

<b>Application reference number</b>	2025/0511
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<b>Application Type</b>	Full
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<b>Proposal Description:</b>	Change of use of part bowling green to single padel tennis court with associated building enclosures (retrospective)
<b>Location:</b>	Shaw Lane Sports Club, Shaw Lane, Barnsley, S70 6HZ

<b>Applicant</b>	Barnsley Padel Club Ltd
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<b>Number of Third Party Reps</b>	None	<b>Parish:</b>	None
		<b>Ward:</b>	Kingstone

### Site Description

The application site is in relation to Shaw Lane Sports Club which contains an array of indoor and outdoor sports and recreation uses, including a cricket field, rugby pitch, bowling green, running track, squash courts, padel tennis courts, and general fitness facilities. The site is located within Urban Barnsley, with access into the site from Shaw Lane to the north-east, in close proximity (350m) to the Town Centre. The site is on land which is allocated as green space with the wider area being largely mixed use, with residential uses and education uses. The site is located in a development high risk area for development.

Within the site itself is various buildings and stands to support the sports and recreation facilities. There are two bowling greens within the site. The subject of this application is the smaller green which is positioned more to the north within the site, and a larger green, c. 45m to the south, which will be retained notwithstanding the outcome of this application.



Figure 1 Site Location

## Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
B/83/1755/BA	Land reclamation to form public open space	Approved
B/96/0930/BA	Erect new club house etc., improve existing and provide additional sports facilities	Historic
B/98/1223/BA	Erection of extension to squash courts to form changing rooms and clubhouse	Historic
B/05/1210/BA	Erection of detached double garage	Approved with Conditions
2006/0646	Erection of six 18m high floodlights to rugby pitch	Approved with Conditions
2007/0512	Erection of a 2 storey building to provide changing rooms, toilets and meeting room	Approved with Conditions
2008/1123	Erection of cricket pavilion	Approved with Conditions
2011/0222	Erection of spectator stand with canopy (retrospective)	Approved
2014/1354	Erection of a grandstand	Approved with Conditions
2015/1143	Erection of a two storey building to include fitness area, multi purpose social, learning and activity area, and community café	Approved with Conditions
2016/0167	Erection of a 4 tier and 3 tier concrete open spectator terrace over existing grassed spectator terrace	Approved with Conditions
2016/0720	Erection of 4 no. floodlights to sports ground	Approved with Conditions
2023/0251	Erection of two padel tennis courts with associated building enclosures including canopy roof on former bowling green	Approved with Conditions
2025/0170	Discharge of Conditions 5 (Community Use Scheme), 7 (Tree Protection Measures), 8 (Mining Legacy) and 9 (Mining Legacy) for application 2023/0251 - Erection of two padel tennis courts with associated building enclosures including canopy roof on former bowling green)	Approved

## Proposal

The applicant seeks approval for the erection of one padel tennis court with associated enclosures. The court is to measure 20m in length by 10m and will be enclosed by a mixture of 3m black powder coated mesh panels and 4m clear toughened glass panels. It is also proposed to install 4no. 6m floodlight columns.

The application form states that the use will be restricted to the hours of 8am to 10pm daily and will be available to members and non-members through a community use agreement.



