

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00820/FUL

Name and address for correspondence:	Applicant name:
Mr Gary Swarbrick ELG Planning Gateway House 55 Coniscliffe Road Darlington DL3 7EH United Kingdom	Mr Mark Warrior Warrior Developments Limited

Part I - Particulars of Application

Date of Application: 27 July 2023

Proposal:	Erection of two commercial units (Class E) including associated access, plant area, car/cycle parking and landscaping - Re-submission of 22/00947/FUL
Location:	Land Between 473 & 475 Oldham Road, 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 plans:

General Arrangement UNIT A_PROPOSED PLANS AND ELEVATIONS. Drawing no: 1630_102(P). Revision: M. Received by email on 01/02/2024.
General Arrangement SITE SECTION_STREET SCENE_XX_YY_ZZ. Drawing no: 1630_105(P). Revision: F. Received by email on 01/02/2024.

General Arrangement PROPOSED SITE PLAN. Drawing no: 1630_101(P). Revision: V. Received by email on 06/02/2024.

General Arrangement SITE LOCATION INFORMATION. Drawing no: 1630_100(P). Revision: A.

General Arrangement EXISTING SITE PLAN. Drawing no: 1630_104(P). Revision: A.

and the development shall be carried out in accordance with these drawings and documents 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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building(s) 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 prior to the first occupation of the development.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 4 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be in operation until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 5 Notwithstanding any details contained within the application, full details of any external lighting to be installed on the buildings 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 buildings 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.

- 6 No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the route of access and parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) dust management during site preparation and construction;
- (viii) any external lighting of the site.

The duly approved CMP 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 during the construction of the development in accordance with policies 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 amenity of nearby residents and highway safety prior to commencement of any building or engineering works on site.

- 7 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. United Utilities may request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

The drainage scheme shall 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 in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5l/s;
- (iii) Foul and surface water shall drain on separate systems at least to the point of discharge from the site, in accordance with Building Control Part H Drainage requirements.
- (iv) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD.
- (v) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.
- (vi) Mitigation measures to manage the risk of sewer surcharge, if UU Developer Services advise that this is necessary.
- (vii) Construction details for permeable paving including sub-base details e.g. cross-section, if this type of paving forms part of the sustainable drainage system.

- (viii) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The approved schemes 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 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. 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.

- 8 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 and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Contamination investigation and any required mitigation measures will require investigation before the significant disturbance to ground and removal of material.

- 9 Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details including elevations of the type, siting, design and materials to be used in the construction of boundaries, screens, fencing or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of visual amenity and to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and in compliance with policies P3, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 10 The units hereby permitted shall not be occupied until all vehicle parking spaces and the turning areas have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter and shall not be used for the storage of materials, goods or bins.

Reason: In order to ensure there is adequate provision for vehicles to be parked and adequate turning and servicing provision clear of the highway in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework

- 11 Notwithstanding the details shown on the approved plans and the requirements of condition 2, details of the windows and doors to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority before any such windows and doors are installed. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, surround, cill and lintel detailing, and means of opening together with any finished treatment. The windows and doors shall be installed in accordance with the approved details before the development is first brought into use and thereafter so maintained.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Policies DM1, and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 12 Notwithstanding the details shown on the approved plans and the requirements of condition 2, details of the architectural detailing identified to the front and side elevation of the approved plans shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing. The architectural detailing shall be installed in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies DM1 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 13 The hereby permitted units shall only be open for trade between 06:00 hours and 23:00 hours from Monday to Sunday (inclusive of bank holidays).

Reason: In the interest of the amenity of adjacent residential uses and to prevent nuisance arising and in compliance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 14 No part of the development hereby approved shall be occupied until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include but is not limited to providing details on the restriction of servicing vehicles to no more than 10.35m in length, and ensuring deliveries do not take place between the hours of 23:00 and 07:00
The approved Service Management Plan shall be adhered to in full thereafter.

Reason: In order to prevent obstruction of the surrounding highway network by limiting the size of delivery vehicles in the interests of road and pedestrian safety and to prevent noise, nuisance and disturbance to the occupiers of neighbouring dwellings and in accordance with the requirements of policies DM1, G9 and T2 of the adopted Rochdale Core Strategy and National Planning Policy Framework.

- 15 The noise from the external plants and associated equipment shall not exceed 48dB(A) 1hr between 07:00-23:00 and 33 dB(A)15min between 23:00-07:00.

Reason: In order to safeguard the amenities of the area and to prevent noise, nuisance and disturbance arising to the occupiers of neighbouring dwellings and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 Notwithstanding any details in the application and the requirements of condition 2 of this permission, the building hereby approved shall not be first occupied until a scheme of highway works to;

- (i) to return the redundant vehicle access point into the site is returned to footways, and
- (ii) amendment of the existing road marking layout,

along the frontage on Oldham Road of the hereby approved building, has been submitted to and approved in writing by the Local Planning Authority. The works thereafter will be carried out in full accordance with the approved details.

Reason: In order to ensure safe and convenient access and circulation for vehicle traffic visiting the site (including service vehicles), pedestrian safety and in the interests of highway safety in accordance with the requirements of policies DM1 and T2 of the adopted Rochdale Core Strategy and National Planning Policy Framework.

- 17 Notwithstanding the details shown on the approved plans and the requirements of condition 2, the building hereby approved shall not be first occupied until full details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained for the lifetime of the development.

Reason: In order to ensure there is adequate provision for cycle parking facilities in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 18 Notwithstanding the details shown on the approved plans and the requirements of condition 2, the sound absorption measures on the eastern elevation facing Watkins Street and as identified in figure 7 of paragraph 4.12 in '473-475 Oldham Road, Rochdale, Greater Manchester, OL16 4TD: Noise Assessment' by Echo Acoustics and dated 23 Aug 2023 shall be implemented in full.

Reason: In order to safeguard the amenities of the area and to prevent noise, nuisance and disturbance arising to the occupiers of neighbouring dwellings and in compliance with policies G9 and DM1 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 9 February 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 reminded that works within the adopted highway, including the relocation of existing signage, will require a separate approval from the Council Highway Authority.

The Greater Manchester Fire and Rescue Service has advised that it strongly supports the installation of sprinkler systems as a positive measure to protect persons. The provision of a sprinkler fire suppression system would have significant benefits for the development. It would ensure that any fire would be quickly controlled and would significantly reduce any fire damage to the building. This is particularly important as business continuity following a fire as an important factor in the ongoing viability of an organisation.