



Rochdale Borough Council
Development Management
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Our Ref: 2024UK262391

7 May 2024

Dear Sir/Madam,

Birch Business Park, Unit B (22/01148/FUL) – Section 73 Application

On behalf of Yeargate Limited, please find enclosed details of a Section 73 application in relation to planning permission 22/01148/FUL at Birch Business Park, Birch Business Estate, Whittle Lane Heywood, OL10 2SX for the following development;

“Demolition of Units B and G and erection of a warehouse unit (Class B2/B8) with ancillary office space (Class E) including parking, servicing areas, associated works and infrastructure - Resubmission of 21/01489/FUL’.

This is a Section 73 application to remove condition 3 attached to planning permission ref: 22/01148/FUL.

The fee of £363 (inc VAT) has been paid directly via the Planning Portal (ref: PP-13014439).

Background to the application

As you are aware, Section 73 of the Town and Country Planning Act 1990 allows Local Planning Authorities (LPAs) to amend or remove specific conditions attached to a planning consent without altering anything else but the condition(s) in question. Thus, preventing the need for a new application to be submitted.

There is no statutory definition of a ‘minor material amendment’ but National Planning Policy Guidance Paragraph: 017 Reference ID: 17a-017-20140306 states that “it is likely to include any amendment where its scale and /or nature results in a development which is not substantially different from the one which has been approved”.

It is clear a S73 is the appropriate mechanism to secure the proposed amendment.

This S73 application seeks to remove condition 3 attached to planning permission in order to remove the restriction that the building must be occupied by Restore PLC for the first 5 years of occupancy.

Condition 3 of the planning consent sets out that;

The occupancy of the development hereby approved shall be limited to Restore PLC only for a time period of not less than five years beginning with the date of first occupation.

Reason: To ensure that the identified economic benefits of the scheme are delivered and that they outweigh the identified harm to the Green Belt by reason of inappropriateness in accordance with adopted Rochdale Core Strategy policy G4 and the National Planning Policy Framework.

Planning Application 22/01148/FUL

Planning application 22/01148/FUL was submitted in September 2022 and later approved at Planning Committee in December 2022.

At the time of the planning application submission, Birch Business Park was located in the Green Belt, designated as a major existing developed site in the Green Belt within the Rochdale UDP, and an Employment Allocation within the Core Strategy.

The application followed on from an approval (20/00955/FUL) for the redevelopment of Unit D for Restore PLC. Following the success of Unit D, Restore PLC made a commitment to Birch Business Park as part of their expansions plans and in doing so required an additional unit.

Following pre-application advice from the Council in relation to size and scale and existing planning policy position and in accordance with paragraph 153 of the NPPF, a very special circumstances (vsc) case was prepared. The vsc case was centred on the socio-economic benefits which would be delivered by Restore PLC, including job creation, investment, sustainability and environmental benefits.

The application was recommended for approval at planning committee in December 2022 with the Decision Notice being issued later that month.

Since the issue of planning permission Restore PLC have confirmed they have ended their expansion plans and do not require Unit B as part of their operations.

As a result of Restore PLC no longer having a commercial interest in the site alongside the restrictive occupancy condition, Yeagate have not been able to build out the development or implement the consent. The brownfield site is currently vacant.

Places for Everyone Adoption

The Places for Everyone Plan (PfE) took effect and became part of the statutory Development Plan for each of the nine PfE authorities on March 21, 2024.

Places for Everyone is a long-term plan of nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts.

The plan is a joint Development Plan of the nine districts which will determine the kind of development that takes place in their boroughs, maximising the use of brownfield land and urban spaces while protecting Green Belt land from the risk of unplanned development.

A key part of PfE was allocating sites for employment and housing outside of the existing urban area defining a new Green Belt boundary for Greater Manchester.

Northern Gateway (Policy JP Allocation 1.1).

The Northern Gateway covers an extensive area located around Junction 18 of the M60 motorway extending east to Junction 19 of the M62 and north to Junction 3 of the M66.

The Northern Gateway straddles the districts of Bury and Rochdale and is positioned at a strategically important intersection around the M60, M62 and M66 motorways. As such, it represents a highly accessible opportunity for growth in Greater Manchester with wider benefits on a regional and national level.

This strategic allocation will enable the delivery of a large, nationally significant employment opportunity to attract high quality business and investment, with a complementary housing offer on the M62 corridor, where there is strong evidence of market demand.

In terms of employment provision, the allocation will deliver a total of around 1,200,000 sqm of industrial and warehousing.

The northern gateway encompasses Birch Business Park with the PfE policy wording stating;

It should be noted that the existing Birch Industrial Estate is located within the allocation. This is a successful estate that has benefited from recent investment and would be retained as part of any development. This allocation will also share the benefits of the improved accessibility of the area'.

Following adoption of PfE, land within the northern gateway allocation including Birch Business Park has been removed from Green Belt.

Removal of Condition 3 22/01148/FUL

As set out above, application 22/01148/FUL was prepared in the context of para 153 of the NPPF and in doing so demonstrated that very special circumstances outweighed any harm to the Green Belt.

In order to secure the socio-economic benefits of the application the Council imposed a planning condition (condition 3) which restricted occupancy of the unit to Restore PLC for the first five years of occupation.

However, following adoption of PfE the land around, and including Birch Business Park, has been removed from the Green Belt. As a result, should a new application be submitted today, there would be no need for a vsc case to be presented and no need or grounds for a restrictive condition to be attached to any consent.

The site is an allocated industrial site as per the Rochdale UDP and Core Strategy and now forms part of the Northern Gateway strategic allocation within PfE. As such, the principle of employment is firmly established.

In light of the above and following the commercial deal with Restore PLC falling away, this application seeks to remove condition 3 attached to the consent and therefore allow the unit to be built out and occupied by another operator. No other amendments are proposed.

Removal of the condition will ensure that the unit can be built and occupied, therefore redeveloping a prominent brownfield site whilst delivering investment and jobs.

Summary

Removal of the restrictive condition will not lead to a substantially different scheme to that approved previously and therefore they can be considered under S73.

The amendment will allow Yeargate Limited to redevelop what is currently a vacant brownfield site and for the development to be occupied by another operator following Restore PLC confirming they do not need the unit for their operations. Development of the site is strongly supported by the

recently adopted PfE which has removed Birch Business Park and the wider area from the Green Belt.

The build out and occupation of the unit will have a positive socio-economic impact including;

- Addressing the significant need for additional employment land across the Borough;
- Significant economic benefits including;
 - Creation of temporary employment during the construction phase;
 - Full-time employment once operational;
 - Additional expenditure in the local economy;
- Efficient redevelopment of a currently brownfield site which makes optimal use of the site and reduces the need for additional employment sites across the borough;
- Assisting the Council in delivering strategic aspirations for the site and wider area;
- Social benefits through significant job creation both during construction and once operational with a range of positions created; and
- Environmental benefits such as new landscaping and tree planting.

We trust the above information above and alongside this letter is sufficient for the council to validate the application however if any further information or clarification is needed, please get in touch.

Yours faithfully



Alec Drake
Principal Planner

Appendix 1 – Northern Gateway (Policy JP Allocation 1.1) Boundary

Cross-Boundary Strategic Allocations

Northern Gateway

Picture 11.3 JPA 1 Northern Gateway

