
Application Number	Date of Appln	Committee Date	Ward
134891/FO/2022	23rd Sep 2022	16 February 2023	Didsbury West Ward

Proposal Replacement of existing grass tennis courts to form 3 no. all-weather tennis courts with associated lighting and infrastructure

Location Northern Lawn Tennis and Squash Club, Palatine Road, Manchester, M20 3YA

Applicant Mr John Egan, The Northern Tennis Club, Palatine Road, Manchester, M20 3YA,

Agent Victoria Coleman, NJL Consulting, 6th Floor Origin, 70 Spring Gardens, Manchester, M2 2BQ

Executive Summary

The proposal relates to the replacement of existing grass tennis courts to form 3 no. all-weather tennis courts bounded by a perimeter fence and illuminated by new floodlighting columns.

In response to the application as originally submitted 61 representations have been received including 1 objection, 3 neutral and 57 in support. Following revised information and a further period of renotification, 2 additional representations have been received....

Key Issues

-The proposal would provide access to an increased opportunity for sport and recreation, which can make an important contribution to the health and well-being of communities.

-The application site relates to an accessible site and where the playing of tennis is already established.

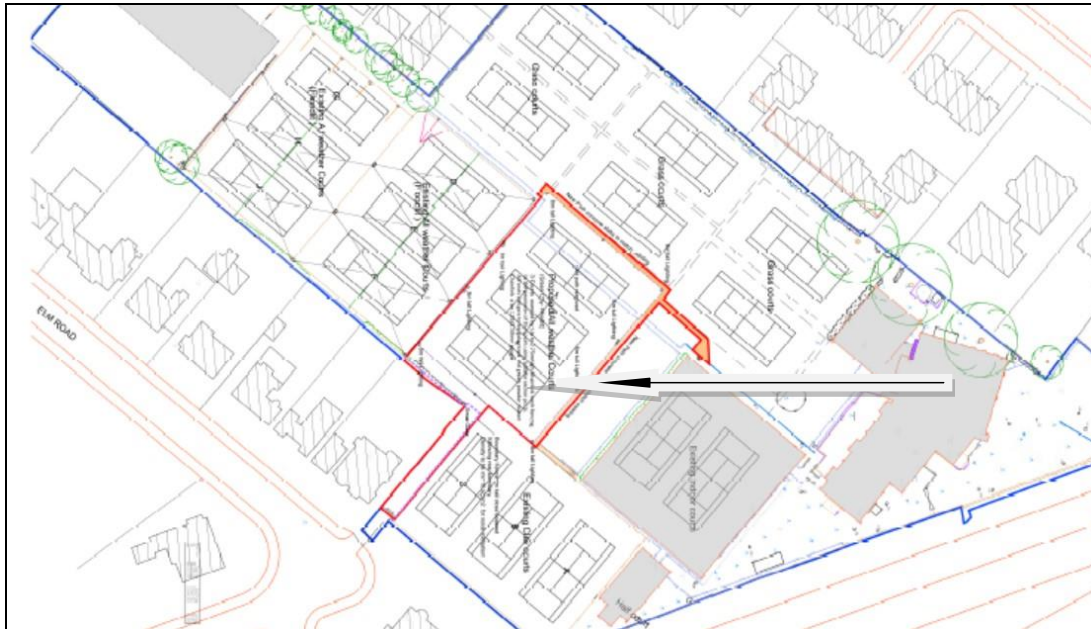
-Concerns are raised in relation to adverse noise and lighting impact. The impact has been assessed by Environmental Health as being acceptable.

-The club has expressed a need for the courts due to recent membership growth and the need to increase provision year-round. The courts will provide 282 hours tennis court usage capacity per week and will enable the club to provide a high-quality facility, increased coaching capacity and growth of current partnerships with the universities and Manchester schools in conjunction with Manchester Active and the Lawn Tennis Association.

Description

The application site relates to the Northern Lawn Tennis Club which is located at the junction of Palatine Road and Lapwing Lane.

