



Planning and Licensing Committee

Meeting information

Date and time of meeting: Thursday, 23 May 2024 at 6.00 pm

Venue: Hollingworth ABC, First Floor, Number One Riverside, Smith Street, Rochdale, OL16 1XU

Agenda items

11. **Consideration of actions on submission of an appeal against the refusal of application 22/01410/FUL - Department of Work and Pensions DCS Distribution Centre, Manchester Road, Heywood, OL10 2PZ (Pages 2 - 107)**

Committee Members

Councillors A. Hussain (Chair), T. Smith (Vice-Chair), O'Neill, Sheerin, A. Rashid, Mir, S. Emmott, Burke, Mohammad, West, Emsley, Winkler, S. Smith, F. Ahmed, Bamford

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Agenda Item 11

Report to Planning and Licensing Committee



Date of Meeting	23 rd May 2024
Portfolio	Regeneration and Housing
Report Author	Melanie Hale
Public/Private Document	Public

Application: 22/01410/FUL	Township: Heywood	Ward: Hopwood Hall
Applicant: : Trammell Crow Co Logistics (Heywood) Ltd		Agent: Gerald Eve LLP
Site Address: Department of Work and Pensions DCS Distribution Centre, Manchester Road, Heywood, OL10 2PZ		
Proposal: Consideration of actions on submission of an appeal against the refusal of application 22/01410/FUL		

BACKGROUND

APPLICATION

- 1.1 Members will recall that the above application was considered at the meeting of the Planning and Licensing Committee held on the 21st December 2023. The report and minutes are appended here for information.
- 1.2 The application was refused for the following reason:

By virtue of its size, scale and form, the proposed development is not well designed and would represent an overdevelopment of the site which is not compatible with surrounding land uses due to the detrimental and unacceptable impacts on the noise environment and the visual amenity of surrounding residents, with particular regard to future residents adjacent the site. Due to this overbearing and unacceptable relationship with surrounding land uses the application fails to accord with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 1.3 The Council has now received formal notification from the applicant of their intention to appeal the council's decision. The appeal will most likely be in the form of a public inquiry.

DECISIONS & APPEALS

- 1.4 If an application for planning permission is refused by the local planning authority, legislation requires that the decision notice must clearly and precisely state the full reasons for refusal, specifying all policies and proposals in the development plan which are relevant to the decision.
- 1.5 An appeal can be made by an applicant against a refusal of planning permission under section 78 of the Town and Country Planning Act 1990. The appeal is made to the Secretary of State, but is dealt with by the Planning Inspectorate, an executive agency of the Department for Levelling Up, Housing and Communities.
- 1.6 National planning practice guidance states that local planning authorities will be guilty of unreasonable behaviour if they fail to produce evidence to substantiate each reason for refusal. Failure in this regard is one of the most common grounds on which costs can be awarded against the local planning authority. Case law sets out that the key test is whether evidence is produced on appeal which provides a respectable basis for the council's position.

RECOMMENDATION

- 2.1 That members resolve not to pursue the matter of an 'unacceptable impact on the noise environment' should the decision be appealed as per the reason for refusal stated at paragraph 1.2 above.
- 2.2 That this be agreed with the applicant/appellant in the statement of common ground to be submitted with appeal documentation.

REASON FOR RECOMMENDATION

- 3.1 The council cannot offer any evidence to support this part of the reason for refusal, potentially resulting in a significant award of costs against the council.

SITE & PROPOSAL

The application relates to an 11 hectare site at the junction of Manchester Road and Queen Elizabeth II Way. It consists of six main buildings previously used for document storage by the Department for Work and Pensions. It is adjacent an existing residential area to the east, a school to the north and an area of open land to the west and south. Much of the latter has outline planning permission for residential development.

The application proposed the demolition of all buildings, site clearance and the erection of 3no buildings for storage and distribution (use class B8). Following consideration at planning committee, the application was refused for the reason set out at paragraph 1.2.

In particular, the reason for refusal states that the proposed development would not be compatible with surrounding land uses due to the detrimental and unacceptable impact on the noise environment.

CONSIDERATION OF NOISE

Detailed consideration of noise by officers is set out from paragraph 42 onwards of the committee report considered at the meeting held on the 21st December. In summary, it states that the applicant submitted a Noise Impact Assessment with the proposal. This concluded that the main source of noise would be that generated by heavy goods vehicles (HGV's) manoeuvring and loading/unloading along with associated plant and equipment. It was acknowledged that given the potential impact on the existing and future residential environments, there would be a need for mitigation measures to be implemented as part of the scheme, including acoustic barriers. Mitigation was thus shown on the proposed site plan.

The committee report concludes that, subject to the implementation of appropriate mitigation measures, the development would comply with the relevant provisions of the development plan in this regard and would be acceptable subject to attaching appropriately worded conditions.

Conditions were recommended in relation to implementation of the measures set out in the Noise Impact Assessment (condition 14); and adherence to maximum noise levels (condition 23).

THIRD PARTY REPRESENTATIONS AND CONSULTATION RESPONSES

Members will be aware that consultations are carried out on applications for planning permission with technical specialists. In this case, the consultation response of the Environmental Health Officer (EHO) dealing with noise is relevant.

The application was assessed by the EHO who offered no objection to the proposals subject to the implementation of measures recommended in the

submitted Noise Impact Assessment report and maximum noise levels, as per the conditions referred to above.

The council received detailed third party representations in relation to the impact of noise of the proposed development, particularly in relation to the land subject to outline planning permission for residential development to the west and south. In summary, the third party objected on the grounds that granting planning permission for the proposed development would prejudice the ability to effectively implement the outline planning permission, with particular emphasis on the resulting viability of the scheme.

The committee report sets out that the EHO was provided with the objections on noise grounds submitted by the third party objector, along with rebuttals from the applicant. The EHO maintained that there was no objection to the scheme on noise grounds provided that planning permission was granted subject to the conditions as stated.

APPEAL

As stated, the applicant has served formal notice of their intention to appeal the council's decision. The council will be required to produce evidence to support the reason for refusal or otherwise be found to have behaved unreasonably, resulting in an award of costs in favour of the applicant.

In relation to the impact of the development, the council's EHO has reviewed all of the relevant information submitted by both the applicant and the third party objector. The advice is clear that the noise impact of the scheme can be suitably mitigated to a level that is acceptable provided that conditions are attached.

The council is in a position where it cannot offer any evidence to support this part of the reason for refusal.

RECOMMENDATION

That members resolve not to pursue the matter of an 'unacceptable impact on the noise environment' should the decision be appealed, as per the reason for refusal stated at paragraph 1.2 above.

That this be agreed with the applicant/appellant in the statement of common ground to be submitted with appeal documentation.

Report to Planning and Licensing Committee



Date of Meeting
Portfolio

21 December 2023
Councillor Daniel Meredith
Cabinet Member for
Regeneration & Housing
James Hughes
Public

Report Author
Public/Private Document

Application: 22/01410/FUL	Township: Heywood	Ward: Hopwood Hall
Applicant: Trammell Crow Co Logistics (Heywood) Ltd		Agent: Gerald Eve LLP
Site Address: Department of Work and Pensions DCS Distribution Centre, Manchester Road, Heywood, OL10 2PZ		
Proposal: Redevelopment of site comprising the demolition of all existing units and erection of new storage and distribution units (Use Class B8) with ancillary office space, vehicular, pedestrian and cycle access, external yards, parking, landscaping and associated works.		

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee in accordance with the scheme of delegation. The proposal comprises major development and more than 10 objections have been received, contrary to the recommendation.

PROPOSAL SUMMARY

- 2.1 Planning permission is sought for the redevelopment of the application site, consisting of the demolition of all existing buildings and replacement with three new storage and distribution units (Use Class B8) with ancillary office space. In addition, pedestrian and cycle access, external yards, parking, landscaping and other associated works are proposed.

RECOMMENDATION

- 3.1 That planning permission be **GRANTED** subject to conditions.

REASON FOR RECOMMENDATION

- 4.1 The site lies to the northeast of the intersection of Manchester Road and Queen Elizabeth II Way, towards the southern edge of the settlement of Heywood. The existing brownfield (previously developed) site consists of six main buildings, with associated ancillary buildings, infrastructure, landscaping and an existing access from Manchester Road. The principle of the site being used as employment space for storage and/or distribution is already established due to its current use.
- 4.1 The proposed development would result in an existing employment site being redeveloped, providing high quality and modern distribution units that would attract and/or retain businesses within the storage and distribution sector, providing or retaining jobs within the borough and contributing to the borough's economic resilience and growth, whilst promoting Rochdale as a destination to invest in within the Greater Manchester city region.
- 4.2 Despite the scale of the facilities proposed, the layout, appearance and both the existing and proposed landscaping treatment to the site are acceptable and provide sufficient screening in addition to mitigation for visual, noise, landscape and biodiversity impacts given the context of the site within the already defined extent of an employment site, including when considering previously granted planning permission(s) for nearby housing developments.
- 4.3 No unacceptable harm has been identified in respect of residential living conditions of surrounding occupiers (current or future) either by way of visual intrusion, overshadowing, overbearing impact or through noise, lighting and disturbance, which cannot be controlled by way of suitably worded planning condition(s).

- 4.4 Overall the application proposals comprise a high quality, sustainable employment development on an existing employment site, that is supported in local, national and the emerging Places for Everyone.

PREVIOUS DEFERRAL – SEPTEMBER PLANNING COMMITTEE

This planning application was initially presented at September's Planning Committee. The application had been prepared with a recommendation for approval subject to conditions. Upon receipt of a suite of late objections close to publication and soon after publication of the committee report, the decision was made by the LPA to change the recommendation to 'deferred', with the application to be presented to planning committee at a later date. The reason this decision was taken was that further consideration of the content of late objections was required, with an additional review of all objections received to date from a specific objecting party. *Advice was also sought from the Council's legal team as well as external legal advice sought by both the applicant and the Council.*

Members are directed to the section titled 'Additional Commentary' in this Committee Report. This section has been added to provide further commentary on all objections received from the objector, as well as set out responses received from the applicant by way of amended plans, additional and/or amended reports and rebuttals received via letter and external legal advice sought by the Applicant.

PREVIOUS DEFERRAL – NOVEMBER PLANNING COMMITTEE

As Members are well aware, this item was recommended for approval in the Planning and Licensing Committee meeting held on Thursday 23 November. Subsequent to the recommendation and publication of an updated committee report (having been updated due to a similar situation in September – see Section 'Deferral – September 2023' of this Report).

The application was once again deferred due to the submission of substantial late representations (objections) on the evening of Wednesday 22 November. As such, the late objections were not examined until the morning of the day of committee. The objections received include letters from legal representatives of the objector and a letter enclosing a 266-page viability assessment. Due to the extent and contents of the late objections received, the Local Planning Authority (LPA) was once again left with no option but to defer the presentation of the planning application to Members in November's Planning & Licensing Committee.

For the benefit of Members, an additional section to this committee report has been created (Additional Commentary Part II). This section of the Report sets out the additional points of objection received and a response from the LPA as to how each point of objection has been addressed. The LPA would also like to make Members aware that legal advice has been sought, as well as specialist advice regarding issues raised where necessary.

SITE

The application relates to an approximately 11.1 hectare site to the northwest of the intersection of Manchester Road and Queen Elizabeth II Way. The

application site currently consists of six main buildings, currently used by the Department of Work & Pensions (DWP) for document storage. As well as the six main buildings, there are several smaller associated buildings dispersed across the site, with associated landscaping, largely consisting of mown grass and trees, as well as access road and car parking areas. The site is brownfield (previously developed).

The six main buildings have eaves heights that vary from 5.7m to 10m, whilst maximum (ridge) heights vary from 7.8m to 10.1m. The buildings are generally beginning to fall into a poor state of repair. However, they are still functional and capable of use. The existing buildings provide approximately 31,900 square metres (GEA) of space.

The application site is broadly 'L' shaped, which bounds an existing suburban housing development to the north/east of the application site, between the application site and Manchester Road. Queen Elizabeth II Way and associated embankment runs along the south boundary of the site. Newhouse Academy, a secondary school, and associated playing fields are located to the north of the application site. The enlargement and alterations to the existing secondary school was granted planning permission on 14 December 2022 under application 22/01191/PSID. The land to the west of the site is currently undeveloped but forms part of the South Heywood Masterplan for which outline planning permission was granted on 31 March 2020 comprising a major mixed use scheme of housing, employment, and primary school and a new link road from J19 of the M62. The permission has been implemented insofar that the associated link road (Queen Elizabeth II Way) has been constructed, but the majority of the land remains undeveloped.

The site is located within the Defined Urban Area in its entirety. It is within Flood Zone 1, it is not within a conservation area, and does not contain or affect the setting of any listed buildings. The site is not covered by any specific designations or associations within the Development Plan.

PROPOSAL

Following the demolition of all existing buildings and associated site clearance, including internal roads and car parking, planning permission is sought for the erection of two buildings (one detached unit – 'Unit 3', one semi-detached building consisting of two separate units – 'Units 1 & 2') for Class B8 (storage and distribution) use as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, including ancillary associated office space, vehicular, cycle and pedestrian access/service roads, external yards, car and HGV parking and landscaping with other associated works. The existing access from Manchester Road is to be retained, although altered to accommodate HGVs.

Units 1 & 2 – These units would be semi-detached (Unit 1 to the east, Unit 2 to the west) and have a finished floor level of approximately 129.15 metres AOD (subject to variance of up to 0.1 metre depending on final earthworks assessment). The building would measure 117 metres in length and 71 metres

in width, with additional single storey offices to the east and west elevations measuring approximately 36 metres in length and 12 metres in depth. The ground to eaves height would be 12 metres (circa 15.4 metres to ridge). The units would provide a total floor space of 8,224 square metres GIA and an additional 438 square metres of ancillary office space.

North: Between the long north elevation of the main building/single storey offices and north boundary would be car parking and associated road and a landscaping strip, consisting of a graded embankment and a 1.8 metre high timber fence between the development and existing properties. There would be approximately 20 metres between the north elevation and north boundary of the site, beyond which is the rear garden areas/rear elevations of dwellings on the south side of Bader Drive and White House Close. Currently, the existing relationship is similar in that the car parking area for the existing units is adjacent to the dwellings.

East: To the east (short) elevation of Unit 1 (and enclosed to the north by the single storey office building) would be the service yard with 3no dock doors. A footway and landscaping would separate the service yard from the access road to the site, with a landscaping buffer and SUDS pond. There would be approximately 93 metres between the east elevation and east boundary, beyond which is Manchester Road.

South: Between the south (long) elevation of the units would be a footway, service road and landscaping buffer. There would be approximately 14 metres between the south elevation and south boundary, beyond which is Queen Elizabeth II Way and associated land around the highway.

West: Between the west (short) elevation of Unit 2 (and enclosed to the north by the single storey office building) would be the service yard with 3no dock doors. A footway would separate the service yard from a service road, with landscaping and SUDS pond and the southeast corner of Unit 3 beyond. This elevation faces into the site and is not close to any shared boundaries.

The units would be predominantly grey, with light blue and dark blue horizontal strips along the upper section of the building to provide visual breaks. Fenestration would largely be restricted to ground floor east/west elevations and to the single storey office buildings. The roof would be a double hipped roof with roof lights.

Each unit would be served by a gated service yard with access to 3no level access doors and be served jointly by a car park (40no spaces, including 4 disabled spaces, 3 EVC spaces and 3 car sharing spaces), with separate cycle and motorcycle parking.

Unit 3 – Would have a finished floor level of +129.50 metres AOD (metres (subject to variance of up to 0.1 metre depending on final earthworks assessment)). The building would measure 280 metres in length and 116 metres in width. The ground to eaves height would be 15 metres (circa 17.6 metres to

ridge). The unit would provide a total floor space of 32,527 square metres GIA and an additional 2,009 square metres of ancillary office space.

North: Between the north (short) elevation of the unit and north boundary would be an emergency access track and landscaping, including a SUDS pond. There would also be HGV parking to the far northwest corner of the site, to the northeast of the unit. Existing vegetation is to be retained with additional planting. There would be approximately 20 metres to 50 metres between the north elevation and north boundary, beyond which is the grounds of Newhouse Academy, a secondary school.

East: Between the east (long) elevation of the unit and the east boundary would be an emergency access track and landscaping, including a wildflower meadow. There would be approximately 28 metres and up to 50 metres between the east elevation and east boundary, beyond which are the rear boundaries of dwellings to Oldbury Close, Bader Drive and White House Close.

South: Between the south (short) elevation of the unit and the south boundary would be an access road and landscaping, including a 1:3 batter, retaining wall, vegetation, tree planting and a SUDS pond. There would be a minimum of approximately 34 metres and up to 50 metres between the south elevation and south boundary, beyond which is undeveloped land to the north of Queen Elizabeth II Way.

West: Between the west (long) elevation of the unit and west boundary would be the unit's service yard area, with 35no HGV loading docks and associated HGV parking. The service yard will be enclosed to the west by a 5m acoustic barrier. Beyond the service yard would be a 319 space car park (including 18 disabled spaces, 15 EVC spaces). Pedestrians would access the main unit from the car park by way of staircase/lift that would then pass over the HGV entrance to the service yard (the south elevation of the bridge would be approximately 41 metres from the south boundary of the site). Beyond the car park/service yard would be landscaping, with there a minimum of 49 metres between the west elevation and up to approximately 165 metres. There is undeveloped land/fields beyond the boundary.

The unit would be predominantly dark grey, with light grey, light blue and dark blue horizontal panelling to visually break up the main colour. The east elevation would be blank, with the north and south (short elevations) also largely blank with some limited fenestration. The west elevation contains the HGV access points, with translucent panels above the bays. The office space would project 12 metres to the west of the main building and consist of aluminium framed clear glazed curtain walling.



Figure 1 – Proposed Site Layout Plan

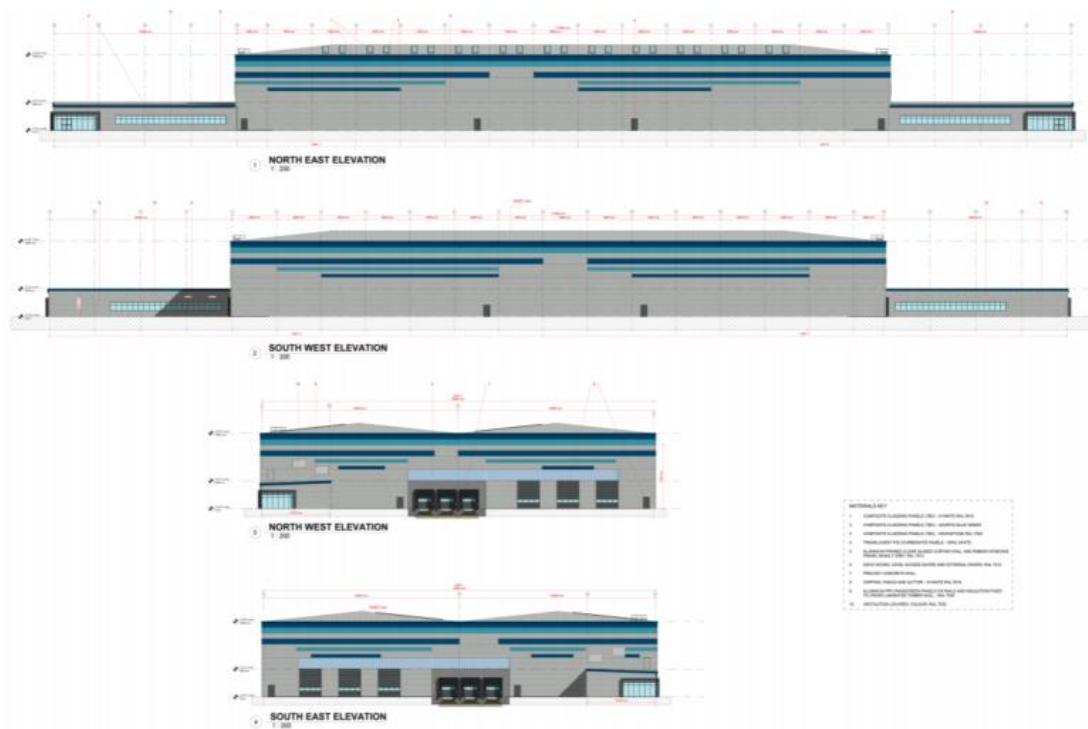


Figure 2 – Proposed Elevations (Units 1 & 2)

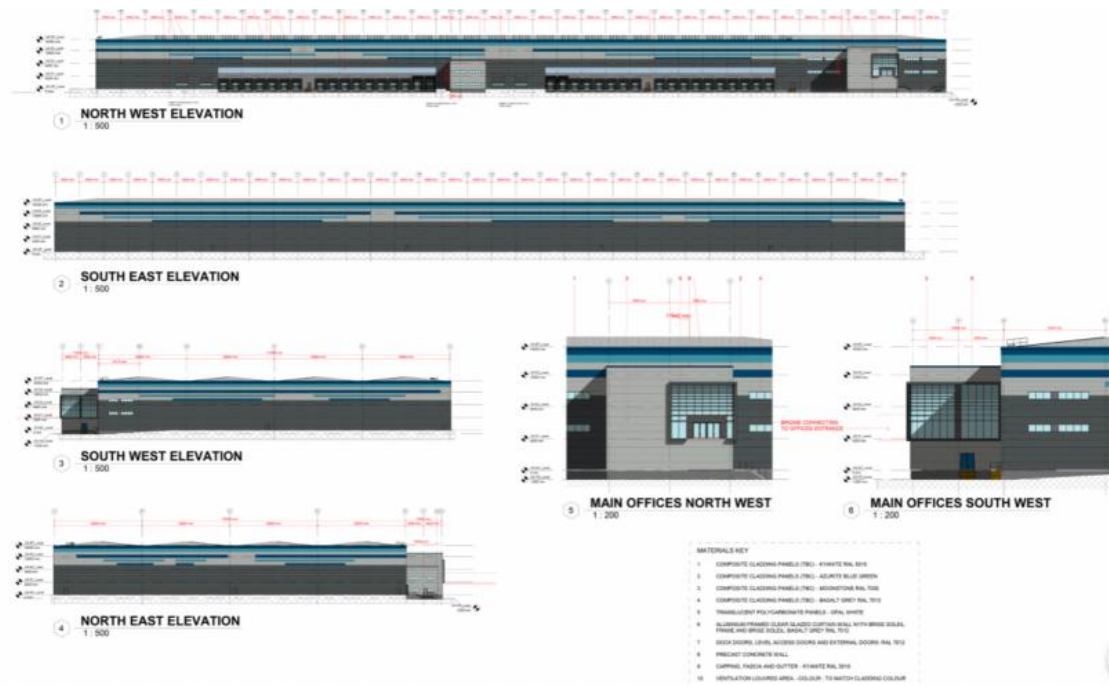


Figure 3 – Proposed Elevations (Unit 3)



Figure 4 – Example office elevations

RELEVANT PLANNING POLICY

The below policies are considered relevant to the proposed development sought under this application.

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) – September 2023

Section 2 – Achieving Sustainable Development

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

needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

The planning system's objectives are to ensure that three overarching, interdependent objectives are achieved. An economic objective (building a strong, responsive and competitive economy), a social objective (supporting a strong, vibrant and healthy community) and an environmental objective (protecting and enhancing the natural, built and historic environment). These objectives should be delivered through application of policies within the NPPF and the Local Plan. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**. For decision-making, this means approving development proposals that accord with an up-to-date development plan without delay.

