ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 19/01160/FUL

Name and address for correspondence:	Applicant name:
Miss Tamara Ettenfield DPP One Ltd 76 King Street Manchester M2 4NH UK	Mr Mike Smith

Part I - Particulars of Application

Date of Application: 4 November 2019

Proposal:	**Application for subsequent consent for site remediation, site clearance, required archaeological investigations, temporary means of access and the erection of temporary means of enclosure in order to prepare the site for Phase 2 of development.**
Location:	**Rochdale Riverside Phase 2, Land Bound By Penn Street To The East, Baillie Street To The South, John Street To The West And The Rear Of Properties From Yorkshire Street., ,**

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 The development hereby permitted shall be carried out in accordance with the following drawings and documents:
Drawings Number:
851-CPA-ZZ-ZZ-DR-A-0100 Site Location Plan

851-CPA-ZZ-ZZ-DR-A-0101 Existing Site Layout
851-CPA-ZZ-ZZ-DR-A-0102 Proposed Hoarding Plan
851-CPA-ZZ-ZZ-DR-A-0103 Topographical Plan
851-CPA-ZZ-ZZ-DR-A-0170 Existing Section 1 of 3
851-CPA-ZZ-ZZ-DR-A-0171 Existing Section 2 of 3
851-CPA-ZZ-ZZ-DR-A-0172 Existing Section 2 of 3
071536-CUR-00-XX-DR-C-91610-P01 Phase 2 Enabling Works Levels
071536-CUR-00-XX-DR-C-91611-P01 Sections Sheet 1 (proposed)
071536-CUR-00-XX-DR-C-91612-P01 Sections Sheet 2 (proposed)
071536-CUR-00-XX-DR-C-91613-P01 Sections Sheet 3 (proposed)
071536-CUR-00-XX-DR-C-92561-P02 SECTION 185 LAYOUT AND DETAILS

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 the details of siting and indicative details of appearance shown on drawing number 851-CPA-ZZ-ZZ-DR-A-0102 (Proposed Hoarding Plan) full details of the design and external appearance of the hoarding/fencing shall, before erection thereof, be submitted to and approved in writing by the Local Planning Authority. The hoarding and fencing shall be erected as approved before the commencement of any groundworks or clearance works.

Reason: In the interests of the visual amenities comprised in the setting of Town Head House (Listed Grade II), and, the appearance of the Town Head Conservation Area and the town centre street scene generally, and to comply with Core Strategy policies P2 and DM1 and the National Planning Policy Framework.

4 No clearance of trees and shrubs shall take place during the bird nesting season (March to September, inclusive) unless a suitably qualified ecologist has surveyed to determine the presence or absence nesting birds prior to any vegetation works or clearance, and a Report of that survey has been submitted to and approved in writing by the Local Planning Authority. If any bird nests are present a method statement that sets how the nest is to be protected until young have fledged shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Core Strategy G7 and the NPPF.

5 Before the start of any excavation, demolition or other breakage of ground (including any remediation or archaeological works) ('the ground works') an investigation and risk assessment shall be 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 a competent person(s) and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any of the ground works take place. The submitted report shall include:

i) A survey of the extent, scale and nature of contamination, which shall identify all previous uses, potential contaminants associated with those uses and a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination on the site;

ii) An assessment of the potential risks to:

o Human health,

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

o Adjoining land,

o Groundwaters and surface waters, including controlled waters,

o Ecological systems,

o 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

iv) Proposal for monitoring of groundwater levels during the ground investigation works in line with the recommendation of the Flood Risk Assessment & Drainage Strategy by Curtins dated 15th February 2017 (ref: MA1328/FRA revision 06).

The development shall be carried out in accordance with the approved remediation strategy. [NOTE: the attention of the applicant is drawn to the requirement of Outline Condition 15 of planning permission reference 16/01383/HYBR that a verification report (in relation to satisfactory implementation of remediation works) is submitted to and approved in writing by the Local Planning Authority before any (future) residential or non-residential uses are first occupied on the site].

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unexpected contamination shall be dealt with and this shall be approved in writing by the Local planning authority and shall be carried out as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenities of future occupants and any users of the land in accordance with Core Strategy Policy G9, saved UDP Policy EM/8, and the National Planning Policy Framework.