The site is bounded by residential properties to three sides. A Metrolink line adjoins the eastern boundary.



Location plan showing the position of the replacement court area

The nearest residential properties to the part of the site to which the development site relates, are situated to the north, west and south along Palatine Road, Blackburn Gardens and Elm Road respectively. The site lies within Blackburn Park Conservation Area.

The Proposal

Planning permission is sought to redevelop existing grass tennis courts to provide a year-round facility.

It is proposed to remove two existing grass courts and replace them with three, green clay, all weather courts shown on the location plan. The courts are orientated north-east to south-west in line with the existing all-weather courts and to be enclosed by 2.75 metre high green, mesh fencing, illuminated with new LED floodlighting. An existing footpath is to be removed and re-laid to match the existing path which leads to the north-west of the proposed courts.



Proposed location of the replacement courts outlined in red above and existing artificial courts to the south



Image of an example court

The application is accompanied by a separate application for the erection of an 8.3 metre high building to house two padel tennis courts, with associated lighting and infrastructure (Ref: 135048/FO/2022).

Background

The Northern Lawn tennis Club is one of the oldest lawn tennis clubs in the UK. The club was originally located in Old Trafford before relocating to its current location in 1909.

The clubs' expansion over the years has led to the club hosting national and international tournaments.

The additional tennis courts are required due to recent membership growth and the need to increase provision for all year round and all-weather tennis.

It is anticipated that the courts would provide 282 hours of tennis court usage capacity per week and would allow the club to develop partnership with the nearby universities and an increased number of local schools, in conjunction with Manchester Active and the Lawn Tennis Association. The courts would also allow the club to grow the sport in the area and enabling higher grade junior tournaments.

In turn the proposal would help the club financially and aid the delivery of tennis opportunities for the wider community.

Consultations

Local Residents/Occupiers – 61 representations have been received. Of the comments received there has been 1 objection, 3 neutral responses raising questions and 57 in support.

Comments are summarised below:

The proposed development would be hugely beneficial to broadening access and participation of the local and regional communities in a range of racquet sports.

-The proposal would implement social and recreational facilities and services for community needs to enhance the sustainability and provision available at the club.

-The proposal would provide access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities as per the requirement of Core Strategy Policy EN10.

-The proposal is supported as it enables the club to provide more space to cater for increasing membership from the community. This will provide all members and the community to have easy access to more courts and enable them with a healthy lifestyle and enable mental well-being.

-Current facilities are often overbooked since the grass courts cannot be used most of the season. The proposed development would help greatly in making access to sport within our community more accessible and assist in well-being and health.

-Having more space will also enable The Northern to be a hub for conducting more competitions to encourage young aspirants and will enable the club to bring in more International Competitions to tours to Manchester.

-The proposal represents a better utilisation of space resulting and will provide more robust and durable facilities.

-In recent years there has been a high demand for courts especially in the winter months and creation of new all-weather courts would be highly beneficial to members and the wider community that may end up accessing or joining the club.

-Whilst this area of the club is flanked on both sides by existing all weather courts, they are relatively well sheltered by tall trees, meaning the lighting is not very intrusive. The proposed lights would practically illuminate the whole of the rear of neighbouring properties, The existing lights are consistently on after 10pm and the addition of more lighting will greatly impact upon neighbouring living conditions.

-The proposed surface is to be green clay and will be a much noisier surface than grass. The noise impact assessment submitted with the mistakenly states that properties along Elm Road have solid timber fences which will limit the noise impact which is inaccurate.

-No details have been provided regarding the proposed fence height. Anything taller than 2 metres would be visually intrusive to the neighbouring properties.

-Further details of light spillage is requested. It is unclear what the effects would be.

-It is requested that the clay courts be coloured green to maintain the overall appearance of the area.

-It is questioned if the courts will be covered with any form of canopy or dome and whether any covering would require planning permission. It is requested that if permission is granted, that a restriction be put in place to prevent the courts from being covered in order to protect visual amenity.