Section 4 – Decision-making

Local Planning Authorities (LPA) should approach decisions on proposed development in a positive and creative way. The LPA shall work with applicants in a positive and proactive way to secure developments that will improve the economic, social and environmental conditions of the area they are in. Decision-makers shall seek to approve applications for sustainable development where possible.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions should be made as quickly as possible. LPAs shall also give weight to relevant policies in emerging plans if relevant and justified. However, in the context of the Framework and presumption of favourable development, arguments that an application is premature are unlikely to justify a refusal of planning permission, unless a development proposed is so substantial or significant that granting permission would undermine the plan-making process.

LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions and/or obligations. Planning conditions, however, should be kept to a minimum and only imposed where they meet the test of being enforceable, precise and reasonable. Pre-commencement conditions should be avoided unless there is a clear justification.

Section 6 – Building a strong, competitive economy.

Planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. Planning decisions should recognise and address the specific locational requirements of different sectors. This includes **local clusters for storage and distribution operations** at a variety of scales and in suitably accessible locations (Paragraph 83). In addition, decisions should recognise that development needs to be sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits

opportunities to make a location more sustainable. The use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist (Paragraph 85).

Section 8 – Promoting healthy and safe communities

Planning decisions should aim to achieve healthy, inclusive and safe places, such as through mixed-use developments, street layout that allow for easy pedestrian and cycle connections within and between neighbourhoods. In addition, places should be safe and accessible, so that crime and disorder and the fear of crime do not undermine the quality of life, through the use of attractive, well-designed and legible pedestrian and cycle routes which encourage the active use of public areas.

Paragraph 93 states that planning decisions should, amongst other things, ensure that established facilities and services are able to develop and modernise, retained for the benefit of the community and ensure an integrated approach to considering the location of housing, economic uses and services.

Section 9 – Promoting sustainable transport

Transport issues should be considered at the earliest stages of development proposals so that the potential impacts of development on transport networks can be addressed. Opportunities for existing/proposed transport infrastructure and changing transport usage should be realised. For example, in relation to the scale, location or density of development that can be accommodated. Opportunities to promote walking, cycling and public transport use should be identified or pursued. The environmental impacts of traffic and transport infrastructure should also be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects. Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

The planning system should actively manage patterns of growth in support of these transport objectives. Significant development should be focused on locations which are or can be made sustainable.

Paragraph 111 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. Within this context, applications for development should give priority first to pedestrian/cycle movements, secondly to public transport. Places should be created to feel safe, secure and attractive whilst minimising conflict with pedestrians, cyclists and vehicles. In addition, places should allow for the efficient delivery of goods and access by services and emergency vehicles. Charging of plug-in and ultra-low emission vehicles in safe and accessible locations should also be designed into developments. Paragraph 110(d) goes on to say that, when assessing specific applications for development, it should be ensured that any significant impacts from the development on the transport network (including capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

All developments that will generate a significant amount of movement should be required to provide a travel plan and be supported by a transport statement/assessment so that the likely impacts of the proposal can be assessed.

Section 11 – Making effective use of land.

Planning decisions should promote an effective use of land in meeting the needs of all uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Brownfield land should be used as much as possible to achieve these objectives.

Planning decisions should encourage multiple benefits, including through mixed use schemes, to achieve environmental gains such as schemes that would create new habitat. Undeveloped land can perform functions such as habitat, flood risk mitigation, shading and carbon storage. Substantial weight should also be given to brownfield land within settlements for identified need, supporting appropriate opportunities to remediate degraded/derelict land. Decisions should promote and support development of under-utilised land and buildings, especially where land supply is constrained and available sites could be used more effectively.

Planning decisions should support development that makes efficient use of land and take into account other forms of development and the availability of land suitable for accommodating it. They should consider local market conditions and viability, the availability of infrastructure, desirability to maintain an areas character and the importance of securing well-designed and healthy places.

Section 12 – Achieving well-designed places.

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design being a key aspect of sustainable development.

Planning decisions should ensure that developments will function well and add to the quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective use of landscaping. In addition, development should be sympathetic to local character and the surrounding built environment/landscape setting, while not discouraging appropriate innovation or change. Developments should establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of developments whilst creating places that are safe and accessible.

Trees make an important contribution to the character and quality of urban environments and can help mitigate/adapt to climate change. Planning decisions should ensure new streets are tree lined and trees are incorporate elsewhere in developments. Existing trees should be retained wherever possible.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance or supplementary planning documents. Outstanding

or innovate designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings should be supported.

Section 14 – Meeting the challenge of climate change, flooding, and coastal change.

The planning system should support the transition to a low carbon future in a changing climate and flood risk. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability, improve resilience, encourage the reuse and conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

New development should be planned in ways that avoid increased vulnerability and ensure that risks can be managed through suitable adaptation measures, including through green infrastructure. Reduction of greenhouse gas emissions should be provided for through a positive strategy through low carbon energy and heat, identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure. Development should identify opportunities for development to draw energy from decentralised, low carbon energy sources.

LPAs should expect new development to comply with development plan policies on local requirements for decentralised energy sources and take account of landform, layout, orientation, massing and landscaping to minimise energy consumption. It should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Major developments should incorporate sustainable drainage systems (SDS) unless there is clear evidence that this would be inappropriate. The systems should take account of advice from the LLFA, have appropriate minimum operational standards, have maintenance arrangements in place and, where possible, provide multifunctional benefits.

Section 15 – Conserving and enhancing the natural environment.

Planning decisions should contribute to and enhance the natural local environment by protecting and enhancing valued landscape, sites of biodiversity, geological value. They should recognise the benefits gained from natural capital and ecosystem services, including economic and other benefits, trees and woodland. Minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are resilient to current and past futures should be sought. New and existing development should be prevented from contributing or being put at unacceptable risk from unacceptable levels of air, water or noise pollution or land instability. The local environment should, wherever possible, be improved.

When determining planning applications, LPAs should apply the principle that, if significant harm to biodiversity resulting from a development cannot be avoided or adequately avoided, mitigated against or as a last resort compensated for, then planning permission should be refused. Development which results in the

loss of or deterioration of irreplaceable habitats should be refused unless in wholly exceptional reasons and where a suitable compensation strategy exists.

Planning decisions should ensure that a site is suitable for the proposed use, taking into account ground conditions and any risks from instability or contamination. Adequate site investigations by a competent person should inform such assessments. When a site is affected by contamination or instability, the responsibility for securing a safe development rests with the developer/landowner.

Planning decisions should ensure that new development is appropriate for the location, when taking into account likely and/or cumulative effects on pollution, health, living conditions and the natural environment, as well as the potential sensitivity of the site. Light pollution from artificial light on local amenity need also to be considered.

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

DEVELOPMENT PLAN POLICIES

Adopted Rochdale Core Strategy (CS) 2016:

S01 – Strategic Objective: To deliver a more prosperous economy.

- Focus on identifying quality employment sites and areas to increase the number and range of jobs.
- Ensuring good transport accessibility to jobs and markets within and beyond Greater Manchester
- Building on the borough's assets and improving its image to attract investment.

S03 – Strategic Objective: To improve design, image and quality of place.

- Raising design quality and promoting sustainable development.
- Improving gateways into the borough and main transport corridors to improve the image of the borough.

S04 – Strategic Objective: To promote a greener environment.

- Minimising Rochdale's contribution to climate change and mitigating and adapting to its adverse effects.
- Ensuring that development is energy efficient and contributes to carbon reduction.
- Reducing the risk of flooding through appropriate flood risk management.

S05 – Strategic Objective: To improve accessibility and deliver sustainable transport.

- Directing development to the most accessible locations or those that can be made more accessible by public transport.
- Improving access to the public transport network.
- Ensuring new development contributes to transport improvements and the use of public and other sustainable transport.

SD1 – Delivering sustainable development.

The LPA will take a positive approach that reflects a presumption in favour of sustainable development, as contained within the NPPF. It will work pro-actively with applicants to find solutions that means proposals can be approved wherever possible, securing development that improves the economic, social and environmental conditions of the area. Planning applications that accord with the policies of the Local Plan will be approved without delay, unless material planning considerations indicate otherwise.

SP1 – Rochdale borough's role in the city region

Rochdale will contribute to the success of the Manchester city region and the North West by playing its role in the delivery of sustainable development and investment that meets national and sub-regional objectives for employment growth by:

- Promoting the borough as an attractive location in terms of jobs, the environment and quality of life.
- Focus employment development so that it supports the overall economic growth of the sub-region.
- Strengthen transport infrastructure and strategic links to improve access to jobs within the regional centre and improve commercial links with the Northwest and West Yorkshire.

SP2 – The Spatial Strategy for the borough

In the Manchester fringe, to the south of the borough, where there is good access to existing facilities, infrastructure, the motorway corridor, public transport facilities and the wider Greater Manchester city region, the focus will be on new housing, employment and commercial development. Focus of investment, development and improvements will include economic growth corridors, areas and key corridors and gateways.

SP3/H – The Strategy for Heywood

The priorities for Heywood include promoting economic growth in South Heywood by, amongst other things, delivering new economic development on sites within the successful employment areas in the south of the town to maintain their national reputation as a high quality business location.

E2 – Increasing jobs and prosperity.

Ensure a sufficient supply of suitable land, buildings and infrastructure in the right places to support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy, by:

- Ensuring supply of up to 210ha of highly accessible land, focused in the south of the borough, that is attractive to 21st century employment development for offices, manufacturing and distribution as well as other employment generating uses.
- Protect those existing employment zones and employment sites outside employment zones which are most suited to continued employment use.

In the south of the borough, the focus will be to deliver most new employment development and jobs. Focusing of employment development will be in specified areas, which offer high quality sites with good access to the motorway network and public transport facilities, including South Heywood employment sites.

In addition, the regeneration of major employment locations will be promoted which are suitably located for continued employment use. Low employment generating uses will be discouraged in locations where higher employment generating uses would be more appropriate.

New employment development outside designated employment areas will be supported where it supports the above strategy and is not detrimental to amenity.

E3 – Focusing on economic growth corridors and areas.

The policy sets out the aims to focus employment development on high quality sites in economic growth corridors and areas in accessible locations in the south of the borough, in order to help deliver and maximise the benefits of new investment and the potential for growth and investment, as well as provide accessible jobs for local people.

With regards to the South Heywood employment area, this will include promoting the development of key sites, including North of Hareshill Road. In addition, the policy seeks to support improvements to all existing employment areas within South Heywood to maintain and enhance the quality of employment premises, whilst maintaining the area mostly for distribution uses. The promotion of infrastructure improvements/traffic management to service new and existing development and reduce heavy goods traffic in Heywood town centre and residential areas will also be sought.

The area has been identified as a location for potential employment growth in Greater Manchester, in particular for logistics.

C6 – Improving health and wellbeing.

The policy sets out that improving the health and wellbeing of the borough's residents is a high priority, through creating an economic, physical and social environment which promotes and supports healthy lifestyles.

This is to be achieved by, amongst other things, seeking to:

- Provide better access to jobs in areas with high levels of deprivation and/or poor health,
- Seeking high quality design of buildings, streets and spaces to create neighbourhoods that are safe to use, easy to move through, adaptable and sustainable.

- Maintaining and enhancing the borough's biodiversity, natural environment and create a coherent network of green infrastructure that can help promote better health.
- Identifying and implementing measures to reduce traffic movements and congestion to reduce air and noise pollution.
- Encouraging development that promotes active living by making places more accessible by walking, cycling and public transport.

More accessible and sustainably located development and a better integrated transport system will reduce the need to travel and promote healthier lifestyles.

P1 – Improving image.

Improving the image of the borough for both residents and visitors has significant economic benefits and can attract inward investment. It is required that high quality design is achieved in all new developments, particularly in areas including key gateways, prominent sites and regeneration areas. New developments will improve the image of the borough by:

- Requiring design which is of a high standard, demonstrates innovation and originality.
- Helping to green the urban environment, by securing tree planting on sites and along streets and roads.
- Promote development and re-use of under-used land and buildings.
- Creating people-friendly, safe and vibrant public areas.

P2 – Protecting and enhancing character, landscape and heritage

This policy sets out that enhancing and protecting the borough's unique character can lead to improvements in quality of life, boost the visitor economy and boost inward investment. The considerable potential of such assets should be considered in development schemes by requiring, amongst other things, that developments

- New development should integrate successfully with key natural features of the Borough.
- New development should protect and/or open up important views
- Conserve and enhance townscape character.

P3 – Improving design of new development.

It is required that all new developments, including associated landscaping, regardless of location, adhere to high standards of design. The following design principles should be adhered to if and where relevant:

- Respecting context where it is positive and have regard to scale, density, massing, height, layout, landscape, materials and access to surrounding buildings and areas in general.
- Ensure buildings contribute positively to the townscape, are well proportioned and incorporate design measures that design out crime and

ensure developments and spaces are safe to use and access (including when considering lighting).

- Provide an appropriate mix of uses
- Ensure development is easy to move through and get around, especially for pedestrians, cyclists, public transport, disabled people and emergency services.
- Ensure that intended functions of buildings and spaces are easily understood and entrances are appropriately located and visible.
- Minimise impact on the environment and help adapt to the impacts of climate change.
- Design buildings and spaces so that quality and appearance can be maintained over time.
- Reduce the monotony and visual impact of car parking areas by using substantial and well integrated landscaping.

Design and Access statements and design briefs must include demonstration of how these design principles have been taken into account in the design of development proposals.

G1 – Tackling and adapting to climate change.

Climate change is to be addressed and it is to be ensured that growth does not increase CO2 emissions by, amongst other things:

- Locating growth in areas which are likely to minimise the need for travel and which are well served by public transport, services and infrastructure.
- Expecting all development to be well connected to surrounding areas and facilities by sustainable means of transport.

G2 – Energy and new development

All new development will be expected to adhere to hierarchy to the extent that policy G2 reflects national policy, targets and requirements for that type of development.

G6 – Enhancing green infrastructure.

Enhancing green infrastructure supports local communities, housing and economic development by protecting against flooding and climate change impacts, helping to deliver quality of place and positive image by providing better quality of life through access to nature and leading to healthier lifestyles.

With regards to new development, the focus will be on incorporating green infrastructure into new development, SUDs, increasing the number of street trees, greening main roads, developing new green spaces and incorporating green roofs and walls into development. In addition, development proposals will be expected to:

- Be consistent with the overall focus for green infrastructure and wider than local value green infrastructure can have.
- Have regard to local landscape character and contribute to its conservation and enhancement.

- Avoid loss of existing trees unless suitable alternative provisions are made.
- Take opportunities to secure innovative solutions to the design of urban open space to widen potential functions, e.g. flood risk management, promoting urban wildlife or climate change adaptation.
- Not sever or impede key functions of greenspace corridors.
- Supporting new woodland and tree planting in new development and replace removed trees at a ratio of 2:1.

G7 – Increasing the value of biodiversity and geodiversity.

Increasing the value of biodiversity will protect and enhance the borough's wildlife and habitats. This will be achieved by ensuring that sites and features of biodiversity and geodiversity are given full and appropriate recognition.

It is expected that new development proposals will protect and include existing biodiversity within new developments, public realm and open spaces. Existing landscape features including ponds, trees, hedges and wooded areas shall be protected. Where there is opportunity, biodiversity should be promoted and new habitats should be created through new development using landscaping and building features wherever possible including green roofs, green walls, bat boxes, roof space nest boxes and landscaping.

G9 – Reducing the impact of pollution, contamination and land instability.

Reducing the impact of pollution will lead to a cleaner, greener and healthier borough. This can be achieved by reducing all forms of pollution, contamination and instability in the borough.

It will be ensured that new development does not have impact that leads to unacceptable increases in air, water, noise, light or any other type of pollution. In addition, any risk to surface water or ground water resources should be avoided through preventative measures. Planning conditions and/or obligations to control pollution from new development or impact of pollution on new development should be utilised.

Noise pollution, including transport noise, should be carefully considered, particularly to new developments. Measures to reduce noise from new development could include planting buffers, noise barriers, banking, placement of traffic calming measures and careful consideration of building materials and road surfaces. The relationship between residential and non-residential developments is a key consideration, and if necessary limited hours of operation will be imposed through planning conditions or obligations.

Water pollution can also result from surface water run-off and it is important for developments to incorporate run-off management measures such as SUDS.

Lighting schemes for new developments must have full regard to minimising negative impact on residential areas, the character of the area, biodiversity and the night sky.

T1 – Delivering sustainable transport.

Improvements to the Borough's transport infrastructure and the promotion of sustainable travel are necessary to meet the future access and travel choice expectations of communities and businesses, particularly for where areas where development is planned. This includes:

- Reducing the need to travel and make best use of existing transport infrastructure (roads, footways/cycleways etc.), strengthening requirements for travel plans.

T2 – Improving accessibility.

Development should offer greater access for all forms of travel. Development should be located where there is good access to public transport, backed by measures to reduce the need for travel and effective provision for cyclists, pedestrians and people with impaired mobility. Development should be appropriately located to minimise the need to travel by car. Developments will be required to satisfy the LPA's accessibility hierarchy.

DM1 – General development requirements.

All development proposals, including changes of use of land and buildings, will be expected to demonstrate, amongst other things, that they:

- Are of a high quality design and take the opportunity to enhance the quality of the area.
- Are compatible with surrounding land uses, both in terms of its impacts upon these uses and the impact of the surrounding land used upon the amenities of future residents/users
- Do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy;
- Mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary;
- Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location;
- Do not have an adverse impact on health, through its impact or the effect of existing problems e.g. land contamination, or poor air quality;
- Minimise opportunities for crime against people or property
- Incorporate, where appropriate, high quality landscape schemes;
- Have considered the availability of water and wastewater infrastructure, and any need for additional capacity.

All developments will be expected to demonstrate that the relevant requirements within this policy have been taken into account

DM2 – Delivering planning contributions and infrastructure.

Development proposed within the Core Strategy must be supported by necessary infrastructure. Infrastructure includes services, utilities, roads, transport, community facilities and green infrastructure.

Developers will be required to provide/contribute towards the cost of providing any physical and social infrastructure that is needed because of proposed

development, or to mitigate the impact of development, through planning obligations and agreements.

For all types of development, contributions for any infrastructure will be sought to mitigate any on site or off-site impacts, the contributions may cover:

- Off-site highways and access improvements covering all types of transport, including public transport facilities and services, cycling and walking;
- Replacing / protecting / moving biodiversity features where appropriate to address an adverse effect on a feature of biodiversity interest;
- Providing green infrastructure to mitigate the impact of development on the site and surrounding area or greenspace
- Flood protection and mitigation measures including those to address the adverse effects of surface water run-off, where a flood risk assessment shows it to be necessary; e. Mitigation or compensation against environmental impacts e.g. noise, air quality
- Delivery of energy infrastructure as part of major schemes;
- The delivery of any other infrastructure that is necessary because of, and related or connected to, the proposed development

For major developments we will seek an agreement to use local firms and labour for construction, and to make satisfactory arrangements to try to recruit employees from within the borough. Consideration will be given to the need to ensure that schemes remain viable whilst also taking into account the need for the contributions or infrastructure required to make the scheme acceptable in planning terms.

Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Defines the boundary of the urban area. New development, wherever possible and appropriate, should be concentrated within the urban area to support urban regeneration and to protect the countryside.

EM/7 Development and Flood Risk

Development will not be permitted in areas identified as flood plans, or other areas where development could contribute to flood risk unless appropriate flood risk assessments have been carried out verifying that the development would not result in an undue increase in the risk of flooding.

Greater Manchester Joint Minerals and Waste DPD (2013)

Supplementary Planning Documents (SPDs):

Climate Change Adaptation SPD (June 2012)

Biodiversity and Development SPD (updated 2017)

Guidelines & Standards for Residential Development SPD (2016)

EMERGING PLANNING POLICY

Places for Everyone (PfE)

The Places for Everyone Joint Development Plan is a strategic regional plan for all of the Greater Manchester Local Authorities with the exception of Stockport. It seeks to guide the largest and most strategic developments of housing and employment land across the region. This Plan will also set the housing requirements for each of the involved Local Authorities. At the time of this report, the updated schedules of main modifications and policies map changes and updated sustainability appraisal and habitat regulations assessment report referred to in IN39 have now been published on the GMCA website, prior to being considered by each of the local planning authorities.

As such, the Planning Inspectorate have stated: *“We are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard (subject to any grammatical or other minor changes that we may decide are necessary). That is, however, without prejudice to our final conclusions that we will reach following consideration of responses to the public consultation to be carried out on the main modifications (see below). Reasons for the main modifications that we do ultimately decide are necessary will be set out in our final report.”*

The Inspectors go on to confirm the document updates required for publication by the Combined Authority. They confirm that unless they consider it essential to deal with substantial issues raised in representations about the proposed main modifications, or to ensure fairness, no further hearing sessions will be held after the consultation period.

Given the advanced stage of examination and the nature of the Inspectors responses received to date, the emerging policy is afforded moderate-substantial weight in the assessment set out within this report. However this is limited with consideration to the fact that inspectors have not yet issued their full report in response to the Public Examination.

Note: The application site is not sited on land that is allocated within the ‘Places for Everyone’ plan.

Places for Everyone Policies

Note: The policies set out below represent emerging policy. However, as set out above, given the advanced stage of examination and the nature of the Inspector’s responses received to date, moderate-substantial weight is given in the assessment set out in this report. However, this is limited in consideration.

Strategic Objective 3

States that all part of Greater Manchester should thrive and be economically productive. This will be achieved by ensuring there is adequate development

land to meet employment needs, prioritising brownfield land. There should be a diverse range of employment premises, with facilitation for, amongst other things, the development of high value clusters in prime sectors, such as logistics.

Strategic Objective 5

States that a strategic objective is reducing inequalities and improving prosperity. This is to be achieved by ensuring access to employment opportunities, prioritising development in well-connected locations and strengthening the competitiveness of north Greater Manchester.

Policy JP-S 1 - Sustainable Development

Development should aim to maximise its economic, social and environmental benefits. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs.

Policy JP-J 1 - Supporting Long-Term Economic Growth

There will be an emphasis on maintaining a very high level of economic diversity across the boroughs. The development of high value clusters in prime sectors such as, amongst other things, logistics, will be facilitated.

Policy JP-J 2 - Employment Sites and Premises

A diverse range of employment sites and accessible premises, including new premises, will be made available. This will offer opportunities to different kinds and types of businesses, including firms seeking to expand and large-scale inward investment, to help tackle inequalities. Existing employment areas that are important to maintaining a strong and diverse supply of sites and premises across the boroughs will be protected from redevelopment to other uses, nurtured to ensure they remain competitive and their accessibility improved where necessary. This will include both local and strategic employment areas.

Policy JP-J 4 - Industry and Warehousing Development

At least 3.3 million square metres of new, accessible, industrial and warehousing floorspace is to be provided as part of the 'Places for Everyone' plan. To achieve this, high levels of choice and flexibility in the supply of sites for 'new warehousing floorspace is to be provided. Significantly increasing the supply of high quality sites across the northern parts of Greater Manchester is to be focused on, to help increase the competitiveness of the area.

RELEVANT HISTORY

21/01298/CPE: Application for certificate of lawfulness for an existing use of storage and distribution with ancillary uses.

Granted unconditionally on 14 December 2021.

CONSULTATION RESPONSES**Summary Table – Consultee Responses**

Consultee	Outcome
Coal Authority	Response received – No objection.
Lead Local Flood Authority	Response received – No objection subject to conditions.
Environmental Health	Response received – No objection, subject to conditions.
United Utilities	Response received – No objection, subject to conditions.
Environment Agency	Response Received – No objection, referred to Environmental Health
Greater Manchester Archaeology Advisory Service	Response received – No objection.
Greater Manchester Ecology Unit	Response received – No objection.
Greater Manchester Fire Service	Response received – No objection.
Greater Manchester Police	Response received – No objection.
Transport for Greater Manchester	Response received – No objection, subject to conditions.
Highways & Engineering	Response received – No objection, subject to conditions.
Environmental Protection (Contamination)	Response received – No objection, subject to conditions .
National Highways	Response received – No objection.
Street Lighting	Response received – No objection, subject to conditions.
Strategic Planning	No response received.

