

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 25/09/2024 | <b>Ref:</b> 70619/FUL          |
| <b>Registration:</b> 09/04/2024 | <b>LDFC:</b> 30/04/2024           | <b>Expiry Date:</b> 04/06/2024 |
| <b>Site Visit:</b> 12/04/2024   | <b>Site Notice:</b> 12/04/2024    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PI            |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |

To resolve various issues that arose throughout the application. **Dec Level:** DEL

**Stat Class:** MIOT

**Proposal:** Erection of 4 no, covered padel courts, ancillary kiosk; revised car parking layout and installation of a cycling store

**Location:** Manchester Maccabi Community And Sports Club, Bury Old Road, Prestwich, Manchester, M25 0EG

### **Description**

The application relates to an area of land on the existing sports and community facility, located on the east side of Bury Old Road, between The Woodthorpe Public House and houses on Woodthorpe Grange. There are houses across Bury Old Road to the west and sports pitches to the east.

The area of land to which the application relates is located on the east side of an existing Multi-Use Games Area (MUGA) between the existing MUGA and the shared boundary of the site with properties on Woodthorpe Grange.

Planning permission is sought to install four (4) covered Padel courts and erect a building, referred to in the development description, as a Pavilion to create changing rooms and a small kitchenette and internal area containing tables. An external decked area is also proposed. The proposals also seek to reorganise and enlarge part of the car park that currently accommodates 12 parking spaces, so that the area of the car park would accommodate an additional 4 cars.

The proposed Padel Courts would be positioned in a 2x2 arrangement. Each court would each measure approximately 20m x 10m and would have a maximum height of approximately 9 metres.

The proposed Pavilion and Changing Rooms buildings will be set at 90 degrees to each other but would be attached by a glazed element and a rear external deck area. The proposed front elevation facing the car park would have maximum overall width of approximately 13.5m. The proposed Pavilion would have a width/ depth of approximately 4.5m.

The proposed changing rooms and toilet facilities would project 2m further than the Pavilion section of the building.

This rear deck would extend across the rear of the building(s), with it projecting 5.0m from the rear of the Pavilion and 2.3m from the proposed changing rooms.

In terms of employment, the facility proposes to create new jobs including a full-time head coach and part time support coaches and a site manager.

### **Relevant Planning History**

66523 - Temporary change of use of land to food hall with associated catering facilities (Class E) - Approved with Conditions, 15/06/2021

64602 - Erection of first floor extension to provide additional offices and alterations to existing office area at ground floor - Approved with Conditions 10/10/2019

63072 - 2 No. non-illuminated free standing hoarding signs at entrance - Refused, 10/09/2018

52962 - Alterations to Entrance/ Reception and first floor meeting room (Renewal of planning application 48012) - Approved with Conditions, 13/09/2010

52771 - Application to extend the time limit for implementation of planning permission 48012 for alterations and extension to entrance area and first floor extension to form meeting room - Withdrawn by Applicant, 02/08/2010

### **Publicity**

The application has been advertised by Site Notice both on the main road outside the site and within the site.

Two representations have been received as a received advising that there is an existing issue with flooding to properties gardens in the wooded area adjacent to the main football pitch (corner area). Request the applicant investigates this drainage issue and take the necessary action to resolve. They state they need reassuring that the planned works will not add to the existing problem.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections, subject to the amended layout being approved and subject to conditions securing a Construction Traffic Management Plan (CTMP), the proposed pedestrian route and the proposed car park re-organisation and provision being surfaced, demarcated and made available prior to the proposal being brought into use.

**Environmental Health - Contaminated Land** - No objections, subject to planning conditions requiring both satisfactory intrusive site investigations, a detailed risk assessment and, where remediation is required, a remediation strategy and site verification report.

**Borough Engineer - Drainage Section** - No comments or observations received.

**United Utilities (Water and waste)** - No objections, subject to a condition securing the drainage for the development to be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 10585-HBL-XX-XX-DR-D-0003, Rev P02- Dated FEB 2024 which was prepared by HBL.

**Environmental Health - Pollution Control** - No objections.

**Greater Manchester Ecology Unit** - No objections

**Transport for Greater Manchester** - No objections

**Tree and Woodland Management Officer** - No comments or observations received.

**Sport England** - No objections, subject to conditions requiring a Construction Management scheme, a Community Use Agreement including access to grass and Artificial Grass Pitches (AGP), Continuity of Sport, Details of pedestrian and emergency access.

