

Application Number	Date of Appln	Committee Date	Ward
135048/FO/2022	27 Sep 2022	16 February 2023	Didsbury West Ward

Proposal Erection of an 8.3 metre high building to house two padel tennis courts, with associated lighting and infrastructure

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

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

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

Executive Summary

The proposal is for the erection of an 8.3 metre high building to house two padel tennis courts, with associated lighting and infrastructure.

The proposed building is situated centrally within an existing tennis club and seeks to provide two new courts for padel – a relatively new racquet sport similar to a mix between tennis and squash. The application site is situated within Blackburn Park Conservation Area.

In response to the application as originally submitted 51 representations have been received. 28 in support, 1 neutral and 22 of which object to the proposal. Following revised information and a further period of renotification, 10 additional representations have been received, including 1 in support, 1 neutral response and 8 objections.

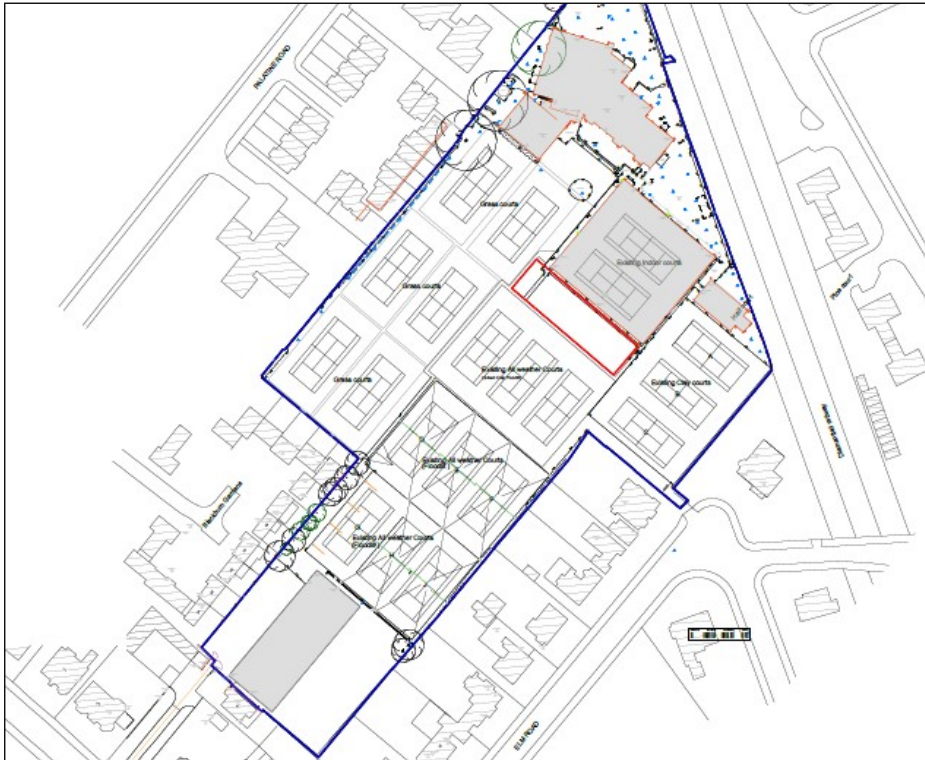
Key Issues

- The application site relates to an accessible, brownfield site and where the playing of tennis and racquets sports is already established.
- The impact on the character and appearance of the conservation area as a consequence of the proposed building.
- Concerns are raised in relation to adverse noise and lighting impact. The impact has been assessed by Environmental Health as being acceptable.
- The proposed development has the potential to deliver an enhanced sporting and recreational offer for a sport not currently provided for in Manchester.
- The proposal would deliver health and well-being benefits to residents and visitors.
- The proposal would diversify the offer for racquet sports at the club, to the benefit of economic viability.

Description

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

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



Location plan showing the position of the proposed padel court area outlined in red

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

The Proposal

Planning permission is sought to replace two of the existing grassed tennis courts with two all-weather padel tennis courts with associated lighting.

The padel courts are proposed within a 8.3 metre high building situated to the south of the existing indoor court building.

