



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01393/FUL

Name and address for correspondence:	Applicant name:
Mrs Katie Harries Donald Insall Associates Ltd Bridgegate House 5 Bridge Place Chester CH1 1SA United Kingdom	Natalie Oldham

Part I - Particulars of Application

Date of Application: 24 January 2024

Proposal:	Landscaping and planting scheme to Broadfield Park Slopes (Grade II registered park) to include repair/refurbishment and instatement of new handrails, boundary treatments, retaining structures, SUDS and decorative water features, lawn terracing, accessible and general pathways and surfaces, seating, lighting, interpretative material, and public art pieces. Repair and refurbishment scheme to Packer Spout Steps and fountain, including the instatement of new lighting and handrails.
Location:	Broadfield Park Slopes , Nelson Street, , Rochdale , ,

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 list of plans:

- Location Plan RTH.05_1010_3_Revision 1
- Plans as Existing Sheet 1 of 2 RTH.05_1000_1F_Revision 0 (Fountain)
- Plans as Existing Sheet 2 of 2 RTH.05_1001_1F_Revision 0 (Fountain)
- Plan as Existing Stair 1 RTH.05_1003_1F_Revision 0
- Plan as Existing Stair 2 RTH.05_1004_1F_Revision 0
- Plan as Existing Stair 3 RTH.05_1005_1F_Revision 0
- Plan as Existing Stair 4 RTH.05_1006_1F_Revision 0
- Southern Slopes General Arrangement P20948-00-001-GIL-0101 Revision 08
- Landscaping Sections A & B (unreferenced - received 02.01.24)
- Southern Slopes Access Ramp P20948-00-001-GIL-0306 Revision 0
- Phase 3 Enabling Works 30217/6002 Revision P08
- Below Ground Drainage Details Sheet 1 30217/6101 Revision P02
- Phase 3 Enabling Works Retaining Wall Plan 30217/9000 Revision P02
- Packer Spout Steps & Fountain Proposed Works_Key Plan RTH.05_3P_2003 Revision 5
- Packer Spout Fountain & Steps Proposed Sections A-C RTH.05_3P_2102 Revision 3
- Packer Spout Fountain & Steps Proposed Sections D&F RTH.05_3P_2102 Revision 3
- Packer Street Fountain and Steps Proposed Section G RTH.05_3P_2103 Revision 4
- Section as Existing RTH.05_1100_1F_Revision 0
- Survey Photographs
- Lighting Layout J6582-MXF-BS-00-DR-E-30000
- Lighting and Electrical Layout J6582-MXF-BS-00-DR-E-00000

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

- 3 No development (including any demolition, site clearance or preparation works) shall take place until the trees that are to be retained within the site have been enclosed with temporary protective fencing and temporary ground protection has been fully installed in full accordance with BS:5837:2012 'Trees in relation to design, demolition and construction'. The necessary protection measures shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place beyond 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 adopted Places for Everyone joint development plan policies JP-P1, JP-G2, JP-G6 & JP-G7, policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The trees must be protected before any works are carried out to protect their health and longevity.

- 4 No development (including any demolition, site clearance or preparation works) shall take place until such time as a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding;
- e. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;
- f. details of wheel washing facilities.

The approved method statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved method statement without the prior written permission of the Local Planning Authority.

Reason: To protect the amenities of the area and minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with adopted Places for Everyone joint development plan policy JP-S1, policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance and construction poses a threat to local amenity and the surrounding natural environment and a scheme therefore needs to be agreed in advance of any works taking place.

- 5 No development (including any demolition, site clearance or preparation works) shall take place until such time as a Phase II habitat survey has been undertaken and submitted to and approved in writing by the Local Planning Authority.

Should any protected mammal species be identified, no development shall take place until such time as a reasonable avoidance measures statement for the protection of their habitat and an appropriate mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and the approved protection / mitigation measures thereafter fully implemented in accordance with the approved details.

