

NOTICE OF PLANNING PERMISSION

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

To:

Mr Oliver Eves
NJL Consulting Ltd
Origin 6th Floor
70 Spring Gardens
Manchester
M2 2BQ

On Behalf Of:

Mr Fraser Higson
Pure Padel Clubs Ltd
C/o Agent

PART 1 - Particulars of Application

Application Number: 70619

Date of Registration: 09/04/2024

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

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 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.

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.

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

CF1	CF1 - Proposals for New and Improved Community Facilities
CF1/1	CF1/1 - Location of New Community Facilities
RT1	RT1 - Existing Provision for Recreation in the Urban Area
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT1/2	RT1/2 - Improvement of Recreation Facilities
HT2/10	HT2/10 - Development Affecting Trunk Roads
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
EN1/2	EN1/2 - Townscape and Built Design
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN8	EN8 - Woodland and Trees
RT3/5	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

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:

NOTES TO APPLICANT

2. **ADVERTISEMENT CONSENT REQUIRED FOR SIGNS**

The submitted plans indicate the intention to erect signs and/or advertisements on the building/site. This planning permission does not grant consent for any signage shown on the approved plans, nor should it be construed or assumed that the indication of such signage on the approved plans will result in the grant of advertisement consent. The applicant is reminded of the need to make a separate application for advertisement consent to the Local Planning Authority in accordance with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) in order to obtain permission for any signage before this is erected.

3. **BUILDING CONTROL**

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. The Council's Building Control section can be contacted on 0161 253 5313 or on the Council's website at: <https://www.bury.gov.uk/planning-building-control/building-regulations>.

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>

4. The applicant's attention is drawn to the statutory obligations contained in Part M of Schedule 1 of 'The Building Regulations 2000' as amended. Additionally, the Disability Discrimination Act 1995 requires all owners of businesses, that serve the public, to make sure - as far as possible - disabled customers are treated in the same way as non-disabled customers.

5. The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

6. **LOCAL HIGHWAY AUTHORITY**

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any required highway remedial works. The cost of the works will be the responsibility of the developer.

7. **THE CONTROL OF POLLUTION REGULATIONS 1974/75, 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 Pollution Regulations 1974.

8. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

9. RHODODENDRON

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Rhododendron ponticum are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

10. WASTE AND SOIL MOVEMENTS

All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

11. WILD MAMMALS

The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning permission does not provide a defence against prosecution under this act.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', written in a cursive style.

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On behalf of the Council

Date of Decision: 26/09/2024