Following the receipt of an updated lighting and noise assessment and a further period of neighbour re-notification, a further 5 responses have been received. 4 of the responses indicate support for the proposal and a neutral comment requests that the floodlighting be turned off when the courts are not in use and that the noise assessment should also include Trafalgar Place.

Sport England - As part of the assessment of their consultation, Sport England has sought the views of the Lawn Tennis Association (LTA). The LTA act as Sport England's technical advisors in respect of their sport and their sport facilities.

The LTA have been supporting the club as they develop the scheme and consider that the loss of grass courts will enable the club to have extended year-round provision of tennis due to all weather playability and additional lighting. The current tennis programme is significantly over capacity on limited all weather courts and the club are also reporting significantly over capacity membership levels. The proposed facility would allow improved retention and participation of tennis opportunities for programmes and the members.

Sport England consider that as the LTA are working directly with the applicant, and the proposal is likely to be paid for by LTA funding, Sport England is satisfied that a facility will be delivered that is fit for purpose. As such, no objection is raised to the proposal and it is considered that the proposal will provide new opportunities to meet the needs of current and future generations.

MCR Active – Reference is made to the Manchester Playing Pitch and Outdoor Sport Strategy (2022). The main finding in terms of this application is that there is a deficiency of tennis courts of all types across Manchester.

In consultation with the Lawn Tennis Association (LTA), it is clear that the loss of grass courts will enable the club to have extended year-round provision due to all weather playability and additional lighting. The current tennis programme is significantly over capacity on limited all weather courts and the club are also reporting significantly over capacity membership levels. Hence, the facility development plans outlined demonstrate improved retention and participation tennis opportunities for programmes and the members.

Given the proposal is in accordance with all relevant Manchester Sport Strategies and supported by the LTA, there will be no loss of tennis facility provision and will result in an increase in participation. The application is therefore supported.

Environmental Health – The lighting proposal for the site is accepted. A verification report will be needed on completion of the work to confirm the lighting confirms to the agreed specification.

The Clement Acoustics noise report has assessed the noise from the activities from the Tennis Courts and the potential impact on surrounding residents.

The report shows if the courts were in operation, then they would be in compliance with the 50 dB LAeq at the nearest noise sensitive receptors.

The report has recommended that a 2 metre high barrier be fitted on the boundary of the site with 29 and 31 Elm Road. The applicant should be installed as per the recommendation of the report.

Highway Services - The proposed development does not impinge upon the adopted highway.

Given that the proposed development will not result in any increase in leisure space and is a replacement of existing tennis courts, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise.

The current on-site parking offering is to be retained and as such, Highways have no concerns regarding vehicular build up on- street.

Access to the new courts will continue as existing via the sports ground of the Northern Club and the pedestrian gate from Parkfield Road South.

Given the minimal scale of construction works involved, the level of construction vehicles is unlikely to generate any significant on-street parking demands.

Flood Risk Management – It is recommended that a condition be included which requires the submission and agreement of a surface water drainage scheme based on sustainable drainage principles.

United Utilities – A condition is requested which requires details of foul and surface water drainage.

Other matters

Consultation & Publicity

As the application site is situated within a designated conservation area, the proposal has been advertised in the local press (Manchester Evening News) as affecting the setting of a Conservation Area. A site notice has been also displayed at the application site.

Planning History

132108/FO/2021

Replacement of 2 no. 8m height lighting columns with 4no. 4m height lighting columns and replacement of lighting heads to 18no. existing lighting columns. *Approved 28 June 2022.*

111419/JO/2016/S2

Variation of Condition No.2 (specified plans) and 8 (details of Green Roof) attached to application 077757/FO/2005/S2 for the erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2

double and 1 single tennis court with associated landscaping following demolition of existing indoor court building. The change to the specified plans condition would see the building not being sunk into the ground and the removal of the green roof to be replaced by a sheet metal roof with photovoltaic panels. *Refused 7 June 2016. Allowed on appeal (Ref: APP/B4215/W/16/3164609) 28 February 2017.*