Figure 3 Existing padel courts approved under application 2023/0251

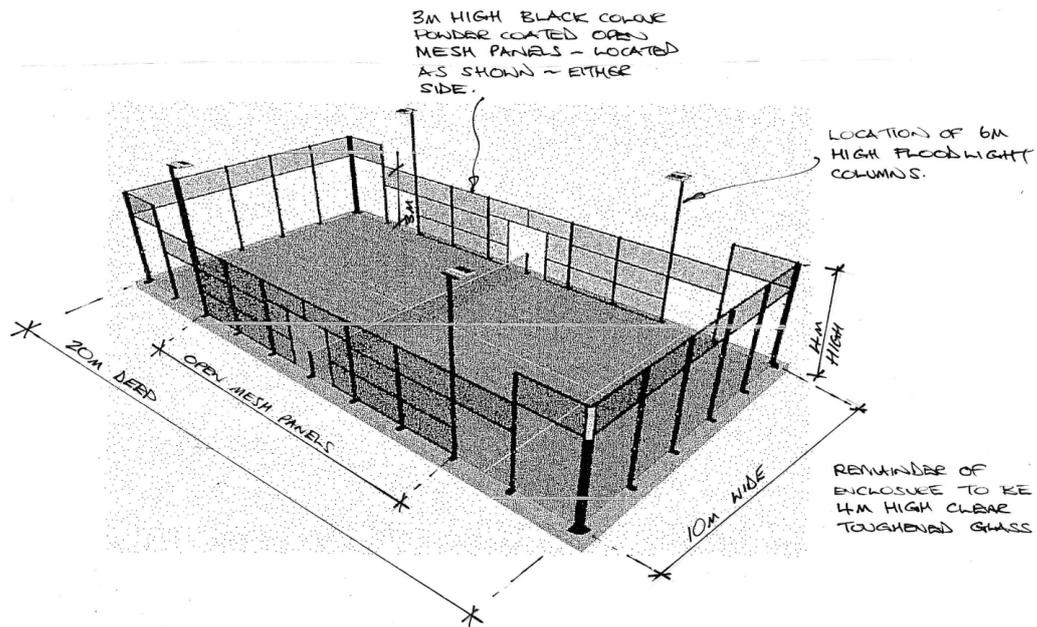


Figure 3 Proposed design

## **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

### Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy GS1 Green Space  
Policy GI1 Green Infrastructure  
Policy GD1 General Development  
Policy T3 New Development and Sustainable Travel  
Policy T4 New Development and Transport Safety  
Policy BIO1 Biodiversity and Geodiversity  
Policy CL1 Contaminated and Unstable Land  
Policy D1 High Quality Design and Place Making  
Policy SD1 Presumption in favour of sustainable development

### Adopted Supplementary Planning Documents relevant to this application:

SPD Parking  
SPD Residential Amenity and Siting of Buildings

### National Planning Policy Framework (NPPF) (2024) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

### Chapter 8 Promoting healthy and safe communities

Paragraph 96 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst others

c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 104 states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or  
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or  
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Paragraph 196 states that planning policies and decisions should ensure that

a) a site is suitable for its proposed use taking into account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)  
b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and  
c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

### **Relevant Consultations**

Highways DC – No objections

Mining Remediation Authority – No objections

Pollution Control – No objections

South Yorkshire Mining Advisory Service – No objections

Sport England – No objections

Ward Councillors – Cllr K Mitchell – no objections; and fully supports the application

### **Representations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

The application was advertised by way of a site notice posted adjacent to the site; no representations have been received.

### **Assessment**

The main issues for consideration are as follows:

- The principle of development
- The loss of greenspace
- Impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of development

The site is located on an area which is allocated as Green Space within the Local Plan referred to as Shaw Lane Sports Ground.

The proposal seeks permission to install 1no additional padel tennis court on land formerly used as a bowling green. The bowling green was removed and partly replaced by 2no padel tennis courts under application 2023/0251.

Local Plan Policy GS1 states that the Council will work with partners to improve existing green space to meet the standards in the green space strategy.

Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

Proposals that result in the loss of green space, or land that was last used as green space will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves, and its loss would not affect the existing and potential green space needs of the borough
- The proposal is for small scale facilities needed to support or improve the proper function of the green space or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss

Application 2023/0251 established that the loss of the bowling green to 2no padel tennis courts, and the retention of the larger bowling green at the site, alongside 8no other bowling greens within the area would not be detrimental to the bowling green provision both on site, or within the wider area.

The former bowling green was cleared to facilitate the installation of 2no padel courts subject to the above application and the remaining area utilised to install the 3<sup>rd</sup> padel tennis court subject to this application. Whilst there has been a loss of Green Space, padel tennis courts are described as sports pitches under Local Plan Policy GS1.

In addition, the Design & Access Statement makes it clear that the proposed use would be open to the use of the community and will not be restricted to sole use of the members of the club. Sport England have been consulted on the proposal and raised no objection to the development or the community use agreement submitted to support the application.