**Lawn Tennis Association** - No comments or observations received

**Pre-start Conditions** - Applicant/Agent has agreed to the pre-start conditions recommended.

### **Development Plan and Policies**

|        |                                                      |
|--------|------------------------------------------------------|
| CF1    | Proposals for New and Improved Community Facilities  |
| CF1/1  | Location of New Community Facilities                 |
| RT1    | Existing Provision for Recreation in the Urban Area  |
| RT1/1  | Protection of Recreation Provision in the Urban Area |
| RT1/2  | Improvement of Recreation Facilities                 |
| HT2/10 | Development Affecting Trunk Roads                    |
| HT6/1  | Pedestrian and Cyclist Movement                      |
| EN1/2  | Townscape and Built Design                           |
| EN7/1  | Atmospheric Pollution                                |
| EN7/2  | Noise Pollution                                      |
| EN8    | Woodland and Trees                                   |
| RT3/5  | Noisy Sport                                          |
| JP-C1  | Our Integrated Network                               |
| JP-C4  | Strategic Road Network                               |
| JP-C5  | Streets For All                                      |
| JP-C6  | Walking and Cycling                                  |
| JP-C8  | Transport Requirements of New Development            |
| JP-G6  | Urban Green Space                                    |
| JP-G7  | Trees and Woodland                                   |
| JP-G8  | A Net Enhancement of Biodiversity and Geodiversity   |
| JP-S1  | Sustainable Development                              |
| JP-S2  | Carbon and Energy                                    |
| JP-S4  | Flood Risk and the Water Environment                 |
| JP-S5  | Clean Air                                            |
| JP-P7  | Sport and Recreation                                 |
| NPPF   | National Planning Policy Framework                   |
| NPPG   | National Planning Policy Guide                       |

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations)

have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

## **Assessment**

### **Introduction**

Padel Tennis is a racquet sport is a mix between tennis and squash. The court is one third of the size of a tennis court. It is played on a court surrounded by walls of glass and metallic mesh. Using a short, stringless racquet with holes and a low compression tennis ball, the service is made underarm.

### **Principle of Development**

The site is designated as protected recreation in the urban area under UDP Policy RT1/1. Policy RT1/1 seeks to safeguard the provision of recreation land within the urban area and development will not be allowed where it would result in the loss of recreation facilities unless it meets specific criteria. Whilst similar, the approach in Policy RT1/1 has now been superseded by Paragraph 103 of the NPPF which states that *"existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of the 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."*

The development is for alternative sports and recreational provision. As confirmed by Sport England, there is an unmet need for the proposed development and therefore, the provision of the padel and pickleball courts would improve the recreational facilities on offer. This outweighs the loss of the current use.

Additionally, PfE Policy JP-P7: Sport and Recreation states that high quality and accessible sports and recreation facilities will be protected and enhanced. As such, the proposal to enhance and diversify the sports offer at Maccabi Sports Club is wholly in accordance with policy JP-P7.

In principle, a building to provide changing rooms and toilets is acceptable. The amendments submitted on 13th June 2024 present a scaled back kiosk area with ancillary retail and indoor seating. The revised plans are considered to represent an acceptable scale of ancillary facilities to support the new padel courts and the existing users of the adjacent pitches.

The site is also designated under policy RT1/2/13 - Brooklands, Prestwich. Policy RT1/2 specifies that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough. In particular RT1/2/13 states that the site should be protected for continued recreational use and possible improvements.

Sport England has also advised that subject to their recommended planning conditions, the proposal accords with the requirements of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within their 'Playing Fields Policy and Guidance Document'.

To conclude, the principle of the proposal is considered to be in accordance with both local and national planning policy.

### **Parking and Highway Safety**

The proposal involves the creation of 4 additional car parking spaces and to reorganise a portion of the existing car park to accommodate these spaces and create a more useable car park layout, utilising a portion of an area of grass adjacent to the existing car park. The revised layout of the car park in the proposed location, the proposal

During the course of this application, the proposals have been amended to provide a defined pedestrian route from the site entrance to the proposed Pavilion building.

There would be no serious parking or highways issues arising and the amended proposal is acceptable and complies with UDP Policies RT1/2 - Improvement to Recreation Facilities and HT2/4 Car Parking and New Development, and guidance in SPD11 Car Parking Standards in Bury.

### **Design, Layout and Visual Amenity**

UDP Policy EN1/2 requires proposals, amongst other things, to not have a detrimental effect on the external appearance and design of the proposal in relation to its height, scale, density and layout and the relationship of the proposal to the surrounding area.

