ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 20/01014/FUL

Name and address for correspondence:	Applicant name:
Mr Alan Davies Northern Design Partnership The Chapel Millmoor Road Meltham Holmfirth HD9 5JU	Mr O'ConnerNewbuild Ltd

Part I - Particulars of Application

Date of Application: 16 November 2020

Proposal:	**Erection of three industrial units and associated access**
Location:	**Land Off Dyehouse Lane, Rochdale, OL16 2QN,**

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 This consent relates to the following plans:-

Location Plan - Reference 2046
Existing Site Plan - Drawing no. 01
Proposed Site Plan - Drawing no. 02 Rev A
Proposed Floor Plan Units 1 & 2 - Drawing no. 03
Proposed Elevations Units 1 & 2 - Drawing no. 04 Rev A
Proposed Floor Plan and Elevations Unit 3 - Drawing no. 05

and the works shall be carried out in complete accordance with these drawings hereby granted consent.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of work in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3 Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of materials to be used externally on the buildings 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. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: In the interest of visual amenity and to accord with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

4 Notwithstanding the details shown on drawing no 02 Rev A (Proposed Site Plan), the installation of a palisade fence around the site is not approved. Prior to first occupation of the units alternative details of paladin fencing, including finish colour, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed before prior to first occupation of the units and be retained as such thereafter.

Reason: In the interests of visual amenity as palisade fencing is not appropriate for the site and to accord with policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5 Notwithstanding the details shown on drawing no 02 Rev A (Proposed Site Plan), prior to first commencement of development details of temporary fencing, or permanent fencing that accords with the requirements of condition 4 of this permission, that runs along the boundary of the site with Ash Brook shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed prior to first commencement of development and any temporary fencing installed shall be removed and replaced with permanent fencing prior to first occupation of the units and in accordance with condition 4 of this permission.

Reason: To protect Ash Brook from the accidental spillage of spoil or stored materials into the watercourse and to accord with policies G7, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement development: It is important that Ash Brook is protected from accidental pollution prior to development commencing.

6 Unless otherwise agreed in writing through the approval of details required through condition 9 of this planning permission, no above ground works shall take place until full surfacing details of the site have been submitted to and approved in writing by the Local Planning Authority. The surfacing of the site shall be carried out in full accordance with the approved details prior to first occupation of the units and be retained as such thereafter.

Reason: In the interests of visual amenity and to accord with policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7 The parking and turning layout as identified on drawing no. 02 Rev A (Proposed Site Plan) shall be laid out and made available solely for the parking and turning of vehicles prior to first occupation of the units hereby approved and shall be retained as such thereafter.

Reason: In the interest of highway safety and to ensure that sufficient parking and turning facilities are provided and to accord with policy DM1 of the Core Strategy and the National Planning Policy Framework.

8 The development hereby approved shall be first undertaken in full accordance with the design recommendations outlined on page 10 of the Flood Risk Assessment prepared by T J Booth Associates (job ref: calc-tjba-newbuild-dyehouse In-091020, dated 21/10/2020) and be retained as such thereafter.

Reason: To ensure that the site is adequately protected from flood risk and to accord with policies G8 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9 No development shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall be drained on separate systems. If demonstrated that surface water needs to be discharged to the public sewer, then surface water drainage and foul drainage shall only be combined at the site's final outfall chamber. The surface water

drainage scheme must include:

i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water and any new surface water discharge to a watercourse shall be via an inceptor.
ii) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.
iii) Details of the use of flow attenuation measures, where appropriate, to maintain the existing (predevelopment) greenfield runoff rate from the site,
(iv) Details shall include construction details for permeable paving, if this forms part of the sustainable drainage system.
(v) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The development hereby approved shall only be undertaken in accordance with the approved drainage scheme and retained as such thereafter.

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.

10 Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the type, species, siting, planting distances and the programme of planting of native trees and shrubs. The scheme of planting, as approved, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve a satisfactory level of landscaping in the interests of the amenities of the area in accordance with Policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

11 No development shall commence until a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in full accordance with any remediation works and/or mitigation measures required to address land instability

arising from coal mining legacy, as may be identified in the scheme of intrusive investigations and be retained as such thereafter.

Reason: To ensure the site is made safe and stable for the development and to accord with policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

12 Prior to first use of the development hereby approved a signed statement or declaration prepared by a suitably competent person that confirms that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The statement or declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the site is made safe and stable for the development and to accord with policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

13 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. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent disturbance to any nesting birds that may be present in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14 14. 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:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological 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.

Reason for pre-commencement condition: To ensure contamination is appropriately identified and a strategy is in place before works commence on site to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers.

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 12 August 2021

MR Rose

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Signed on behalf of the Council

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: Environment Agency

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8m of the top of the bank of Ash Brook, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. Information on riparian landowner's rights and responsibilities can be found at https://www.gov.uk/guidance/owning-a-watercourse

Constructions works solely located within existing fenced boundary as per site plan 2046/02 Rev A, should ensure protection of main green infrastructure asset and ecological receptor of site. Whilst any new site surface drainage scheme is based on a sustainable urban drainage design approach (SUDs - https://www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx) with any new surface water discharge to watercourse is via an interceptor.

INFORMATIVE: United Utilities

A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer will be necessary. All costs associated with sewer diversions must be borne by the applicant.
To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with United Utilities Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.
For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:
Water assets - DeveloperServicesWater@uuplc.co.uk
Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; https://www.unitedutilities.com/property-searches/
You can also view the plans for free. To make an appointment to view United Utilities sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at Unites Utilities Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and Unites Utilities do not always show private pipes on their plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Please contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on their website http://www.unitedutilities.com/builders-developers.aspx

INFORMATIVE: Invasive and non-native species

You are reminded that the site has not been inspected for Invasive Non-Native Species (The Wildlife and Countryside Act 1981 Schedule 9 and the Environmental Protection Regulations 1992). Guidance on preventing the spread of non-native species, including their clearance is available at https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants