
2023/0251

Applicant: Gary Henney

Erection of two padel tennis courts with associated building enclosures including canopy roof on former bowling green

Shaw Lane Sports Ground, Shaw Lane, Barnsley, S70 6HZ

Site Description and background

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 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.

Relevant Site History

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)

Proposed Development

The applicant is seeking approval for the erection of two padel tennis courts with associated building enclosures including a canopy roof to replace the existing bowling green. Each pitch measures 20m in length by 10m with the canopy structure measuring a total of 28.5m by 22.1m, with a height of 5.8m to the eaves and 9m to the highest point of the canopy roof structure. The application has been amended to show a reduction in height of the canopy from 11m to 9m. The canopy has open sides which allow for ventilation. The application form states that the use will be restricted to the hours of 8am to 10pm daily.

The applicant has provided a Design & Access Statement which provides the following description of the sport:

Padel is commonly described as the fastest growing sport in the world and increasingly being called the fastest growing sport in the UK. Padel is a discipline of tennis and was recently recognised by Sport England. The sport is governed by the LTA and is developing rapidly and growing in popularity across the UK. Padel is easy to learn and popular with women and men and played by people of all ages and abilities. It contributes to a healthy lifestyle and is very sociable being played as doubles. The padel courts will be available to members and non-members. Local schools will be offered regular opportunities for children to come and try this new sport.

The Design & Access Statement also confirms the following details:

- Access into the site is via an automated wi-fi controlled gate system which can be accessed by anyone via online booking and so play on the courts is not restricted only to club members. The community access element is part of the ethos of the development.
- The SmartAccess Gate also provides automatic control of the low energy LED floodlights which go on and off in line with bookings to ensure a low energy managed system.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

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. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The following Local Plan policies are relevant:-

SD1 – Presumption in favour of sustainable development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

GS1: Green Space – The Council will work with partners to improve existing green space to meet the standards in our 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.

GI1: Green infrastructure – The Council will protect, maintain, enhance and create an integrated network of connected and multi functional Green Infrastructure assets.

D1: High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T3: New Development and Sustainable Travel – New development will be expected to be:

Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;

Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and

Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

CL1: Contaminated and Unstable Land – Where the future or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by an associated report. Where measures are needed to allow the development to go ahead safely, these will be required as a condition of any planning permission.

Supplementary Planning Documents

- Residential Amenity and the Siting of Buildings
- Parking

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network should be severe.

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 126 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Consultations

The Coal Authority – The development is supported by a Coal Mining Risk Assessment (CMRA) which states that two coal seams are likely to underlie the site at shallow depth, may have been worked on in the past and pose a moderate to high risk to development at the site. The report recommends the carrying out of intrusive ground investigations, in the form of the drilling of boreholes in order to establish the depth and thickness of shallow coal seams/workings. No objection is made to the development subject to a condition which requires the intrusive investigations to be undertaken prior to development commencing and an associated report submitted and agreed with the LPA.

Pollution Control – No objection raised.

Highways DC – The proposal will utilise the existing access and car parking facilities on site. The change from the previous use as a bowling green to a padel court would not have an impact of the required amount of off-street parking required and is unlikely to significantly increase vehicle movements associated with the sports ground. No objection is raised.

South Yorkshire Mining Advisory Service – The submitted Coal Mining Risk Assessment report is noted for the proposals, as prepared by Design-it Structural Solutions Ltd ref: Dit/14/068-Rev 0. The report recommends that further phase 2 intrusive investigations are required to fully determine any coal mining legacy risks to the proposed development; namely associated with shallow coal/mine workings in relation to the Barnsley coal seam.

Sports England (Two responses):

Initial response – The proposal would lead to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning Order 2015. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of such unless one or more of the five exceptions in the Playing Fields Policy apply. Sports England have also sought the view of England Cricket Board (ECB) which stated that the development is approximately 60m from the cricket field and is within the range which the ECB would typically ask for a risk assessment to be carried out. The Lawn and Tennis Association (LTA) supported the project to install two padel courts with the proposed design being in compliance with LTA guidance for the construction of Padel Tennis courts. The Rugby Football Union (RFU) have stated that there is a minimal risk of ball strike from rugby union activity, and a ball strike risk assessment is recommended. Sport England will not object to an indoor or outdoor sport facility if such proposals are considered to meet exception E5 of the Playing Fields Policy. Exception E5 considers sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field/s. Until the risk of ball strike is resolved, the proposal does not offer sufficient benefit to the development of sport and Sport England objected but provided guidance for the developer to follow to possibly resolve the objection.