During the course of this application, the siting of the proposed Pavilion building has been revised to ensure a sufficient width remains between the proposed development and the existing MUGA to ensure that the spectator area adjacent to the MUGA remains uncompromised and sufficient space remains to enable people and users of the playing fields a clear access to the open playing fields and pitches beyond the proposed site to be developed.

The proposed building(s) would appear proportionate in size, scale and massing to the development proposed and to ensure the building is clearly subordinate to the Club House on the recreation site. A condition requiring details of, or samples of the external materials to be used in construction of the development approved is also recommended to ensure the proposals will be visually comfortable on this recreation/ sports site.

A planning condition is also recommended requiring details of where and how refuse storage will be positioned and whether the area would be screened as this detail is not included within the submission, in the interests of securing good design, in accordance with the requirements of the National Planning Policy Framework.

### **Impact on neighbouring residents**

The following opening hours for both the Padel courts and associated kiosk / pavilion are proposed as:

Monday - Friday: 7am - 10pm

Saturday: 8am - 10pm

Sunday: 8am - 9pm

It should also be noted that the 3G pitch and associated floodlighting can operate until 10pm under application reference 51051, and there is no specified opening hour. This is a material consideration. The proposed opening hours all comply with the 10pm floodlights restriction approved under application 51051.

To that end, we consider that the proposed development should be allowed to operate in line with the above hours as the 3G pitch is. I should also make clear that the proposed development was found to have no impacts from a noise perspective as part of the undertaken noise assessment.

The noise and lighting assessments submitted with this application confirm that no adverse impacts will arise from the proposed development.

Given the distance to nearest residential properties on Bury Old Road and Woodthorpe Grange (approx 80-90m) there would be no demonstrable residential amenity issues arising from the proposed development.

### **Impact on neighbouring Businesses - Woodthorpe Public House and Hotel**

The proposed development would have no adverse impact on vitality of the neighbouring Public House and/ or Hotel as the proposed Pavilion would primarily serve the users of the proposed Padel Courts and the wider recreation ground. The proposal therefore accords with the requirements of paragraph 193 of the NPPF which seeks to ensure new development do not have unreasonable restrictions placed on them as a result of development permitted after they were established.

**Drainage and Flood Risk** The application site is within Flood Zone 1 and therefore there is a low chance of flooding occurring on this site or further downstream in such locations. Notwithstanding this, the two representations received both raise concern about the pitches cause surface water flooding within the rear garden areas of properties on Park Road. The proposed development would not cause any further harm to these concerned residents given the distance from their boundaries and the intervening football pitch. Moreover the scheme includes drainage provision to deal with the new hard surfacing that the scheme would deliver. Notwithstanding this, their concerns have been shared with the applicant and the Council's Parks department.

In terms of drainage, no recommendations have been received from the Council's Drainage Section, however United Utilities has responded confirming the development should be carried out in accordance with the submitted drainage plan. In this basis, the proposal accords with PfE Policy JP-S4: Flood Risk and the Water Environment.

### **Trees and Woodland**

An appraisal of the documentation provided to date trees on site accompanies this application which identifies that construction of the development as proposed will require part removal of two individual trees graded 'B' category, three individual trees and part of one group of trees graded 'C' category. In accordance with the requirements of PfE Policy JP-G7 seeking replacement of trees on a 2:1 basis. This will be secured by planning condition as part of a landscape scheme.

The appraisal identified various elements of the development that are proposed within and close to the Root Protection Areas (RPAs) and canopy spreads of several retained trees.

As such, various special working and protection methods and materials have subsequently been proposed.

The submitted appraisal identifies New Car Park and hard surfaces within the RPA's of trees are to be constructed using a three-dimensional cellular confinement system in order to avoid root loss and damage due to ground excavation and/or compaction. However, the preliminary Arboricultural Method Statement (AMS) does not detail this method and therefore a planning condition is recommended to secure a full AMS. Adequate Tree Protection provision for all retained trees prior to development commencing is also recommended to be secured by condition.

Subject to the above recommended planning conditions, the proposal accords with PfE Policy JP-G7: Trees and Woodland and UDP Policy EN8/1: Trees and Woodland.

### **Biodiversity**

Paragraph 180 d) of the NPPF requires planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.

PfE Plan, Policy JP-G9: 'A Net Enhancement of Biodiversity and Geodiversity' is in compliance with PfE Policy JP-G9.