Padel is a racquet sport similar to a mix between tennis and squash. The court is one third of the size of a normal tennis court and is played on a court surrounded by walls of glass and metallic mesh.

During the game the ball can be played off a wall and played using a short, stringless racquet with holes and a low compression tennis ball. Service is made under arm.

The proposed padel courts are situated to the south-east of existing indoor courts and will be orientated north-east to south-west in line with the proposal for 3 all-weather courts, that are subject to a separate planning application (Ref: 134891/FO/2022).



Proposed location of the padel courts outlined above, with the single red line indicating the approximate position of the proposed acoustic fence to the Elm Road boundary

In addition, the existing footpath is proposed to be realigned around the proposed site to allow access in and around the courts and a two metre high acoustic fence is proposed adjacent to the rear garden boundary hedge of 29-31 Elm Road.

The proposal in tandem with the application for the all-weather courts would replace 9 existing grass courts, 6 synthetic clay (all weather) and 3 clay courts (weather dependent), with 6 grass courts, 9 synthetic (all weather), 3 clay courts (weather dependent) and 2 padel courts.

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 proposed padel courts are intended to help the club financially and aid the delivery of sporting opportunities for the wider community.

There is a close relationship between padel and conventional tennis and there is often a crossover in participation between both sports.

It is anticipated that the redevelopment of the exiting tennis courts will offer higher level of use, whilst providing an opportunity to support another similar sport.

Consultations

Local Residents/Occupiers – 51 representations have been received. 1 neutral response in which questions are raised surrounding hours of use, together with 22 objections and 28 in support. Comments are summarised below:

-There is concern about the noise which the Padel tennis courts will generate. Padel tennis is a very noisy activity which is very likely to cause severe disturbance to the residents living closest to it on Elm Road and Palatine Road.

-The application should be refused on the grounds of excessive noise. It is understood that a similar proposal from a club in Bournemouth has already been rejected on account of the noise factor.

-According to the plans, the padel courts are very large and tall and not in any way in keeping with the character and history of the Blackburn Conservation Area.

-The view from Elm Road and the vista looking up Pine Road of the proposed massive sheds creates an industrial image to the area which is completely out of character in a high quality residential area.

-Padel tennis is played on a hard-court surface and includes toughened glass panels that can be played from. In this respect, it results in a game played much like squash. A ball being forcibly played from a glass panel creates a much louder and more intrusive sound than simply a racquet.

-Padel tennis, although a relatively new sport, is well known to be very noisy and is therefore not suited to a quiet residential area

-The proposed lighting suggests that noise could go on into the night.

-The height of the structure would have a detrimental effect on the landscape of this area which is already impacted by the buildings which are already there.

-The noise will be quite intrusive in a residential area. The noise is likely to reverberate around any buildings, exacerbating the noise effect.

-The loud and percussive noise that striking the ball will create, combined with the player noise that will undoubtedly accompany it - as has been clearly evidenced in Padel courts elsewhere, will completely ruin the quiet enjoyment of neighbouring houses and gardens.

-The proposed materials are not in keeping with the conservation area.

-The application involves the erection of a large and unprepossessing construction undoubtedly to the detriment of the prospect and character of the Conservation Area.

-The submitted Noise Assessment incorrectly refers to a neighbouring property on Elm Road as being one property, when it is in fact two flats. The assessment also

mistakenly refers to the boundary to Elm Road as comprising a timber fence, when it is actually a hedge. If the noise impact needs to be reduced by a fence to meet the recommended standards, the Club will need to erect one on their side of the boundary.

- The additional facilities would have a positive impact on MMU and courts being available for matches/training.

- Padel is a great addition to the offer that Manchester has from a racket sport point of view, something that should be supported.

- It is questioned whether there would be any restrictions on usage in terms of operational hours.

- The proposal will promote a new game through its infancy. It would be good to see part of the proposal provide some form of free use/coaching to young people in the area.

- The proposal will increase the range of facilities and the Northern and is supported.

- The proposal has social and recreational benefits and will enhance provision and the club and will provide a facility not readily available in this part of Manchester.