100419/CC/2012/S2

Conservation Area Consent for the demolition of an existing indoor court building. *Approved 22 March 2013.*

077756/CC/2005/S2

CONSERVATION AREA CONSENT for the demolition of the existing indoor court building to facilitate the erection of building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping. *Approved 13 June 2012.*

077757/FO/2005/S2

Erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building. *Approved 13 June 2012.*

092896/FO/2010/S2

Installation of terrace and canopy to existing club house and extension of balcony.
Approved 8 July 2010.
059126/FO/SOUTH2/00

Retrospective application for the construction of a storage shed and siting of a steel water storage tank for use as an irrigation system for ground maintenance. Approved 28 September 2000.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN3 (Heritage) – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas

and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy EN9 (Green Infrastructure) - New development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

Policy EN10 (Safeguarding Open Space, Sport and Recreation Facilities) - The Council will seek to retain and improve existing open spaces, sport and recreation facilities and provide a network of diverse, multi-functional open spaces. Proposals on existing open spaces and sport and recreation facilities will only be permitted where equivalent replacement space will be provided in the local area or the site has been demonstrated to be surplus.

Policy EN14 (Flood Risk) – refers to flood risk and amongst other issues states that all new development should minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of green infrastructure.

Policy EN17 (Water Quality) - states that developments should minimise surface water run-off and minimise ground contamination into the watercourse construction.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC18.1 (Conservation Areas) – relates to development proposals within conservation areas and seeks to preserve and enhance the character of its Conservation Areas by considering the relationship of new structures to neighbouring buildings and spaces, the effect of changes to existing buildings and the desirability of retaining existing features. Consent to demolish a building within a Conservation Area will be granted only where it can be shown that is beyond repair, incapable of beneficial use or where its replacement would benefit the appearance or character of the area.

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Manchester Playing Pitch and Outdoor Sport Strategy (2022)

This document seeks to protect, develop and enhance playing field sites and sporting facilities.

Places for Everyone Greater Manchester Joint Development Plan (Draft August 2021)

The draft version of the Places for Everyone Joint Development Plan was published in August 2021 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. As this plan is at an advanced stage it would now be considered as a material consideration for planning applications.

The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the city in relation to key objectives for growth and development. Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Sections 4, 8, 11, 12 and 16 are considered particularly relevant to the consideration of this application.

Other legislative requirements

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Principle

The principle of the proposed development is considered acceptable and would comply with the aforementioned policy and guidance by enabling better quality sporting provision, better utilisation of space and by providing access to further the contribution to health and well-being in the community.

The proposal has received support from Sport England Manchester Active, with the proposal catering for an identified need.

The proposed replacement courts are suitably located, situated within the bounds of an established tennis club and sited in a position where there are already courts. The

proposal would continue an established use in this location, albeit with the creation of an artificial surface and floodlighting. This would enable year-round use, as opposed to use of the area only during the summer months, to the benefit of users, whilst increasing the tennis offer in the area.

The proposed development would deliver economic and social benefits by enhancing provision at the club and would provide a sustained sporting and recreational offer for existing members, whilst fulfilling demand for year-round tennis outdoors.

The proposal would promote healthy communities by enabling access to greater sporting provision which would attract new and existing participants, ultimately beneficial to the health and well-being of users.

Specific planning issues including the impact to the residential amenity and the character and appearance of the conservation area is outlined further below.

Residential Amenity

The impact to residential amenity and the living conditions of nearby residential occupiers principally relates to the impacts of noise and lighting associated with the proposed development.

Noise

The applicant has produced a Noise Impact Assessment in order to assess the proposed use of the all-weather courts.

The assessment provides calculations using noise modelling software of the closest noise sensitive properties and considers the cumulative impact of the existing and proposed courts. Attended noise measurements of games undertaken on existing courts at the club were undertaken to understand the prevailing noise environment.

