

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mrs Stephanie Procter
MAST Architecture Ltd
65 Ack Lane West
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Stockport
Greater Manchester
SK8 7EU

On Behalf Of:

Mr Kenneth Orr
The College of Rugby
Sedgley Park Rfuc
Park Lane
Whitefield
Manchester
M45 7DZ

PART 1 - Particulars of Application

Application Number: 70583

Date of Registration: 24/04/2024

Proposal:

Temporary installation of five cabins to create 3 no. classrooms, W/C and kitchen facilities for The College of Rugby

Location:

Sedgley Park Rugby Union Football Club,
Philips Park Road West, Whitefield,
Manchester, M45 7DZ

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.

Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to the National Planning Policy Framework.

- 2 This decision relates to the following drawings numbers:

0079-MASTA-A-201 Rev. B: Block Plans - Existing and Proposed
0079-MASTA-DR-A-0800 Rev. B: Location Photos (including Proposed Site Plan);
0079-MASTA-DR-A-0301 Rev. A: Proposed Plans and Elevations; and,
0079-MASTA-DR-A-0204: Native Tree Planting, and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 No development shall commence until full details of:

(a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and

(b) a scheme for the removal of the works/contractors' compound and the 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 the playing field from damage, loss or availability of use and to accord with Policy RT1/1 of the Unitary Development Plan and the National Planning Policy Framework.

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

(a) the continuity of the existing sports use of the playing fields (rugby pitches) 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 of the Unitary Development Plan and the National Planning Policy Framework.

- 5 The use of the cabins shall be for purposes pertaining to the operations of The College of Rugby and for no other use.

Reason: To maintain the quality of and secure the safe use of the rugby education/sporting provision to accord with Policy RT1/1 of the Unitary Development Plan and the National Planning Policy Framework.

- 6 The use of the cabins hereby permitted shall not be used outside the following times: 08.00 to 16.00 on Mondays to Fridays during school terms times.

Reason: In the interests of highway safety, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 7 The 4 native Hazel trees, identified on Drawing no. 0079-MASTA-DR-A-0204 shall be planted within the first available tree planting period (November to March) following occupation of the steel containers being used as education classrooms hereby approved.

The trees shall be of a standard size (10-12 cm girth), root balled, stalked and tied and shall be kept weed free and watered as appropriate.

Reason: Ensuring the trees are helped to develop and in the interests of providing net-gains to biodiversity, in accordance with Policies JP-G7: Trees and Woodland, and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity, of the Places for Everyone Joint Development Plan, Policies EN1/2 - Townscape and Built Design, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, and the National Planning Policy Framework.

- 8 Development shall not commence until details of surface water drainage proposals to deal with roof drainage and any additional hard standing areas have been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided.

Reason: To promote sustainable development, as the current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact, in accordance with Policies EN7/3: Water Pollution and EN7/4: Ground Water Protection and EN7/5: Waste Water Management of the Bury Unitary Development Plan and the National Planning Policy Framework.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/5	OL1/5 - Mineral Extraction and Other Development in the Green Belt
EN1/2	EN1/2 - Townscape and Built Design
HT2/4	HT2/4 - Car Parking and New Development
EN8/2	EN8/2 - Woodland and Tree Planting
OL1/2	OL1/2 - New Buildings in the Green Belt
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-S2	Carbon and Energy
NPPF	National Planning Policy Framework

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other

consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

0079-MASTA-A-201 Rev. A: Block Plans - Existing and Proposed

0079-MASTA-DR-A-0800 Rev. B: Location Photos (including Proposed Site Plan);

0079-MASTA-DR-A-0301 Rev. A: Proposed Plans and Elevations; and,

0079-MASTA-DR-A-0204: Native Tree Planting

NOTES TO APPLICANT

2. INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

1. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>
3. Surface water discharge to be limited to existing flow from site less a minimum 40% reduction in run-off to allow for climate change to prevent surcharge of public sewerage system downstream of the proposed development Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk and its associated SPD 16 Design and Layout of New Development in Bury. Climate change allowance should be increased to 70% for sites which fall within Flood Zone 3.

4. The proposed development is to be served by a septic tank and/or soakaway. The applicant must therefore consult the following regarding this development: -
- a) Environment Agency, Appleton House, 430 Birchwood Boulevard, Birchwood, Warrington, WA3 7WD. Tel: 01925 840000.
 - b) Bury MBC, Environment & Development Services, 3 Knowsley Place, Duke Street, Bury BL9 0EJ. Mrs Lorraine Chamberlain, Tel. 0161 253 5519.
5. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL BE REQUIRED BEFORE DEVELOPMENT COMMENCES***

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
- and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Signed:



7 of 7

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On behalf of the Council

Date of Decision: 28/08/2024