A Preliminary Ecology Statement accompanies this application and identifies that one tree (T36, a Horse Chestnut, identified as a category A1 tree) within the woodland adjacent to the main road on the north side of the access to the site supports a low number of bats. This tree will not be affected by the proposed revised layout of the car park along the boundary of this woodland although car parking provision extends up to the edge of its RPA. The external lighting within the site could have a negative effect on foraging and commuting behaviour, but Officers accept that this is very unlikely as only a very small section of the existing woodland would be illuminated above 10 lux and for only part of the evening. This would also primarily be during the winter months when bats are not active.

Given car parking is located Officers are therefore satisfied that no further information or measures are required with regards the external lighting.

Badger setts were not identified on the site, however, the report recommends pre-development checks are made due to the transient nature of this specie.

The removal of trees to facilitate the development provide bird nesting opportunities and the submitted report recommends bird nesting boxes are included throughout the site. Hedgehog houses and bat boxes are also recommended. This range of ecological mitigation and enhancement measures is recommended to be secured by planning condition.

### **Ground Conditions**

The site is currently occupied by the Manchester Maccabi Community and Sports Club which was built in the early 2000s and includes a two-storey club building, two artificial football pitches and woodland. The surrounding area is predominantly residential and has been since the first available mapping. Previous land uses at the site have included residential house and garden and a Corporation Yard. The site does not lie within 250 metres of any registered landfill sites and is not in close proximity to any major surface watercourse. Geology comprises the Manchester Marls Formation Secondary B aquifer for most of the site with the Chester Sandstone Formation Devensian Glaciofluvial sheet deposits (Principal Aquifer) present to the extreme south of the site, overlain by Devensian Glaciofluvial sheet deposits. The site is situated in an area where an estimated less than 1% of homes exceed the Radon Action Level, as such, no radon precaution measures are required.

A Desk Study and Preliminary Risk Assessment has been submitted to support this application (see attached review). This concluded a moderate to low risk to human health and the environment from soil contamination and ground gas at the site and recommended that a site investigation be undertaken as part of a geotechnical investigation. We are in agreement with this.

As such, in line with the National Planning Policy Framework, the site is proposed for a sensitive end use it is recommended that conditions are imposed securing satisfactory ground remediation and verification.

### **Air Quality**

The site is located in close proximity to an Air Quality Management Area. However, due to the proposal being for additional spaces to an existing use, an air quality assessment is not required to support this proposal.

Notwithstanding this, it is noted from the submitted Transport Report that the car park is to be modified to 78 parking spaces, an increase of 15 spaces, with 14 spaces to be "EV standard". As no detail has been provided regarding EV, this is therefore recommended to be secured by planning condition.

Furthermore, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality and EV charging points are instrumental in vehicle emissions having less adverse impact on air quality. Such a condition is therefore recommended.

### **Carbon Emissions**

Policy JP-S2 of the Places for Everyone Joint Development Plan 2022 to 2039 (2024) (PfE) is aimed at delivering a carbon neutral Greater Manchester no later than 2038. The expectation from the adoption of the PfE is that net zero carbon should be achieved for regulated carbon emissions; from 2028 for all emissions in construction; and from 2025, development should also calculate and minimise carbon emissions from unregulated emissions.

The applicant has confirmed that they will meet the requirements of the exception allowed within the policy and therefore the proposed development would not conflict with Policy JP-S2 of the PfE Joint Development Plan.

### **Digital Connectivity**

Policy JP-C2 of the PfE seeks to ensure that new development is equipped with electronic communication services and requires all new development to have full fibre connections to premises. There is no substantive evidence before me to demonstrate compliance with this policy.

The appellant indicates that this matter could be secured through a condition. As the policy allows an exception if it can be demonstrated that such connectivity is not practicable or financially viable, I see no reason why this matter could not be controlled by a condition were the appeal to be allowed.

Accordingly, with a suitably worded condition imposed the proposed development would not conflict with Policy JP-C2 of the PfE.

