

Anna Hayes
Rochdale Borough Council
Number One Riverside
Smith Street
Rochdale
OL16 1XU

26 March 2025

Our ref: HSP/JGI/JFAR/U0019315

Your ref: 22/01410/FUL

Dear Anna,

Section 96A, Town and Country Planning Act 1990 (as amended)

Submission of a Non-Material Amendment to Planning Permission reference 22/01410/FUL

Please find enclosed an application for a non-material amendment ("NMA3") to planning permission 22/01410/FUL ("the permission") submitted on behalf of Trammell Crow Company Logistics (Heywood) Limited ("the Applicant"), in accordance with Section 96A of the Town and Country Planning Act 1990 (as amended).

This application can be described as:

"Non-material amendment to the wording of planning condition 23 pursuant to planning permission 22/01410/FUL"

The application has been submitted electronically via the Planning Portal (PP-13884320) and includes the following documents:

- Application Form
- Waterman Report ref: 20647106-WAT-XX-XX-RP-N-710001_S5_P03

A payment in the amount of £293.00 has been made to Rochdale Borough Council via the Planning Portal, this being the requisite application fee in this instance.

Background

The full planning application was approved at appeal on 07 November 2024 for the following development:

“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.”

A non-material amendment application “NMA1” (ref: 24/01257/ANM) to amend the permission was submitted in December 2024 and approved 04 February 2025. This allowed some minor amendments to the approved layout to enable the retention of additional trees and further planting within the site.

A further NMA “NMA2” (ref: 25/00152/ANM) to allow for some further minor amendments to the approved plans was approved on 25 March 2025.

This application comprises the third NMA submission (NMA3). It seeks to amend the background levels approved by planning condition 23 only and it does not propose any changes to the site layout or any of the approved drawings.

Planning Condition 23

Planning condition 23 relates to the prevailing background sound levels and the setting of appropriate noise limits with relation to noise from the approved development. The full wording is set out below:

“The rating level (L_{Ar},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*
- c) 2dB above the most recently approved background sound level (L_A,Tr = L_{A90} +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 southwest facing boundaries of the site.”*

The condition confirms that the approved background sound levels will remain as set out in the bullets above, that is “*unless further background sound levels are approved in writing by the Local Planning Authority.*”

The purpose of this NMA is to agree updated background levels following the results of a recent noise survey undertaken by Waterman Group. The findings of the noise survey are set out in the submitted Technical Report (ref: 20647106-WAT-XX-XX-RP-N-710001_S5_P03).

The report identifies that Waterman conducted a baseline environmental noise survey consisting of long-term unattended noise measurements between Thursday 21st November 2024 until Thursday 19th December 2024 to establish prevailing ambient noise levels over a prolonged measurement period of a month.

The results of the noise survey (as completed in line with the guidance provided in BS4142) identified that the background noise levels are slightly higher than those currently referenced in Condition 23.

In order to regularise the position, the Applicant is seeking to amend the levels referenced in the condition. The relevant part of the condition wording is repeated below with the updated levels underlined and the previous levels struck-through.

- ~~42dB(A)~~ 45dB(A) LAr, 1hr between 07:00 and 23:00 and ~~40dB(A)~~ 42dB(A) LAr, 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)~~ 52dB(A) LAr, 1hr between 07:00 and 23:00 and ~~46dB(A)~~ 48dB(A) LAr, 15 mins between 23:00 and 07:00 when measured along the south and southwest facing boundaries of the site.”

It was agreed with Melanie Hale and Anna Hayes prior to submission of this application that the appropriate mechanism to agree updated background levels with the LPA is through the submission of an NMA.

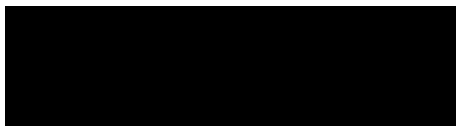
Summary

This NMA application (“NMA3”) has been submitted in order to update the background noise levels referenced under planning condition 23. The wording of the condition allows for the approval of updated background noise levels and the principle of agreeing updated levels by way of an NMA has been agreed with the LPA prior to submission.

It is considered that the amendment to the levels comprises only a very minor increase and does not constitute a material change to the approved permission.

I trust that the above information is sufficient for the Council to determine this application within the statutory period; however, should you require any additional information or wish to discuss the proposal further, please contact myself or Jodie Farnill of this office.

Yours sincerely



Harry Spawton
Partner