Second response – Upon receipt of additional information, Sport England withdrew the objection subject to two conditions which related to a community use agreement being submitted and approved by the LPA and the developer ensuring that the external glazing shall contain toughened glass capable of withstanding ball strike from cricket and rugby balls.

Ward Councillors – Cllr Mitchell raised no objection to the application.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; no comments were received.

Assessment

Principle of development and Impact on Green Space

The site is located on an area which is allocated as Green Space within the Local Plan. 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. The proposal seeks to replace the existing bowling greens with 2 x padel tennis courts which are still described as sports pitches under Local Plan Policy GS1. The application has provided a statement outlining the following:

- There are two greens on site, the main which is used for county and club matches, and the smaller back green. The larger (main) green will be retained notwithstanding the outcome of this application.
- The bowls club has been in decline for around 10 years, and the club does not wish to participate in development activity. However, the club wish to maintain their facility well.
- Research into green capacity (The British Crown Green Bowling Association) does not provide specific guidance for on bowling green capacity, stating that it varies from site-to-site and club-to-club. However, as a guide, it states that greens used by at least 20 members are generally considered to be sustainable, whilst greens operating with a membership of over 60 may need additional resource to ensure that they continue to meet demand. There is additional research from the University of Manchester which states that a green can comfortably accommodate 75 members.
- Alongside the on-site larger green which will be retained, there are 2 greens at Locke Park, 2 greens at Dodworth, and greens at Sugdens (Silkstone), Old Town, Barnsley Central and Darton – all of which contain one green respectively.

The LPA and Sports England have assessed the above information provided by the applicant and it is considered that the loss of one bowling green from the site is not detrimental to green provision both on site, as one green will be retained, and in the wider area. The site visit showed (during late Spring) that the grass on the smaller green was somewhat overgrown which would indicate the lack of recent activity on the green.

Additionally, 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 have requested the addition of a community use agreement which will encourage the local community to use the site who would pay a reasonable fee to use the facility. This will be covered by a planning condition, the wording of which has been agreed with the agent. It should also be noted that the development has specifically included a canopy over the padel tennis pitches so that the facility can be used in inclement weather, year-round, which is not necessarily the case with the bowling greens which do not benefit from any form of cover, essentially making it a dry weather sport. There is an argument therefore that the proposed facility will be more usable throughout the year for a wider range of potential users/clientele. Especially given that the larger green will be retained.

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.

Visual Amenity

The main visual impact of the proposed development is the erection of a canopy which would be situated on top of the proposed padel tennis courts. The height was initially proposed as 11m which was considered to be excessive, in comparison to the existing buildings on site and the clear, unobstructed views from high rise buildings in the Town Centre. Upon discussion with the agent, there was scope to reduce the height of the canopy but there was a need to have at least an 8.5m clearance above the pitches to allow the game to operate to a sufficient standard. As such, the height of the canopy was reduced to a maximum of 9m. This is a c.19% reduction in height which will reduce the bulk and massing of the facility, whilst allowing for the sports facility to operate to the required standard. The canopy will still be visible from high rise buildings in the town centre, and will be the tallest building on the site, but the height is much more palatable than the initial scheme and will blend into the sports village more successfully.

The existing sports village contains a wide-ranging palette of external materials including red brick, render, external blockwork but also materials such as wooden cladding and metal fencing. The canopy structure is constructed from white PVC tensile fabric which will introduce a new material into the area, but there is clearly already diversity within the sports village.

The proposed facility is located firmly within the site, and whilst the canopy would very likely be visible from high rise buildings within the town centre, the structure would actually be well screened in the immediate area. The sports village is access via a lengthy access road from Shaw Lane, with the access junction being

at a distance of 250m to the proposed structure with trees immediately to the rear of the facility and other screening from nearby public areas.

A condition shall be attached which requires the developer to submit a levels plan to the LPA and agreed upon commencement of development. This will ensure that the finished floor levels of the courts and the height of the canopy is not overly excessive and differs significantly from what is shown on the plans.