Reason: In order that the development does not prejudice the favourable conservation status of protected mammal species in accordance with the requirements of adopted Places for Everyone joint development plan policy JP-G8, Policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife & Countryside Act 1981 (as amended)

Reason for pre-commencement condition: To protect any protected mammal species that may be present on the land at the time of commencement of development.

- 6 No development (other than the clearance of trees or shrubs) shall take place until such time as the applicant has secured the implementation of a programme of archaeological works in accordance with a Project Design which has been submitted to and approved in writing by the Local Planning Authority. The Project Design shall cover the following:

- A phased programme and methodology of investigation and recording to include a targeted archaeological watching brief during landscaping works;
- A programme for post-investigation assessment to include production of a final report on the results of the investigations and their significance;
- Deposition of the final report with the Greater Manchester Historic Environment Record;
- Dissemination of the results of the archaeological investigations commensurate with their significance;
- Provision for archive deposition of the report and records of the site investigation; and
- Nomination of a competent person or persons/organisation to undertake the works set out within the approved Project Design.

Reason: To protect the significance of any archaeological remains on the site in accordance with adopted Places for Everyone joint development plan policy JP-P2, policy P2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: There is a risk of disturbance to below ground features of archaeological importance on commencement of the development.

- 7 No development or further works of site preparation or clearance shall take place until a detailed method statement for the removal or long-term management/eradication of

Himalayan Cotoneaster, Rhododendron and Japanese Knotweed has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of invasive plant species during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in accordance with the approved method statement.

Reason: In accordance with adopted Places for Everyone joint development plan policy JP-G8 and policy G7 of the adopted Rochdale Core Strategy, in respect of ensuring the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

Reason for pre-commencement condition: Clearance activity increases the risk of invasive species spreading.

- 8 No development shall take place (other than further site clearance or preparation works) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site, whether or not it originates on the site. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: To ensure the safe development of the site in the interests of the amenity of the area and users of the site in accordance with Places for Everyone joint development plan policies JP-S1, JP-S4 & JP-P1, policy G9 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any engineering, landscaping or construction works on site.

- 9 No development shall take place (other than site clearance or preparation works) until such time as completed details of a sustainable surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the drainage scheme shall be based upon the following drawing:

- Phase 3 Enabling Works - South Slopes - Infrastructure (Drainage) dated 13.12.23, ref. 30217/9000/P08 by Price & Myers Consulting Engineers.

The drainage scheme shall also include the provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to first occupation/use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To secure proper sustainable drainage of the site to prevent an increased risk of flooding elsewhere in accordance with Places for Everyone joint development plan policies JP-S1 & JP-S4, 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. The Council's Environmental Management service also needs to review the drainage infrastructure design to ensure that they are able to adequately maintain it in the future.

- 10 No above ground works other than site clearance shall be undertaken until such time as a full fixtures, fittings and furniture schedule, accompanied by large scale detailed drawings and plans, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all functional and ancillary furnishings, including but not limited to:

- Railings;
- Handrails;
- Heritage interpretation boards;
- CCTV columns;
- Wayfinding installations;
- Benches;
- Litter bins; and
- Any required bollards / defensive architecture measures.

These features shall duly be retained and maintained to an appropriate standard.

Reason: In the interests safeguarding the setting of heritage assets, visual amenity and ensuring good placemaking in accordance with Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 11 No above ground works other than site clearance shall be undertaken until such time as materials samples for new stone walls and retaining walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: In the interests of visual amenity and the protection of heritage assets in compliance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 12 No above ground works other than site clearance shall be undertaken until such time as a fully detailed schedule of repairs and methodology for the repairs to Packer Spout Fountain based on the initial survey drawings and photographic report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details