Note: Consultees were consulted more than once. For the purposes of clarity, the date shown is the date of the most recent and final response received.

Coal Authority – 12 June 2023

Confirmed no comment, as the application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. As such, there is no requirement for the Coal Authority to be consulted. However, in accordance with the agreed approach to assessing coal mining risks as part of the development management process, it will be necessary to include the Coal Authority's Standing Advice within the Decision Notice as an informative note.

Note: No change in consultation responses received 22 March 2023 or 12 June 2032.

Drainage / Lead Local Flood Authority – 08 September 2023

The consultee response received from the Local Authority's LLFA on 08/09/2023 confirmed that the response supersedes any prior drainage consultation. As such, any previous consultation is disregarded.

The drainage consultant noted that the impermeable area of the site would increase from 5.84 hectares to 8.33 hectares.

The proposed site drainage will employ existing drainage infrastructure and attenuation ponds (SUDS). It is also noted that a small proportion of the site will discharge to a highway drainage sewer. It is confirmed in the response that this matter has been discussed between drainage, the LLFA and is deemed acceptable.

It is also highlighted and understood that a debate between the applicants regarding the discharge point of foul sewer is resolved.

It is suggested that the following condition be added in the event the application is approved:

Prior to the commencement of development, updated details of the 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 scheme shall be based upon:

- a) Drainage Strategy drawings 21194-BGL-XX-XX-DR-C-00210 & 211 & 212 /P07 dated 3rd Aug 2023.

The information submitted shall include:-

- i. the background calculations of the Causeway flow ® or MicroDrainage® model or any other software or calculations that have been used for the drainage design.

- ii. 'for construction' drawings of the attenuation ponds, flow control devices and attenuation tanks.
- iii. details of the outlet pipe from the SW corner of the site to the highway drain manhole, including any explanation of whether this pipe is being replaced.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme 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. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Environment Agency – Received 09 June 2023

Confirmed **no objection in principle** to the proposed development but provided the following comments:

- The development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. However, the Environment Agency is unable to provide site-specific advice relating to land contamination.

Note: Rochdale Council will also consult with Environmental Health/Environmental Protection Department for advice.

Note: No change in consultation responses received 22 March 2023 or 09 June 2023.

Environmental Health – 21 March 2023

Confirmed no objection subject to implementation of recommended mitigation measures as set out in the submitted Noise Impact Assessment.

In addition, a condition will be required ensuring that any proposed or future external plant does not exceed noise limits.

Environmental Protection – 16 March 2023

No objection, confirmed that the information submitted with the application is acceptable. However, the following condition will be required:

Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be completed in full accordance with the approved recommendations.

Greater Manchester Archaeological Advisory Service (GMAAS) – 14 June 2023

The proposed development does not threaten the known or suspected archaeological heritage, and on this basis there is no reason to seek to impose any archaeological requirements upon the applicant.

Greater Manchester Ecology Unit (GMEU) – 04 January 2023

Confirmed no objection to the development.

Although the site is large, it is currently dominated by large buildings, hardstanding and formal, low-diversity landscaping. It is not currently of substantive ecological value.

No further ecology surveys need to be carried out prior to deciding the application. GMEU advised that an updated badger survey should be included in the CEMP. However, if any evidence of badgers or their setts are identified, such response and actions that need to be made can be dealt with outside of the planning process in the Wildlife and Countryside Act 1981.

No biodiversity metric has been included as part of the application. However, it is considered that the proposed landscaping could achieve a net gain in biodiversity.

No tree felling or other vegetation clearance required to facilitate the development should take place during optimum bird nesting season (March – August) unless nesting birds have been shown to be absent by a suitably qualified person

Greater Manchester Fire Service – Received 30 March 2023

Confirmed no objection, made following comments that can be added as informative notes for the applicant, should the application be approved:

The above proposal should meet Requirement B5 of Approved Document B, Volume 2: Access and facilities for the fire service.

The access road should comply with Table 15.2 of Approved Document B, Volume 2 - be a minimum width of 3.7m and capable of carrying 12.5 tonnes.

Where a building, which has a compartment of 280m² or more in area, is being erected more than 100m from an existing fire-hydrant additional hydrants should be provided as follows;

- Buildings provided with fire mains – hydrants should be provided within 90m of dry fire main inlets
- Buildings not provided with fire mains – hydrants should be provided within 90m of an entry point to the building and not more than 90m apart

If the provisions in a building vary from those in Approved Document B, sprinkler protection can sometimes be used as a compensatory feature. The provision of a sprinkler system may also result in long term savings on insurance premiums. The Fire Service strongly supports the installation of sprinkler systems as a positive measure to protect persons. The provision of a sprinkler fire suppression system would have significant benefits for the development. It would ensure that any fire would be quickly controlled and would significantly reduce any fire damage to the building. This is particularly important as business continuity following a fire as an important factor in the ongoing viability of an organisation.

It is strongly advised that you consult your insurance company to discuss the advantages of installing a sprinkler protection.

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- (a) 15% of the perimeter.

(b) Within 45m of every point of the footprint of the building.

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors).

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- (a) Within 18m, and within sight of, an entrance giving access to the fire main.
- (b) Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hardstanding

15.7 Access routes and hardstanding should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works.

It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height.

- a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter.
- b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

Provision of private hydrants

16.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

16.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.

- i. Within 90m of an entrance to the building.
- ii. A maximum of 90m apart.

The Fire Service strongly supports the installation of sprinkler systems as a positive measure to protect persons. All developers should positively consider the viability of installing sprinkler systems.

Greater Manchester Police (Design for Security) – 23 November 2022

No objection received. Greater Manchester Police requested the addition of a condition relating to the Crime Impact Statement. However, the condition will require amending to ensure it is precise. The applicant can apply for Secured by Design status outside the planning process.

Highways & Engineering – 04 April 2023

Consulted the latest amended Transport Assessment submitted to reflect changes in site layout. Concerns remain about the impact the proposal would have on additional traffic generated. However, the severity of the impact would not be expected to be so significant that an objection based on such impacts would be appropriate. In addition, some concerns can be reduced through the effective use of planning conditions and Section 278 Agreements. Highways raised the following comments and confirmed no overall objection to the proposed scheme:

Background

- The application site has an existing LDC for industrial use.
- There is a long established vehicular access onto Manchester Road.

Surrounding Highway Network

- The accident data provided within the TA indicates that there are no inherent safety issues on the surrounding highway network.
- The site is not considered to be within a highly sustainable location, remote from local amenities etc. as such, a full Travel Plan will be required within 6 months of occupation of the development. In addition, the LPA consider it necessary to set out a car parking management plan.

Site Entrance/Access

- The entrance to the site is to be amended to improve two-way HGV access. The applicant will be required to enter into a Section 278 Agreement for the undertaking of these works.
- The submission of a detailed junction arrangement plan will be required to be submitted for approval by LPA/Highways, prior to occupation of any of the units.
- The introduction of a Traffic Regulation Order (TRO) will be required along Manchester Road along the site frontage, to ensure it is kept clear of parking/loading to maintain good visibility and access. The TRO would run from the intersections of Queen Elizabeth II Way and Bader Drive.

On Site

- To ensure that HGVs do not obstruct Manchester Road whilst waiting to enter the site, no barriers or gates should be erected within 16.5 metres to the rear of the adopted footway to Manchester Road.
- The internal roads within the application site would not be adopted.
- Car parking on site is below the maximum parking standards. However, is acceptable. It is noted that disabled parking and EVC parking is appropriately provided.
- The site should not be occupied until all car parking, servicing and other vehicular access arrangements are available for full use.
- All parking areas, including HGV parking areas, should be kept clear of goods, products, materials, refuse storage, or similar items and the parking areas should be kept clear for their intended purpose.
- The site's servicing arrangements are acceptable and should be conditioned as appropriate.
- The provided Construction Management Plan (CMP) is acceptable.
- A Logistics Travel Plan has been requested. However, it is considered that the CMP suitably scopes what would be required within a logistics travel plan.

National Highways – Received 29 November 2022

Confirmed no objection. No additional comments made.

Street Lighting – Received 16 March 2023

Confirmed that the proposals appear acceptable in principle with regard to lighting. However, additional information is required. The additional information can be secured by way of condition and should include:

- Amended/additional plans with contour lines
- Lighting calculation reports will require more detail, including the lantern installation criteria, mounting heights and tilts detailed.
- Light source intensity should be considered, with focus on areas that share a boundary with residential properties. Light source intensity values for some residential properties at the rear windows to demonstrate that this is kept to an acceptable level.

Transport for Greater Manchester (TfGM) – Received 30 November 2022

Offered the following comments as advice:

- (I) Trip Generation and Distribution: TfGM suggests that the fact the site is not fully occupied should not be a reason not to conduct a suitable survey at the access, particularly if the current uses and floor spaces are known for the existing site. A pro rata trip rate could be determined on the basis of existing floor size/use and also the trip distribution could still be calculated from the survey at the exiting access.
- (II) Modelling: TfGM will offer further comments on modelling once a survey of the existing use is carried out and trip generation determined as described in Section I. There is no right turn pocket on Manchester Road for right turning vehicles to wait out the way of straight traffic – it is not clear whether this is currently a problem. TfGM also note that the junction of Manchester Road/Queen Elizabeth II Way would run under MOVA control and such the predicted results of the model are likely to be pessimistic. The junction would be likely to run with lower degrees of saturation and queues than predicted.
- (III) Mitigation: There are no pedestrian crossing facilities across Manchester Road which results in pedestrians finding it difficult to cross the bus stops to and from the site. It is suggested that the development funds the provision of a pedestrian crossing facility to allow access to the site for pedestrians/cyclists to cross Manchester Road.
- (IV) Proposed Access Arrangements: The Transport Assessment confirms that existing vehicular access from Manchester Road will be retained. However, the access will be improved to allow two-way HGV movements and pedestrian footways on both sides of the access road. Drawings have been supplied to demonstrate that visibility splays in accordance with DMRB can be achieved at the access. The access should be designed to ensure provision of tactile paving and dropped crossing points. Any redundant access points which served the former site should be reinstated.

The proposed internal layout of the site will need to be designed to accommodate all parking and vehicle manoeuvres associated with the development, to ensure HGVs can enter/egress the site in forward gear. SPPs have been supplied to demonstrate that service vehicles can safely enter and exit the site. The TA also confirms that proposed parking provision is in accordance with Rochdale Council's adopted standards.

Note: TfGM refer to the Local Highway Authority to determine whether the proposed access, parking and servicing arrangements are acceptable

- (V) Traffic Regulation Orders: TfGM suggests that a review is undertaken of TROs in the vicinity of the development, with a view to introduce additional parking restrictions if deemed appropriate, as well as ensuring adequate parking restrictions remain in place. This will act to discourage pavement parking associated with the development and assist in improving the quality of surrounding public realm.
- (VI) Other: A Construction Traffic Management Plan should be required as part of the development.

Site Accessibility

- (I) Public Transportation: The nearest bus stops to the site are on Manchester Road, approximately a 5 minute walk from the centre of the application site. Bus services using these stops provide hourly services to Middleton and Heywood during the daytime. Additionally, it is observed that the southbound bus stop would benefit from an upgrade in accordance with TfGM's Design Guidelines for Bus Stops.
- (II) Active Travel: In order to encourage walking and cycling, it should be ensured that the pedestrian/cycle environment in and around the site is designed to be safe, attractive and convenient. This should include natural surveillance where possible and sufficient links to the surrounding pedestrian/cycle network.

To promote active travel and link in with the surrounding environment, the applicant should ensure the provision of continuous 2 metre wide footways throughout and surrounding the development, as well as reinstating redundant vehicular crossings that previously served the site, installing tactile paving at junctions/crossing points and renewing any substandard footways.

- (III) Cycle Parking: It is important to ensure that there are adequate infrastructure and facilities to encourage staff to travel by sustainable modes. The TA does not provide any details of cycle parking provision for the site. Cycle parking should be provided in accordance with Rochdale Council's adopted standards and where possible spaces in excess of the minimum provided.

The cycle facilities should be covered and secure, with measures such as the installation of CCTV and appropriate lighting to ensure security. Additionally, appropriate welfare facilities (shower/changing rooms/lockers) should be provided for staff to promote and encourage cycling as an alternative to car travel.

- (IV) Travel Plan: TfGM recommends that a Staff Travel Plan is produced for the development, with the objective of reducing reliance on the private car, particularly single occupancy use. The Travel Plan should be designed to raise awareness of opportunities for reducing travel by car and should feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with agreed targets.

The offer of personalised journey planning for staff is a further measure that could be included in the full Travel Plan for the site. The marketing and communication strategy should communicate the Travel Plan objectives and benefits to potential future business or commercial occupiers of the development, prior to them occupying the development. This should ensure potential business and commercial organisations are able to make informed choices and are more likely to commit to and adopt the Travel Plan.

In order to encourage sustainable journeys to mitigate the traffic impact of the development, through the Travel Plan, incentives should be offered to encourage staff to use public transport and active travel modes through measures such as concessionary bus fares, discounted cycles, journey planning etc.

Should Rochdale Council be minded to approve this application it is suggested that a condition for the development, submission, implementation and monitoring of a Staff Travel Plan within 6 months of occupation be attached to any planning consent.

United Utilities (UU) – Received 11 September 2023

Throughout the planning application process, United Utilities were consulted a number of times. The final consultation response received from United Utilities was received 11 September 2023 and replaces all previous consultation responses received due to updated drainage information and correspondence between the applicant and United Utilities. The consultation response states:

United Utilities requests further information prior to determination of the application.

“Following our review of the proposed site layout, we have concerns regarding the proximity of proposed development to our water assets. To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant or any future developer, we request the applicant submits a detailed site layout plan which overlays the proven location of the water main(s) in relation to any proposed development (including walls, fencing, parking etc.) Without this

information we are unable to provide further comment and there is a risk that as the scheme progresses, the applicant, or any subsequent developer, may discover that their plans are not implementable in their existing form or that diversion of assets is required. Therefore, we strongly recommend this matter is resolved PRIOR TO DETERMINATION.”

However, United Utilities go on to state that ‘Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for this asset:

“No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.”

The Local Planning Authority have addressed this point with the applicant. It is agreed that, subject to the condition requested by United Utilities, the application is suitable for approval.

Drainage

United Utilities have also requested the following condition with regards to drainage:

“The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21194-BGL-XX-XX-DR-C-00210/00211/00212, Rev P07- Dated 03/08/2023 which was prepared by Burrows Graham.

For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.”

Informative Information:

Additional informative information has been provided through the consultation response, which shall be added as informative information to any approval.

MEMBER REPRESENTATIONS

None received.

PUBLIC REPRESENTATIONS

Objection Reps	29	Support Reps	1	Neutral Reps	3
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Letters of notification were sent to approximately 280 surrounding properties and a notice was posted on Manchester Road proximate to the site entrance. In addition, a press notice (major development) was published in local press.

Letters of notification were sent to surrounding properties on three occasions (11/11/2022, 16/03/2023 and 07/06/2023).

- The first round of consultation (11/11/2022) received 1 support, 2 neutral & 13 objection representations.
- The second round of consultation (16/03/2022) received 8 objection representations.
- The third round of consultation (07/06/2023) received 1 neutral representation & 8 objection representations.

Representations Received Following 11/11/2022 Consultation

Support	Officer's Response
No objections, the buildings are very old and for safety need a refresh. More money being spent in the area is a good thing.	No response required.

Neutral	Officer's Response
Have nearby schemes approved/proposed by other housing developers been taken into account? Looking at the site plan there is no reference to proposed new housing or road layout & other approved developments?	Assessed in the 'Future Surrounding Development' Section of this report

Objection	Officer's Response
Concerns that the new development will result in noise pollution, particularly at unsocial hours/night-time (HGV movements, noise from workers on	Assessed in the 'Amenity' section of the report

site etc.)	
The location of offices, bike park, smoking shelters etc. would impact privacy of nearby residential properties.	Assessed in the 'Amenity' section of the report.
Concerns that height of buildings will result in loss of sunlight/daylight	Assessed in the 'Amenity' section of the report
Concerns that new lighting proposed on new buildings/redeveloped site will lead to light pollution impacts	Assessed in the 'Amenity' section of the report
Concern that the appearance, height and scale of the buildings will have a negative impact on the townscape/built environment	Assessed in 'Design and Visual Impact' of the report
Concerns relating to air pollution	Assessed in the 'Air Quality' section of the report.
Concerns relating to increase in congestion on new Queen Elizabeth II Way and junction with Manchester Road and could result in dangers to pedestrians and car drivers.	Assessed in the 'Highways' section of the report
Loss of trees/planting etc. on site would result in impact on nature conservation	Assessed in the 'Ecology' section of the report
Loss of the existing gatehouse would result in a loss of local history/heritage	The building(s) on the existing site are not listed and do not constitute non-designated heritage assets.
Unclear what the use of the site would be.	The description of the development specifies the use as 'Storage and Distribution (Use Class B8)
Impact caused by rats	There is no evidence that the proposed development would result in an increase in rats in the surrounding area.
Impact during construction phase (noise, pollution etc.)	This impact can be mitigated by a condition requiring a Construction & Environmental Management Plan (CEMP)
Reduction in house prices	This does not form a material planning consideration to which the local planning authority can attached more than very minor weight in the overall planning balance.
Proposals would have undue impact on the Townscape and/or be visually intrusive, particularly from residential dwellings,	Assessed in the 'Character and Appearance' section of the report
The site should be redeveloped for housing/residential development	Assessed in the 'Principle of Development' section of the report.

The 'fallback position' that has been suggested is challengeable	Assessed in the 'Fall Back' section of this report.
Potential amenity impact on users/occupiers of future development surrounding the site	Assessed in the 'Future Development' and 'Amenity' sections of this report.

ANALYSIS

Principle of Development

1. Paragraph 11 of the NPPF identifies a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay. Paragraph 81 of the NPPF also requires that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.
2. The site consists of land and buildings that have historically being used as storage by the Department of Work and Pensions, with the site becoming vacant during 2023. A Lawful Development Certificate was granted on 14 December 2021, confirming that the site's existing lawful use was Use Class B8 (Storage and Distribution) as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
3. In planning policy terms, the site is brownfield, and located on land that is not covered by any specific designations or allocations as part of the Council's Development Plan. However, the land has been used as employment land for a long period of time and its character and appearance is established as such.
4. The surrounding site context includes a mixture of existing suburban residential development, community uses (secondary school), and industrial estates with associated newly built link road (Queen Elizabeth II Way).
5. In addition to the above, there are a number of undeveloped parcels of land, which are associated with the South Heywood Masterplan. The South Heywood Masterplan was granted outline planning permission in March 2020 under application '16/01399/HYBR'. The proposal grants outline consent for up to 1,000 new homes, 135,460 square metres of employment floorspace, 2,500 square metres of commercial uses, a primary school and a new link from Junction 19 of the M62 motorway (completed – now known as Queen Elizabeth II Way, which is to the south of the application site).
6. The principle of the use of the site for business purposes, including storage and distribution (B8), has been established through the

unconditional granting of a recent Certificate of Lawfulness application (21/01298/CPE), for the existing land and buildings to be used for storage and/or distribution.

7. The application proposes the intensification of the use of the land for the purposes of storage and distribution (B8), through the demolition of the existing buildings and associated infrastructure on site, and the erection of 3no Storage and Distribution (B8) units. The three units would be contained within two separate buildings, with associated alterations and improvements to infrastructure including service yards and car parking areas, the provision of landscaping including tree planting, wildflower meadows, Sustainable Urban Drainage (SUDs) ponds and associated works. The proposed buildings would result in the provision of approximately 40,750 square metres of distribution space (B8), as well as approximately 2,450 square metres of ancillary office space.
8. The proposal is acceptable in principle when considering Section 6 of the NPPF, which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be given to the need to support economic growth and take into account wider opportunities for development. Paragraph 83 specifically states that local clusters for storage and distribution operations at a variety of scales and in suitably accessible locations should be welcomed. In this instance, the proposal would result in modern and upgraded storage and distribution (B8) buildings that national and international businesses can invest in, with the proposal in a highly accessible location with good access to the road and motorway network.
9. The proposal is also considered to be acceptable in principle when considering Section 11 of the NPPF, which sets out that planning decisions should promote effective use of land, subject to improving the environment and ensuring safe and healthy living conditions, which will be considered throughout this report. The NPPF states that brownfield land should be used as much as possible to achieve this overarching objective, with planning decisions ensuring the effective use of land and consideration of the availability of land and infrastructure. The proposed development would utilise existing brownfield land and contribute to the intensification of an existing employment use, in buildings more suitable than the existing buildings on site.
10. With regard to Rochdale's strategic objectives, as set out in the adopted Rochdale Core Strategy, it is considered that the proposed development would be consistent with Strategic Objective SO1 (To deliver a more prosperous economy), as the proposal would lead to a high quality employment site, retain and potentially provide additional jobs thus contributing to or maintaining employment levels and build on the Borough's assets to improve its image to attract investment. In addition, Strategic Objective SO3 (To improve design, image and quality of place) would be met through raising design quality at a key gateway into the

borough. Strategic Objective SO4 (To promote a greener environment) would also be met through the development being more energy efficient due to new, high quality distribution buildings replacing outdated, less energy efficient buildings and concentrating development on existing brownfield land. The proposal would implement appropriate flood risk management measures through the provision of SUDS.

11. Policy SP1 of the adopted Rochdale Core Strategy sets out that the Rochdale Borough will contribute to the success of Manchester city region and the North West, through delivery of sustainable development that meets the objectives of employment growth. The proposal would achieve this through the provision of high quality distribution space, promoting the borough as an attractive location in terms of jobs and inward investment. In addition, Policy SP3/H (Strategy for Heywood) sets out that the delivery of new economic development on sites within the successful employment areas in the south of the borough to maintain the national reputation as a high quality business location is a priority, which the proposed development would achieve and thus is acceptable in principle.
12. Policy E2 of the adopted Rochdale Core Strategy states that the provision of a good supply of premises for employment uses is essential to ensure the creation of more and better jobs. Particularly, in the south of the borough, there will be a focus on employment development, including South Heywood employment sites. The proposed development would achieve and contribute to this aim through the provision of new high quality distribution (B8) units on existing employment land. Similarly to Policy E2, E3 states that the focus for employment development will be on high quality sites in economic growth corridors and in areas that are accessible. South Heywood is once again highlighted as a key location, with the promotion of development that support improvements to all existing employment sites within South Heywood. This proposal will enhance and intensify an existing employment site, whilst promoting the area mainly for distribution uses whilst routing heavy goods traffic to existing and recently implemented high quality road infrastructure. As such, the principle of the development is acceptable upon consideration of these relevant policies.
13. It is also noted that the supply of this type of high quality industrial space is generally short across the North West region, with Savills recently forecasting just 6 months of the highest grade, and most in demand spaces available. The proposals would therefore provide a much needed source of employment in an appropriate location having regard to its access to labour and major transport infrastructure in an already well-established employment location.
14. In summary, it is considered that the principle of such a development is acceptable, with the proposal in accordance with Rochdale's Strategic Objectives SO1, SO3 and SO4, as set out in the adopted Rochdale Core Strategy, as well as Policies SP1, SP3/H, E2 and E3 contained therein. In

addition, the proposal would be in accordance with the National Planning Policy Framework, with particular reference to Sections 2, 6 and 11.