The proposed development is considered to be in compliance with local Plan Policy D1 and is acceptable in terms of visual amenity.

Residential Amenity

There are residential properties on Shaw Lane, and elsewhere in the nearby area, with the closest residential properties residing on Branksome Avenue, c.250 to the North. The closest property on Shaw Lane is c.270m to the East. There are other residential properties nearby to the South-West and South-West, which are also 270m away from the proposed site, respectively.

As with all outdoor sports facilities/pitches, there is the potential for noise generation and compared to the existing use as a bowling green, the proposed use is almost certainly going to increase from the existing use as a bowling Green. 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, and a maximum number of 8 participants at any one given time. Compared to the other uses on the site which are larger team games such as cricket and rugby, coupled with the separation distance to neighbouring residents, the proposal does not represent cause for concern in terms of noise disturbance to existing residents. The application form states that the use will be restricted to the hours of 8am-10pm daily, which will be conditioned and is not considered to be excessive given the significant separation distance to existing neighbouring properties.

The siting of the canopy is well in excess of the minimum expected separation distances expected from non-residential buildings in relation to neighbouring residential properties and does not cause any concern in terms of the development having a direct detrimental impact on loss of outlook or privacy.

The proposed development is considered to be in compliance with Local Plan Policy GD1 and the Council's SPD for Residential Amenity and Siting of Buildings and is acceptable in terms of residential amenity.

Highways Safety

The proposed development seeks to replace an existing bowling green/sports facility with colleagues in Highways raising no objection to the new use which will not have an impact on the required off-street parking provision required. Additionally, the proposed use is unlikely to significantly increase vehicle movements associated with the sports ground. 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.

The proposed development is considered to be in compliance with Local Plan Policies T3 and T4, and the Council's SPD for Parking and is acceptable in terms of highways safety.

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 Coal Authority (TCA) and South Yorkshire Mining Advisory Service (SYMAS). No objection was raised by either consultee subject to intrusive investigations being undertaken and an associated document submitted and agreed by the LPA, prior to commencement. The agent has agreed the wording of such conditions. The proposed development is in line with Local Plan Policy CL1: Contaminated and Unstable Land and is acceptable subject to conditions.

Conclusion

The application site is in relation to the existing bowling green located at Shaw Lane Sports Club, off Shaw Lane in Urban Barnsley. The site is sustainably located, within close proximity to Barnsley Town Centre and is a well-established sports club serving a wide variety of sports and recreational purposes and has an abundance of on-site parking provision. The applicant is seeking approval for the replacement of the bowling greens with 2 x padel tennis courts with an associated canopy over the building. The applicant and agent has submitted substantial information and background to the application which outlines that the site contains two bowling greens, the larger of which will be retained which will cater for the 21 main bowling club

members, as well as the number of greens in the nearby area. Sport England initially objected to the scheme but provided feedback as to how the objection could be overcome. The agent submitted the information and Sport England subsequently withdrew the objection based on the information provided by the applicant, subject to conditions such as the requirement for a community use agreement. The site is in a high-risk development area in terms of coal mining risk, therefore colleagues at the Coal Authority and SYMAS were consulted on the development and did not raise any objections subject to a condition requiring further intrusive investigations and an associated report submitted and agreed by the LPA.

The most visible part of the application would undoubtedly be the canopy over the proposed courts. The initial scheme showed that the canopy would have a height of 11m, which was considered to be excessive in height and was asked to be reduced. The lowest height to allow clearance for the game to be played to a sufficient standard is 8.5m, and the canopy was therefore reduced in height to 9m. This would still result in the canopy being the largest structure within the sports village and it will still be a visible presence when physically on the site, as well as being visible from high rise buildings in the Town Centre. However, a height of 9m to the highest point is not considered to be unreasonable, especially considering that the roof is pitched/arched, with a sharp drop to the eaves which are 5.8m in height. For comparison, the neighbouring building on site features a very shallow roof with a maximum height of 6.5m, and a height to the eaves of 6m. The site is also well screened from the surrounding streets with trees to the immediate rear, obstructions by existing buildings on site, and also the distance (250m) to the entrance to the site from Shaw Lane. The amended design is considered to be appropriate.

The proposed development is considered to be acceptable and is recommended for approval subject to conditions.

Recommendation

Approve with Conditions