The report notes that given the distance and screening to the nearest residential gardens at 29, 31 and 33 Elm Road, the noise impact would be below the recommended noise criteria at all receivers.

Similarly, further calculations have been undertaken to assess whether noise emissions would meet recognised British Standard recommendations. Again, it is considered that given the distance and proposed screening to residential facades, noise emissions are expected to be below the recommended noise criteria at all receivers.

A cumulative assessment has also been undertaken, assuming all proposed padel and tennis courts are in use simultaneously. The calculated noise levels at the identified receivers is anticipated to comply with the relevant noise criteria.

As such, according to the calculations undertaken, internal and external noise levels are expected to comply with relevant noise criteria.

Environmental Health have reviewed the assessment and consider that if the courts were in operation, they would be in compliance with the 50 dB LAeqt at the nearest

noise sensitive receptors. Accordingly, the impact of noise is anticipated to be satisfactory.

The proposal also includes a 2 metre high acoustic fence adjoining the boundary with No.31 and 33 Elm Road, in order to provide further treatment to protect the nearest residents from general noise generated by the use of the courts. A suitable condition requiring implementation of the fence, prior to the courts becoming operational has been included.

It is noted that the all-weather courts would introduce a more intensive use of the facilities than currently experienced and associated additional activity in the winter months. However, it is considered that the noise and disturbance associated with such activity would be within the context of an existing busy tennis club and would be unduly detrimental to the existing levels of amenity experienced by neighbouring occupiers.

Lighting

The proposed courts will introduce floodlighting, with the proposed courts to be lit by a series of 8 metre high floodlights arranged to mirror the existing arrangement of the adjoining all weather courts.

The application has been accompanied by a Lighting Assessment which details the levels of luminosity from the proposed lighting, including light spillage analysis.

The report which has been assessed to the satisfaction of Environmental Health which demonstrates that given the assessment, any impact to the amenity of neighbouring occupiers is within acceptable limits. The proposed levels meet with the E3 suburban zone lighting criteria, which relates to well inhabited urban settlements and seeks to protect surrounding properties from obtrusive light, glare, sky glow or light intrusion.

The existing outdoor courts situated immediately to the south are already lit by floodlighting which is permitted to 22.00 hrs daily. It is not considered that the proposed lighting would generate any significant, further impact than is presently the case.

In order to safeguard future amenity, a condition has been included which will limit the operation of the lighting to align with the existing lighting. A further condition has been included which will require a verification report to be submitted and agreed post installation of the lighting in order to confirm the lighting conforms to the agreed levels. Provided this can be demonstrate, the proposed lighting should not form a barrier to the proposed development

Heritage Impact

The application site is situated to the northern end of the Blackburn Park Conservation Area (designated in 1979), which comprises the area bounded by Barlow Moor Road to the south, Palatine Road to west, Lapwing Lane to the north and Wilmslow Road to the east. The area which derives from its historical association with Charles Blackburn and is predominantly residential in character, containing

buildings of various architectural styles and eras, sited arranged along tree-lined roads.

Given the status of the area, it is necessary to determine whether the impact of the proposed development would affect the significance of the Conservation Area to an acceptable degree, when taking into account relevant planning legislation, policy and guidance.

Legislation and planning policy seek to preserve or enhance the character, appearance and historic interest which heritage assets possess.

The desire to have special regard to the desirability of preserving the character of conservation areas is outlined within Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which refers to the need for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas.

This point is supported by policies EN3 and DC18.1 of the Core Strategy, along with Section 16 of the NPPF, which underline the need for due consideration to be given to the impact of new developments on heritage assets

Paragraph 194 of the NPPF states that ‘

‘In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, the level of detail should be proportionate to the asset’s importance’.

Paragraph 197 states: *‘in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.*

Paragraph 202 advises that:

‘Where a development proposal will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use’

The application is accompanied by a Heritage Statement which provides a summary of the history and development of the local area and assesses the significance of the site, the special interest of the conservation area and the contribution that the application site makes to this special interest. The statement further assesses the impact of the proposed works upon the conservation area.