15. The proposed development would be consistent with the strategic aims of emerging Places of Everyone in providing jobs in a sustainable location and on previously developed brownfield land. The development would provide high quality logistics buildings in northern Greater Manchester, a key strategic aim in the emerging Places for Everyone plan. Thus, the proposed development broadly aligns with the aim of the strategic plan to support long-term economic growth.

Fall Back Position

16. A fallback position, in planning terms, refers to a situation in which an existing planning permission, permitted development rights, or an existing use of a site or a combination of such, confirms the principle of what extent or nature of development is capable of being delivered on site. The fallback position of a site is capable of being considered as a material planning consideration in the overall planning balance when considering a planning application.
17. In this instance, it is a material planning consideration that the existing site and 31,900 square metres of buildings upon the site have an extant Certificate of Lawfulness confirming that the existing land and buildings can be lawfully used for Storage and Distribution (B8). The agreed lawful use has no restrictions on number of vehicle movements that could be undertaken each day, the extent of potential height and area of any outside storage, no limits on hours of operation, external lighting, and no requirement to provide or maintain any noise attenuation or landscaping or visual screening to help mitigate against any future use of the site.
18. However, the weight such a fallback has is a material planning consideration that needs to be considered by the Local Planning Authority. The case 'Mansell v Tonbridge and Malling Borough Council [2017]' confirmed the legal considerations in determining the materiality of the 'fall back' position, which concluded amongst other things that 'the basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely, a possibility will suffice'.
19. The weight of such a fall back in planning terms depends on certain factors. A 'fallback position' is a development or use which is likely to occur (a development that is already permitted or can be achieved under permitted development rights) if planning permission is refused.
20. Mansell v Tonbridge and Malling Borough Council [2017] confirmed the legal considerations in determining the materiality of the 'fall back' position, which stated that 'the basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.'

21. There must thus be a realistic possibility, and not just a theoretical possibility, prospect of the fallback position being an alternative. It is also essential that there is due comparison of the effects of a proposal against the effect of what other development could lawfully take place.
22. The proposal seeks permission to demolish a number of existing buildings, which have extant permission for continued use as Storage & Distribution (B8). It is acknowledged that the existing buildings are somewhat outdated when considering modern requirements for distribution, given their height, shape and floorplate sizes. As such, this application has been submitted to provide larger and more modern buildings to allow national and international distribution firms to both expand within the borough and relocate to the borough. However, the buildings are useable and functional albeit to a substandard level and there is a real possibility that, should planning permission be refused in this instance that due to the demand for B8 uses in this location the buildings could and would be used for Storage & Distribution (B8).
23. In conclusion, it is considered that substantial weight should be given the fallback position that exists on this application site, subject to due consideration to other material planning considerations as set out below.

Impact on Future Development

24. Newhouse Academy, a secondary school, is adjacent to the application site to the north east. The re-building of the secondary school was approved under planning application 22/01191/PSID. Once rebuilt, the nearest part of the school building(s) would be approximately 100 metres, with the blank side (north) elevation of Unit 1 on the application site being approximately 125 metres away and screened by proposed landscaping. Given the extant use of the application site and upon due consideration of the position of the proposed school buildings and grounds, it is not expected that there would be undue impact upon current and/or future users of either the application site or educational facility (Newhouse Academy). It is of particular note that there is substantial screening through landscaping to the north boundary of the application site, minimising the overall impact through noise and visual impact in particular.
25. The application site is adjacent to land that forms part of the South Heywood Masterplan. Of particular relevance in this instance is application 16/01399/HYBR 'Part full/part outline planning application for the development of land at South Heywood, including the demolition of a number of existing on-site buildings and structures. Full consent sought for the construction of a new link road between Junction 19 of the M62 and Pilsworth Road, the widening of part of Pilsworth Road, together with associated junction improvements, landscaping, lighting and other works including the importation of material and engineering works in order to construct the link road. Outline consent (with all matters reserved for future approval except access) sought for a major mixed-use

development comprising supporting residential uses comprising up to 1000 dwellings (Class C3); employment uses (Classes B2/B8) comprising up to 135,460m² Gross Internal Area(GIA); a new primary school (Class D1); Class A1/A2/A3/A5 uses comprising up to 2500m² GIA which includes no more than 499m² of A1 uses; together with associated landscaping, open space and sports pitches, drainage, ecological enhancements, cycleway and footpath linkages, infrastructure and other works ancillary thereto. (Application accompanied by an Environmental Statement)'.

26. Application 16/01399/HYBR has granted outline planning permission for various buildings and infrastructure. However, the ultimate layout and position of buildings and infrastructure is not yet established, given that this application is at outline stage only. However, outline plans show that residential development is proposed immediately adjacent to the south and east of the application site. As such, this carries some limited weight in the decision-making process of this planning application, which will be addressed and referred to where relevant in subsequent sections of this report.

Design and Visual Impact

General Design

27. Policy DM1 of the adopted Rochdale Core Strategy, amongst other things, requires that all development proposals effectively demonstrate that they would not adversely affect the amenity of residents or users through visual intrusion or overbearing impact. Policy P3 requires that all new developments, including associated landscaping, have regard to scale, density, massing and height of surrounding buildings and areas in general. Buildings should be well proportioned and contribute positively to the townscape. Meanwhile, Paragraph 130 of the National Planning Policy Framework sets out that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
28. The proposed Storage and Distribution (Class B8), by nature of their intended use and function, are relatively utilitarian and functional in design. By virtue of the demands and requirements of large, modern firms that operate within the competitive storage and distribution sector, the floor areas of the units and size of the structures are larger than existing units on site, which are to be demolished. Despite their large size and functional appearance, the proposed buildings have been designed to somewhat mitigate their visual impact. External walls will consist of composite cladding panels, which will vary in colour and include decorative horizontal strips of varying colours (shades of blue). The colours have been selected to blend somewhat with the sky to minimise the visual impact and reduce the degree the units will stand out when viewed in context with clouds/the sky. It is of note that the lower sections of the building will largely only be visible from within the site, or be

obscured from landscaping and regraded embankments from outside the application site. The proposed office areas will feature aluminium framed clear glazed curtain walls and fenestration, aluminium being a relatively high quality material compared to lower quality UPVC. To ensure that the highest quality of materials and good architecture are achieved, a condition will be added requiring samples/full materials specification prior to any above ground works (excluding demolition and associated site clearance).

29. It is considered that the proposed Storage and Distribution (Class B8) units are acceptable with regards to their external appearance and design (subject to condition requiring samples and full material specification), representing good architecture and appropriate in their scale and density, with appropriate landscaping and materials proposed to soften the appearance of the large buildings and allow for appropriate integration into the local setting and townscape.

Cladding panel – horizontally laid RAL 5010-KYANITE	
Cladding panel – horizontally laid AZURITE BLUE GREEN	
Cladding panel – horizontal Laid RAL 7035- MOONSTONE	
Cladding panel – horizontally and vertically laid RAL 7012 - BASALT GREY	
Translucent polycarbonate panels OPAL WHITE	
Aluminium framed clear glazed curtain wall with brise Soleil RAL 7012 - BASALT GREY	
Dock doors, Level access doors and External doors RAL 7012 - BASALT GREY	

Figure 5 – Example Materials

Unit 1 & 2

30. Units 1 and 2 are to be located to the southeast of the application site and would be visible from vantage points along Queen Elizabeth II Way and from the rear elevations of dwellings along the south side of Bader Drive and White House Close, as well as some visibility from Manchester Road. Units 1 & 2 will be constructed in the position of existing units, with the existing units having a maximum height of 8.65 metres and which are sited approximately 23 metres from the shared boundary with the rear

boundary of dwellings to Bader Drive/Whitehouse Close. The proposed Units 1 & 2 will have a eaves height of 12 metres and a maximum height of 15.5 metres to ridge height. The units will be positioned approximately 23 metres from the shared boundary, similar to the existing distance between the existing units and rear boundary of the dwellings. To mitigate the inevitable increased visual impact the larger units will have on the occupiers of these dwellings, substantial interventions are proposed along the north boundary, which will include a wider landscaped strip and regraded embankment, that will increase the density and width of landscaping and planting between the dwellings and the distribution units. A 1.8 metre high timber fence is also proposed between the development and existing properties. However, in comparison to the proposed landscaping, it is accepted that this fencing would have limited impact on reducing the visual impact.

31. Given the proposed siting, scale and height of Units 1 & 2, it is not considered that occupiers of any other nearby users or occupiers of buildings would be unduly impacted through visual impact or overbearing impact.
32. In this instance, it is acknowledged that the proposed buildings to replace existing buildings on site are larger in terms of their floor areas and taller than existing buildings. However, this is balanced against the fact that the proposed buildings are modern and consist of higher quality external materials that go some way in improving the appearance of the buildings and reducing the visual impact of the building somewhat. It is also a material planning consideration that the existing, somewhat dilapidated units, are currently readily visible from the rear elevation of dwellings along the south side of Bader Drive and White House Close of Nonetheless, for residents living proximate to the development site, the proposed buildings, by virtue of their scale and height, would have greater impact than the existing, smaller buildings that will be demolished.
33. To counteract the impact this proposal would have upon in terms of visual impact and/or overbearing impact to the occupiers of dwellings on the south side of Bader Drive and White House Close, the applicant proposes significant screening by way of increased and reinforced areas of landscaping and a regraded embankment between the application site and the affected dwellings. In addition, the proposed Units would include design features, including light blue and dark blue horizontal panelling at higher levels to break up the physical and visual massing of the building. To ensure that such landscaping remains in place and successfully grows, a condition can be imposed to any approval ensuring the ongoing maintenance of such landscaping for a specified period to ensure the landscaping is well implemented and acts to significantly screen the building to a degree from view, mitigating the impact on occupiers of the affected dwellings.

34. Upon consideration of the area surrounding Units 1 & 2, it is not considered that any other users or occupiers of buildings proximate to the site would be unduly impacted by the proposed units.

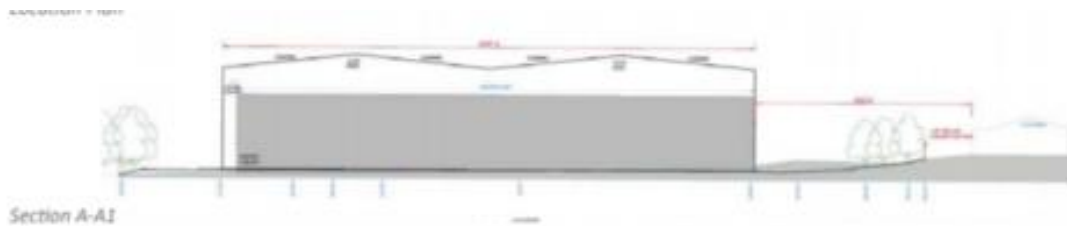


Figure 6 – Extract from submitted TVIA, showing existing and proposed arrangement of Unit 1 & 2 compared to dwelling(s) to the north, with proposed landscaping.

Unit 3

35. Unit 3 is to be located in the eastern section of the site, with the unit generally being visible from vantage points surrounding the application site including Newhouse Academy secondary school to the north, the rear of dwellings on the west side of Oldbury Close, Bader Drive and White House Close, as well as Queen Elizabeth II Way to the south. In addition, the unit would be visible from dwellings with outline planning consent to the south and west of the application site.
36. The proposed unit would have a maximum height of 17.6 metres. The unit would be proximate to, with due consideration to the visual impact and whether any overbearing impact would result, to the occupiers of existing and future development. Existing units to be demolished, which are sited in a similar position as the proposed unit, have a maximum height varying between 6 metres and 10.1 metres.
37. To the south, the proposed unit (short elevation) would be approximately 39 metres from the site boundary, beyond which is undeveloped land. Extant outline planning permission is in place for residential dwellings on the land beyond the boundary. As such, it is appropriate to consider how the proposed unit will affect the outlook of those future occupiers. However, as the final layout and siting of dwellings has not been formalised, and only an indicative housing layout exists this dilutes the certainty of the final form of the residential development. Nonetheless, the applicant has submitted a TVIA which takes account of the indicative residential layout which relies upon approximate 10 metre rear gardens up to the shared boundary with the application site. This would appear to be a reasonable and proportionate approach in the absence of a finally approved plan of the dwellings. The broad position of the rear elevation of the proposed dwellings, assuming a 10m rearward projection, would be approximately 50 metres from the side (south) elevation of Unit 3. Between the rear elevation and the unit, there will be significant areas of landscaping, including significant planting and a 1:3 gradient 'batter' (definition: a receding slope of a wall, structure or earthwork), with the wall adjacent to the internal access road within the site (for clarity,

currently, the existing relationship between the undeveloped land and application site is relatively sparser tree planting with little difference in land levels) Notwithstanding that the final siting and layout of dwellings has not yet been established, the significant landscaping and batter proposed would significantly reduce any visual impact from the rear elevation of boundaries to the south of the site, whilst acknowledging there would be some impact. The mitigation measures proposed, along with separation distance and design/appearance of the units would nonetheless be acceptable on balance.

38. Similarly, to the west of the application site, dwellings are proposed. However, the dwellings proposed have only been consented outline. As such, the final layout/siting of dwellings has not been formalised and the situation reflects the above. This somewhat reduces the weight afforded to this outline development. Nonetheless, the applicant has addressed, again, similarly to the above, these dwellings assuming they will have rear gardens of broadly 10 metres, with the rear boundaries of dwellings directly adjacent to the application site. The rear elevation of dwellings would be approximately 60 metres from the long west elevation of Unit 3. Between the dwellings and Unit would be an area of landscaping, a 5 metre high green screen acoustic barrier and HGV parking/loading area. Given the separation distance and, again, acknowledging some impact, it is considered that the separation distance combined with mitigation measures would result in an acceptable impact upon the occupiers of future dwellings in terms of visual impact, with no undue overbearing impact expected.
39. The east elevation of Unit 3 will run adjacent to the east boundary of the application site, which is shared with the rear boundary of dwellings on the west side of Oldbury Close, Bader Drive and White House Close. The rear elevation of the dwellings most proximate to the side (long) elevation of the Unit are those on the west side of Oldbury Close, at approximately 45 metres. At this distance, it is acknowledged that there will be impact upon the occupiers of these dwellings by way of visual impact and outlook. However, it is of note that these dwellings currently look out onto a 10m-high existing unit. Although the proposed unit's eaves height would be higher at approximately 16.4 metres, extensive additional landscaping, including tree planting and a wildflower meadow and emergency access road (not to be used aside from in the event of an emergency) will significantly obscure the proposed unit from view, suitably reducing the impacts with regards to visual impact and/or overbearing impact to an acceptable level, particularly when accounting for the existing relationship between dwellings and the existing unit. Again, whilst acknowledging some impact to the occupiers of dwellings to the west side of Oldbury Close, Bader Drive and White House Close, such impacts have been reasonably and suitably mitigated and are acceptable on balance.
40. The existing secondary school to the north of the site is in the process of being rebuilt, with the proposed school building(s) being approximately

100 metres from the side (north) short elevation of Unit 3. Given the function of the building (education), separation distance and proposed landscaping along the north boundary of the application site, it is not expected that the users of the educational facility would be unduly impacted by way of visual impact or overbearing impact.

41. In summary, it is acknowledged that the larger Storage and Distribution (B8) units proposed will result in somewhat greater impact than the existing, smaller units that exist on site and are to be demolished. To mitigate such impacts, the applicant proposed substantial landscaping, including tree planting along all boundaries, fencing on some boundaries, and hard engineering in the form of regrading of embankments and provision of batters. The proposed steps to mitigate the visual impact are considered to be acceptable on balance, contributing to appropriate mitigation to reduce the overall visual impact and reducing any overbearingness such development may have on the current and/or future occupiers of nearby dwellings and users of other buildings. On balance, the proposal is found to be consistent with adopted Rochdale Core Strategy policies DM1, P1 and P3, as well as the National Planning Policy Framework, with regards to visual impact.



Figure 7 – Extract from submitted TVIA, showing existing and proposed arrangement of Unit 3 compared to dwelling(s) as proposed to the south of the site, with proposed re-profiled embankments and landscaping. Note: The siting of dwelling(s) is indicative, dwelling(s) are approved in outline, with final layout TBC.



Figure 8 – Extract from submitted TVIA, showing existing and proposed arrangement of Unit 3 compared to dwelling(s) as proposed to the west of the site, with proposed landscaping/tree planting, 5m high acoustic barrier beyond landscaping. Note: The siting of dwelling(s) is indicative, dwelling(s) are approved in outline, with final layout TBC.

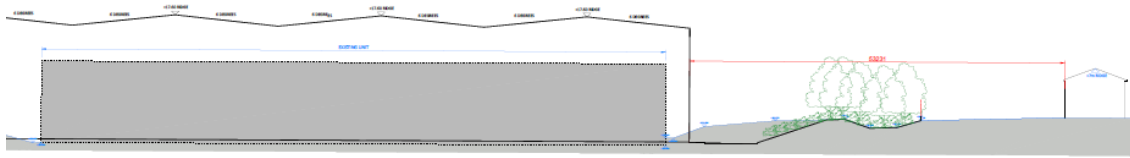


Figure 9 – Extract from submitted 'Proposed Site Sections', showing existing and proposed arrangement of Unit 3 compared dwelling(s) on the west side of Oldbury Close to the east of the site, with proposed landscaping/tree planting.

Residential Amenity

Noise Generation

42. The proposed application, by virtue of the scale of development and proposed use, is likely to be a generator of noise that has the potential to impact the amenity of occupiers of nearby dwellings and buildings.
43. Paragraph 185 of the National Planning Policy Framework sets out that impacts from new development should be mitigated against, including any impacts due to noise.
44. Policy G9 of the adopted Rochdale Core Strategy sets out that noise pollution, including transport noise, should be carefully considered, particularly to new developments. Measures to reduce noise from new development could include planting buffers, noise barriers, banking, placement of traffic calming measures and careful consideration of building materials and road surfaces. Policy DM1 goes on to say that potential negative amenity impacts to surrounding occupiers, including noise, should be mitigated against. Policy C6 additionally sets out that measures to reduce noise pollution should be identified and implemented.
45. In support of the proposals, the applicant has submitted a Noise Impact Assessment. The submitted Noise Impact Assessment concluded that the main source of noise for a development of this type would be noise generated by HGVs manoeuvring and loading/unloading, as well as associated plant equipment.
46. Noise emissions from HGV activity in particular has the potential for adverse impact when considering the nearest existing receptors, including when considering some adjacent land parcels which have outline approval for residential development. Upon carrying out noise assessments, it was concluded that there would be a requirement for acoustic barriers to ensure that noise emissions remain acceptable to nearby noise receptors. The acoustic barrier locations are demonstrated on the submitted 'Proposed Site Plan'. Whilst the principle of the acoustic barriers is accepted, further information will be required as to their appearance and materiality. This can be achieved by way of imposing a materials condition to include the acoustic barriers.

Noise – Car Park

47. The proposal includes the creation of 2no car parking areas to serve the proposed units. Unit 1 & 2 will have a car park to the south of dwellings along the south side of Bader Drive and White House Close. The proposed car parking area will include 40no parking spaces. It is noteworthy that there is an existing car park in the same location serving existing units on the application site. However, it is reasonable to assume that there would be at least some intensity in the use of the proposed car parking area over and above the current situation.
48. To mitigate against potential noise generation from users of the car park and their vehicles, additional landscaping is proposed along the north boundary of the application site, between the car parking area and dwellings to the north of the site. In addition, a 1.8 metre high fence and additional regarding of the embankment along the boundary is proposed. The proposed mitigation measures are acceptable and would be expected to result in an acceptable level of ambient noise.
49. To further ensure that the users of the proposed car parking areas are sensitive to nearby residential dwellings, particularly during the night time, a condition will be added to any approval requiring a full travel plan, which will include information on the best practice use of the car parking facilities, with users/employees of the application site made aware of the sensitivity of nearby residential dwellings to noise, with a 'best practice' use of the car parking facilities set out. An additional section in the travel plan will be required specifically for HGV drivers that access/egress from the site and move around on the site's access roads, with due consideration to nearby residential dwellings. Information as to best practice behaviour will be expected, including but not limited to operation of the vehicles (no idling, use of horns/alarms, high beam etc.).

Noise – Service Yards & HGV (Heavy Goods Vehicle) Movements

50. The submitted Noise Impact Assessment sets out in Section 2.3 the methodology to be applied to assessing and rating noise associated with industrial and commercial sound. This assessment criteria includes assessing the sound from loading and unloading materials, as well as mobile vehicles that is intrinsic to the overall sound emanating from premises and/or processes involved in using such premises.
51. Due assessment using appropriate equipment has been undertaken at locations proximate to both existing residential dwellings to the north of the site, and the indicative outline location of future dwellings to the south and east of the site.
52. Part 4.12 of the submitted Noise Assessment Report concludes that the proposed development, with regards to HGV movements, would result in adverse impact to the occupiers of nearby dwellings for both daytime and

night-time periods. As such, there would be a requirement for additional mitigation to reduce such noise impact with regard to HGV movements, including loading/unloading, to a suitable level and to avoid undue amenity impacts.

53. Part 5 of the submitted Noise Assessment Report sets out the required mitigation measures in order to reduce such noise impact from HGV movements, loading and unloading. The recommendation within the report sets out the requirement for an extent of 3 metre high acoustic barriers to the far southeast of the application site, between the service yard to Unit 1 and dwellings to the north, to the south side of Bader Drive. In addition, 5m high acoustic fencing/walls is recommended along the south and west sides of the service yard serving Unit 3. With these mitigation measures implemented, predicted noise levels from HGV movements would achieve reduced noise levels that would be acceptable, resulting in no undue impact to the existing and/or future occupiers of surrounding residential dwellings. Plans have been submitted that demonstrate that such acoustic barriers shall be installed as recommended to appropriately mitigate against any undue noise impacts associated with HGV movements and/or loading/unloading. In the case of the south elevation of Unit 3, no barrier has been installed. However, the proposed wall and associated batter would be expected to achieve appropriate noise mitigation.

Table 5.1: Predicted Noise Levels from HGV movements with Mitigation

Assessment Location	Predicted Specific Noise Level (dB LAeq,T)	Predicted Rating Level (dB LAeq,T)	Background (day/night) (dB LA90,T)	Difference (day/night)
AL1	39	42	50 / 46	-8 / -4
AL2	39	42	42 / 40	0 / +2
AL3	31	34	42 / 40	-8 / -6
AL4	34	37	42 / 40	-5 / -3
AL5	43	47	50 / 46	-3 / +1

Figure 10 – Predicted noise levels from HGV movements with mitigation as recommended in the Noise Impact Assessment.



Figure 11 – Map showing position of ‘Assessment Locations’.

