



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 24/00668/FUL

Name and address for correspondence:	Applicant name:
Daniel Pound DLA Architecture Limited 6 East Parade Leeds LS1 2AD United Kingdom	Mr Ian Smith

Part I - Particulars of Application

Date of Application: 10 July 2024

Proposal:	Research and Development building (Use Class E) including office, laboratory & production space, function space, café and ancillary works thereto
Location:	Atom Valley Innovation Centre, Plot R, Kingsway Business Park, Michael Faraday Avenue, Rochdale, OL16 4FW

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 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 The development hereby permitted shall be carried out in accordance with the following approved plans and details:

o AVIC-DLA-XX-00-DR-A-99001 - P02 - Location Plan Application Boundary

- o AVIC-DLA-XX-00-DR-A-99002 - P02 - Existing Site
- o AVIC-DLA-XX-00-DR-A-99003 - P04 - GA Site Plan
- o AVIC-DLA-XX-00-DR-A-99004 - P03 - External Works
- o AVIC-DLA-XX-00-DR-A-99006 - P03 - Fence and Screening
- o AVIC-DLA-XX-00-DR-A-99007 - P02 - Service Yard Fence
- o AVIC-DLA-XX-00-DR-A-99008 - P03 - GA Site Sections
- o AVIC-DLA-XX-00-DR-A-99100 - P03 - Soft Landscape Proposal
- o AVIC-DLA-XX-XX-DR-A-67010 - P01 - Fire Service Access
- o AVIC-DLA-ZZ-00-DR-A-20100 - P02 - Ground Floor GA Plan
- o AVIC-DLA-ZZ-01-DR-A-20101 - P02 - First Floor GA Plan
- o AVIC-DLA-ZZ-RF-DR-A-20102 - P02 - Roof GA Plan
- o AVIC-DLA-ZZ-XX-DR-A-20103 - P03 - GA Elevations North and East
- o AVIC-DLA-ZZ-XX-DR-A-20104 - P03 - GA Elevations South and West
- o AVIC-DLA-ZZ-XX-DR-A-20105 - P01 - GA Elevations - Rendered North and East
- o AVIC-DLA-ZZ-XX-DR-A-20106 - P01 - GA Elevations - Rendered South and West
- o AVIC-DLA-ZZ-XX-DR-A-20110 - P01 - GA Sections 1 of 2
- o AVIC-DLA-ZZ-XX-DR-A-20111 - P01 - GA Sections 2 of 2
- o PLR-BWB-00-XX-RP-ME-0001_S2_P02_Energy Statement
- o 232081-BWB-INF-XX-D-C-0500_Proposed Drainage Strategy-S8-P02
- o 232081-BWB-INF-XX-D-C-0600_Proposed Finished Levels-S8-P02
- o 232081-BWB-INF-XX-D-C-0630_Proposed Earthworks-S8-P02

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, the saved Rochdale Unitary Development Plan, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 No development shall take place until such time as a pre-works check for the presence of badgers or setts within the application site and a 30m perimeter of the boundary of the site has been undertaken by a suitably qualified ecologist and the results submitted to and approved in writing by the Local Planning Authority.

Where the presence of badgers or setts is suspected or confirmed, no development shall take place until such time as a scheme of Reasonable Avoidance Measures to ensure the protection of badgers which may be present on site, or use the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the duly approved RAMS scheme.

Reason: In order to prevent any harm to badgers in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. construction and/or demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- e. the erection and maintenance of security hoarding;
- f. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and,
- g. reasonable avoidance measures for the protection of amphibians and mammals.

The approved method statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy, Policies JP-P1 and JP-G9 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and to surrounding occupiers and a scheme therefore needs to be agreed in advance of any works taking place.

- 5 No development shall take place until such time as a remediation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be take account of the contents and the recommendations of the submitted Phase I Geo-Environmental Assessment by BWB Consulting dated July 2022, and Phase II Geo-Environmental Assessment BWB ref. 232081 dated May 2024.

The remediation strategy shall be implemented as approved, and following the completion of the remedial works and prior to the first occupation of the approved development, a verification report to demonstrate the effectiveness of the agreed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is adequately remediated in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 A) The footpath between Kingsway Business Park Metrolink Station and Michael Faraday Avenue shall not be closed off until such time as details of a temporary path to be made available throughout the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The temporary path shall be made available prior to the closure of the existing path and shall be retained until a permanent replacement has been made available for use.
- B) The development hereby approved shall not be occupied until such time as the detailed design of the replacement footpath between Kingsway Business Park Metrolink Station and Michael Faraday Avenue has been submitted to and approved in writing by the Local Planning Authority. Any submission shall include details of the surfacing materials and lighting.

