ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 (as amended)

# PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 19/00822/FUL

| Name and address for correspondence: | Applicant name: |
|---|---|
| Mr Elie Osborne<br>4D Planning<br>86-90<br>Paul Street<br>3rd Floor<br>LONDON<br>EC2A 4NE | Somer Rana |

Part I - Particulars of Application

Date of Application: 6 November 2019

| | |
|---|---|
| **Proposal:** | **Change of use and conversion of former residential care home to a mix of Class A1 and Class D1 uses comprising a doctors surgery, children's nursery, dentist and pharmacy, including alterations to front, side and rear elevations, formation of car parking areas to front and rear and children's play area to rear of proposed nursery** |
| **Location:** | **Saxonside, 113 Windermere Road, Middleton, M24 5WF** |

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:-
- 4D01OS Rev. A OS Map / Location Plan
- 4D01BP Rev. A Block Plan
- 7679-D-AIA Arboricultural Implications Plan

- SAX/03 Proposed Site Layout
- 4D03B Proposed Elevations
- 4D02B Proposed First Floor Plan
- 4D01B Proposed Ground Floor Plan
- 4D03A Existing Elevations
- 4D02A Existing First Floor Plan
- 4D01A Existing Ground Floor Plan

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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3 Notwithstanding any detail shown on the approved plans or provided with the application submission, no works to external ground surfaces shall take place until a scheme for the discharge of foul and surface water from the site (including surface water from hard landscaped and parking areas), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance, shall be accompanied by evidence of an assessment of the site conditions and shall accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. For the avoidance of doubt, the use of Sustainable Drainage Systems and any flow attenuation measures should, as appropriate, maintain the existing (pre-development) greenfield runoff rate from the site, or achieve a reduction of 50% from brownfield areas of the site unless a lower figure has been agreed with the Local Planning Authority. The background calculations of any modelling that has been used for the runoff calculations shall be provided. For the avoidance of doubt, foul and surface water shall be drained on separate systems. Details of how the drainage scheme will be maintained and managed after completion shall be provided. In the event of surface water discharging to sewerage, the rate of discharge shall be restricted to the lowest possible rate; the flow rate shall be agreed with the Local Planning Authority and United Utilities; and foul & surface water system shall be separate and only combined at the site's final outfall manhole. The duly approved scheme shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.

Reason: 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, policies EM/7 and EM/8 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

4 The materials used in the construction and repair of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

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 National Planning Policy Framework.

5 No part of the development shall be occupied until such time as a detailed scheme for the provision of cycle stands, in accordance with the locational details shown on drawing no. SAX/03 including details of the specification, design and appearance of the cycle stands has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the duly approved details and the cycle stands made available for use prior to first occupation of the building hereby approved and retained thereafter.

Reason: In the interests of providing safe and secure cycle parking facilities in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

6 No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens 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. For the avoidance of doubt, the acoustic fencing around the nursery play area as referred to in Appendix C of the submitted Noise Impact Assessment Report by Auricl Acoustic Consulting dated 16th October 2019 shall be no less than 1.8m in height and constructed of a non-perforated solid material with a minimum mass of 10-12 kg/m2. 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.

7 (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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 Policies P3 and G6 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8 Notwithstanding any description of external roller shutters within the application, of materials in the application no external roller shutters shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and positions of the roller shutters and shutter housing. The 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 P3 of the Core Strategy and the requirements of the National Planning Policy Framework.

9 No clearance of trees and shrubs or demolition of the existing buildings on site 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. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully

available for use prior to the development being first occupied and shall be retained thereafter for their intended purpose.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

11 The building shall only be open to the public, patients and nursery attendees between the hours of 07:00hrs and 18:30hrs Monday to Friday and 07:00hrs and 13:30hrs on Saturdays.

Reason: In order to safeguard the amenities of occupiers of surrounding residential properties and to prevent nuisance arising in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12 Noise from any plant equipment used in connection with the building shall not exceed 50dB(A) leq 1 hours during public opening hours and 40dB(A) leq 15 minutes at all other times, when measured within the curtilage of any noise sensitive premises. No plant terminals or associated equipment shall be installed until such time as full details of the design, external appearance and position of any such equipment to be installed on or outside of the building has been submitted to and approved in writing by the Local Planning Authority. Any such equipment shall be installed in accordance with the approved details and retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of occupiers of surrounding residential properties, to prevent nuisance arising, and in the interest of visual amenity in accordance with Policies P3, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

13 No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented and retained thereafter.

Reason: In the interests of amenity, security and in compliance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Orders following the amendment, revocation and re-enactment thereof, the relevant parts of the premises shall only be used as a Health Centre (GP Surgery and Dental Practice) and Children's Nursery and for no other purposes within Class D1 of the above Order.

Reason: In the interests of amenity and highway safety in accordance with Policies G9, T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

15 The floor area of the building to be used as a retail area (Class A1) as indicated on drawing reference numbers 'SAX/03 - Proposed Site Plan' and 4D01B - Proposed Ground Floor Plan' "SAX/01" shall not be enlarged and shall be used as a pharmacy only and for no other purpose within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: The proposed pharmacy would act in a complimentary manner to the health facility and allow customers to make fewer trips when visiting the associated surgeries. Under the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed pharmacy once implemented could be used as another retail outlet, such as a convenience store without planning permission which would undermine the requirements of adopted Rochdale Core Strategy policy E1 as the area is already

reasonably served by an existing Local Centre (Wood Street) where this type of development would be more appropriate.

**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 6 March 2020



.....
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 applicant is reminded of the need to apply for advertisement consent where applicable. Notwithstanding any detail shown on the approved plans, the grant of planning permission does not infer the grant of any additional consent required.

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.