### **Conclusion**

Subject to the conditions recommended throughout this report being imposed on any subsequent approval, the proposals are considered to accord with the relevant policies within the adopted UDP and PfE Joint Development Plan. It is therefore recommended that the application be conditionally approved.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions and Reasons:**

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:

Drawing no. PL-12 Rev. A: Location Plan 1: 1250;  
Drawing no. PL- O8M: Proposed Site Plan (including Location and Roof Plan);  
Drawing no. PL-09D: [Pavilion] Plans and Elevations;  
Drawing no. PL10D: [Padel Courts] Proposed Elevations;  
Drawing no. 10585-HBL-XX-XX-DR-D-0003 P02: Proposed Drainage Strategy;

Arboricultural Impact Assessment and Method Statement carried out by e3p, dated 06 March 2024, Report Ref: 81-667-R1-2;

Drainage Strategy - Reference: 10585-HBL-XX-XX-RP-D-001 Revision: P01, carried out by HBL Associates Ltd;

Preliminary Ecological Appraisal Report carried out by e3p, dated March 2024, Reference: 81-667-R2-2;

Transport Statement - Reference: 240306/SK22401/TS01(-01), carried out by SK Transport Planning Ltd; and,

Environmental Lighting Impact Assessment Report - carried out by SHD Lighting Consultancy Ltd, Document reference: SHD1351-SHD-HLG-BURY-RP-EO-Lighting Assessment Report-R1.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, the Places for Everyone Joint Development Plan and the National Framework.

- 3 Notwithstanding the submitted details, no development shall take place (including ground works, vegetation clearance) until: (i) A detailed full Arboricultural Method Statement (AMS), in accordance with British Standards BS 5837:2012, has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include:

- i) Details of the the three-dimensional cellular confinement system proposed within the Root Protection Areas of the trees specified within Table 4.2 of the Arboricultural Impact Assessment and Method Statement carried out by e3p, dated March 2024, Reference: 81-667-R1-2, and,
- ii) A plan showing the extent of the areas where the cellular confinement system is to be installed.

The development shall be constructed in accordance with the duly approved scheme before the development is brought into use.

Reason: A pre-commencement condition is required to ensure trees are protected during the construction period, as the submitted AMS fails to include details of the three-dimensional cellular confinement system in order to avoid root loss and damage due to ground excavation and/or compaction in the interests of visual amenity, and to safeguard the ecological value provided by the trees on the site in accordance with Policy EN8/2: Woodland and Tree Planting of the Bury Unitary Development Plan and Policies JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan.

- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- a. Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required following construction of the proposed development;
- b. Access route for all construction vehicles to the site from the Key Route Network and access position from the car park;
- c. If proposed, details of site hoarding/gate positions, taking into consideration the need to retain and maintain access to existing parking facilities;
- d. The provision, where necessary, of temporary pedestrian facilities/protection measures;
- e. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);
- f. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated at the site access and within on the car park and number of vehicle movements;
- g. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle deliveries and manoeuvres;
- h. Parking on site or on land within the applicant's control of operatives' and vehicles, together with storage on site of construction materials;
- i. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the demolition works and groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate off street car parking

provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in accordance with Policy JP-C1: An Integrated Network and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 5 No development shall commence until full details of the works/ contractors compound restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.

Reason: To protect playing field from damage, loss or availability of use and to accord with Policy RT1/1: Protection of Recreation Provision in the Urban Area and Policy RT2/2: Improvement of Recreation Facilities of the Bury Unitary Development Plan, Policy JP-P7: Sport and Recreation of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 No development shall commence unless and until:-

- A detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority.
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority.

The agreement shall apply to the padel facility and include access to changing and toilet facilities, and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review.

The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policies RT1/1: Protection of Recreation Provision and RT1/2: Improvement of Recreation Facilities of the Bury Unitary Development Plan, Policy JP-P7: Sport and Recreation of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 No development shall commence until a scheme to ensure either:

(a) the continuity of the existing sports use of the playing fields/sports facilities at Manchester Maccabi Community and Sports Club, or  
(b) the provision of replacement facilities during construction works/other activities, has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate).

The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields/ sports facilities from damage, loss or availability of use during the construction of the development and to accord with Policy RT1/1: Protection of Recreation Provision in the Urban Area and Policy RT2/2: Improvement of Recreation Facilities of the Bury Unitary Development Plan, Policy JP-P7: Sport and Recreation of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 No development shall occur until all trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard and shown within Section 6 and on Drawing no. 001 within Appendix IV of the Arboricultural Impact Assessment and Method Statement carried out by e3p, dated March 2024, Reference: 81-667-R1-2 are implemented and all measures required shall remain in situ until the development has been completed.

Reason: To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

- 10 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason: In order to ensure that no harm is caused to a Protected Species pursuant to Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan, Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 11 Damage to Tree T1 a Horse Chestnut as identified in the Preliminary Ecological Appraisal e3p Ref: 81-667-R2-2 has the potential to harm bats. Should any pruning back or felling of the tree be proposed then a precautionary working method statement for bats should be submitted to and agreed in writing by the Local Planning Authority prior to any such work occurring.

Reason: To ensure that appropriate measures are put in place to protect bats, a European Protected Species, in accordance with the requirements of Policy EN6/3: Features of Ecological Value of the Bury Unitary Development Plan and the National Planning Policy Framework and the Wildlife and Countryside Act.

- 12 No above-ground works shall commence on site unless and until, a scheme detailing the positions, types and heights of nesting/roosting provisions to be made for bats,

birds and hedgehogs within the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority, and the Padel Courts and Pavilion/ Kiosk shall not be occupied until the scheme has been implemented in its entirety.

Reason: In order to minimise the developments impacts on local wildlife populations and secure enhancements to biodiversity, in accordance with Policies EN6/3: Features of Ecological Value and EN6/4: Wildlife Links and Corridors of the Bury Unitary Development Plan and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 [approved plans] of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs to replace all trees to be removed as part of the proposal on a 2:1 basis and shall also include the existing number of trees within Group 1, that is to be partially removed, as specified within the Arboricultural Impact Assessment and Method Statement, dated March 2024, carried out by e3p, reference: 81-667-R1-2.

All new tree planting should be in accordance with British Standard 8545: Trees: From Nursery to Independence in the Landscape - Recommendations, 20143 and all tree works must be carried out by a qualified contractor in accordance with British Standard BS3998:2004: Tree Work - Recommendations.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate mitigatory and compensatory landscaping of the site, in the interests of visual amenity, to enhance the character of the street scene, to provide replacement tree planting on a 2:1 basis, and to provide biodiversity enhancements in accordance with the requirements of Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policies JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 14 Before the Padel Courts and Pavilion/ Kiosk building hereby approved is brought in to use details of the proposals for the provision of secured covered cycle parking, in accordance with LTN1/20 Cycle Infrastructure Design, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number of parking spaces, siting, size, design and materials to be used in the construction of the secured and covered bicycle store(s).

The bicycle parking spaces shall be provided and made available for use in accordance with the duly approved scheme before the development hereby approved is first brought into use and shall be retained as such thereafter.

Reason: To promote modal shift and increased use of sustainable methods of travel and to secure satisfactory cycle facilities on site and in accordance with Policies

JP-C1: An Integrated Network, JP-C6: Walking and Cycling and JP:C8: Transport Requirements of New Development, of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 15 Prior to first use of the building and/or the facilities hereby approved the applicant shall provide:

- Electric vehicle (EV) charging points (minimum 7kW\*) for a minimum of 20% of the proposed additional parking spaces; and,
- Provide photographic evidence of the installation of the agreed electric vehicle charge points.

Evidence of the above shall be submitted to and approved in writing by the Local Planning Authority.

\*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at: <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason: In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life, in accordance with the requirements of Policy JP-S2: Carbon and Energy of the Places for Everyone Plan and the National Planning Policy Framework.

- 16 Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, bats, or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policies EN1/2: Townscape and Built Design and EN6/3: Wildlife Links and Corridors of the Bury Unitary Development Plan, Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Plan and the National Planning Policy Framework.

- 17 The proposed pedestrian route indicated on the approved plans shall be surfaced, demarcated and made available for use to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason: In the interests of pedestrian safety, in accordance with Policies JP-C1: An Integrated Network, JP-C6: Walking and Cycling and JP:C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 The car parking and turning facilities indicated on the approved plans shall be surfaced, demarcated (as appropriate) and made available for use to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason: To ensure adequate off-street car and cycle parking, to allow adequate

space to maintain a vehicle clear of the highway and ensure the intervisibility of the users of the site and the adjacent highways, in the interests of road safety, in accordance with Policies JP-C1: An Integrated Network, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 19 The Padel Courts and Pavilion/ Kiosk hereby approved shall only be open for trade or business (including deliveries) between 07:00 hours and 22:00 hours Monday to Friday, between 08:00 hours and 22:00 hours on Saturdays and between 08:00 hours and 21:00 hours on Sundays, Bank and Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Policies EN1/2 - Townscape and Built Design and EN1/7 - Noise Pollution of the Bury Unitary Development Plan.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| CB                  | 25/09/2024  | DM -                    | 26/09/2024  |