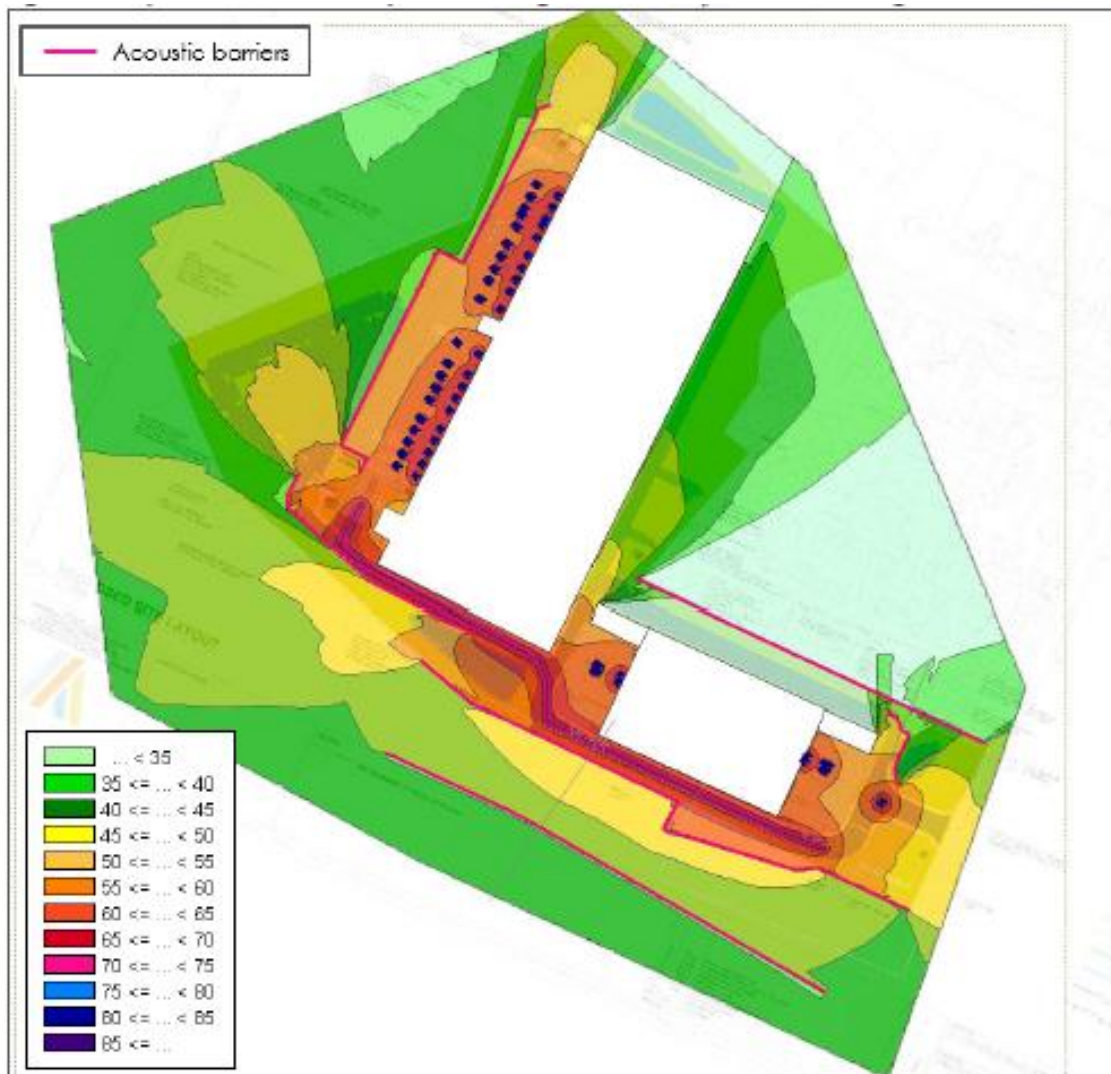


Figure 12 – Map showing expected noise impacts demonstrated by a thematic map. The map shows that, subject to appropriate acoustic barriers, no undue impact through noise would be expected upon the existing or future occupiers of surrounding dwellings.

Noise – External Plant

54. The final position of fixed plant has not been concluded at this stage of the application. As such, it is not possible to know exactly what plant equipment will be used and where it will be sited. In the absence of this detail, it is prudent that a condition be imposed that limits the noise of plant equipment as appropriate to ensure no undue impact upon existing/future occupiers of residential dwellings. This information is set out in Section 4.13 to 4.17 of the submitted Noise Assessment Report.

Light

55. Adopted Rochdale Core Strategy Policy DM1 requires that new development mitigates against any impacts due to light [pollution]. Policy G9 goes on to say that development should not result in an undue increase in impact due to unacceptable lighting. The provision of suitable lighting is required, as per Policy P3, to ensure safe use and access of

development. Paragraph 185 states that planning decisions should, amongst other things, limit the impact of light pollution from artificial light on local amenity.

56. The application has been submitted supported by an External Lighting Report prepared by Synergy Building Services. The report comprehensively details the proposed lighting across the application site. Section 3 of the report sets out the proposed lighting units/scheme, with Part 4 providing detailed lighting calculation results.
57. The LPA's street lighting consultant was duly consulted on the proposed lighting scheme. The lighting consultant confirmed no objection to the proposed scheme. However, requested the provision of additional information to ensure that light pollution and any potential impact upon the occupiers of nearby dwellings is acceptable. The required information can be secured by way of a pre-occupation condition.
58. The proposal is acceptable, subject to additional information by way of a suitable planning condition, in terms of proposed lighting and light pollution, in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and Paragraph 185 of the NPPF.

Odour

59. Adopted Core Strategy Policy DM1 requires that all development mitigates against the undue impact that may be caused by odours. Given the type of development and proposed end use (Storage and Distribution – B8), it is not expected that odours would be caused and the proposal is thus acceptable in this regard, in accordance with Core Strategy Policy DM1.

Air Quality

60. Core Strategy Policies DM1 and G9 states that all forms of pollution will be reduced by focusing on measures that reduce air pollution in Air Quality Management Areas, and other areas where pollution levels are unacceptable, particularly around motorways and main roads.
61. The site is not located within an Air Quality Management Area. However, section of the M62 and surrounding road network lie within the Greater Manchester Air Quality Management Area. The principle of industrial uses with respect to air quality impacts of transport associated with the use has previously been assessed as acceptable. Additional specialised plant which may be required for more specific uses and give rise to additional air quality impacts would require a separate planning consent. Matters relating to dust through the construction phase of development can be dealt with through a Construction Environmental Management Plan (CEMP).

62. Subject to a condition requiring that the development is carried out in accordance with the recommendations of the Air Quality Assessment and the submitted Construction Environmental Management Plan, the development will not result in an unacceptable impact on air quality and therefore complies with Core Strategy policies G9 and DM1, as well as the NPPF.

Summary

63. The proposed development, by virtue of its scale and proposed end use, is likely to result in impact to the amenity of existing and future occupiers. However, through due consultation with relevant consultees and through the provision of suitably scoped supporting reports and documents, it is considered that such potential amenity impacts have been robustly and appropriately mitigated against. As such, subject to a verification condition that confirms that noise in particular meets the predicted standards as set out in the submitted Noise Impact Assessment, the proposal is acceptable with regards to residential amenity. As such, the proposal accords with adopted Core Strategy Policies DM1 and G9, as well as the National Planning Policy Framework in this regard.

Highways

64. Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have a business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
65. The application is supported by a Transport Statement, which found that the development would generate 94 and 116 two-way vehicle trips during the weekday morning and evening peak hours respectively. Of these, 38 and 44 would be HGV trips respectively. It is of note that these figures are based on the redevelopment of the application site, and not simply residual increase over the existing use.
66. The Local Highway Authority were duly consulted on the proposals, with the basis of their analysis and consultation response based on the contents of the submitted Transport Statement (as revised March 2023), which was found to be acceptable in terms of its scope and findings.
67. The application site is an existing employment site in South Heywood. The site is considered to be in a highly accessible location in terms of

access to the local strategic road network, with benefits from the newly constructed link road (Queen Elizabeth II Way) and good access to the national motorway network, providing access to the Manchester City Region, Northern England conurbations and beyond.

68. It is noted that the entrance to the application site from Manchester Road is to be improved, so as to better accommodate two-way HGV access. The applicant is aware of the necessity to enter into a Section 278 Agreement with the Local Highway Authority for the implementation of such highway improvements. Notwithstanding the details demonstrated on submitted plans, it is deemed necessary both by the Local Highway Authority and the Local Planning Authority that the submission of a detailed junction arrangement plan is submitted for approval, prior to first occupation of the proposed development. The scope of the improvements that may be sought or required as part of the junction improvements will be clarified and implemented prior to first occupation of the application site.
69. In addition to the above, a Traffic Regulation Order (TRO) will be required, to ensure that parking restrictions are implemented along the west side of Manchester Road, between the intersections of Manchester Road/Queen Elizabeth II Way and Manchester Road/Bader Drive (along the east boundary of the application site). This is necessary to ensure that parking along this stretch of road is avoided to maintain a good standard of visibility and access to/from the application site.
70. More generally, measures are recommended including a condition limiting any gates within 16.5 metres of the access of the application site. However, the Local Planning Authority considers it prudent to restrict any gating or portioning of the approved internal highway layout to avoid any instances of HGVs backing up onto the highway outside of the site, particularly during busy periods.
71. The Local Planning Authority note that the proposed parking provision would fall below the maximum standard as set out in the Council Standards, set out within Appendix 5 of the Core Strategy. Whilst accepted, it is noted that the application site is not in a particularly accessible part of the borough. To mitigate against this and to encourage active travel, the application site will include cycle parking and onsite showers to encourage cycling. In addition, it will be a requirement by way of a planning condition to require a full travel plan is submitted within 6 months of occupation, with details on how users/employees of the site can access the site more sustainably.
72. No objection has been received from the Highways Authority subject to recommended conditions, which have been reviewed by the Local Planning Authority and the applicant and have been accepted. As such, in light of the above, the proposed development is considered to be acceptable in terms of highways, parking and access and compliant with

adopted Rochdale Core Strategy policies DM1 and T2 of the National Planning Policy Framework in this regard.

Ecology & Trees

73. Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity interest in the borough and overall development in the borough should result in a net gain.
74. The NPPF requires that applications should conserve and enhance biodiversity, minimise impacts and recognise the benefits of ecosystems. The impacts on nature conservation interests are also protected by separate legislation including the Natural Environment and Rural Communities Act, which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive, which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
75. The application has been submitted with the support of both an Arboricultural Impact Assessment (AIA), an Ecological Impact Assessment (EIA) and a Landscape Masterplan. These documents have been reviewed by the Local Planning Authority and Greater Manchester Ecology Unit (GMEU). GMEU offered no objection to the proposal with regards to the submitted plans and information. GMEU also confirmed that, based on the ecology surveys carried out, no further surveys would be required to be undertaken before deciding the application.
76. In terms of ecology and site habitats, the site largely consists of habitats of low or very low distinctiveness, including areas of built development and modified grassland. These two habitat types occupy the vast majority of the site and remain under intensive management, offering minimal ecological value. A single pocket of bramble bush has developed on the site and is a common local habitat type, not considered to be locally rare. Areas of woodland and urban trees are interspersed throughout the site, particularly along site boundaries. In addition, a single small pond has been identified.
77. It is determined that there would be a requirement to ensure that no loss of biodiversity results as part of the proposed development, in line with

relevant Core Strategy Policies and the NPPF. Part 7 of the submitted Ecological Impact Assessment have identified that the proposals would lead to an overall net gain of +21.74% in habitat provision.

78. It is acknowledged that there would be some shortfall identified in terms of specific habitat types, with a small amount of pond habitat lost. (SUDS basins would be created. However, as these systems would only be expected to be temporarily filled with water, they are not considered ponds). In addition, there would be some loss of tree cover within the site due to the removal of trees to make way for the larger proposed units. However, this would be effectively mitigated through the planting of a large number of trees, shrubs and wildflower meadows surrounding the site along boundaries.
79. Subject to conditions ensuring the proposed landscape planning is carried out in accordance with approved plans, suitably maintained over a defined period and ensuring appropriate steps are taken to avoid any disturbance of nesting birds, it is considered that the development is acceptable in respect to biodiversity and would therefore accord with Core Strategy policies G6 and G7 and the NPPF.

Drainage

80. Section 14 of the NPPF requires that due consideration is made to flood risk throughout the planning process. Policy SO4 of the adopted Rochdale Core Strategy, as a strategic objective, requires that the risk of flooding is reduced through appropriate flood risk management. Policy G6 goes on to state that opportunities must be made to promote appropriate flood risk management when deciding planning applications. Saved Unitary Development plan Policy EM/7 states that development will not be permitted where development could contribute to increased flood risk.
81. The site is within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted. The submitted documentation has been reviewed by both United Utilities and the Lead Local Flood Authority (LLFA). The proposed drainage systems, including the provision of Sustainable Urban Drainage Systems (SUDS) to appropriately reduce water runoff, as proposed, have been accepted in principle.
82. United Utilities (UU) have requested and stated their preference that additional information be provided prior to determination with regards to the proximity of the development to UU's water assets. The primary reason for providing the information upfront is set out as to avoid costs or delays to the applicant and/or future developers. It is understood that the intended developer of the site is the applicant. As such, the Local Planning Authority has addressed United Utilities concerns with the applicant. The applicant understands that proceeding without providing this information is done so at the applicant's own risk. United Utilities,

whilst preferring the information to be provided prior to determination, do not object to the application progressing to determination stage subject to a pre-commencement condition. The Local Planning Authority is aware of extensive communication that the applicant has had with United Utilities.

83. The Lead Local Flood Authority (LLFA) have requested additional information is provided with regards to the proposed attenuation ponds and outflow pipes. Whilst accepted, the trigger for the information to be provided is to be amended to allow for demolition and associated site clearance.

84. Additional conditions are to be imposed with regards to completing the development in accordance with the approved 'Foul & Surface Water Drainage Design'. Additional information has been provided by United Utilities to be added in the form of an informative note.

85. Subject to additional information provided that can be secured by way of imposing suitable planning conditions, the proposal is acceptable with regards to drainage and flood risk, in accordance with Section 14 of the NPPF and Policies SO4 and G6 of the adopted Rochdale Core Strategy, as well as saved Unitary Development Plan policy EM/7.

Land Contamination

86. Paragraph 174 of the NPPF states that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

87. A Geo-environmental Site Investigation document has been prepared and provided in support of the submitted planning application. The prepared report was duly shared with the Local Authority's Environmental Protection lead, with it confirmed that the report provided is acceptable. However, as set out in the submitted report, further work is recommended and a suitably scoped planning condition is required. The planning condition requested is a pre-commencement condition. However, the condition is to be re-worded to allow for demolition and associated site clearance work to take place.

CONCLUSION

88. The principle of the proposed development is considered appropriate on an existing employment site. The development will support employment opportunities through the delivery of three warehousing units across two buildings. The existence of a realistic and possible fallback position of a

B8 use is a matter which attracts significant weight in the overall planning balance, weighing heavily in favour of the proposal.

89. Moving on to more detailed matters, it is clear that there is some local concern about the scale of the facility and the impact it may have on existing and future living residential living conditions and the potential disruption of the highway network. However, officers are satisfied that the layout, design measures, acoustic and landscaping treatment and highway requirements are sufficient to weigh in favour of the proposal in the overall planning balance.

90. Overall the proposal delivers a B8 employment use on an existing established B8 employment site. A similar relationship as proposed between residents and the DWP's use has long existed. The applicant has had regard to the impact of the proposal on existing residents and the indicative position of future residents. A series of mitigation measures will minimise the impact of the proposal to such a level it is not considered it will unduly or adversely affect the reasonable enjoyment of the homes of residents. The proposal is therefore broadly compliant with the aims of the NPPF, the adopted Core Strategy and the emerging Place for Everyone.

ADDITIONAL COMMENTARY

91. In this section, committee members will be provided with commentary on objections received, responses from the applicant and commentary on how the LPA considered each point. Members will also be directed to the main body of the report, where each point of objection had been considered. Members are reassured that each point of objection was considered. However, to increase clarity in the decision-making processes and provide context given the previous deferral, the LPA considers it reasonable and necessary to add this section to the Committee Report.

Objection Received from Avison Young (on behalf of objector) – Dated 30 November 2022

92. This letter sets out a preliminary objection to the application, with the letter confirming that a comprehensive objection is being prepared. The letter sets out that the objector has interest in land to the south and west of the application site. The objector raises concern that the development as proposed would have adverse impacts on neighbouring land. The letter summarises the points of objection that will be covered in a subsequent comprehensive objection that the LPA should expect in the near future. The letter sets out the following (non-exhaustive) list that the LPA should expect the comprehensive objection to cover, as below:

- Flawed Fallback Position
- Inaccurate Information
- Impact on Highways

- Scale, Massing and Height
- Noise Impacts
- Trees
- Sunlight Assessment
- Rochdale Council's Duty of Care

93. As the objector confirms that the points of objection are to be set out in more comprehensive detail in subsequent correspondence, no further review of this correspondence will be set out here.

Legal Opinion Received from Applicant – Dated 19 December 2022

94. A legal opinion regarding the objection received dated 30 November 2022 was submitted by the applicant. Legal opinions submitted by the applicant provide commentary and justification for the approach the applicant has taken. However, the LPA have determined the scheme on the basis of its own review of the submitted application documents.

Objection Received from Avison Young (on behalf of objector) – Received 13 January 2023

95. A substantial letter of objection was received, dated 13 January 2023, which sets out a number of points of objection. This letter forms the comprehensive objection as referred to in the letter received from Avison Young dated 30 November 2022.

96. 'Fall Back Position': The objector confirms that they dispute the 'fall back position'. The existence, or lack thereof, of a fall back position relating to B8 (Storage and Distribution) Use on the application site, has been given due consideration in the 'Fall Back Position' of this Report.

97. 'Highways': The objection received includes a Highways Technical Note (HTN) prepared by Focus Transport Planning. The HTN raised concerns with the applicant's Transport Assessment prepared by BWB. This correspondence was duly shared with the Council's Highways & Engineering department and with TfGM. Highways issues are addressed in this Report in the 'Highways' Section.

98. 'Design Matters and Inaccuracies with Information': The objector has indicated that the indicative layout of the housing development proposals (as approved in outline) to the south and west of the application site is not accurately demonstrated. As such, the objector states that impacts upon future residents of these houses (namely, visual impact and occupier amenity) cannot be appropriately assessed. Further to the assessment set out in Section 'Impact on Future Development' in this Report, it is reiterated that it is not considered reasonable to add more than limited weight to an application that is currently approved in outline. The layout of housing to development as approved in outline to the south and west of the site has been considered and referred throughout the report, with

regards to neighbour amenity to future residents. As surrounding proposed development is approved in outline, it is not considered that the applicant has misrepresented future development to such a degree that it is not possible to duly assess the submitted application effectively and reach a robust planning decision based on relevant material planning considerations.

99. 'Privacy and Overlooking of Neighbouring Properties': The objector raises concerns that the proposed link bridge between proposed parking areas and Unit 3, towards the southwest corner of the application site, would result in unacceptable overlooking towards the siting of proposed future residential dwellings. The position of the link bridge is not expressly mentioned in the committee report. However, the link bridge as proposed would be approximately 50 metres from the south boundary of the application site. As such, as already set out in the 'Noise and Visual Impact' Section of this report, no undue impact by way of overlooking is expected, including upon residents of future development.
100. 'Visual Impact': The objector raises concerns that the proposal would result in significant visual impact upon the surrounding area, without suitable mitigation to reduce any potential impacts. This concern has been addressed in Section 'Design and Visual Impact'.
101. 'Noise': Concerns have been raised by the objector that the proposed development would result in unacceptable noise impacts upon the occupiers of nearby sensitive receptors, including occupiers of existing residential dwellings and the occupiers of future dwellings. The objector also sets out that the Noise Impact Assessment submitted by the applicant in support of the application does not adequately address noise issues, through omissions or errors. The applicant provided a Technical Review of Noise Assessment prepared by E3P. The document was duly shared with the LPA's Environmental Health Officer, with their response set out in the Report. Concerns relating to noise generation are set out in this Report under 'Neighbour Amenity', with sub-sections covering noise generated by noise generation, noise generation from car parking areas, noise from service yards/HGVs and noise from external plant.
102. 'Trees': The objector raises concerns that there are a number of trees proposed to be removed to enable the proposed development. Impact upon trees is considered in Section 'Ecology & Trees' in this Report. In addition, Greater Manchester Ecology Unit (GMEU) were consulted on the proposals, with no objection received, as set out in the Report. Proposed condition 25 to be imposed in the event the application is approved as recommended includes provision that proposed landscaping will be implemented as approved, with any landscaping that dies within a five year period etc. being replaced.
103. 'Sunlight Assessment': The object has raised concerns with regards to potential impact on future occupiers through loss of daylight/sunlight. It is of note that this concern was not expressly addressed in the original

committee report. However, the planning officer has carefully reviewed this objection and the plans and documents provided. It is noteworthy that additional objection(s) to be addressed subsequently and additional plans and documents will be relevant. As such, further commentary on this point will be covered. The LPA wishes to reiterate that, despite the fact that this point of objection was not expressly covered in September's committee report, the LPA is confident that this point alone would not have jeopardised the planning balance and ultimate recommendation.

104. 'Topographical Survey': The objector raises that a document appears to be unavailable (Sheet 4 of 5 of the submitted Topographical Survey). This point is not referenced further in subsequent objections and it is understood that this administration error was rectified, with no impact on the planning balance or due consideration of the planning application caused.
105. 'South Heywood Masterplan': The objection makes reference to the South Heywood Masterplan, in the capacity that the South Heywood Masterplan is subject to an approved Design Code. The objection states that the South Heywood development should be protected from insensitive design. Whilst included in the objection, it is not considered that any specific point of objection is included within the commentary.
106. 'Northern Gateway': The Northern Gateway, a proposed strategic allocation within Places for Everyone, was referenced in the submitted objection in the capacity that the proposed development could result in highways impacts that would jeopardise delivery of this proposed strategic allocation. As 'Places for Everyone' has not yet been fully adopted and no planning permission has been submitted in relation to the strategic allocation, it was not considered appropriate to give any weight to this emerging allocation.

Correspondence Received from Applicant – Rebuttal Note to Noise Objection Dated 10 February 2023

107. The comprehensive objection received from the objector was shared with the applicant. Initial correspondence was received by way of a Rebuttal Note dated 10 February 2023, which was prepared by BWB, the applicant's noise consultants. The rebuttal note was shared with the LPA's Environmental Health Officer. Impacts by way of noise are addressed in the Report, under the 'Neighbour Amenity' Section and related subsections therein.

Amended Plans and Documents Received from Applicant – Dated 14 March 2023

108. The applicant is understood to have completed a comprehensive review of the objection received, as well as considered concerns raised or issues that had been identified by the appointed planning officer. The applicant subsequently submitted a suite of amended plans and documents, or

provide additional information, in an effort to address the issues and concerns raised, requiring further review by the LPA. The amended and/or new documents and plans included:

- Amendments to proposed 'Unit 3', reducing the length by 13.05m to the south, resulting in Unit 3 being set back from existing units and achieving a separation distance of approximately 47 metres from the closest future residential property.
- Amendments to proposed Unit 3 to increase the width by 2 metres to the west to compensate for loss of floorspace to the south.
- Increase to the width and height of the proposed landscaped bund to the south, increasing the scale and amount of landscaping to be applied.

109. Alteration to the orientation of Unit 3, so as to increase separation distances between Unit 3 and the 'pinch point' along the western boundary.

110. In addition to the submitted plans having been altered to address concerns raised both through objection and by the appointed planning officer, a suite of revised or additional documents were submitted in support of the application, these include:

- Amended proposed Landscape Masterplan including Planting Plan
- Proposed Levels
- Proposed Earthworks Volumes
- Air Quality Assessment
- Arboricultural Implications Assessment (including Tree Survey)
- Daylight and Sunlight Statement
- Design and Access Statement
- Ecological Statement (including Protected Species Surveys)
- Energy and Climate Change Adaptation Statement
- Flood Risk Assessment and Drainage Strategy
- Lighting Assessment
- Landscape Visual Assessment
- Noise Impact Assessment
- Socio-Economic Assessment
- Transport Statement
- Framework Travel Plan

Legal Opinion Received from Applicant – Dated 19 March 2023

111. An additional legal opinion regarding objections was received from the applicant on 19 March 2023. As previously mentioned, whilst the submission of legal opinions provides additional commentary and

justification as to the approach the applicant has taken, the LPA have determined the scheme on the basis of its own review of the submitted application documents.