- Until recently, when 2 temporary courts were opened in Handforth, the other nearest Padel courts are in Huddersfield and Harrogate. Padel is the fastest growing sport in the UK and provision is needed in a major city like Manchester.

- The proposed 2 new padel courts will represent an increase in sporting capacity in South Manchester adding to the city's amenities without any cost to the council budget.

- The increased availability of recreational sporting facilities is consistent with the local and national drive to increase the population's physical and mental health through sport and exercise.

- Padel courts would promote further opportunities for physical activity to take place, contributing to the health and well-being of communities (as per the requirement of Core Strategy Policy EN10).

Following the receipt of revised information including the inclusion of an acoustic fence to the Elm Road boundary involving a slight change to the site edged location plan, example imagery and updated noise and lighting assessments, residents have been re-notified in writing.

In response, a further 10 representations have been received, including a acoustician's report commissioned by a local resident which disputes the finding of the submitted noise impact assessment. Comments are summarised below.

-The proposal will increase the sports capability of the club. Padel is increasing in popularity worldwide and allowing the courts would enable all to try out at no cost to the Council's budget.

-The nature of the Padel tennis means that there will be hard bats hitting hard balls which will then hit hard glass walls causing excessive offsite noise.

-The fact that the acoustic report is now recommending a 2m high acoustic fence, whereas a fence was not proposed previously, raises question marks on the whole assessment process.

-The noise level at a minimum is almost reaching the maximum advisable level and this will very likely go beyond the acceptable levels

-A 2 metre high fence is not going to provide much benefit for impacts on a glass screen of 3m height.

-The revised proposal does not counter original concerns about noise. The mitigation offered by the acoustic fence is questioned as is the context of the noise assessment.

-The proposed building is out of character with the conservation area.

Blackburn Park Conservation Society – There is concern that the level of noise and disturbance associated with the proposed padel tennis courts would be detrimental to the living conditions of the occupiers of neighbouring residential properties in Blackburn Park.

It is also not clear what is being planned in terms of materials and roof covering. There is concern that the structure would be detrimental to visual amenity and would not enhance the character of the Blackburn Park Conservation area, particularly the landscape view from Pine and Elm Road.

Local Ward Members – Councillor Hilal objects to the proposal. It is concerning that a padel tennis court is being proposed. Padel tennis is a very noisy game, halfway between squash and tennis using a hard bat knocking the ball against a glass wall the noise emitted is considerable.

The company who sells padel courts actually warn customers, when purchasing the courts, of the noise impact. The structure is 8.7m high and this will impact greatly on the neighbouring homes (particularly Elm Road). It will also damage this important landscape in a conservation area. There is no public benefit introducing this type of noisy detrimental activity at a private members club which will cause unacceptable harm to the area and considerable noise disruption to local residents.

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 padel provision forecasts outlined by the club will positively benefit both padel and tennis participation. The proposal will benefit both padel and tennis participation. The proposed building meets the relevant design guidance and will be fit for purpose.

As such, no objection is raised to the proposal by Sport England. 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.

It is noted that the proposal does not result in the loss of a tennis facility but would create a facility that can accommodate a different format of tennis aimed at increasing participation and physical activity amongst Manchester residents in that locality. Padel is an introductory format that allows progression to tennis

Given the proposal is in accordance with all relevant Manchester Sport Strategies and supported by the Lawn Tennis Association (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 assessment shows that the site would meet the E3 Suburban Zone lighting criteria. A verification report will be needed on completion of the work. A condition is advised.

With reference to noise impact, it is noted that the Clement Acoustics noise report has assessed the noise from the activities from the Padel Court and the potential impact on surrounding residents.

The report demonstrates that if the courts were in operation then they would be in compliance with the 50 dB LAeqt at the nearest noise sensitive receptors.

A 2 metre high barrier to be erected on the boundary of the site with 29 and 31 Elm Road is proposed. This should be installed as per the recommendations of the Acoustic Report. A condition is also advised that the proposed courts should only operate in accordance with the management measures contained within the submitted report.