The footpath shall be delivered in complete accordance with the approved details and made fully available for use prior to the first use of the development hereby approved and retained as such thereafter.

Reason: In the interest of maintaining routes for sustainable modes of transport in accordance with policies DM1 of the adopted Rochdale Core Strategy, Policy JP-C1 and JP-C3 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 Notwithstanding any details provided within the application, no works to install facing materials/finishes shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. 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 and in accordance with policies DM1, P1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in

writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 9 Notwithstanding and details provided within the application, the development hereby approved shall not be occupied until such time as details of the cycle shelter as shown on the approved Site Plan have been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in accordance with the approved details and made fully available for use prior to the first occupation of the approved development.

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.

- 10 The development hereby permitted shall not be brought into use until the refuse and recycling storage facilities indicated on drawing no. AVIC-DLA-XX-00-DR-A-99007 Rev P02 - Service Yard Fence and Screening Details have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended purpose at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 The development hereby permitted shall not be brought into use until the security fencing as indicated on drawing no. AVIC-DLA-XX-00-DR-A-9906 Rev P03 - Fencing and AVIC-DLA-XX-00-DR-A-99007 Rev P02 - Service Yard Fence and Screening Details 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.

- 12 Prior to occupation of the proposed development, the surface water drainage for the development hereby approved shall be carried out in accordance with the submitted plan ref. 232081-BWB-INF-XX-D-C-0500_Proposed Drainage Strategy-S8-P02, Dated: April 2024, Prepared by: BWB.

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, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 The landscaping works shall be carried out in accordance with the approved details indicated on the plans AVIC-DLA-XX-00-DR-A-99100 Rev P03 - Soft Landscape Proposal.

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: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy

Policies G6 and G7, Policies JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 14 No landscaping works shall take place until such time as details of the placement, specification and design of a root barrier to the Metrolink embankment has been submitted to and approved in writing by the Local Planning Authority. The root barrier shall be installed with the duly approved details prior to the completion of the landscaping scheme and shall be retained and maintained as such thereafter.

Reason: To ensure that landscaping provisions do not adversely impact the stability of the Metrolink line embankment and the operation of critical public infrastructure.

- 15 The development hereby approved shall not be brought into use until such time as a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall detail the ongoing maintenance of on-site habitat pursuant to the statutory Biodiversity Net Gain condition. The approved plan shall be adhered to for a period of 30 years following the completion of the development hereby approved.

Reason: To ensure that the requirements of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 are fulfilled and in order to ensure the delivery of a net gain in biodiversity in accordance with the requirements of Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 16 Notwithstanding any details contained within the application, full details of any external lighting to be installed on the building or on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. 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.

Reason: In the interests of, amenity and to prevent nuisance to the natural environment in accordance with adopted Rochdale Core Strategy policies DM1, P3, G4 and G9, Policies JP-G8 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 17 The car parking areas, service yard, refuse stores and manoeuvring areas for the building shall be constructed and marked out in accordance with the approved details shown on the approved Site Plan, and Refuse Store and Fencing Detail plan and shall be made available for use before the relevant building is first occupied and retained thereafter for the parking and manoeuvring of vehicles.

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.

- 18 No goods, materials, waste products or containers shall be stored on land outside the building or designated enclosures at any time, without the prior written consent of the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-C7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 19 Noise levels from fixed plant, in conjunction with all other noise from the unit, shall not exceed 51 dB(A) Leq,15mins between 0700 and 2300 hours and 45 dB(A) Leq,5mins at any other time as measured at the façade of any noise sensitive property, (or 48 dB(A) Leq,15mins and 42dB(A) Leq(5mins) as free measurements within the curtilage of any noise sensitive building).

Reason: In the interests of the amenity of neighbouring occupiers, in accordance with Policy DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

20 Statutory Biodiversity Net Gain

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

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

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

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

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

Please see informatives and notes for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

Procedure Statement:

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

Date Decision Issued 25 October 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to

payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

Biodiversity Net Gain

Irreplaceable Habitat

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

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

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

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

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

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and,

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