Objection Received from Avison Young (on behalf of objector) – Received 26 April 2023

112. Further to previous objections received and in response to amended plans, as well as additional documents provided by the applicant to address concerns raised by the LPA and the objectors, a subsequent substantial objection was received on 26 April 2023. The objection includes concerns raised as below
113. 'Design Matters and Inaccuracies in Information': Concerns have been raised that the indicative locations of proposed residential development, as approved in outline adjacent to the application site, are not accurately sited on the plans and documents submitted by the applicant. As previously addressed, as the proposed housing development has been approved in outline, with only indicative plans indicated, the final layout of housing has not yet been established and thus cannot be truly demonstrated on submitted plans. Nonetheless, the objector states that proposed dwellings to the south and west of the application site, with gardens that have a shared common boundary, may be closer to Unit 3 in particular than shown by the applicant. As such, information and documents prepared by the applicant, including the Landscape and Visual Impact Assessment, Lighting Plans, Air Quality Report and Noise Report may be inaccurate.
114. It is noteworthy that the applicant has indicated in their submitted supporting documents and letters that there would be approximately 47 metres between the rear elevations of dwellings as proposed to the south of the application site, whereas the submitted drawings as contained within the objection to the proposal shows a separation distance of 57 metres, assuming a back garden length of 15.9 metres. There is therefore some discrepancy between the measurements of the applicant's submitted drawings and what was written in submitted letters. The objector has then submitted an additional annotation 'Figure 4' in the objection, that shows a distance of 47 metres between the rear elevation of a dwelling as approved in outline and the south elevation of the proposed warehouse, which also shows the proposed bund and landscaping. There is evidently difficulty in assessing the exact distance between the proposed Unit 3 and dwellings, as the dwellings are approved in outline with no final point. It is also noteworthy that a 10 metre garden to a new build dwelling would be substandard when considering the minimum distance standard of 10.5 metres between upper floor window and directly facing boundary of the curtilage as set out in Rochdale's adopted Residential Design SPD. However, as dwellings are approved in outline with no reserved matters confirming siting of dwellings, it is not possible to reach an exact figure as to the separation distance. However, again, as already stated, assuming a

minimum separation distance of 47 metres with a 10 metre garden, the distance is considered acceptable with no significant impact upon the amenity of future occupiers of nearby residential development as a result of the siting and scale of the proposed development, further reduced through extensive mitigation by way of a bund and landscaping.

115. 'Scale, Massing and Height': The objector sets out that the proposed massing, height and scale of the proposed units are excessive when considering future occupiers of residential dwellings proximate to the site, as approved in outline. The appointed planning officer is confident that such concerns have been adequately addressed in Section 'Neighbour Amenity' and 'Design and Visual Impact' of this report. Furthermore, analysis in this additional commentary section of the report has addressed these concerns.
116. 'Building Height Comparison': The objector draws comparisons to nearby Storage and Distribution Units that have been recently constructed or approved elsewhere in Rochdale. W The application must be decided on its own planning merits. As such, further consideration to other units elsewhere in the Borough have no weight to the decision making process and analysis of impacts to this planning application.
117. 'Landscaping and Visual Impact': The objector states that it is necessary for the Landscape and Visual Impact Assessment to be redone, due to discrepancies and/or disagreement between parties as to the exact position of residential dwellings as approved in outline. However, as addressed, the final siting and thus separation distance between dwellings approved in outline and the proposed development is not quantifiable. However, a minimum distance of 47 metres accompanied by the proposed mitigation, would not be expected to result in undue impact upon the living conditions of future occupiers of nearby dwellings, as further assessed in the 'Neighbour Amenity' and 'Design and Visual Impact' Sections of this Report.
118. The objector comments on the proposed landscaping and planting plans and refers to the fact that some existing landscaping will be removed during construction of the proposed development. The LPA has assessed proposed landscaping proposals and finds these to be acceptable. Further assessment on landscaping is set out in the 'Ecology and Trees' Section of this report. Landscaping and the relevance this has to future development is also referenced in the 'Impact on Future Development' Section of this Report, as well as the 'Design and Visual Impact' Section of this Report.
119. 'Privacy and Overlooking of Neighbouring Properties': The objector has commented on potential overlooking from the proposed link bridge connecting Unit 3 and its associated car parking area. This point has previously been addressed in this 'Additional Commentary' Section of this Report.

120. 'Noise': The objector raises further objections to noise, accompanied by a Noise Technical Review prepared by E3P. This document and objection were duly shared with the LPA's Environmental Health team. Concerns relating to noise are addressed in Section 'Neighbour Amenity' of this Report.
121. 'Trees': The objector has commented on impacts to existing trees and the number of trees that require removal as part of the application. This concern has been addressed in the 'Trees' Section of this Report and previously in this 'Additional Commentary' Section of this Report.
122. 'Daylight and Sunlight Assessment': The objector has raised points of concern with the submitted Daylight & Sunlight Assessment. Upon review by the LPA, the findings of the Daylight & Sunlight Assessment are found to be acceptable. No significant impact by way of loss of daylight and/or sunlight are expected as a result of the proposed development. The applicant references the fact that proposed landscaping may result in shadowing. However, it is of note that the closest dwellings (a minimum of 47 metres to the south of the proposed building) would be north facing. As such, when considering the path of the sun, landscaping would not cast shadows over the dwelling. Whilst the Daylight & Sunlight Assessment is a supporting document with due consideration made to the document, the LPA nonetheless reaches the conclusion that the proposed development would not result in unacceptable overshadowing or loss of light to the future occupiers of future indicative residential development to the south of the application site. Furthermore, any low or moderate impact can be addressed in a reserved matters application when the final layout of dwellings is agreed.
123. 'External Lighting Assessment': The External Lighting Assessment was duly shared with the LPA's Lighting Consultant. The Lighting Consultant confirmed no objection to the proposals. This concern is also addressed in Section 'Neighbour Amenity' Section of this Report, under the subheading 'Light'.
124. 'South Heywood Masterplan': The objector again refers to the South Heywood Masterplan, referring to the approved Design Code and the need to protect the Masterplan from insensitive design/uses. Points of concern raised regarding design are addressed in the 'Design and Visual Impact' Section of this Report. With regard to the reference to 'insensitive use', the South Heywood Masterplan itself proposes extensive B8 (Storage and Industrial) Use within the Masterplan. It is also addressed in Section 'Fall Back Position' that the existing B8 use on the application site is already implemented

Objection Received from Avison Young (on behalf of objector) – Dated 04 May 2023

125. A further objection was received from the objector dated 04 May 2023. This objection raises a new point of objection as below:

126. '24 Hour Operation': Concerns relating to operational noise generation, including HGV movements, is addressed in this Report within the Section titled 'Residential Amenity'. In addition, the LPA's Environmental Health Officer was consulted on the proposals with no objection to the proposed scheme raised, subject to condition.

Amended Plans and Documents Received from Applicant – Dated 06 June 2023

127. Amended plans and updated technical documents were received due to minor amendments proposed to the site layout, consisting of:

- Addition of 2 metre high retaining wall to the south of Unit 3 and associated amendments to the bund
- Tweaks to the design of attenuation ponds to the north and south of the site, resulting in an increase in the total area of attenuation ponds.

128. In order to ensure that all submitted reports and documents that support the application address these amendments, the following documents were updated. However, conclusions contained therein remain unchanged:

- Landscape Masterplan
- Planting Plans
- Finished Floor Levels/Site Levels
- Earthworks
- Arboricultural Impact Assessment
- Design & Access Statement
- Ecology including Biodiversity Net Gain (BNG)
- Drainage
- Landscape Visual Impact Assessment
- Noise Impact Assessment

129. In addition, a Lighting Assessment was prepared to demonstrate updated lighting information and to ensure no unacceptable impact to surrounding occupiers (including future occupiers of dwellings approved in outline proximate to the application site) would result.

130. The submitted updated plans and documents were accepted, with re-consultations completed where necessary.

Objection Received from Avison Young (on behalf of objector) – Received 07 June 2023

131. A further objection was received from the objector dated 07 June 2023. This objection raised points of objection as below:

132. 'Selection of Verified Viewpoints/Methodology/Accuracy: The objector highlighted that the Landscape and Visual Impact Assessment (LVIA) does not include viewpoints from certain locations that the objector. The objector has provided additional viewpoints and information in support of their objection. The LPA has accepted the LVIA provided by the applicant, with impact relating to visual impact addressed in Section 'Design and Visual Impact' of this Report. It is also acknowledged that the proposal would have some impact on the visual/townscape of the surrounding area. However, such impacts are not considered or expected to be so significant to warrant refusal of the application.

Transport Technical Note prepared by BWB – Received from Applicant dated 14 June 2023

133. The applicant has provided a Transport Technical Note, produced in response to concerns raised by the objector and with regards to the objector's submitted supporting information, including transport modelling and simulations. The Transport Technical Note refutes issues raised by the objector's modelling etc. The information was duly shared with the LPA's Highways & Engineering Officers. No objection was raised and highways issues are addressed in this Report in the Section titled 'Highways'.

Objection Received from Avison Young (on behalf of objector) – Dated 29 June 2023

134. A further objection was received from the objector dated 29 June 2023, in response to amended plans and updated documents having been issued by the applicant on 06 June 2023. The objector raised the following comments:
135. 'Review of Amendments to the Scheme': The objector lists what they note are the amendments to the proposed scheme, including the formation of the 2 metre reinforced retaining wall to the base of the bund, associated alterations to the bund (including 0.2 metre increase in height), increase in capacity of attenuation basins of 11.4% and associated reshaping of attenuation basin banking, inclusion of a retaining wall to base of acoustic mitigation walls and amended reports.
136. The objections go on to provide some commentary on potential impact to future occupiers of residential dwellings to the south of the application site, as approved in outline. In addition, the objection states that the 11.4% increase in capacity of attenuation basins may result in there being less space for planting across the development site. Concerns relating to impact on residential amenity, including future occupiers of dwellings approved in outline, are addressed in this report under Section 'Design & Visual Impact' and 'Residential Amenity'. The proposals would have no notable impact on the landscaping scheme as proposed. However, concerns relating to landscaping are addressed in this Report under Sections 'Ecology and Trees' and 'Design & Visual Impact'. No

objections were received from Greater Manchester Ecology Unit (GMEU) or the LPA's Environmental Health Officer as a result of proposed alterations.

Objection Received from Avison Young (on behalf of objector) – Received 21 July 2023

137. An additional objection was received via email on 21 July 2023, relating to concerns regarding noise generation and impacts. The objection was supported by a Noise Impact Assessment prepared by E3P. The noise comments were duly reviewed and shared with the LPA's Environmental Health Officer and the applicant. Impacts relating to noise generation are duly addressed in this Report under Section 'Residential Amenity'.

Ryder Landscape Report – Commissioned by LPA – Received August 2023

138. Concerns had been raised that the submitted LVIA and thus assessment of potential landscape and visual impact issues had not been adequately assessed, due to shortcomings or omissions in the LVIA. As a result, the LPA appointed Ryder Landscape, an independent qualified landscape architecture firm, to consider the suitability of the submitted LVIA and the conclusions reached. Some concerns were raised which were addressed and rectified in the submitted LVIA. Following amendments to the LVIA, Ryder Landscape concluded that the LVIA was sufficiently robust for the LPA to rely upon to reach a conclusion and determine the planning application with regards to landscape and visual impact. However, did comment that there may be amenity issues that would require further consideration but clearly acknowledged these sort of amenity issues, lay outside the matters of which a landscape assessment could have regard.

Legal Opinion Received from Applicant – Dated 04 August 2023

139. A further legal opinion regarding objections was received from the applicant on 04 August 2023. As mentioned previously in this Report, whilst submitted legal opinions provide commentary and justification for the approach taken by the applicant, the LPA has determined the scheme on the basis of its own review of the submitted application documents.

Objection received directly from objector – Dated 21 September 2023

140. Soon after the publication of the Committee Report, recommending that Members approve the proposed development subject to conditions, the objector sent a letter in objection to the Officer's recommendation. The objection did not raise any new points of objection to the scheme itself. However, raised a number of points as set out below:
141. 'Misrepresentation of Formal Objections Regarding Technical Matters': The objector questioned whether the numerous objections provided both by the objector and through Avison Young, as well as supporting documents, had been fully taken into consideration. The LPA duly

considered the proposed development and took into account objections received, as well as considering supporting information and sharing objections with the applicant where required. The LPA is confident that the appropriate amount of consideration has been given to all objections, with material planning considerations raised appropriately addressed within the committee report as published in September 2023. Where any shortcomings have been identified in the published committee report, this additional Section 'Additional Commentary' has been provided to detail how and where objections were considered, with additional commentary provided for the clarity of committee Members.

142. 'Withholding Information': The objector highlights that they disagree with the weight afford to development approved in outline, which forms part of the South Heywood Masterplan. The objector states that the developer of parts of the South Heywood Masterplan have previously written to the Council with regards to the deliverability of the South Heywood Masterplan. However, this review of previously submitted objections does not identify a planning objection submitted to the LPA where this point was raised. The South Heywood Masterplan has been mentioned in passing in submitted letters only in relation to the South Heywood Masterplan Design Code and the impact the proposed development may have on the Masterplan area by virtue of its design and relationship. The objector highlights that impact on the South Heywood Masterplan should have been considered in more detail. Please see Section 'South Heywood Masterplan'.
143. 'Misleading and Inaccurate Information': The objector references their previous objections and supporting information that has been provided with regards to design. The LPA is confident that they duly considered objections raised by all objectors, with amended plans and documents or clarification provided by the applicant as and where appropriate. The objection suggests that there are significant misleading, inaccurate and illegible information within the Committee Report. However, no examples have been provided.
144. 'Summary of Next Steps': The objector shares their opinion that the application should be deferred to a later planning committee, as the objector does not believe their objections have been given due weight in the decision making process. The LPA, in the abundance of caution, took the view that if the objector has asserted that serious issues and errors have been made, the LPA should defer Members from making a decision until any issues as raised by the objector have been considered.

Objection received from Jones Lang LaSalle (JLL) (On behalf of objector) – Dated 26 September 2023

145. JLL provided a written objection with supporting information relating to visual impact the proposed development would have on the surrounding area and/or townscape. This concern has been duly assessed in this Report in Section 'Design & Visual Impact'

146. JLL have provided commentary on marketing of future dwellings that form part of the South Heywood Masterplan, that have been approved in outline, should the development as proposed be approved. This concern has not been considered in more detail, as the marketing of unbuilt houses proximate to the proposed development does not form a material planning consideration. Potential impacts on the amenity of future occupiers of future dwellings as approved in outline proximate to the site have been duly considered, with due weight afforded to such impacts, in Sections 'Design and Visual Impact' and 'Residential Amenity' of this Report.

Objection Received from Objector (directly) – Dated 27 September 2023

147. An additional objection was received directly from the objector, dated 27 September 2023. This objection raised new points of objection that had not previously been raised during the course of assessing the application, having come to light post publication of the Committee Report as published (and as remains unchanged). The objection raises the concern that the LPA's decision to afford 'some weight' to future development surrounding the application site is set out within Section 'Impact on Future Development' of this Report. However, for the clarity of Members and transparency, the additional objection raises the following comments:
148. 'Impact on the Delivery of Phase 4 of South Heywood Masterplan (330 Homes)': The objector sets out that Phase 4 of the South Heywood Masterplan, which includes land adjacent to the application site to the south and east, there will be impact on the future homes that are proposed to be developed on this land. The applicant comments that the development may affect future house prices of proposed future 'Higher Value Housing' in this part of the South Heywood Masterplan. However, it is the opinion of the LPA that very little weight can be given to house prices during the assessment of a planning application, even less so when the house prices that may be affected form part of a future development that has not yet been subject to a reserved matters application. Nonetheless, despite the degree of weight afforded to this specific point of objection, concerns regarding design and development have been addressed in relevant sections of this Report. As such, it is not considered that this point of objection change the weight that the LPA has afforded to future development over and above that already addressed in Section 'Impact on Future Development' within this Report. The objection does raise concerns regarding amenity of future occupiers of the future dwellings as referred to. However, the LPA is satisfied that suitable weight has been given to these concerns, as addressed in Sections 'Design and Visual Impact' and 'Residential Amenity' Sections of this Report.
149. 'Impact on Viability of South Heywood Masterplan': Further to the objector setting out potential impacts to marketability or house prices of future development proposals, as above, the objector goes on to set out

the benefits the South Heywood Masterplan will have with regards to providing housing, employment and associated infrastructure. The LPA does not dispute these benefits. The objector sets out that the South Heywood Masterplan would require 1000 homes to be built to reach the status of a 'balanced position' in terms of viability. Although the objector has not raised this concern as part of their suite of planning objections to date, the LPA has considered their comments.

150. The LPA have carefully considered and reviewed submitted plans and supporting information provided by the applicant, duly consulting with internal and external (including statutory consultees). No objections have been received from consultees, although consultees have recommended conditions be imposed in the event the application has proposed as reasonable and necessary. In addition, objections received, including a large suite of objections from one objector supported with supporting documents, have also been reviewed and shared with the applicant where necessary. Throughout the assessment of this application, potential impact upon the occupiers of existing residential development to the north/east of the application site, as well as the future occupiers of dwellings approved in outline to the south and west of the site, have been considered. The LPA finds that there would be some amenity impact upon the occupiers of existing and future residential development that would need to be mitigated against. The applicant and LPA have worked together extensively, with significant mitigation proposed as part of the proposed development including extensive landscaping, bunding, physical noise mitigation measures and conditions proposed that would result in a development that would not have undue impact upon the residential amenity of existing or future occupiers.

151. The LPA has considered the impact the proposed development would have on future occupiers of development approved in outline. The LPA is not able to consider whether the preference of future homebuyers or occupiers of nearby future development may be swayed or impacted (and to what degree it would be impossible to quantify) as a direct result of the proposed development. The LPA have reached a finely balanced conclusion, taking into account the existing use of the site, potential for the existing buildings to be occupied by B8 uses without any new mitigation, which could have a harmful affect upon residential amenity beyond which the LPA or other regulatory services could control and the fact that the proposed residential development has not been subject to a reserved matters application so the layout of housing proposed has not been agreed with the LPA. The objector has suggested that approving the application may result in impact on the marketability of future housing, then suggests that the housing could not be delivered on Phase 4 which would render the entirety of the South Heywood Masterplan undeliverable. The LPA cannot speculate on a chain of events such as the one suggested by the objector taking place. However, the LPA can consider material planning considerations, such as amenity of existing and future occupiers. The LPA is confident that the appropriate amount of weight has been given and impacts have been addressed and mitigated

against responsibility and reasonably. The assessment of such impacts has been addressed in this Report.

152. 'Impact on Section 106 Contributions': Legal agreements relating to previously approved development, such as South Heywood Masterplan, do not form a material planning consideration to the assessment of the application as proposed, which must be decided on its own merits and with due consideration to material planning considerations that arise from the assessment of the planning application to hand. The objector's statements on S106 contributions are tied directly to the chain of events speculated on in previous parts of the objection letter. Impacts on the residential amenity of future occupiers, a material planning consideration, has been addressed in Sections 'Design and Visual Impact' and 'Residential Amenity' of this Report. The marketability of house prices/levels of profit achievable for a developer of land, whilst relevant to the objector, involve a level of speculation upon which the Local Planning Authority cannot place significant weight as a material planning consideration, as the claim is not sufficiently evidenced. Impact on future development has been addressed in Section 'Impact on Future Development' of this Report.
153. 'Affordable Housing': The objector makes reference to reserved matters applications on previous phases of land, which are not directly adjacent to the application and have not been considered as part of this planning application. The objector states that there has been difficulty providing affordable housing on previous phases and, as such, no affordable housing has been delivered. The objector refers briefly to 'conversations' they have been having with third parties about delivering affordable housing on 'future phases'. The objector then speculates that the approval of this planning application would result in the loss of 330 homes and puts at risk affordable housing. The LPA has carefully considered these comments and do not consider that the comments represent a material planning consideration to which any significant weight can be applied in the overall planning balance to the assessment of the planning application as submitted. The comments are speculation and reference informal conversations and regarding points not directly related to this planning application.
154. 'Summary': The objector sets out that they believe applying no more than some weight to the future development is not appropriate. However, the LPA has, following due assessment of the application, remains confident that the amount of weight afforded to impacts on future development, as set out in Section 'Impact on Future Development' of this Report, is appropriate. The LPA is sympathetic to the objector and the perceived or actual impacts the approval of this application may have on profit levels or marketing techniques of future development. However, such concerns are speculation and opinions and cannot result in the LPA given material weight to factors and variables that are not fundamentally material planning considerations upon which significant weight can be attached in the planning balance. The LPA does find that impact on existing and

future occupiers of residential development is a material planning consideration that significant weight should be given, with this view taken even though surrounding future development has been approved only in outline at this stage. However, these considerations have been carefully assessed in Sections 'Design and Visual Impact' and 'Residential Amenity', with no significant impact identified and appropriate mitigation provided where some impact has been identified. As such, impact on future development (including South Heywood Masterplan), remains as set out in Section 'Impact on Future Development' of this Report, with the LPA satisfied with its approach and the material weight given as been justified and appropriate.

Objection Received from Avison Young (on behalf of objector) – Dated 11 October 2023.

155. An additional objection was received. This objection sets out previous objections that have been received and summarises the main points of objection, which highlight concerns relating to:

- Landscape and Visual Impact
- Highways
- Noise
- Approach/Weight given to South Heywood Masterplan

156. The LPA considers this objection a summary of previous objections, with no new or additional information raised.

Noise Impact Assessment Prepared by E3P on Behalf of Objector – Dated 12 October 2023

157. An additional Noise Impact Assessment prepared on behalf of the objector was provided to the LPA. This Assessment was shared with the Council's Environmental Health Officer for review and comment. Additional consultation responses are set out below in section 'Additional Consultee Responses Received'.

Letter Received from Planning Agent on Behalf of Applicant – Dated 20 October 2023

158. A letter was received from the planning agent (Gerald Eve) on behalf of the applicant. The letter briefly sets out the main points of objection that the objector raised in their letter dated 11 October 2023, as below:

- Design and Visual Impact – Assessed and comprehensively considered in Paragraphs 27 – 41 of the Planning Committee Report.
- Highways – Assessed and comprehensively considered in the 'Highways' Section of the Planning Committee Report. No objection from Highways received.

- Noise – Assessed and comprehensively considered in the ‘Noise’ Sections of this Planning Committee Report. No objection from Environmental Health received.

Additional Consultation Responses Received.

159. For the avoidance of doubt and due to the objections received, it was considered necessary for the LPA to re-consult with Highways and Environmental Health. The following final consultation responses were received, copied as received for full clarity for Members.

Highways Consultation Response – October 2023

160. The Highways & Engineering team forwarded their previous ‘final comments’ as prepared and sent on 11 September 2023, as below:

“We have now completed our final comments on this application.

Having now reviewed the latest submissions and comments on the above application we can now summarise our comments on this application.

When considering the overall traffic impact of the development the access onto Manchester Road from this site is long established and the site itself has an existing Lawful Development Certificate for industrial use. Our assessment was made on the additional traffic impact that the development would have over and above what currently exists. At this stage we would say that this impact, would not warrant a sustainable reason for refusal of this application.