Reason: In the interests of visual amenity and the protection of heritage assets in compliance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 13 No above ground works other than site clearance shall be undertaken until such time as a fully detailed schedule of repairs and methodology for the repairs to the Market Cross based on the initial survey drawings and photographic report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: In the interests of visual amenity and the protection of heritage assets in compliance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 14 No above ground works other than site clearance shall be undertaken until such time as a full details of the replacement obelisk have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: In the interests of visual amenity and the protection of heritage assets in compliance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 15 Notwithstanding any description works within the application no works to construct the upper level pond shall take place until such time as a detailed construction plan for the retaining wall, or ground slope alterations as may be required, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To clarify information submitted within the application given the contour lines shown on the plans and to ensure a satisfactory standard of development in accordance with adopted Places for Everyone joint development plan policies JP-S1, JP-S4 & JP-P1, policies G8 & G9 of the adopted Rochdale Core Strategy, saved policy EM/7 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 16 Notwithstanding any details contained within the application, no works to install the proposed lighting scheme shall be undertaken until such time as:

- full details of the proposed ownership and operation of the Central Management System for dimmable lighting have been submitted to and approved in writing by the Local Planning Authority; and
- the proposed dimming times have been submitted to and agreed in writing by the Local Planning Authority.

The lighting scheme shall not otherwise be installed in accordance with the below plans and documents:

- Lighting Layout J6582-MXF-BS-00-DR-E-30000
- Lighting and Electrical Layout J6582-MXF-BS-00-DR-E-00000
- Phase III Lighting Report by Max Fordham dated 31.05.24
- J6582/J6582-MXF-XX-XX-SH-E-30002 Rev *P03

The lighting scheme shall be retained thereafter.

Reason: To balance the needs of public safety, the natural environment and the amenities of the area in accordance with adopted Places for Everyone Joint Development plan policy JP-S1, JP-P1, JP-G8, policies G7, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework, along with the requirements of the Wildlife and Countryside Act (1981).

- 17 Notwithstanding any details submitted with the application, no planting works shall be undertaken until such time as a revised planting plan based on drawing no. P20948-00-001-GIL-0402 Rev. 1 (Southern Slopes Planting Plan) has been submitted to and

approved in writing by the Local Planning Authority. For the avoidance of doubt, this should include the replacement of species not locally-native to Rochdale and the surrounding area with those that are, with reasoned justification provided where it is suggested that this would not be the case.

Reason: In the interests of preserving and enhancing biodiversity and the natural environment in accordance with adopted Places for Everyone joint development plan policies JP-G1, JP-G2, JP-G6, JP-G7, JP-G8 & JP-S1, policies G6 & G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 18 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 adopted Places for Everyone Joint Development Plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 19 The development hereby approved shall not be brought into occupation until such time as an offsite woodland creation scheme to compensate for the loss of 4.36 Biodiversity Units, assessed using Biodiversity Net Gain Metric 4.0, has been first planted with the initial structural & pioneer species, and a fully detailed woodland creation scheme submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a fully detailed Scheme of Works which shall include the following:

- A written Method Statement outlining the process of woodland creation intended as part of the scheme;
- Appropriate maps and diagrams to show the location of the off-site works which, for the avoidance of doubt, must be as close to the cleared site as is reasonably practicable;
- Demonstration of compliance with the Biodiversity Metric 4.0 tool insofar as that 4.36 Biodiversity Units of Priority Woodland will have been created;
- Full details of a 30 year management and maintenance plan.

Reason: To ensure no net loss of biodiversity in accordance with Places for Everyone joint development plan policies JP-G1, JP-G2, JP-G6, JP-G7 & JP-G8, policies G6 & G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework, along with the requirements of the Conservation of Habitats and Species Regulations (2017) and the Environment Act (2023).

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 27 June 2024

Melanie Hale
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.

Bats can be mobile and cryptic in their habits, and can turn up in unexpected places. Under the Wildlife and Countryside Act 1981 it is an offence to capture, injure or kill a bat, deliberately disturb a bat, or damage or destroy a bat roost. Planning consent does not provide a defence against prosecution under this act. If bats are encountered at any time during works, work must cease and advice sought from a suitably qualified person about how best to proceed.

Under Section 1 of the Wildlife and Countryside Act (1981) it is a criminal offence for a person to intentionally kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst that nest is in use or being built. Additional care should be taken through the nesting season which runs from 1st March to 31st August inclusive. If any nesting bird is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.

