

NOTICE OF PLANNING PERMISSION

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

To:

Mr Steve Wells
Steve Wells Associates Ltd
Churchill House
Mill Hill
Pontefract
WF8 4HY

On Behalf Of:

Mr Neil Long
Bury Council
Town Hall
Knowsley Street
Bury
BL9 0SW

PART 1 - Particulars of Application

Application Number: 70200

Date of Registration: 24/10/2023

Proposal:

Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, car park with associated lighting and landscaping, single storey extension to an existing pavilion

Location:

Top Park playing fields, Bolton Road West, Ramsbottom, Bury, BL0 9NU

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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered:
205-087-1000, 205-087-1001, 205-087-1002, 205-087-1003, 205-087-1004,
205-087-1005, 205-087-1006, 205-087-1007, 205-087-1008, 205-087-1009,
205-087-1011 HLS5035 - Setting Out, HLS5035 - Proposed Floodlighting Horizontal
Spill, 1624-001, 1624-002, 1624 -003 A, CC894500, HL250 15M RL C/W 2no LED.

Supporting Documents:

P2416_20231019_AGP, Top Park, Bury - Transport Assessment
Top Park, Bury Noise impact assessment 11164.1
Top Park lighting Project Overview dated 29-09-2023
Preliminary Ecological Appraisal (PEA) dated September 2023
Design and Access Statement
Consultants Coal Mining Report - 51003377392001
Ground Investigation Report October 2023

Floodlight FL 11 Brochure
Floodlight product description

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 The external finishing materials for the proposed extension hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, 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.

- 5 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 Prior to the development being brought into use the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum. Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*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. To safeguard residential amenity, public health and quality of life.

- 7 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 6 l/s;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 8 The Artificial Grass Pitch hereby approved shall only be available for use between the hours of 08:00 to 22:00 hrs (Monday to Saturday) and 09:00 to 21:00 hrs (Sundays and Bank Holidays).
- Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and RT3/5 - Noisy sports.
- 9 Prior to the first use of the AGP floodlights hereby approved, and with the exception of the amenity light to allow safe egress, each lighting column the floodlighting system shall be fitted with control switches and a time clock that recognises BST to automatically switch the floodlights off no later than 22.00 hours (Monday to Saturday) and 21:00 hours (Sunday and Bank Holidays). The floodlights shall remain switched off in accordance with the hours approved in Condition 8 of the development hereby approved. Satisfaction of this condition will include any requirement for amenity lighting for a period of 10 minutes on column M3 (as shown on drawing HLS5035 - Proposed Floodlighting Horizontal Spill) following closure of the pitch.
- Reason. To safeguard the amenities of the occupiers of nearby residential accommodation and in order to ensure that no harm is caused to a Protected Species pursuant to policies EN1/2 - Townscape and Built Design, EN7 - Pollution Control, EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 Prior to the first use of the floodlights hereby approved, the AGP luminaries LED

cells shall be fitted with Back Light Control. The Back Light Control shall thereafter be maintained in situ.

Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7 - Pollution.

- 11 Prior to any earthworks a biosecurity management strategy for Himalayan Balsam should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 12 Notwithstanding the details shown on the approved landscaping plan 205-087-1011 24 heavy standard trees shall be planted as landscape trees around the boundary of the site set back from the woodland. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date of occupation. Any trees removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

- 13 Use of the artificial grass pitch shall not commence until:
(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
(b) confirmation that the facility has been registered on the Football Foundation's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.

- 14 No development shall commence until a scheme to ensure either:
(a) the continuity of the existing sports use of/on the playing fields/sports facilities shown edged blue on Drawing No. 205-087-1001; or
(b) the provision of replacement facilities during construction works 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 Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.

- 15 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 use of the 3G pitch, natural turf youth pitch, pavilion facilities and car park and include details of pricing policy, hours of use, access by users, 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 Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.

- 16 Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This will include measures to ensure the replacement of the Artificial Grass Pitch within 10 years or an alternative timescale as agreed in writing with the FA. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

Reason. To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.

- 17 No development shall commence unless and until a 'Construction Management Plan' (CMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the footways and carriageways in the vicinity of the site access in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
2. Access point for construction traffic from Bolton Road West and all temporary works required to facilitate access for ground works/construction vehicles;
3. The provision, where necessary, of temporary pedestrian facilities/protection measures to maintain access for users of the playing fields;
4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Bolton Road West;
5. Confirmation of hours of operation and number of vehicle movements;
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the 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.
9. Details of 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 - agreed this addresses Cond 2 if the overall condition title is amended to CMP (as stated above).

10. 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.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To protect playing fields/sports facilities from damage, loss or availability of use and to accord, to mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and 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 the interests of highway safety pursuant to Bury Unitary Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area. EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 18 The alterations and pedestrian improvements at the existing site access onto Bolton Road West indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highway, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
- 19 The car parking indicated on the approved plans shall be surfaced, demarcated, and made available for use to the satisfaction of the Local Planning Authority.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 20 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and in accordance with the approved Tree Protection Plan 1624-003 Revision A. The development shall not commence unless and until the measures required by the British Standard 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.

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:

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
RT2	RT2 - New Provision for Recreation in the Urban Area
RT3/5	RT3/5 - Noisy Sport
OL5/2	OL5/2 - Development in River Valleys
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN8/2	EN8/2 - Woodland and Tree Planting
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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:

Drawings:

205-087-1000, 205-087-1001, 205-087-1002, 205-087-1003, 205-087-1004, 205-087-1005, 205-087-1006, 205-087-1007, 205-087-1008, 205-087-1009, 205-087-1011 HLS5035 - Setting Out, HLS5035 - Proposed Floodlighting Horizontal Spill, 1624-001, 1624-002, 1624-003 A, CC894500, HL250 15M RL C/W 2no LED.

Supporting Documents:

P2416_20231019_AGP, Top Park, Bury - Transport Assessment
Top Park, Bury Noise impact assessment 11164.1
Top Park lighting Project Overview dated 29-09-2023
Preliminary Ecological Appraisal (PEA) dated September 2023
Design and Access Statement
Consultants Coal Mining Report - 51003377392001
Ground Investigation Report October 2023
Floodlight FL 11 Brochure
Floodlight product description

NOTES TO APPLICANT

1. **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.

2. **UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE**

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix (published online under application 70200 - United Utilities), Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

4. Whilst the building to be extended has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
5. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

6. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the proposed highway works. The cost of the works will be the responsibility of the developer.
7. The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

1. **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.

2. **UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE**

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix (published online under application 70200 - United Utilities), Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

4. Whilst the building to be extended has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably

licensed bat worker employed to assess how best to safeguard the bat(s).

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
5. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.
6. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the proposed highway works. The cost of the works will be the responsibility of the developer.
7. The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

Signed:



10 of 10

.....
On behalf of the Council

Date of Decision: 24/01/2024