There have been some concerns expressed regarding the obstruction of north bound traffic when HGVs right turning from the site cannot enter the queue at the existing signals. We believe that there are some improvements that could be made to this junction that are likely to mitigate this potential infrequent obstruction. These improvements could include;

- *The introduction of a yellow box junction around the site entrance*
- *The introduction of traffic islands within Manchester Road*
- *Additional road marking and signage*
- *The introduction of Traffic Regulation Orders around the junction.*

An approved junction design could be delivered via planning condition and the works could be delivered via a s278 Agreement between the applicant and the Council. We have also requested some planning conditions to improve access arrangements and these include;

- *A condition requiring any gates to be set back an appropriate distance from the highway*
- *The production of a Logistics and Travel Plan for approval*

161. The LPA do not consider that the re-submitted consultation response from Highways & Engineering requires any additional consideration, as the consultation response confirming no objection to the proposed scheme, subject to the imposing of suitable and necessary conditions, is a re-submission of a previous consultation response with no changes.

Environmental Health Consultation Response – November 2023

162. Various additional documentation and supporting reports have been received post publication of the Planning Committee Report. The below is the most up to date response received from Environmental Health, which duly takes into account the late-submitted information:

“I have now reviewed the technical note submitted by BWB on behalf of Trammel Crow Company regarding the Heywood Stores Site. I am in agreement with their findings and accept that the level difference in measured background noise between BWB and E3P is negligible and within an expected tolerance, this is also acknowledged by E3P. The only outlier is likely a result of a change in traffic flow on the M62 during maintenance work. Given the location of the new homes it has to be understood that the noise climate they are entering is one dominated by road traffic noise from the highway and motorway network and that of HGV and industry, regardless of mitigation these will be the dominant noise sources and will be audible to varying degrees though the day and week.

The redevelopment of the Heywood Stores site will greatly improve the acoustic performance of the building material, introduce strong mitigation measures and will allow the setting of conditions to protect existing and future noise sensitive receptors.

As such this section has no objections in principle to the proposal and would recommend the following conditions:

- *The cumulative effect of all external plant and noise breakout from the development does not exceed the lowest background sound levels (LA90) at the nearest noise sensitive locations –*
 - *50 dB during the daytime and 46 dB during the night-time at the nearest noise sensitive receptors to the south and southwest of the site.*
 - *42 dB during the daytime and 40 dB during the night-time at the nearest noise sensitive receptors to the north and east of the site.*
- *The mitigation measures detailed in section 5 of the submitted noise impact assessment are implemented in full, upon completion evidence of this is submitted.*
- *Upon completion of the development a validation report is undertaken to ensure the mitigation is controlling the noise from the site to the required levels”*

163. Upon re-consultation, the Environmental Health (EH) Officer confirms that there is no objection to the proposed scheme. The EH has been provided with additional noise objections and rebuttals from the applicant, as

referred to in their consultation response. A suitably scoped condition relating to noise generation has been imposed. The LPA are of the opinion that requiring additional validation post-completion of the proposed scheme would be unnecessary, as the submitted supporting information demonstrates that such mitigation measures regarding noise would be acceptable. Any noise complaints post-completion of the development would be addressed outside the planning process directly with EH, who may themselves require noise validation.

Summary of Additional Commentary Section

164. To summarise this 'Additional Commentary' Section of the Report, the LPA confirms that all objections received from all parties have been comprehensively considered, with the above commentary section providing Members with enhanced detail and insight into the decision making process and chronological order of events during the consideration of this application. The LPA consider the conclusion as set out in Paragraphs 88-90 of this Report to stand, with the recommendation to grant planning permission, subject to conditions remaining.

ADDITIONAL COMMENTARY PART II

Objection received from Gateley Legal (on behalf of objector) – Dated 22 November 2023

165. The evening prior to the application being presents at the Planning & Licensing Committee on 23 November, a substantial late objection was received from Gateley Legal on behalf of the objector. This objection raised the points below.
166. The objector, through their legal representative, assert that the LPA does not have the power to lawfully determine the application. As such, the objector asserts that planning application should be immediately withdrawn from November's Planning & Licensing Committee agenda or permission refused. At this stage of the objection letter, no justification is presented for this demand.
167. The objector asserts or suggests that the application represents EIA (EIA) development. The LPA refutes this, as set out in the LPA's own Environmental Impact Screening Opinion (reference 22/01341/SO), which finds that an EIA is not required. This decision has at no time been formally challenged, including by the objector and the LPA is confident that the decision is not contrary to law. The cumulative impact issue was addressed in the Screening Opinion issued under 22/01341/SO with the conclusion that there are no significant adverse environmental impacts that may be added to. As such, there is no issue of judgement. Therefore, the LPA is confident that this proposal would not represent EIA development. The LPA have no additional comment to make on this point of objection.

168. It is asserted that the Committee Report places significant reliance on the existence of a fallback position to support the LPA's conclusion and/or planning balance that the proposed development be recommended for approval. However, the objector sets out that the LPA's finding of a fallback position is not lawful. The LPA do not agree with this view shared by the objector. The existence of the fallback position is addressed and justified in Section 'Fall Back Position' of this Report. The LPA have no further comment on this point, with the fallback position considered a material planning consideration and an appropriate degree of weight afforded to it in the overall planning balance of the proposed scheme before the LPA.
169. The objector, through their legal representation, sets out that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. This section reinforces provisions of the Town and Country Planning Act 1990 Section 70(1) which requires the LPA to have regard to material considerations. The LPA do not refute this legislation. However, the objector asserts that the LPA has failed to do this and, as such, approval of the proposed development would be an unlawful decision. The LPA entirely disagrees with this assertion. The application has been duly determined in accordance with the development plan, with material planning considerations robustly and comprehensively considered throughout this Report. The LPA are confident that the Report goes into a very high level of detail and duly considers relevant material planning considerations and has applied weight as appropriate, with the report setting out why each consideration has been afforded the weight it has. As such, the LPA has no further comment to make on this point of objection.
170. The objector sets out that the proposed scheme would have undue impact upon future occupiers of dwellings, as approved in outline, proximate to the application site. This point of objection has been addressed previously, with due regard to amenity impacts through landscape and visual impact set out in Section 'Design and Visual Impact' of this Report, as well as throughout the 'Additional Commentary' Section of this Report, which highlights where this point of objection has already been extensively addressed in the Report. The objector refers to the LPA's Ryder Landscape documents and the findings and commentary therein. The Ryder Landscape document is addressed in Paragraph 138 of this Report. The LPA has no additional comments to make on this point of objection.
171. The objector states that the published Committee Report refers to the Ryder Landscape Report, which was commissioned by the LPA to provide expert advice on the validity of the LVIA prepared by the applicant in support of their planning application. The objector asserts that this document was not disclosed to the objector. It is not the LPA's usual approach to disclose this information to third parties as part of the application process. Nonetheless, this document, as stated in the

objector's own legal representative's letter at Paragraph 5.4', has indeed now been disclosed to the objector. The objector asserts that there has not been time to duly consider this document. The Ryder Landscape information has been used to ascertain that the LVIA is sufficiently robust for the LPA to rely upon to reach a conclusion and determine the planning application with regards to landscape and visual impact. The LPA agrees with the objector insofar as the Ryder Landscape Report sets out that there may be amenity issues that would require further consideration, as already mentioned in 'Paragraph 138' of this Report. However, these amenity issues lay outside the matters of which the LVIA could have regard. As such, the LPA have no further comments to make on this point of objection.

172. The objector's legal representative sets out that the objector has raised significant concerns in relation to submitted highways information. The objector's concerns relate to capacity issues at the site access junction with 'Manchester Road' and the adjacent junction of A6045 (Manchester Road) with 'Queen Elizabeth Way', including the cumulative impacts of traffic generation relating to the application. The LPA has taken note of these concerns and shares the view that it will be necessary to impose conditions to ensure that no undue impact on highway safety occurs, such as improvements to the junction to the application site. As stated in the objection received, it is recommended that a planning condition be imposed requiring a detailed Junction Arrangement Plan prior to occupation of the development. The imposition of this planning condition is considered reasonable and necessary to make potentially unacceptable development acceptable. The imposition of this condition has been agreed in collaboration with the Council's Highways & Engineering Department, who have confirmed on more than one occasion that, subject to the imposition of planning conditions, they have no objection to the proposed development. Their consultation response confirms that this takes into account the cumulative impact over and above the existing impact. This Report addresses issues and impacts in relation to highways in Section 'Highways' and throughout Section 'Additional Commentary' of this Report. The LPA is confident in its assessment regarding highway impacts and, as such, has no additional comments to make in this regard.
173. The objector raises concerns in relation to noise and how concerns relating to noise generation and/or impacts have been addressed throughout the Report. The LPA has carefully considered impacts the proposed development may have on residents of existing dwellings to the north of the application site, as well as future occupiers of future dwellings to the south and west of the application site. The LPA consider that this Report has sufficiently and comprehensively addressed concerns relating to neighbour amenity through noise impacts in Sections 'Residential Amenity' and 'Additional Commentary' of this Report. In addition, the Council's Environmental Health Officer has been consulted and has no objection to the proposed development, subject to the imposition of conditions.

174. The objector through their legal representative states that the proposed development would lead to significant conflict or impact upon the South Heywood Masterplan. The objection sets out that such impacts are a material planning consideration to which significant weight should be afforded. The LPA finds that this point of objection conflates amenity impacts and highways impacts with impacts on delivery of the South Heywood Masterplan, which the LPA have separated into distinct issues of objection and applied weight accordingly. Impact upon the South Heywood Masterplan is addressed in Section 'Impact on Future Development' and further addressed throughout Section 'Additional Commentary' of this Report. Impacts on the amenity of existing and/or future occupiers of existing and/or future dwellings proximate to the application site are set out in Sections 'Design and Visual Impact' and 'Residential Amenity' of this Report, as well as throughout the 'Additional Commentary' Section of this Report. Highways impacts are addressed in Section 'Highways' of this Report and 'Additional Commentary' Section of this Report. The LPA have no further comments to make on this point of objection.
175. The objection refers to a Viability Impact Assessment prepared by Knight Frank, sent undercover of a letter from Avison Young, as set out in the following part of this Report titled 'Objection received from Avison Young (on behalf of objector) – Dated 22 November 2023'. As such, the planning officer will not go into further detail on this point of objection at this stage to avoid duplication.
176. The objector sets out that the Report sets out that 'Greater Manchester Ecology Unit' (GMEU) state that no biodiversity metric has been included as part of the application. However, GMEU state that 'it is considered that the proposed landscaping would achieve a net gain in biodiversity'. The LPA have reviewed GMEU's comments and wish to flag that GMEU state that the proposed landscaping 'could' achieve a net gain in biodiversity, rather than 'would'. The response from GMEU offered no objection. Nonetheless, the Applicant submitted an 'Ecological Impact Assessment' (reference ER-6197-02B) in March 2023, subsequent to GMEU's consultation response confirming no objection. The document sets out biodiversity net gain calculations within this document. The findings are that 'the proposals will lead to an overall net gain in all assessed unit types, providing 8.1 additional Habitat Units (+21.74%) and 0.52 additional Hedgerow Units (+34.11%) predicted. The LPA addresses impacts on biodiversity in Section 'Ecology & Trees', which concludes that 'subject to conditions...it is considered that the development is acceptable in respect to biodiversity and would therefore accord with Core Strategy policies G6 and G7 and the NPPF'. It is not considered necessary to re-consult with GMEU given they confirmed no objection to the proposal and the additional information provided since their consultation response represents an improvement from the point that GMEU were consulted. The lack of a specific and separate Biodiversity Net Gain Metric has not been considered as a significant omission that

would unduly impact the decision making process. It is found that the proposal is consistent with local and national policy considerations with regards to biodiversity requirements and, as such, the LPA has no further comments to make with regarding biodiversity net gain.

177. The objector through their legal representative states that 'Paragraph 88' of the Report is flawed, as it asserts that significant weight is afforded to the fallback position in the planning balance. The LPA is confident that this statement is accurate, with significant weight afforded to the fallback position, as set out and considered in Sections 'Fall Back Position' and 'Additional Commentary' of this Report. The LPA have no further comment to make on this point of objection. In addition, the objector sets out that 'Paragraph 19' is not accurate, as it states that 'a similar relationship is propose between residents and DWP's use has long existed'. It is considered that this statement is factually correct in that existing and proposed land use are the same (Class B8 – Storage and Distribution). This paragraph does not state or infer that there will be an identical relationship and this Report has addressed impacts through increased impact the proposed development would have over the existing development. However, despite the increased impact, the Report concludes that the impacts are appropriately mitigated against and/or the increased impact would not result in significant or unacceptable impacts. As such, the LPA have no further comment to make on this point of objection.

Objection received from Avison Young (on behalf of objector) – Dated 22 November 2023

178. In addition to the objection received from Gateley Legal on behalf of the objector, an additional objection was also received from Avison Young, also on behalf of the objector, with reference to additional documents (a 'Financial Viability Assessment' prepared by Knight Frank). This objection and related documents raised points of objection as set out below.
179. The objector sets out that their position remains that the South Heywood Masterplan should be given 'full weight' in the committee report, with any 'harm' that the proposed development may cause on future residents and the wider delivery of the masterplan considered. The objector sets out that they believe that the proposed development would result in significant harm to future occupiers of future dwellings that make up part of the South Heywood Masterplan and would be proximate to the application site. The objector has re-attached the noise assessment prepared on their behalf by E3P (first submitted 18 October 2023 and dated 12 October 2023, as previously addressed at 'Noise Impact Assessment Prepared by E3P on Behalf of Objector – Dated 12 October 2023, within the 'Additional Commentary' Section of this Report), which sets out that the proposed development would require the inclusion of a 'significant noise buffer' on part of the South Heywood Masterplan 'Phase 4 – Hareshill Road North'. The objector suggests that such mitigation will be required in order for the developers of the South Heywood Masterplan

to demonstrate appropriate/acceptable noise levels at reserved matters phase. The objector demonstrates that this would be achieved by reducing the overall net developable area by circa 5.3 acres with the loss of a number of homes.

180. With regards to what weight to afford impact upon the South Heywood Masterplan as a whole, the LPA has concluded that 'some limited weight' ought to be given to the South Heywood Masterplan at 'Paragraph 26' in the 'Impact on Future Development' Section of this Report. Upon receipt of further information contained within an objection dated 27 September 2023 (received after the first iteration of the committee report was published), further review and justification of the LPA's decision-making process has been set out in the 'Additional Commentary' Section of this Report (Paragraphs 147-154), with the weight afforded to the South Heywood Masterplan further assessed. It was concluded that the LPA has given appropriate weight to the South Heywood Masterplan, concluding that 'the LPA [is] satisfied with its approach and the material weight given as been justified and appropriate'. As such, notwithstanding other objections received and as addressed elsewhere within this 'Additional Commentary Part II' Section of the Report, the LPA has no additional comment to make on this point of objection.
181. With regards to future 'harm', or amenity impacts (noise, visual impact) that the proposed development would have on the occupiers of future dwellings, this concern has been given due weight and consideration in the committee report. Potential impacts upon the amenity of the future residents of future dwellings proximate to the application site are assessed in Sections 'Design and Visual Impact' and 'Residential Amenity' of this Report. Points of objection in relation to amenity have been raised a considerable number of times across multiple objections received from the objector. The LPA remain confident that amenity impacts have been robustly assessed. Nonetheless, it is noted that the objection raises a new point of objection relating to noise. The objector asserts that the noise impacts associated with the proposed development would lead to an issue in which future dwellings to adjacent land would need to be beyond a 'significant noise buffer' (landscaped area) to 'demonstrate appropriate/acceptable noise levels at reserved matters stage'. The LPA do not consider it possible to assess this point with clarity as it fundamentally refers to a future event and assessment of a future application. The Council's Environmental Health Officer has confirmed on more than one occasion that the submitted noise impact assessments show that there would be no undue impacts through noise generation from the replacement B8 (Storage & Distribution) Units upon existing or future residents, including the adjacent land parcel to be developed by the objector in the future, when considering the existing noise environment and the proposed mitigation measures. As such, the LPA have no further comments to make on this point of objection.
182. The letter of objection confirms that a Financial Viability Appraisal (FVA) has been submitted, having been prepared by Knight Frank on behalf of

the objector. The objector states that the submitted FVA demonstrates that there are viability concerns, in connection with the delivery of Phase 4, which will also have 'knock on affect' for the whole of the South Heywood Masterplan. The FVA referred to is set across two documents with a combined page count of 266. The LPA cannot act as experts in relation to viability. As such, the LPA, following legal advice, deemed it necessary to consult with external expert viability consultants. The viability consultants responded on 07 December 2023, with their findings set out subsequently in this Report. The LPA concluded that this action would be the appropriate and measured response, with no additional comments to be made directly on the FVA at this time.

Viability Briefing Note prepared by Continuum – Reference 'Hareshill Road North, South Heywood'

183. Following external consultation with viability consultants, a response was received on 07 December 2023. The response sets out the background of South Heywood Masterplan and refers to the 'Viability Impact Statement' also referred to as a 'Financial Viability Appraisal' (document names used interchangeably but for clarity, to be referred to as 'FVA' hereon) as prepared by Knight Frank.
184. The viability consultants note that, even without the proposed development, the objector's site is 'already sandwiched between two employment areas, with Axis Point to the west and the existing Heywood Stores logistics buildings to the east'. The response sets out that Knight Frank (on behalf of the objector) assert that the proposed development would reduce the average sale values by approximately 8%. In addition, they assert that, based on their noise impact assessment, approximately 66 units would be 'lost' from future residential development adjacent to the application site due to noise. Knight Frank go on to set out four viability scenarios based on their conclusions, (details of which can be found within the objector's FVA if reference is required). Knight Frank/the objector conclude that impact of the new development would make 'Phase 4 [of the South Heywood Masterplan]' unviable and thus the wider South Heywood scheme unviable, as in application 16/01399/HYBR the Council's Viability Assessor argued that the wider scheme required a minimum of 1000 dwellings to be viable. As such, the objector would need to make changes to the outline scheme and/or future reserved matters schemes, or review planning obligations previously agreed with the LPA and/or Council.
185. The viability consultants note that the crux of the issue pertaining to the loss of 66 units that the objector and Knight Frank present is that the noise impacts from the proposed development would necessitate a review of future proposed development, consisting of the implementation of a 'significant noise buffer', that would result in viability impacts. However, the viability consultants state that such impacts are a matter of professional opinion. The views the objector express and assert conflict

with findings of the applicant and those of the Council's Environmental Health Officer.

186. The viability consultants set out that the objector also makes the case that the proposed new development will detrimentally impact values on the outline residential scheme adjacent to the application site more broadly. However, it is noteworthy that the objector and their consultants (Knight Frank, JLL) do not provide example schemes, evidence, or comparables, to support their opinions of values decreasing due to the proposed development, sited upon land already occupied by buildings of the same use as proposed. It is also noteworthy that the South Heywood Masterplan itself consists of approximately 135,000 square metres of commercial space (same use class as the proposed development – 'B8 (Storage and Distribution)' proximate to dwellings proposed within the South Heywood Masterplan. The viability consultants find that there are numerous examples and provide evidence of schemes in which similar schemes have similar relationships between dwellings and employment uses. However, the LPA do not consider it appropriate to consider these examples provided, as the planning application before the LPA should be considered on its own merits. As previously set out, this Report sets out concerns relating to the amenity of future occupiers in sections 'Design and Visual Impact', 'Impact on Future Development' and 'Residential Amenity' robustly. With regards to 'value', the LPA's viability consultants assert that there would need to be 'unequivocal evidence that proximity to employment uses has a negative impact on house prices', with no such evidence having been provided by the objector's viability consultants, Knight Frank. In addition, the fact that the application site consists of existing employment use would 'logically have already been priced in when the objector was assessing values for their proposed residential development'. In conclusion of this point, the LPA's viability consultants find that the objector's argument that the new employment scheme would impact sale values when compared to the status quo has not been robustly demonstrated.
187. The FVA prepared by Knight Frank and provided by the objector is found by the viability consultants to lack sufficient detail or evidence to support most inputs assumed in the appraisal. The FVA only provides an evidence base to support the objector's scheme's baseline scenario sale values, based on the existing relationship between the application site's use. The findings of the FVA are found to be based on opinion only. The viability consultants go into more detail within their prepared Viability Briefing Note. The LPA's viability consultants conclude that the FVA prepared by Knight Frank on behalf of the objector does not meet the evidence base threshold that would be required for an FVA. As such, the LPA's viability consultants go on to conclude that the FVA 'overall does not meet the evidence base threshold that would be required for a PPG compliant FVA'.
188. The LPA's expert viability consultants conclude that the assertions made within the FVA prepared by Knight Frank on behalf of the objector would

need to be supported by 'unequivocal evidence that proximity to employment uses has a negative impact on house prices'. This is not demonstrated in the FVA or in any other format by the objector, Knight Frank or JLL. 'Phase 4' of the South Heywood Masterplan is proximate to existing employment use to the east and west (west being the application site of the proposed development, east being employment use to the southeast of Hill Top Road). As such, it is considered that existing surrounding land uses would have already been 'priced in' when the objector was assessing values for their residential development, specifically 'Phase 4' of the South Heywood Masterplan. As such, the assertions made by the objector that the new employment scheme alone would impact sales values when compared to the status quo has 'no weight'. In addition, the deficiencies in relation to the evidence base of the FVA as provided by the objector results in the FVA 'lacking the detailed evidence base that would be required for a PPG complaint FVA.

Objection received from Avison Young (on behalf of objector) – Dated 08 December 2023

189. An additional objection was received from Avison Young, on behalf of the objector, on the evening of Friday 08 December. The objection is accompanied by further correspondence from the objector's noise consultant. The contents of the objection submitted are set out below.
190. The objector sets out that they have raised repeated concerns and objections over the past year. The objector states that their objections have been based on accurate and robust evidence. The objector asserts that such objections thus demonstrate that the approval of application 22/01410/FUL would cause undue impact to future residents of future dwellings proximate to the application site.
191. The LPA have completed a robust and detailed committee report. The LPA find that the proposal would lead to some amenity impact. However, the amount of impact is substantially and suitably reduced due to proposed mitigation measures, including hard and soft landscaping and acoustic barriers. In addition, a suite of planning conditions are to be imposed in the event the application is approved, requiring various additional information or physical works including highway improvements. The LPA has concluded that the proposal is acceptable, based on their own analysis of submitted information, advice from internal and external experts and their own legal advice. The LPA understands that the objector does not agree with this decision. However, the decision is nonetheless to recommend the application is approved subject to conditions. The LPA has no additional commentary to add to this point.
192. The objector asserts that the LPA have employed an obstructive approach and withheld information from the objector, whilst failing to enter into dialogue, leading to deferral of the application at planning committee. The objector goes on to state that information is missing from public records and that text within the committee report is not accurate.

The objector also states that points of objection have not been included in a published committee report.