Highways Response - The proposed development extends only within the red-line boundary of the site and as such, 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 would be likely to arise. The current on-site car parking and cycle parking offering is to be retained and as such, there are 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 access from Parkfield Road South. The proposal includes a minor realignment of an internal pedestrian route through the site which is considered acceptable.

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 – A condition requested in relation to the submission and agreement of a surface water drainage scheme.

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 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. Of particular relevance are paragraphs 194, 197 and 202.

Paragraph 194 states:

‘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’

Principle

The principle of the proposed development is considered acceptable and would comply with the aforementioned policy and guidance and has received support from Sport England Manchester Active, with the proposal adhering to the objective contained within the Manchester Playing Pitch and Outdoor Sport Strategy (2022) which indicates that there is a deficiency of tennis courts of all types across Manchester and for which the proposed development would contribute to remedying.

The proposed building is suitably located, situated within the bounds of an established tennis club and would result in a use similar in nature and within a building of a comparable scale to that of existing structures.

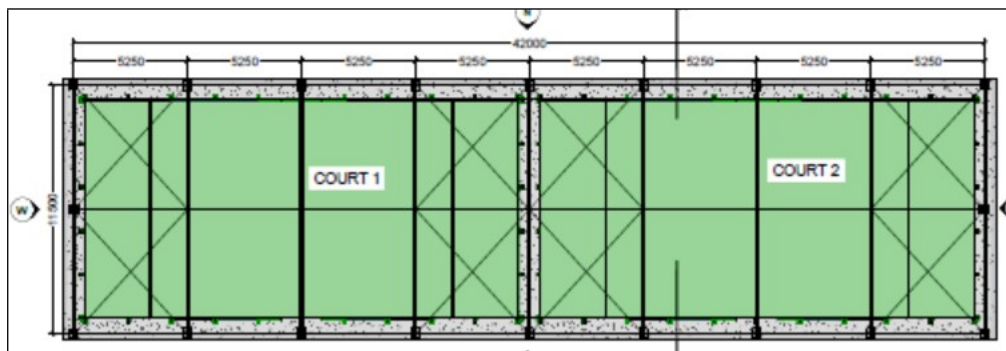
The proposed development would deliver economic and social benefits by enhancing provision at the club and would provide a diversified sporting and recreational offer for existing members, whilst fulfilling demand for padel court provision in the wider area, as well as sustaining a requisite number of tennis courts, even with the two courts to be lost.

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.

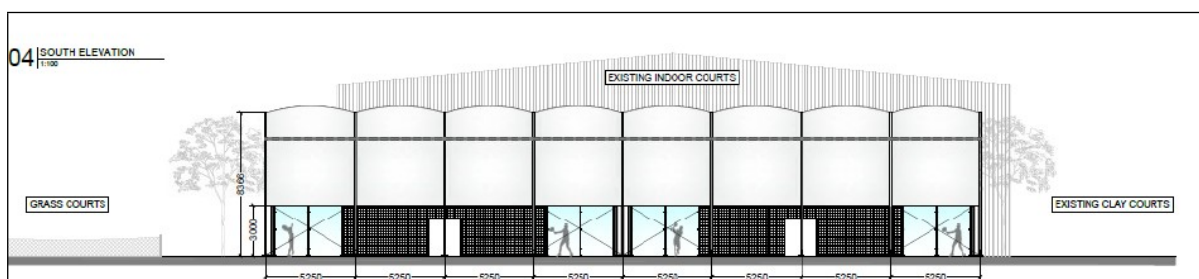
Specific planning issues including the impact to the residential amenity and the character and appearance of the conservation area is outlined further below.

Design, Scale, Layout and Appearance

The two proposed padel courts are approximately two storeys in scale and situated adjacent to the southern side of the existing indoor courts, which are housed within a double height building with dual pitched roof and which screens the proposed padel court building when viewed from the north. Due to the enclosure of the site formed by surrounding properties, the structure will not be visible from the highway.



Proposed court layout



Proposed southern elevation with existing indoor court behind

The proposed structure would accommodate two courts with blue synthetic surface and incorporate a light grey, sky coloured canvas canopy with supporting walls comprised of mesh and part tempered glass. Each padel court is rectangular in shape, measuring 10 metres in width and 20 metres in length. Entrances are located at each side of the court. The proposed size specifications comply with the standards established in the regulations of the Padel Game.



