

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 22/01200/FUL

Name and address for correspondence:	Applicant name:
Mr Ben Gavaghan DLA Architecture Limited No 55 St Pauls Street Leeds LS1 2TE United Kingdom	Mr Ian SmithWilson Bowden Developments Limited

Part I - Particulars of Application

Date of Application: 21 September 2022

Proposal:	Erection of two industrial units/warehouses (Classes E(g)(iii), B2 and B8) with ancillary office space, new access, car parking, servicing, boundary treatments, hard and soft landscaping and other associated works
Location:	Plot J2, Kingsway Business Park, James Kearns Avenue, Rochdale, OL16 4NR

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 permission relates to the following plans:-

- o KPJ-DLA-JS-XX-DR-A-90063 Rev P02 - Location Plan
- o KPJ-DLA-JS-XX-DR-A-90064 Rev P02 - Existing Site Plan

- o KBP-BWB-00-01-DR-G-0001/P2 - Existing Site Plan Sheet 1 of 2
- o KBP-BWB-00-02-DR-G-0001/P2 - Existing Site Plan Sheet 2 of 2
- o KPJ-DLA-JS-XX-DR-A-90066 Rev P09 - Proposed Site Plan
- o KPJ-BWB-DGT-XX-DR-D-0630/P08 - Proposed Isopachtypes
- o KPJ-BWB-DGT-XX-DR-D-0600/P09 - Proposed Finished Levels
- o KPJ-DLA-JS-XX-DR-A-90072 Rev P04 External Works
- o KPJ-DLA-JS-XX-DR-A-90073 Rev P04 - Fencing
- o KPJ-DLA-J1-XX-DR-A-20000 Rev P03- Unit J1 Floor Plans
- o KPJ-DLA-J2-XX-DR-A-20000 Rev P04 - Unit J2 Floor Plans
- o KPJ-DLA-J1-XX-DR-A-20010 Rev P03 - Unit J1 Elevations and Section
- o KPJ-DLA-J2-XX-DR-A-20010 Rev P04 - Unit J2 Elevations and Section
- o KPJ-DLA-J1-XX-DR-A-20002 Rev P02 - Unit J1 Roof Plan
- o KPJ-DLA-J2-XX-DR-A-20002 Rev P04 - Unit J2 Roof Plan
- o KPJ-DLA-JS-XX-DR-A-90074 Rev P04 - Refuse Stores
- o KPJ-DLA-JS-XX-DR-A-90075 Rev P04 - Cycle Shelters
- o KPJ-DLA-JS-XX-DR-L-98001 Rev P04 - Landscape Proposals Off Plot
- o KPJ-DLA-JS-XX-DR-L-98002 Rev P04 - Landscape Proposals On Plot

and the development shall be carried out in accordance with these drawings hereby approved.

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 and the National Planning Policy Framework

- 3 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 any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife and Countryside Act 1981 (as amended).

- 4 No development shall take place until all trees that are to be retained within or adjacent to the site shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Trees are required to be protected prior to any works taking place as ground works can unduly threaten the well-being of the tree.

- 5 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.

Reason for pre-commencement condition: Reasonable Avoidance Measures are required to be agreed and approved in advance of commencement of development to allow for measure to be implemented throughout the course of works on site.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
- (i) the route of access and parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding;
 - (v) wheel washing facilities;
 - (vi) any external lighting of the site;
 - (vii) dust management plan;
 - (viii) pollution prevention measures; and
 - (ix) a scheme of fencing to protect the structure planting to the northern boundary and the ditch to the eastern site boundary.

The duly approved CEMP shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to protect the adjacent habitats during the construction of the development in accordance with policies G7, G9 and P3 of the adopted Rochdale Core Strategy, and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure the construction process is managed from commencement and measures put in place to protect the adjacent habitats, the amenity of nearby residents and highway safety prior to commencement of any building or engineering works on site.

