the football club, and matches rather than players and supporters. Two pedestrian accesses would be provided from Arley Avenue. Application 69333 shows the existing pedestrian access from Arley Avenue. This access is currently through a gap in the boundary but there is a level area of hardstanding leading up to this gap in the fence. A further stepped access is proposed to be installed closer to the proposed car park and can be seen on the plans for this application.

The parking would be managed through a three-year lease with annual operational review and with the option of break clauses in favour of either party. The ownership and operational management for the car parks would remain with the Council. Whilst the playing fields are in use then this car parking needs to be made available.

The proposal is considered to constitute an improvement to outdoor recreational facilities, and would allow the football club to retain use of the football fields by re-providing lost parking facilities. The proposal would therefore be acceptable in principle complying with UDP Policies RT1/1 - Protection of Recreation Provision in the Urban Area RT1/2 Improvement of Recreation Facilities.

### **Principle (Green Belt)**

Paragraphs 147 and 148 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 149 of the NPPF states that the construction of new buildings would be 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.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

It should be noted that the proposed car park is not within the Green Belt. The red edge for the steps to access the existing playing fields however is partially located within the Green Belt. The proposed steps would facilitate access to the reprovision of parking facilities that have been lost at the now derelict school. These facilities are considered to be appropriate facilities in connection with outdoor sport and recreation. As such the proposed steps are considered to be acceptable in principle.

### **Layout and Design**

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision.

The site is vacant and has been left un-maintained and is currently unsightly. Whilst there is fencing to the front of the site it is clearly visible from Arley Avenue. The proposed development would lead to a cleared, levelled and resurfaced area that would be formally laid out as a car park as per the submitted site plan. The proposal would therefore improve the appearance from the public vantage points.

The proposed steps would provide access from an existing path off Arley Avenue. The steps are of a simple and unobtrusive design and would not detract from the character of the locality.

In this instance it is considered that the proposed development would better the visual appearance of the site in this location and would be in accordance with UDP Policy EN1/2.

### **Access and Highways**

In addition to UDP policy EN1/2 set out above, UDP Policy HT6/2 - Pedestrian/Vehicular Conflict requires developments to reduce pedestrian/vehicular conflict. In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning

Document 11 (SPD11) provides parking standards for developments.

Access to the car park site will be gained through an existing gate, and dropped kerb to the front of the site from Arley Avenue. The existing access will need to be widened and as such details of this have been requested by the Traffic Section along with details in relation to boundaries, surfacing, and dimensioned layouts to ensure good highway safety and intervisibility between the users of the site, and the users of Arley Avenue.

Further details of the provision of stairs/steps and accessible pedestrian access to Seedfield football pitches from Arley Avenue to meet appropriate standards/guidance in relation to the provision of these off-highway facilities have also been conditioned.

There are no set standards for parking associated with recreation provision set out within SPD 11 and these are determined on individual merits of planning application. 14 spaces are proposed to be provided on this particular site, and in response to concerns raised by the Football Foundation regarding safeguarding, the Arley Avenue car park will be used by match officials and club representatives (adults) only, therefore reducing any risk related to accessing the pitch. A further 42 spaces will be provided through application 69079 with direct pitch access for players.

Overall, 56 spaces will be provided for use by the football club across applications 69387 and 69079. The recreation statement provided with this, and the associated applications confirms that a review of fixtures for a typical Saturday has been undertaken by the applicant and indicates that this provision, over the two sites will sufficiently accommodate the clubs parking needs, whilst also recognising that aside from match days, the land will remain vacant. No objections have been raised by Sport England in terms of the number of parking spaces proposed.

### **Residential Amenity**

The car parking area is located adjacent to the rear boundaries and gardens of the dwellings on Copse Drive and Spinney Drive. SPD 11 states that communal car parking should not normally be provided within 5 metres of a habitable room window of any dwelling. Whilst this relates to car parks associated with residential developments this distance is deemed necessary to protect the amenity of occupiers through engine noise and exhaust fume pollution and as such can be applied to this application. In this instance the proposed car park is located approximately 6.8 metres from the rear of the properties on Spinney Drive and a minimum of approximately 5.5 metres from the rear of the properties complying with the distances set out above.