Example image of a 2 court padel canopy, (orientated side by side, as opposed to the proposed scheme which is orientated lengthways), meaning a smaller canopy. The proposed canopy will also be unbranded

In terms of the technical specification of the materials, the supporting structure consists of arches made of high-strength aluminium which tie with a roof membrane comprising two layers of polyester textile membrane with p.vc and with Keder welded to both sides to guarantee tightness to the structure. The two layers of canvas form an air chamber to provide thermal insulation and better resistance to the elements. The upper side walls are 3 metres in height from ground level and consist of a layer of polyester textile membrane covered with P.V.C. The total height of the building, including the roof is 8.3 metres.

Each court will be lit with by 4no 400W floodlights accommodated within the canopy.

It is considered that given the existing backdrop formed by existing buildings of the club, including the indoor court building, which is of slightly greater scale, together with the siting of the building away from the site boundaries and the separation formed by existing outdoor courts, views of the proposed structure would not be substantive or unduly prominent.



Arrow indicating approximate position of the proposed padel court building and view of the nearest residential properties along Elm Road beyond

The nearest residential properties located at 29 -31 Elm Road are situated approximately 21 metres away and partially screened by existing tree planting and hedgerow. Whilst the building will be visible from properties to the opposite site of the site along Palatine Road, Trafalgar Place and Blackburn Gardens, it is considered that given the scale of the buildings, its position, separation distance and context formed by existing buildings associated with the club, there will be no demonstrable harm to the visual amenity or concerns relating to over-dominance that could be sustained.

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 will have a neutral impact on surrounding architectural quality.

As referred to in the previous section of this report, the proposed building is not considered to be unduly prominent.

Given the existing backdrop formed by existing buildings of the club, including the indoor court building, which is of slightly greater scale, together with the siting of the

building away from the site boundaries and the separation formed by existing outdoor courts, views of the proposed structure would not be significant. The two grass courts proposed to be replaced do not constitute part of the core central area of grass and is surrounded on three sides by modern tennis facilities. There are no listed buildings in the vicinity of the application site and as the proposed building is situated towards the centre of the club, away from the site boundaries, there are no concerns surrounding over-dominance. Furthermore, the building is not dissimilar in scale and appearance to the adjoining indoor court building, albeit slightly lesser in scale and with the utilisation of alternative materials.

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 would promote health and well-being in a sustainable location where existing resources and infrastructure can be shared and would provide a modern facility to inspire sporting participation in a growing racket sport 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 the sport in the wider area. 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.

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

Many of the objections received raise concerns about the potential for noise impact, mainly as a consequence of the percussive noise that striking the ball would create, combined with the player noise and the sound of balls reverberating off the walls of the building.

The application has been accompanied by a Noise Assessment Impact, which has been further updated to take account of concerns raised by local residents and the City Council, including in response to the submission of a report commissioned by a local resident which seeks to review the findings of the submitted reports.

The assessment provides calculations using 3D noise map modelling software of the closest noise sensitive properties and considers the cumulative impact of the existing courts and the proposed padel courts. Attended noise measurements have been undertaken for an existing covered padel court in order to determine a baseline noise level. The gardens and facades of residential properties on Elm Road are identified as being the nearest noise sensitive receptors.

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

To safeguard amenity, the proposal provides for the inclusion of 2 metre high acoustic fence adjoining the boundary with 29 and 31 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 padel courts becoming operational has been included.

The report provides calculations that 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 anticipates compliance 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.

In response to the third-party report commissioned to review the findings of the submitted Noise Impact Assessment, an updated report provided by the applicant revisits the basis of the assessments and standards used and provide details of the noise sources used in the assessment along with a comparison of the earlier and latest assessments.

In summary, the assessment asserts that the analysis provide robust assumptions based on relevant criteria and demonstrates that no significant noise impact would result as a consequence of the proposed development.