The assessment notes that the Northern Tennis Club is not a primary source of special interest in the conservation area and does not form part of any key views into, out of within the area and has a low level of contribution to its historic interest. Any significance derives from its open character and social interest relating to the holding of prestigious and historic tennis tournaments.

The impact of the proposed development has been assessed using Historic England guidance on conservation areas. The Council concurs with the assessment that the proposed development would have a neutral impact on surrounding architectural quality or character.

It is considered that conversion of the grass courts to an artificial surface with associated floodlighting would have a neutral impact

Given the existing backdrop formed by existing buildings, including more recent additions, together with existing artificial surfaces which immediately adjoin the site area, the impact of views of the proposed courts, coupled with the central position of the courts in relation to the site boundaries is not likely to be significant and would not cause any harm to any heritage assets.

It is therefore believed that the proposed development would result in a negligible change to the character and appearance of the conservation area. The impact can be defined as neutral and less than substantial. It is therefore considered that there is capacity to accommodate the proposal without substantial harm to designated heritage assets within the area, or any substantial impact that would affect their setting and significance.

With reference to paragraph 202 of the NPPF, any harm which is considered less than substantial, should be weighed against the public benefits of the proposal.

In this case, public benefits are derived from social and economic improvements offered.

The proposed development will promote health and well-being in a sustainable location where existing resources and infrastructure can be shared and would provide a modern year-round facility to complement the existing offering at the club.

The proposed provision would aid in supporting the finances of the club to help ensure its future operation, as well as catering for demand for tennis and coaching opportunities in collaboration with exiting partnerships and for existing and new users.

On this basis, it is considered that on balance, given the less than substantial impact to heritage assets, coupled with public benefits that the proposed facility could provide, the impact to the conservation area can be sustained in this location.

Flood Risk/Surface Water Drainage

The application site is located wholly in flood zone 1 '*low probability of flooding*'.

In line with the Government guidance relating to the provision of sustainable drainage systems (SuDs) and as advised by the Council's Flood Risk Management team, it is necessary for the development to incorporate a surface water drainage scheme. An appropriate condition has therefore been included.

If such measures are successfully implemented, it is considered that any flood risk can be satisfactorily sustained.

Highway Impact

Given that the proposed development would not result in any noticeable increase in provision space and the proposal predominantly relates to the replacement of existing tennis courts, no material impact is anticipated in terms of parking capacity or highway safety.

The club already incorporates a large car parking area which is to be retained, as will cycle parking arrangements. Highways raise no concerns regarding the proposal.

It is also noted that the site is situated within a highly accessible location adjacent to a high frequency bus route and Metrolink station. On this basis, it is not considered that any undue impact to the highway would result as a consequence of the proposed development.

Other Legislative Requirements

Equality Act 2010 - Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits

of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation

Approve

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawings referenced 1538-MRH-002/B, received by the City Council as Local Planning Authority on 12 December 2022;
- Court fencing specification document received by the City Council as Local Planning Authority on 23 September 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The floodlighting system hereby approved shall not be operated outside of the hours of 9.00 am to 22.00 hrs on any day.

Reason - In the interests of neighbouring residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) Prior to the use of the floodlights commencing a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report received by the City Council as Local Planning Authority on 12 December 2022. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

6) The acoustic fence indicated on drawings referenced 1538-MRH-002/B and detailed on drawings J7/02161 and J7/01043, received by the City Council as Local Planning Authority on 12 December 2022, shall be implemented prior to first operation of the all-weather courts hereby approved or the padel courts subject to application referenced 135048/FO/2022 first becoming operational, whichever is sooner.

Reason - To safeguard residential amenity from undue noise impact, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 134891/FO/2022 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
MCC Flood Risk Management
Parks & Events
Sport England
MCR Active

A map showing the neighbours notified of the application is attached at the end of the report.

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