As such, it is considered that the replacement of the bowling green with another sports use would be in line in line with Local Plan Policies GS1 and GI1 as the proposal doesn't result in the loss of green space, or land that was last used as green space, and is acceptable in principle subject to other local plan policies being complied with.

### Highway Safety

The proposed 3rd padel tennis court would utilise the existing car parking facilities within the site; it is considered that the parking provision is sufficient to serve the additional court and that any potential increase in vehicular movements as a result of the proposals would be negligible given the extensive use of the overall Sports Club site. In any case, the facility is part of an established sports ground/village, centrally located in very close proximity to Barnsley Town Centre in a sustainable location.

It is not considered that the siting of the 3<sup>rd</sup> padel court would have a detrimental impact on the highway network for the reasons outlined above, this carries significant weight in favour of the application and as such is considered acceptable and in compliance with Local Plan Policies T3 and T4, Supplementary Planning Document Parking

### Visual amenity

The existing sports facility contains numerous buildings and structures with a wide range of external materials, including red brick, render, block work, wooden cladding and metal fencing.

Whilst the enclosure is to have a maximum height of 4m, it is to match, in terms of height and design, that of the neighbouring padel courts approved in 2023. The court is located centrally within the site and the inclusion of the 3<sup>rd</sup> padel court, adjacent to the existing courts would not form a dominant feature from wider public vantage points.

It is not considered that the siting of the 3<sup>rd</sup> padel court would have a detrimental impact on the character of the area for the reasons outlined above, this carries significant weight in favour of the application and as such is considered acceptable and in compliance with Local Plan Policy D1.

### Residential Amenity

As mentioned previously the area subject to this application is located centrally within the wider site and as such the inclusion of the 3<sup>rd</sup> padel court would not increase levels of overshadowing or reduce levels of outlook given that the nearest residential properties are located in excess of 250m from the site.

As with all outdoor sports facilities/pitches, there is the potential for noise generation, however, the proposed use is for a small team sport, with padel tennis games typically being doubles matches – i.e. 4 x players per court. The inclusion of the 3<sup>rd</sup> padel court would increase the maximum number of participants from all 3 courts, from 8 to 12 at any one time. In addition, the application form states that the use will be restricted to the hours of 8am-10pm daily. Given the significant separation distance to neighbouring residents, the proposal is not considered to increase noise disturbance to existing residents to a detrimental level.

It is not considered that the siting of the 3<sup>rd</sup> padel court would have a detrimental impact on residential amenity for the reasons outlined above, this carries significant weight in favour of

the application and as such is considered acceptable and in compliance with Local Plan Policy GD1 and the Council's SPD for Residential Amenity and Siting of Buildings.

### Biodiversity

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development except where one of the exemptions (as set out in the Planning Practice Guidance) are met.

In this instance the site was cleared to facilitate the development approved under application 2023/0251. This application was submitted prior to the mandatory BNG came into effect; as such this application is exempt.

### Coal Mining Risk and Development Impact

The site is located in a high-risk development area from coal mining legacy and the applicant has submitted a Coal Mining Risk Assessment which has been assessed by colleagues at The Mining Remediation Authority (formerly the Coal Authority) and South Yorkshire Mining Advisory Service (SYMAS). No objection was raised by either consultee; the conclusions of the supporting Coal Mining Risk Interpretation Report; that shallow coal mining legacy poses a risk to stability at the site and that further measures are required in order to ensure the safety and stability of the development.

Whilst the development was undertaken prior to permission being granted, the applicant submitted supporting information used to discharge mining legacy condition imposed on the earlier application. This information was forwarded to the Mining Remediation Authority who raise no objection to the development.

It is considered that the installation of the 3<sup>rd</sup> padel court is a suitable proposed use taking into account of ground conditions and any risks arising from land instability and contamination, this carries significant weight in favour of the application and as such is considered acceptable and in compliance with Local Plan Policy CL1: Contaminated and Unstable Land.

## **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be appropriate development and is located within a sustainable location and would not impact on the character of the area, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

### **RECOMMENDATION: Approve subject to conditions**