Environmental Health have reviewed the assessments 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, it is considered that noise impact would be within acceptable limits. A condition is requested which requires the acoustic fence to be implemented prior the courts first becoming operational

General disturbance

Whilst the proposed courts would generate a higher frequency of use and visits to the club in comparison to the use of the existing outdoor courts, only 2 courts are

proposed. The impact is therefore expected to be less than substantial given that the number of participants at any one time would be low (4 if both courts were in use simultaneously, or 8 if doubles was being played).

In the context of an existing, busy tennis club and ongoing levels of activity, including the use of the clubhouse throughout the year, it is not considered that there would be a significantly harmful uplift in activity levels beyond the existing situation.

Lighting

The proposed padel courts will be lit by 8no 6.2 metre 400w floodlights - 4 per court and sited within the canopy.

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 demonstrates that given the assessment and the centrally located position away from the building away from the site perimeter, any impact to the amenity of neighbouring occupiers can be sustained. 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 are already lit by floodlighting which is permitted to 22.00 hrs daily. It is not considered that the proposed lighting would generate any 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.

Visual Amenity

Aside from the impact of the proposed structure to accommodate the proposed padel courts, it is also necessary to assess the impact of the proposed acoustic fence.

The proposed fence is comprised of close boarded timber at a height of 2 metres and is proposed to be sited adjacent to the rear gardens of 31 and 33 Elm Road.

Given the fence is of typical of a height for a rear garden boundary, is within permitted development limits and is separated from the rear gardens by existing vegetation, any impact to visual amenity is considered negligible.

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 will not result in any noticeable increase in provision and as the proposal predominantly relates to the replacement of existing tennis courts, no material impact is anticipated in terms of an uplift in parking demand or highway safety.

The club already incorporates a large car parking area which accommodates 64 parking spaces to be retained, as will existing cycle parking provision. Highways raise no concerns that the proposal would generate increased demand for parking that could not be catered for by existing provision given the ample availability.

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.

Access

Assisted access will be provided to the courts. There is already an existing court access route for those requiring disabled access from the point of entry into the club through the clubhouse and onto the courts. The proposed courts will utilise the features already in place with the footpath being rerouted around the proposed courts as required and will include the necessary ramps up to courts as needed.

Disabled toilets are available within the clubhouse and indoor tennis facility. Disabled changing rooms are also located within the clubhouse which can be utilised if required.

Construction Management

To ensure construction is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part of the city, a condition is included which requires the submission and approval of a construction management/demolition plan which details amongst other matters, working practices, working hours, dust suppression, the parking of construction vehicles and the removal of waste.

Conclusion

In summary, it is considered that given the proposed facility is to be sited within the context of a busy tennis club and it has been demonstrated that no significant

environmental or amenity impacts are likely to result, the proposed development can be satisfactorily accommodated in this location and without any material harm to the character and appearance of the conservation area.

It is believed that any perceived impact is outweighed by the benefits that that the proposal would deliver to health and well-being and by enhancing and diversifying the sporting offer at the club to ensure its longevity.

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 approval of the application is proportionate to the wider benefits of approval 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;

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) Notwithstanding details submitted, no above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as Local planning Authority. The development shall only be implemented in accordance with the agreed materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning authority, in the interests of the visual amenity, pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy.

4) The courts, including the lighting hereby approved, shall not be in operation 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.

5) Prior to the use of the associated lighting 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.

6) 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.

7) 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 padel courts hereby approved or the all-weather courts subject to application referenced 134891/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.

8) The development hereby approved shall only be implemented in accordance with measures and criteria detailed within the submitted Noise Impact Assessment (Ref: 16764-NIA-02/RevC) produced by Clement Acoustics received by the City Council as Local Planning Authority on 12 December 2022.

Prior to the courts hereby approved becoming operational, a verification report will be required to validate that the development conforms to the recommendations and requirements in the approved Noise Impact Assessment. Post completion testing shall be undertaken to confirm that acceptable criteria have been met. The results shall be submitted to and agreed in writing by the City Council as Local Planning Authority within a timescale to be agreed. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenity of nearby residential properties, 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: 135048/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:

Environmental Health
Sport England
Blackburn Park Conservation Society

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

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