The proposed plans show that a 0.9m privacy screen will also be attached to rear fence line of the adjoining gardens that will create an additional buffer. A condition requiring an acoustic fence along this boundary has also been attached to mitigate any potential impact on the garden's of these properties. This would improve existing fencing details with something more robust and would be an improvement for visual and residential amenity whilst allowing the land to have a beneficial use.

To ensure effective management of the carpark and safeguard use, a three-year lease with annual operational review and with the option of break clauses in favour of either party will be drafted. The operational maintenance will be undertaken by the council. Following Football foundations feedback on 6th April, in order to ensure exclusive, safe, and secure access for the club, the proposal would utilise lockable gates and bespoke club signage. Sport England want to be involved in how the lease/break clauses are to operate, but this is outside the scope of land use considerations under planning.

The steps would be accessed from an existing pedestrian access to the side of No. 41 and No. 39/37 Arley Avenue. The steps would fall in line with the existing banking at the site and as such would not create additional height or potential viewing platform when compared with the existing topography of the site. The introduction of the steps in this location is

therefore considered to be acceptable.

### **Conclusion**

This application is seeking to make up for parking provisions required across applications 69079 and 69333. The use of the car park would only be for officials associated with the football club, and matches and is not intended to be for teams as there would be safeguarding issues due to the separation from the field, but this would not apply to the adults/referees/officials.

### **Response to Objections**

It is considered that material considerations in relation to residential amenity, parking and highways issues have been covered within the main body of the report.

### **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 LO-01 Rev A, PL-01 Rev B, PPS-01 Rev A 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 proposal hereby approved shall include acoustic fencing adjacent to the rear of the properties along Copse Drive and Spinney Drive in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the Local Planning Authority before the development commences. The acoustic attenuation scheme approved shall be implemented in full before use of the car parks first commences.  
Reason. To safeguard the amenities of the occupiers of nearby residential properties from impacts arising from noise pursuant to UDP Policy EN7/2 and EN1/2.
- 4 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
  1. Formation of the widened site access onto Arley Avenue, incorporating the implementation of a scheme of highway works to the northerly footway a scope and specification to be agreed, a gate width and operation as well as boundary fence details to ensure adequate levels of visibility are provided at the back edge of the footway and access to all spaces is made available, demarcation of the limits of the adopted highway, relocation/replacement of the affected street

- lighting column and all associated highway and highway drainage remedial works;
2. Foundation details for the proposed gates and boundary fence to ensure that no encroachment under the adopted highway will occur;
  3. Porous/permeable car park surfacing materials and/or measures to prevent the discharge of surface water onto the adopted highway;
  4. Dimensioned car park layout incorporating appropriate aisle width and car parking space dimensions and an appropriate level of provision and associated markings for those who are disabled;
  5. Provision of stairs/steps and accessible pedestrian access to Seedfield football pitches to meet appropriate standards/guidance in relation to the provision of these off-highway facilities.

The details subsequently approved shall be implemented to an agreed programme, with the car parking demarcated, surfaced and made available for use by officials and thereafter maintained at all times.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways, maintain the integrity of the adopted highway and ensure adequate off-street car parking provision for the adjacent Seedfield football pitches, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
  2. Access route for all construction vehicles to the site from the Key Route Network;
  3. Access point/arrangements for construction traffic and all temporary works required to facilitate access for construction and delivery vehicles;
  4. If proposed, details of site hoarding/gate positions;
  5. The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
  6. Confirmation of hours of operation and number of vehicle movements;
  7. Measures to control/manage delivery vehicle routing/manoeuvres;
  8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
  9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development

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Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| HP 27/06/2023       |             | DM 27/06/23             |             |