Reason for pre-commencement condition: The proposed development of the previously developed urban land could result in the release of contamination; to ensure contamination is appropriately identified and treated before groundworks commence on the site for the protection of controlled waters, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of satisfactory development and the interests of the amenities of future occupiers.

6 Before the start of any excavation, demolition or other breakage of ground (other than for the purposes of archaeological investigation) a programme of archaeological works shall be undertaken in accordance with a Written Scheme of Investigation (WSI) that shall beforehand be submitted to and approved in writing be the Local planning Authority. The WSI shall make provision for the following:
i) A phased programme and methodology of investigation and recording to include:

o Archaeological evaluation and,
o (Informed by the above) more detailed targeted excavation (subject of a new WSI if required)
ii) A programme for post investigation assessment to include:
o Analysis of the site investigation records and findings
o Production of a final report on the significance of the archaeological and historical interest represented.
iii) Dissemination and publication of the results commensurate with their significance.

iv) A scheme to commemorate the site's heritage.
v) Provision for archive deposition of the report and records of the site investigation.

vi) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 199 and Core Strategy policy P2 - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible, in particular, before their disturbance by the enabling ground works.

Reason for pre-commencement condition: To ensure that archaeological investigation is undertaken before any possible loss or damage resulting from other groundworks.

7 Before the development is commenced a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the duration of the enabling works hereby permitted. The Construction Method Statement shall provide for:

i. The number and timing of vehicle movements and provision for management of the site entrance/egress in respect of those movements, including, as the case may be, the employment of banksmen.
ii. hours for site preparation, demolition works, delivery of materials and construction;
iii. the parking of vehicles of site operatives and visitors;
iv. loading and unloading of plant and materials;
v. storage of plant and materials used in the works;
vi. method of prevention of mud being carried onto the highway, including wheel washing facilities;
vii. measures to control the emission of dust and dirt during construction;
viii. measures to control construction noise emissions;
ix. a scheme for recycling/disposing of waste resulting from construction works;

x. identification of a permanent on-site contact and/or traffic manager as main point for all enquiries or issues arising from construction activities;
xi. details of location of any site compound(s);
xii. there shall be no burning of materials on-site during construction of the development without prior, written approval of the local planning authority;

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the adjacent premises and users during the works, and manage traffic to and from the site in the interests of highway safety, in accordance with the requirements of Core Strategy Policy G9, and the National Planning Policy Framework.

Reason for pre-commencement condition: to ensure that appropriate measures are put in place from the outset of the development.

8 Within 12 months of the commencement of the development the developer shall prepare details of temporary landscape and boundary treatment which shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 12 months following the completion of the hereby granted development unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the visual amenities comprised in the setting of Town Head House (Listed Grade II), and, the appearance of the Town Head Conservation Area and the town centre street scene generally, in accordance with the requirements of Core Strategy Policies P2 and P3, 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 4 March 2020

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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:
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.

Informatives from the Environment Agency (EA)

1. The land in question is currently shown within Flood Zone 1 according to the Environment Agency Flood Map for Planning. Therefore Flood Risk Standing Advice applies. For more information please see the link below:
https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#vulnerable-developments-standing-advice

2. EA recommend that developers should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when:
1. dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information

3. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising

from site during remediation and/ or land development works is waste or has ceased to be waste.

Under the Code of Practice:
o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
o treated materials can be transferred between sites as part of a hub and cluster project
o some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

4. EA recommends that developers should refer to:
o the position statement on the Definition of Waste: Development Industry Code of Practice
o The waste management page on gov.uk

5. Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
o Duty of Care Regulations 1991
o Hazardous Waste (England and Wales) Regulations 2005
o Environmental Permitting (England and Wales) Regulations 2016
o The Waste (England and Wales) Regulations 2011

6. Developers should ensure that all contaminated materials are adequately characterized both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Informative from the Highway Authority

In preparation of the Construction Method Statement the applicant is advised to contact the engineering/highways team of the Council particularly in relation to traffic management matters. Direct contact may be made to john.gillighan@rochdale.gov.uk].