193. The LPA is confident that the planning application before the council has been processed with due care, attention and a robust and lengthy committee report has been put before Members for decision on more than one occasion. The LPA has taken the difficult decision to twice remove the item from committee, following receipt of very late objections from the objector. It is evident that the objector does not agree with the decision that the LPA has reached and recommended to Members. However, not agreeing and continually submitting late objections that Members would not have time to consider has led to the LPA deferring the application out of a matter of respect for Members and to clarify their position. The LPA has repeatedly found that all points of objection raised are addressed in the committee report, or, additional commentary has been added to updated committee reports to clarify the LPA's position and reasoning. The LPA do not agree that any information is missing that the LPA would have usually added to the public record to any other planning application. There is also no requirement for an LPA to directly engage with an objector. The LPA have no further comment to add on this point.
194. The objector sets out that there are errors in law in the determination of the application and that the application should be refused. The objector continues to request that proposals are amended to avoid perceived impact upon existing and/or future residents. The objector goes on to set out how they believe the proposed scheme should be re-designed.
195. The LPA are confident that the committee report before Members is robust and does not contain errors of law. The LPA have taken legal advice on several occasions to seek clarity on their position, with no errors of law identified. The objector does not present any evidence of errors of law. The LPA understands that the objector does not agree with the recommendation. However, the committee report presents a robust analysis of the proposal and mitigation proposed, with no undue impact expected upon residential amenity. The LPA has no comment on the objector's proposed amendments.
196. The objector sets out their opinion, based on assessments they have had undertaken, that the proposal would cause undue impact upon the amenity of future occupiers through visual impact. Issues relating to landscape and visual impact have been robustly addressed throughout the published committee report, including in Sections 'Landscape and Visual Impact', 'Neighbour Amenity' and 'Additional Commentary' and 'Additional Commentary Part II'. The LPA have nothing further to add than what has already been set out and considered.
197. The objector again sets out concerns relating to noise impacts and generation. The objection has been accompanied by a statement from

the objector's noise consultants setting out that the objector disagrees with the findings of the LPA and Council's Environmental Health Officer.

198. Concerns relating to noise generation and impact are robustly set out and addressed in the published committee report, including at Sections 'Residential Amenity', 'Additional Commentary' and 'Additional Commentary Part II'. The LPA direct Members to this analysis and have no further comments to make on this repeated objection.
199. The objector again sets out concerns relating to traffic generation and impacts.
200. Concerns relating to traffic generation and impacts are robustly set out and addressed in the published committee report, including at Sections 'Highways', 'Additional Commentary' and 'Additional Commentary Part II'. The LPA directs Members to this analysis and have no further comments to make on this repeated objection.
201. The objector again sets out concerns relating to deliverability of the South Heywood Masterplan.
202. Concerns relating to deliverability and/or impacts on the South Heywood Masterplan, including future residents of future dwellings, are robustly set out and addressed in the published committee report, including at Sections 'Impact on Future Development', 'Fall Back Position', 'Design and Visual Impact', 'Residential Amenity', 'Highways', 'Additional Commentary' and 'Additional Commentary Part II'. The LPA have no further comments to make on these repeated objections and direct Members to the relevant Sections of this Report.
203. The objector sets out a list of requests of the LPA, including requests for further information and responses to previous objections.
204. The LPA have carefully and robustly addressed all points of objection raised by the objector, with detailed analysis throughout this Report. There is no requirement to engage further with objectors, with the responsibility of the LPA to carefully address points of objection, as it is confident it has done. It is not the LPA's approach to objections to respond on an individual basis, with the LPA instead setting out points of objection, including those points submitted on numerous occasions, to the committee report for Members to duly consider. The LPA have no further response on this point of objection.

Summary of Additional Commentary Part II Section

205. To summarise this 'Additional Commentary Part II' Section of the Report, the LPA confirms that all objections received from all parties have been comprehensively considered, with the above commentary section providing Members with enhanced detail and insight into the decision making process and chronological order of events during the

consideration of this application. The LPA consider the conclusion as set out in Paragraphs 88-90 of this Report to stand, with the recommendation to grant planning permission, subject to conditions remaining.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** 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 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and documents:-

- Site Location Plan (Drawing 21157-ASA-00-ZZ.ZZ-D-A-0001 Revision P1 dated 25 July 2022)
- Proposed Site Plan (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0003 Revision P13 dated 04 November 2022)
- Proposed Demolition Plan (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0006 Revision P1 dated 11 October 2022)
- Proposed Elevations Units 1 & 2 (Drawing 21157 - ASA - 00 - EL.ZZ - D - A - 0013 Revision P8 dated 02 August 2022)
- Proposed Ground Floor Plan Units 1 & 2 (Drawing 21157 - ASA - 00 - ZZ.GF - D - A - 0010 Revision P6 dated 02 August 2022)
- Proposed First Floor Plan Units 1 & 2 (Drawing 21157 - ASA - 00 - ZZ.01 - D - A - 0011 Revision P7 dated 02 August 2022)
- Proposed Roof Plan Units 1 & 2 (Drawing 21157 - ASA - 00 - ZZ.RT - D - A - 0012 Revision P7 dated 02 August 2022)
- Proposed Elevations Unit 3 (Drawing 21157 - ASA - 00 - EL.ZZ - D - A - 0025 Revision P7 dated 02 August 2022)
- Proposed Ground Floor Plan Unit 3 (Drawing 21157 - ASA - 00 - ZZ.GF - D - A - 0020 Revision P4 dated 02 August 2022)
- Proposed First Floor Plan Unit 3 (Drawing 21157 - ASA - 00 - ZZ.01 - D - A - 0021 Revision P4 dated 02 August 2022)
- Proposed Second Floor Plan Unit 3 (Drawing 21157 - ASA - 00 - ZZ.02 - D - A - 0022 Revision P4 dated 02 August 2022)
- Proposed Third Floor Plan Unit 3 (Drawing 21157 - ASA - 00 - ZZ.03 - D - A - 0023 Revision P4 dated 02 August 2022)
- Proposed Roof Plan Unit 3 (Drawing 21157 - ASA - 00 - ZZ.RT - D - A - 0024 Revision P5 dated 02 August 2022)
- Proposed Bridge Link and Stair Tower Unit 3 (Drawing 21157 - ASA - 00 - EX.ZZ - D - A - 0027 Revision P3 dated 06 October 2022)

- Proposed Levels (Drawing 21194-BGL-XX-XX-DR-C-00200 Revision P21 dated 16 February 2022)
- Proposed Building Sections Units 1 & 2 (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0014 Revision P7 dated 02 August 2022)
- Proposed Building Sections Unit 3 (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0026 Revision P5 dated 02 August 2022)
- Proposed Site Sections 1 of 2 (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0004 Revision P12 dated 25 July 2022)
- Proposed Site Sections 2 of 2 (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0005 Revision P14 dated 25 July 2022)
- Proposed Earthworks Volumes (Drawing 21194-BGL-XX-XX-DR-C-00201 Revision P16 dated 16 February 2022)
- Proposed Demolition Plan (Drawing 21157 - ASA - 00 - ZZ.ZZ - D - A - 0006_ Revision P1 dated 11 October 2022)
- Proposed Fencing Plan (Drawing 21157 - ASA - 00 - EX.00 - D - A - 0030 Revision P9 dated 06 October 2022)
- Landscape Masterplan (Drawing 101 Revision R dated 29 June 2022)
- Planting Plans 1 to 8 inclusive (Drawing Numbers 201 – 208, Revision I, dated 14 October 2022)
- Proposed Gatehouse Unit 3 (Drawing 21157 - ASA - 00 - EX.YD - D - A - 0028 Revision P2 dated 06 October 2022)
- Proposed Bin Store Details (Drawing 21157-ASA-00-EX.00-D-A-0033 Revision P3 dated 06 October 2022)
- Proposed Cycle Shelters (Drawing 21157 - ASA - 90 - EX.ZZ - D - A - 9005 Revision P3 dated 22 December 2022)
- Proposed Battery Energy Storage Containers (Drawing 21157-ASA-00-EX.00-D-A-0034 Revision P3 dated 10 January 2023)
- Proposed Sprinkler Tanks and Pump House Unit 3 (Drawing 21157 - ASA - 00 - EX.00 - D - A - 0029 Revision P2 dated 06 October 2022)
- Proposed Site Access – Junction Visibility Splays (Drawing MRR-BWB-GEN-XX-RP-TR-101 Revision P1 dated 14 July 2022)
- Proposed Fencing Details (Drawing 21157-ASA-00-EX.00-D-A-0032 Revision P1 dated 06 October 2022)
- Tree Protection Plan and Protective Fencing Details prepared by Brooks Ecological (Drawing DR-6197-02.03)
- Ecological Impact Assessment (Reference ER-6197-02D, Version D dated 20 October 2022)
- Arboricultural Impact Assessment inc. Tree Survey (Reference AR-6197-02.03, as revised June 2023)
- Noise Impact Assessment prepared by BWB Consulting Limited (Reference 220785 dated June 2023)
- External Lighting Report prepared by Synergy Building Services ('Proposed Redevelopment of the former DWP site, Heywood, Issue 6 dated April 2023)

- Construction Management Plan & Site Waste Management Plan prepared by KAM Project Consultants ('Heywood Stores, Manchester Road, dated August 2022)
- Flood Risk Assessment and Drainage Strategy (Reference 21194-BGL-XX-XX-RP-D-00001 Version 7 dated 06 June 2023)
- Framework Travel Plan (Reference MRR-BWB-GEN-XX-RP-TR-004_P04)

And the development shall be carried out in accordance with these drawings and/or documents as relevant or required and hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework

3. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. If nesting birds are present, works can commence once all young have fledged. A suitable buffer of a minimum of 5 metres radius shall be installed if works are required to surrounding vegetation. The submitted ecological survey shall detail such arrangements for an appropriate buffer.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife and Countryside Act 1981 (as amended).

4. No development shall take place until all trees that are to be retained within or adjacent to the site are enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Trees are required to be protected prior to any works taking place as ground works can unduly threaten the well-being of the tree.

5. No development shall take place until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development shall be submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

Reason for pre-commencement condition: Protection of United Utilities water assets will need to be ensured prior to commencement of works and a scheme therefore needs to be agreed in advance of the same.

6. No development shall take place (excluding demolition and associated site clearance as demonstrated on approved plan 'Proposed Demolition Plan (Drawing 0006 Revision P1)', updated details of the 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 scheme shall be based upon approved drainage strategy:
 - a) Drainage Strategy drawings 21194-BGL-XX-XX-DR-C-00210 & 211 & 212 /P07 dated 3rd Aug 2023.

The updated details information submitted shall include:-

- i. the background calculations of the Causeway flow ® or MicroDrainage® model or any other software or calculations that have been used for the drainage design.
- ii. 'for construction' drawings of the attenuation ponds, flow control devices and attenuation tanks.
- iii. details of the outlet pipe from the SW corner of the site to the highway drain manhole, including any explanation of whether this pipe is being replaced.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme 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. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

7. No development shall take place until (excluding demolition and associated site clearance as shown in approved plan 'Proposed Demolition Plan (Drawing 0006 Revision P1)' an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority. The reports of the findings shall include:

(i) A survey of the extent, scale and nature of contamination

(ii) An assessment of the potential risks to:

- Human health
- Property (existing and proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes.
- Adjoining land
- Groundwater and surface water
- Ecological systems
- Archaeological sites and ancient monuments

(iii) Where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) shall be submitted to and approved by the Local Planning Authority.

The development shall thereafter be completed in full accordance with the approved recommendations.

Reason: To prevent pollution of the natural environment and to ensure the safe development of the site in the interests of the amenity of future

users in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Any contamination on or within the land needs to be identified and a suitable remediation plan agreed prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

8. No development shall take place with regards to importation of material onto the site, including for the creation of bunds/batters and/or re-profiling of embankments, until a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall include:

- Details of the volumes and types of material proposed to be imported or reused on site
- Details of the proposed source(s) of the imported or reused material
- Details of the chemical testing for ALL material to be undertaken before placement onto the site
- Include the result of the chemical testing which must show the material is suitable for use of the development
- Include confirmation of the chain of evidence to be kept during the material movement, including material importation and removal from and to the development

All works shall be undertaken in accordance with the approved document
Reason: To ensure that no unsuitable material is brought onto the site and in accordance with Policy G9 of the adopted Rochdale Core Strategy.

9. Notwithstanding any description of materials in the application no above ground construction works (excluding demolition and associated site clearance as shown on approved plan 'Proposed Demolition Plan (Drawing 0006 Revision P1)' shall take place until samples and / or full specification of materials to be used externally on:

- External elevations of Units 1 & 2
- External elevations of Unit 3
- Elevations of Gatehouse(s)
- Elevations of the proposed Acoustic Barriers
- Elevations of the proposed battery storage containers

Have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the

materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. (a) Prior to occupation of any part of the development hereby approved, a detailed junction arrangement plan developed in accordance with the approved 'Site Access' (Drawing MRR-BWB-GEN-XX-RP-TR-101 Revision P1) regarding to the proposed site access with Manchester Road shall be submitted to and approved in writing by the Local Planning Authority.

(b) Prior to occupation of any part of the development hereby approved, a verification report confirming the implementation of the detailed junction arrangement plan (as required in Condition 7(i)) shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure highway safety and to encourage the safe access/egress of vehicles to and from the application site and in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

11. No part of the development hereby permitted shall be occupied until such time as the bicycle parking facilities as shown on approved drawing 'Cycle Shelters' 'Drawing 9005 Revision P3' have been installed as per the approved details and made available for use. The bicycle parking facilities shall be retained as such thereafter.

Reason: In order to ensure that the development encourages people to travel to the site by sustainable modes of transport, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. No part of the development hereby permitted shall be occupied until such time that the car parking areas, service yard, refuse stores and manoeuvring areas for each building are constructed and marked out in accordance with the approved details shown on the approved Site Plan and Fencing Detail plan and shall be made available for and retained thereafter for their intended purpose at all times.

Reason: In order to ensure there is adequate provision for vehicles to be parked clear of the highway, to ensure appropriate surface treatment of

hardstanding areas and to ensure the suitable disposal of surface water in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

13. No part of the development hereby permitted shall be occupied until such time that a scheme for the installation of electric vehicle charging points for those space illustrated on the Approved Site Plan (Ref: 21157-ASA-00-ZZ.ZZ-D-A-0003 (SP-P13) with a minimum power rating of 7Kw, universal sockets and at least mode 3 or equivalent, shall be submitted to and approved in writing by the Local Planning Authority. The approved car charge point scheme shall be implemented prior to occupation of each unit.

Reason: In the interests of air quality management in accordance with Core Strategy Policy T2 and the National Planning Policy Framework

14. No part of the development hereby permitted shall be occupied until such time that the measures set out in Section 5 of the Noise Impact Assessment (ref 220785 dated June 2023) and as demonstrated on the Approved Site Plan (Ref: 21157-ASA-00-ZZ.ZZ-D-A-0003_(SP-P13) shall be installed. The approved measures shall be retained in good working order for the lifetime of the development hereby approved.

Reason: To ensure that the development does not result in undue amenity impacts to the existing or future occupiers/users of surrounding dwellings/buildings, in accordance with Policies DM1, G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

15. No part of the development hereby permitted shall be occupied (notwithstanding those details contained within Section 3 of the approved 'External Lighting Report' ('Proposed Redevelopment of the former DWP site, Heywood, Issue 6) until such time that details of any external lighting to be installed on the building or within the site are submitted to and approved in writing by the Local Planning Authority. Such details shall include its position and height on the building or site and its luminance, angle of installation and any hoods to be fixed to the lights. Only lighting as approved shall be installed on the site in accordance with the terms of any such approval. The information submitted shall include:

- Plan including contour lines
- Detail of the lantern installation criteria, mounting heights and tilts
- Light source intensity details
- Source intensity values of lighting from residential properties' rear windows facing the application site.

Reason: To ensure that any lighting to be installed on the site does not cause a nuisance to surrounding occupiers in accordance with policies

P3, G9 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

16. No part of the development hereby permitted shall be occupied until the general fencing, security fencing and acoustic fencing as indicated on the approved 'Proposed Fencing Plan' reference '0030 Revision P9' has been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

17. No part of the development hereby permitted shall be occupied until the Traffic Regulation Order (TRO) for the restriction of on street parking along the west side of Manchester Road between the intersections of Queen Elizabeth II Way and Bader Drive has been implemented.

Reason: In the interests of highway safety and the provision of safe and adequate parking, in accordance with Core Strategy Policies T1 and T2 and the NPPF.

18. Within 6 months of first occupation of each unit, a full Travel Plan, adhering to the aims, processes, measures and targets of the approved Framework Travel Plan (MRR-BWB-GEN-XX-RP-TR-004_P04), shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- firm measures for promoting a choice of transport mode;
- specific measures to manage staff car parking
- a commitment to increase the provision of cycle parking should the uptake in cycle travel increase;
- Monitoring procedures and mechanisms to ensure that the Plan remains effective and is reviewed within a framework approved by the Local Planning Authority.
- Car park management strategy
- Additional information and instructions for HGV drivers, including but not limited to access/egress arrangements from the site, behaviour on site including avoiding use of horns, high beam lights, reversing warning alarms etc.

The development shall thereafter be occupied in accordance with the approved Travel Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development encourages people to travel to the site by sustainable modes of transport, minimise the risk of traffic conflicts, to ensure that the site will be provided with sufficient off-street car parking and to reduce amenity impacts caused by HGV noise/lights in accordance with policies T1, T2, G6 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

19. The construction of the development hereby approved, including associated demolition, shall be carried out in complete accordance with the approved Construction Management Plan & Waste Management Plan (ref: 'Heywood Stores, Manchester Road' and dated October 2022)

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to protect the adjacent habitats during the construction of the development in accordance with policies G7, G9 and P3 of the adopted Rochdale Core Strategy, and the requirements of the National Planning Policy Framework.

20. No gates or fencing shall be erected on the proposed on site access road within 16.5 metres of the west edge of Manchester Road at any time, including during the demolition or construction phase.

Reason: In order to ensure highway safety and avoid the stacking of HGVs or other vehicles on Manchester Road, in accordance with policy T1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

21. No goods, materials, waste products or containers shall be stored on land outside the buildings at any time

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

22. No fixed plant shall be installed on the external fabric of the building or elsewhere within the site unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The approved plant shall be installed in accordance with the approved details and maintained thereafter.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

23. Noise levels from fixed plant shall not exceed 50 dB(A) Leq,1hr between 0700 and 2300 hours and 46 dB(A) Leq,15mins at any other time as measured at the façade of any noise sensitive property

Reason: In the interest of residential amenity and in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall be carried out in complete accordance with the Management Plans as set out in the approved report 'Invasive Species Survey and Management Plan (reference 'R-EE-6197-01)

Reason: In the interest of residential amenity and to avoid contamination of any land with invasive species as identified on site.

25. The landscaping works shall be carried out in accordance with the approved scheme as set out in the approved 'Landscape Masterplan (Drawing 101 Revision R dated 29 June 2022) and the details shown on approved Planting Plans (Drawing nos. 201I to 208I inclusive)

All planting, seeding or turfing comprised within the approved scheme of landscaping shall be carried out no later than the first planting and seeding seasons following the development hereby approved being first brought into use and any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with policies DM1, G6, G7 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

PLANNING AND LICENSING COMMITTEE

MINUTES OF MEETING Thursday, 21 December 2023

PRESENT: Councillor S. Ahmed (Chair); Councillors Bamford, Beswick, S. Emmott, Hussain, O'Neill, Rush, Sheerin, A. Smith and Winkler.

OFFICERS: P. Moore (Assistant Director, Economy), S. Baig (Planning Solicitor), A. Whittaker (Team Leader Network Improvement) and J. Jenkinson (Senior Governance and Committee Officer).

63 APOLOGIES

Apologies for absence were submitted on behalf of Councillor Burke, Councillor Malcolm, Councillor Mir, Councillor Aiza Rashid and Councillor Zaheer.

64 DECLARATIONS OF INTEREST

Item 6 - 22/01410/FUL Department of Work and Pensions DCS Distribution Centre, Manchester Road, Heywood, OL10 2PZ - Councillor P. Rush, on the basis of a prejudicial interest previously declared at the Planning and Licensing Committee meeting held on 23rd November 2023 withdrew from the meeting and left the room. Councillor P. Rush took no part in the discussion or vote during the meeting.

All Members of the Planning and Licensing Committee declared they had received emails from Russell Homes in relation to agenda Item 6 – 22/01410/FUL. Committee Members confirmed that they would maintain an open mind in considering the application and the information presented.

65 URGENT ITEMS OF BUSINESS

There were no items of urgent business.

66 ITEMS FOR EXCLUSION OF PUBLIC AND PRESS

There were no exempt reports for consideration.

67 MINUTES

RESOLVED – That the minutes of the Planning and Licensing Committee meeting held on 7th December 2023 be approved as a correct record.

**68 APPLICATION: 22/01410/FUL - DEPARTMENT OF WORK AND PENSIONS
DCS DISTRIBUTION CENTRE, MANCHESTER ROAD, HEYWOOD, OL10
2PZ**

APPLICANT: Trammell Crow Co Logistics (Heywood) Ltd

PROPOSAL: Redevelopment of site comprising the demolition of all existing units and erection of new storage and distribution units (Use Class B8) with ancillary office space, vehicular, pedestrian and cycle access, external yards, parking, landscaping and associated works.

LOCATION: Department of Work and Pensions DCS Distribution Centre, Manchester Road, Heywood, OL10 2PZ.

The Assistant Director, Economy introduced the report, provided a presentation and referred Members to the Update Report, which had been circulated prior to the meeting.

Following the conclusion of the introduction, the Chair invited representations from objectors and the applicant.

The Director and Planning Director, Russell Homes, spoke in objection to the application, raising a number of points, which included:

- The size, scale and relationship of the proposed development with adjacent properties, including the approved South Heywood scheme.
- The proximity of service roads and yards and orientation of Heavy Goods Vehicle loading bays and concerns regarding noise and residential amenity.
- Concern that the Committee had not been presented with all of the available documents and Russell Homes disagreed with some of the assessment findings.
- Impact on the viability of the consented South Heywood scheme and impact on the proposed s106 contributions.
- Russell Homes had requested to meet with the Council Planning Department on a number of occasions – however no meeting had been granted.

A representative of the applicant, Trammell Crow Co Logistics (Heywood) Ltd and a Planning Consultant addressed the Committee. Key points presented to the Committee included:

- The historic and lawful use of the site for B8 storage;
- The level of proposed investment into the Borough;
- Creation of jobs, if the application was approved;
- Trammell Crow Co Logistics would deliver the scheme; and
- Russell Homes had had many opportunities to submit comments and engage with the application – and had done so on many occasions.

The Committee considered the merits of the scheme, during which the following issues were raised:

- A query was raised regarding the change of Planning Officer dealing with the application. In response, it was advised that the recommendation of the report had consistently been to approve the application and any change in Planning Officer was irrelevant.
- Concerns were raised regarding the imposing scale of the development, noise, height and detrimental visual amenity on surrounding residents, with particular regard to future residents adjacent to the site. In response, Members were advised that the Committee report addressed the issues raised.
- In addition, concerns were raised that if the application was approved, Russell Homes would be unable to deliver a housing scheme, and consequently the Council would not receive the associated s106 monies. Furthermore, the application would detrimentally impact the delivery of the South Heywood Masterplan. In response, Members were advised that the Committee report addressed the points raised and independent expert opinion had been received.
- The scheme would provide high quality large scale employment in the locality.
- There was some discussion regarding a reference to an independent report that had not been submitted to the Planning and Licensing Committee. In response, it was explained that the Officer's report summarised all relevant information for consideration, as it would not be possible or reasonable to present all documents to the Committee. In addition, it was explained that independent external legal advice had been received and considered by Planning Officers.

It was MOVED and SECONDED that the application be REFUSED due to the schemes unacceptable size, scale, noise and detrimental visual amenity.

On being put to the vote, SIX VOTES were cast IN FAVOUR of REFUSAL and TWO VOTES were cast AGAINST with ONE ABSTENTION.

RESOLVED – That planning permission be REFUSED by virtue of its size, scale and form, the proposed development was not well designed and would represent an overdevelopment of the site which was not compatible with surrounding land uses due to the detrimental and unacceptable impacts on the noise environment and the visual amenity of surrounding residents, with particular regard to future residents adjacent to the site. Due to the overbearing and unacceptable relationship with surrounding land uses, the Committee found the application failed to accord with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.