- 7 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the rear elevations of the approved 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. 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 in accordance with policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 8 The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations contained within the submitted 'Phase 2 Geo-Environmental Assessment' ref. KBP-BWB-ZJ-XX-RP-YE-0002_Ph2_P2 dated February 2018 by BWB. Before the site is first brought into use, a verification report evidencing a gas protection score of 1.5 from gas protection measures installed in accordance with BS848:2015 has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the natural environment and to ensure the safe development of the site in the interests of the amenity of future users in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 9 The drainage for the development hereby approved shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing : KPJ-BWB-DGG-XX-DR-D-0500, Rev: P08, Dated: 06/12/2022, Prepared by: BWB,

and Sustainable Drainage Statement number: KPJ-BWB-ZZ-XX-RP-CD-0001_SDS, Rev: P08, dated: 21/07/2022. For the avoidance of doubt surface water must drain at the restricted rate of 792 l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 No part of the development hereby permitted shall be occupied until an updated plot specific Travel Plan, adhering to the aims, processes, measures and targets of the Kingsway Business Park Sustainable Travel Plan, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

- o firm measures for promoting a choice of transport mode;
- o a monitoring regime with agreed mode share targets;
- o specific measures to manage staff car parking during the peak employment period of November and December;
- o a commitment to increase the provision of cycle parking should the uptake in cycle travel increase;
- o monitoring procedures and mechanisms to ensure that the Plan remains effective and is reviewed within a framework approved by the Local Planning Authority.

The approved Travel Plan shall be implemented on first occupation of the development hereby permitted.

Reason: In order to ensure that the development encourages people to travel to the site by sustainable modes of transport and to ensure that the site will be provided with sufficient off-street car parking, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 11 The development hereby permitted shall not be brought into use until such time as the bicycle parking facilities as shown on drawing no. KPJ-DLA-JS-XX-DR-A-90075 Rev P04 - Cycle Shelters have been installed as per the approved details and made available for use. The bicycle parking facilities shall be retained as such thereafter.

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.

- 12 The development hereby permitted shall not be brought into use until the refuse and recycling storage facilities indicated on drawing no. KPJ-DLA-JS-XX-DR-A-90074 Rev P04 - Refuse Stores 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.

- 13 The development hereby permitted shall not be brought into use until the security fencing as indicated on drawing no. KPJ-DLA-JS-XX-DR-A-90073 Rev P04 - Fencing 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.

- 14 The development hereby approved shall not be carried out otherwise than in accordance with the recommendations contained in the Brooks Ecological Preliminary Ecological Appraisal Ref. ER-5290-01C, including a pre-commencement check for the establishment of badger setts on the site.
- Reason: To ensure that the development does not affect the favourable conservation status of protected species, in accordance with policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife and Countryside Act 1981 (as amended).
- 15 The landscaping works shall be carried out in accordance with the approved details indicated on the plans KPJ-DLA-JS-XX-DR-L-98001 Rev P04 - Landscape Proposals Off Plot and KPJ-DLA-JS-XX-DR-L-98002 Rev P04 - Landscape Proposals On Plot.
- 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: In order to achieve a satisfactory level of landscaping in accordance with policies DM1, G6, G7 and P3 of the adopted Rochdale Core Strategy 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: To ensure that any lighting to be installed on the site does not cause a nuisance to surrounding occupiers in accordance with policies P3, G9 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.
- 17 No part of the development hereby approved shall be brought into use until such time as a plot specific noise management plan detailing measures to minimise noise from the operation of any unit has been submitted to and approved in writing by the Local Planning Authority. The measures detailed in the Noise Management Plan shall be adhered to thereafter.
- Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 18 The car parking areas, service yard, refuse stores and manoeuvring areas for each 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.
- 19 No goods, materials, waste products or containers shall be stored on land outside the buildings 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 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 20 No fixed plant shall be installed on the external fabric of the building or elsewhere within the site unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The approved plant shall be installed in accordance with the approved details and maintained thereafter.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 21 Noise levels from fixed plant, in conjunction with all other noise from the unit, shall not exceed 52 dB(A) Leq,15mins between 0700 and 2300 hours and 47 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 43dB(A) Leq(5mins) as free measurements within the curtilage of any noise sensitive building.

Reason: In the interest of residential amenity and in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 22 Within one month of the date of the occupation of any part of the development, a notice for that part of the development as occupied shall have been submitted to and approved in writing by the Local Planning Authority. The Notice shall specify the following from calculations made using methodology for the calculation of energy approved by the Secretary of State:

- (i) The target CO2 emission rate for the building applicable at the time of development commencement; and
- (ii) The calculated emission rate for the building which shall be at or below the above target.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with policy G2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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 1 June 2023

Daniela Ripa
Interim 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.

The applicant and contractors must be made aware of the protected status of water vole (Wildlife & Countryside Act 1981). If water vole are found or suspected within 5m of any construction area, work should cease until appropriate advice is sought and implemented.

INFORMATIVE:

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