

Ryan Grant
Assistant Development Manager
Rochdale Borough Council
Floor 3
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Our Ref: 0398
Your Ref: PP-13628960

Submitted via the Planning Portal (Ref: PP-13628960)

Date: 19th December 2024

Dear Ryan,

Land Bound By Manchester Road, Hareshill Road And Pilsworth Road West Of Junction 19 Of The M62 Rochdale – Application for Non-Material Amendment (“S96a”)

On behalf of our Client, Russell Homes (UK) Limited, please find enclosed an application for a non-material amendment (S96A) to amend the wording of Condition 24 pursuant to the Hybrid Planning Permission (LPA Reference: 16/01399/HYBR) (“Hybrid Permission”). This application has been made in light of the recent Appeal Decision (PINS Reference: APP/P4225/W/24/3346477) at the land adjacent at the Former Department of Work and Pensions Dcs Distribution Centre, Manchester Road, Heywood, OL10 2PZ.

The Application submission comprises:

- Completed Application Form;
- This Covering Letter; and
- Site Location Plan.

Hybrid Permission

The South Heywood Masterplan Area extends to circa 124ha and benefits from Part Full / Part Outline Planning Permission (“Hybrid Permission”) granted in March 2020 (LPA Ref: 16/01399/HYBR). The description of development is:

“Part full / part outline planning application for the redevelopment of land at South Heywood, including the demolition 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, together with associated junction improvements, landscaping 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 1,000 dwellings (Class C3); employment uses (Classes B2/B8) comprising up to 135,460sqm

Gross Internal Area (GIA); a new primary school (Class D1); Class A1/A2/A3/A5 uses comprising up to 2,500sqm GIA which includes no more than 499sqm 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"

Condition 24 – Noise

Condition 24 imposed on the Hybrid Permission relates to noise levels and mitigation and states that:

"No development shall take place on any phase of development until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority, that all residential units within that particular phase of development shall achieve the following internal and external noise levels:

35 dB(A) Leq (16 hour) in the bedrooms between the daytime hours 7 am and 11pm to protect daytime resting;

30 dB(A) Leq (8 hour) in the bedrooms between the night-time hours of 11pm and 7am;

35 dB(A) Leq (16 hour) in the living room/s between the daytime hours of 7 am and 11pm;

40 dB(A) Leq (16 hour) in any dining rooms during daytime hours;

Noise in external amenity areas shall aim to achieve the guideline values given in BS8233:2014 and ProPG or the lowest practicable levels in accordance with BS8233:2014 and ProPG; to a maximum of 58 dB(A);

Maximum instantaneous sound levels should not exceed 45 dB(A) L_{max,fast} measured in bedrooms more than 10 times per night; and

Any sound associated with existing and/or proper industrial/commercial premises shall not result in the predicted Rating Level exceeding the existing typical Background Sound Level at the closest existing or proposed receptors (L_{A,r} = L_{A90}).

Reason: To safeguard the living conditions of future residents in accordance with Core Strategy Policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: Design and provision of adequate protection for future residential occupiers is fundamental to good design practice and it is necessary to understand the performance of a future phase or plot prior to its construction."

Appeal Decision at Neighbouring Site

A Public Inquiry was held between 1st and 9th October 2024 and a decision issued on 7 November 2024, allowing an appeal made by Trammell Crow Company Logistics (Heywood) Limited in relation to a refused application (LPA Ref: 22/01410/FUL) for the redevelopment of the Site comprising the demolition of all existing logistics 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.

Condition 23 accompanies this Appeal Decision, and relates to noise levels. It states that:

"The rating level (L_{A,r},Tr) of noise generated by the operation of the development hereby permitted shall not exceed:

(a) the most recently approved background sound levels when measured within the garden of any existing dwelling within Oldbury Close, Bader Drive and Whitehouse Close between 07:00 and 23:00;

(b) the most recently approved background sound levels when measured at the facade of any existing dwelling within Oldbury Close, Bader Drive and Whitehouse Close at a height corresponding to that of the bedroom windows between 23:00 and 07:00; and

(b) 2dB above the most recently approved background sound level ($LA_{Tr} = LA_{90} + 2dB$) when measured at the site's boundary with the North of Harehills Road Phase of the South Heywood Masterplan.

All measurements shall be completed in line with BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound (or equivalent British Standard if replaced).

Unless further background sound levels are approved in writing by the Local Planning Authority, the approved background sound levels shall be taken as:

- 42dB(A) L_{Ar} , 1hr between 07:00 and 23:00 and 40dB(A) L_{Ar} , 15 mins between 23:00 and 07:00, when measured within Oldbury Close, Bader Drive, Whitehouse Close and along the north-west facing boundary of the site; and
- 50dB(A) L_{Ar} , 1hr between 07:00 and 23:00 and 46dB(A) L_{Ar} , 15 mins between 23:00 and 07:00 when measured along the south and south-west facing boundaries of the site."

Pre-application Engagement

Russell Homes engaged with Planning Officers: Ryan Grant and Andrew Gumbley at RBC to discuss the proposed amendment to Condition 24 of the Hybrid Permission. At this meeting, it was agreed that a non-material amendment application was the most appropriate route in seeking this change and that the proposed amendments, as below, were acceptable in principle.

Proposed Amendment

In light of Condition 23, Russell Homes proposes to amend the wording of Condition 24 to follow a similar approach for consistency. The proposed amendments to the condition wording are identified in red below.

'No development shall take place on any phase of development until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority, demonstrating that all residential units within that particular phase of development shall achieve the following internal and external noise levels:

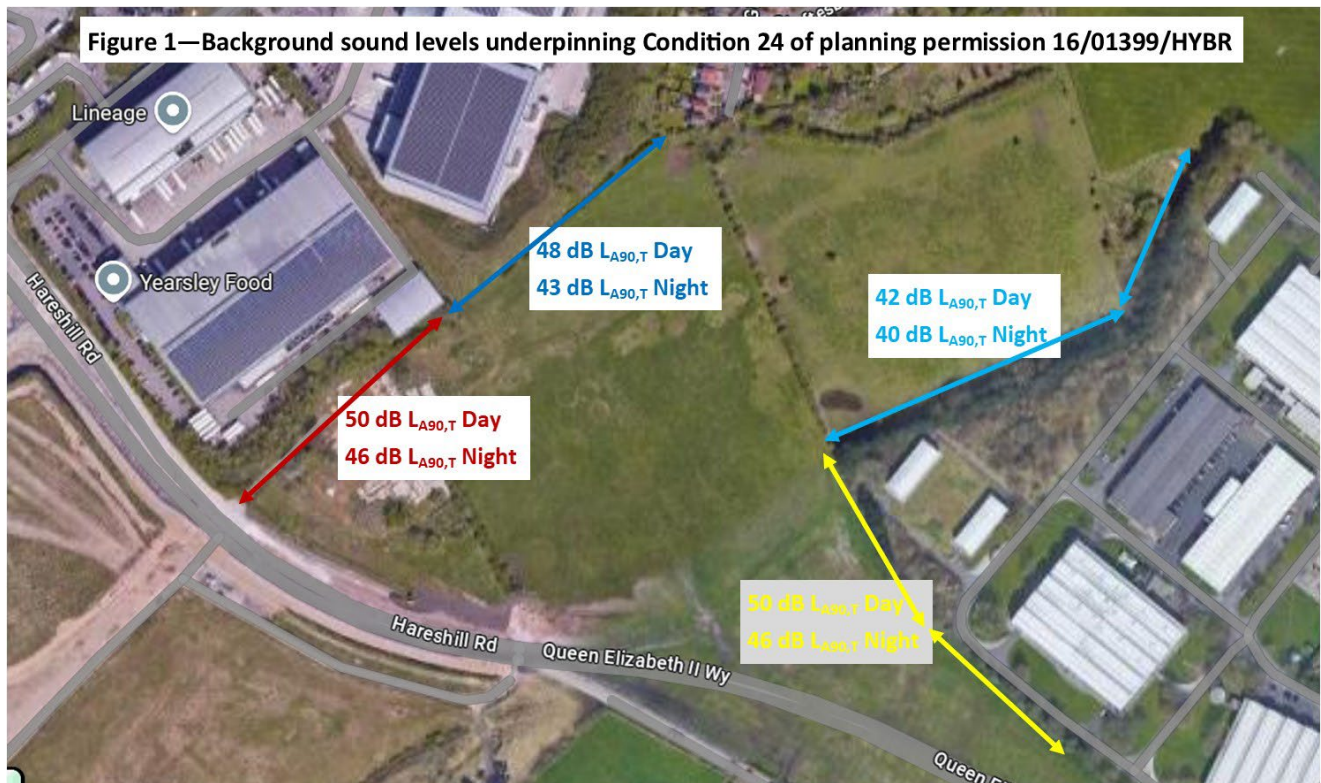
- 35 dB(A) L_{eq} (16 hour) in the bedrooms between the daytime hours 7 am and 11pm to protect daytime resting;
- 30 dB(A) L_{eq} (8 hour) in the bedrooms between the night-time hours of 11pm and 7am;
- 35 dB(A) L_{eq} (16 hour) in the living room/s between the daytime hours of 7 am and 11pm;
- 40 dB(A) L_{eq} (16 hour) in any dining rooms during daytime hours;
- Noise in **private** external amenity areas shall aim to achieve the guideline values given in BS8233:2014 and ProPG or the lowest practicable levels in accordance with BS8233:2014 and ProPG; to a maximum of 58 dB(A) **L_{eq} (16 hour)**;
- Maximum instantaneous sound levels should not exceed 45 dB(A) $L_{max,fast}$ measured **(based on a five minute logging interval)** in bedrooms more than 10 times per night; and
- Any sound associated with existing and/or proposed industrial/commercial premises shall not result in the predicted Rating Level exceeding the existing typical Background Sound Level **by more than 2 dB (determined at a height of 1.5m above ground level)** at the closest existing or proposed receptors ($LA_{r} = LA_{90} + 2$). **The representative background sound levels are shown in Figure 1.**

Where the internal criteria set out above will only be met with windows closed, an appropriate means of alternative ventilation will be proposed for the affected rooms in the noise mitigation scheme.

All works which form part of the approved scheme shall be completed before the residential units within that phase are occupied and retained thereafter.

Reason: To safeguard the living conditions of future residents in accordance with Core Strategy Policy G9 and the National Planning Policy Framework.

Reason: for pre-commencement condition: Design and provision of adequate protection for future residential occupiers is fundamental to good design practice and it is necessary to understand the performance of a future phase or plot prior to its construction'.



The proposed amendments to the wording of Condition 24 are non-material and would ensure the protection to the amenity of future occupiers of the residential plots at South Heywood. The condition also follows the approach of the neighbouring development. There would be no adverse impact of this Condition 24 amendment on future sensitive receptors i.e. neighbouring existing residential.

Summary and Conclusion

This non-material amendment application has been formally submitted online via the Planning Portal (Ref: PP-13628960) and the requisite fee of £363 (inc. service charge) will be made online to the Portal.

We trust that the information is acceptable and that the application is dealt with favourably. Should you have any questions regarding this application, please do not hesitate to contact me.

Yours Sincerely,

A. Temporal

Aira Temporal
Senior Planner

Aira.temporal@asteerplanning.com

For and on behalf of Asteer Planning LLP