



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01315/VRCON

Name and address for correspondence:	Applicant name:
Mr Sean Monaghan MOJO Architecture Waterside Business Center - Suite 6 Leigh Manchester WN7 4DB	Mr Alan Wallace

Part I - Particulars of Application

Date of Application: 4 December 2023

Proposal:	Section 73 application to vary condition 2 of planning permission 16/00697/FUL (Proposed development comprising 8 no. residential dwellings together with associated access, parking and landscaping) to amend finished floor levels, site landscaping and roof pitch.
Location:	Land At Gowers Street, Rochdale, ,

Part II - Particulars of decision

The Rochdale Metropolitan 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 submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than 8th November 2025

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:-
 - EX-001 - Location Plan and Existing Site Plan
 - Proposed Site Layout Plan, 23035-MOJO-01-ZZ-DR-A-PL0003 Rev. PO2
 - Proposed Elevations, 23035-MOJO-01-ZZ-DR-A-PL1002 Rev. PO2
 - Proposed GA Plans 23035-MOJO-01-ZZ-DR-A-PL1001 Rev. PO1

and the development shall be carried out in complete 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 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 shall take place (including any site clearance or preparation works) until 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 Hey Brook and other surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and
- f. wheel washing facilities (or a demonstration that this is not required)

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 minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with policies JP-S1, JP-P1, JP-G2 & JP-G3 of the Places for Everyone Joint Development Plan policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: A scheme therefore needs to be agreed in advance of any works taking place.

- 4 Prior to the commencement of development, details of a sustainable surface water & flood mitigation scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:-

- (i) Cross-sections of the site for existing and proposed site levels to show clearly where ground levels are increased or reduced.
- (ii) A detailed plan of a sustainable drainage system that aligns with the National Planning Practice Guidance (or any subsequent amendment thereof). The details should include proposed ground and finished floor levels in mAOD, and inverts of some of the pipework and chambers.
- (iii) Construction details for permeable paving, if this forms part of the sustainable drainage system.
- (iv) Construction details for any swales or an attenuation basin that may form part of the drainage design.
- (v) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface and foul water from the site in accordance with the requirements of Places for Everyone Joint Development Plan policies JP-S1, JP-P1, JP-G3 & JP-S5, policy G8 of the adopted Rochdale Core Strategy, saved policies EM7 & EM8 of the Rochdale Unitary Development Plan and the and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

- 5 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) 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:
 - 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 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 future occupiers in accordance with the requirements of Places for Everyone Joint Development Plan policies JP-S1 & JP-P1, policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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

- 6 Finished floor levels shall be set no lower than 124.80 metres above Ordnance Datum (AOD). These flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interests of flood risk mitigation in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 7 No development or works of site preparation shall take place until a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of Japanese Knotweed 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 policies JP-S1 & JP-G8, policy G7 of the adopted Rochdale Core Strategy and to ensure 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: Construction activity increases the risk of invasive species spreading.

- 8 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications 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.

Reason: In the interests of visual amenity and in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1 & JP-H3, policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 9 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1 & JP-H3, policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 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 adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, adopted Rochdale core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 11 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 a) The development hereby approved shall be constructed in accordance with the submitted Flood Risk (ref. Design and Access Statement Rev P01 2023/12-01). No dwelling shall be occupied until the necessary measures have been implemented in full and shall be retained and maintained thereafter.

b) Prior to the first occupation of any dwellings, an Emergency Plan for the purposes of flooding shall be submitted to and approved in writing by the Local Planning Authority.

The emergency plan shall be in accordance with the broad principles set out in section 5 of the previously approved (application ref. 16/00697/FUL) Flood Risk Assessment by JBA Consulting ref. BXZ-JBAU-XX-XX-RP-C-0001-S3-P03 and dated March 2021, and the addendum ref. 2022s0663 dated 31st May 2022. The provisions within the duly approved emergency plan shall be made available at all times following the first occupation of the dwellings.

Reason: In the interest of flood risk mitigation and occupier safety in the event of flooding in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 13 Notwithstanding any details submitted as part of the application, 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. The structures shall thereafter be retained.

Reason: In the interests of visual & residential amenity and flood risk mitigation in with compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 14 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 brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with adopted Places for Everyone Joint Development Plan policies JP-P1 & JP-C8, policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 15 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.

Reason: In the interests of amenity and the conservation of protected species in compliance with policies JP-S1, JP-P1 & JP-G8 of the adopted Places for Everyone joint development plan policies P3, G9, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the 'Plots 1 and 2' as shown on the approved site plan shall not be altered or extended, and no buildings or structure shall be erected within their curtilage under Schedule 2, Part 1, Classes A, or E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent undue harm to the amenity of existing and future occupiers and in accordance with adopted Places for Everyone joint development plan, policies JP-P1 & JP-P1, policy DM1 adopted Rochdale Core Strategy and the National Planning Policy Framework.

Article 35 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 3 May 2024

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 a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. 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. Property specific summary information on coal mining can be obtained from The Coal Authority 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.

INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

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.

The site and adjacent Hey Brook has low potential as suitable habitat for other species afforded statutory protection under the Wildlife and Countryside Act 1981, of which it is an offence to capture, injure or kill, deliberately disturb, or damage or destroy a the habitat of such species. In the event that

INFORMATIVE:

The applicant is reminded of their responsibility to acquire relevant consent(s) or permit(s) from the Environment Agency for the facility; this includes, but may not be limited to, a permit in

accordance with the requirements of the Medium Combustion Plant Regulations and permit under the Environmental Permitting (England and Wales) Regulations 2016 for any proposed works or structures, in, under, over or within 8m of the bank of the Whit Brook.