

Town and Country Planning Act 1990 (as amended)

OUTLINE PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 22/01569/OUT

Name and address for correspondence:	Applicant name:
Rhian Smith Russell LDP 13 Westpoint Enterprise Park Clarence Avenue Trafford Park M17 1QS	Russell Homes (UK) Limited; And The Trustees Of The Wilton Estate (Mary Anne Hase and Clive Derek Beer)

Part I - Particulars of Application

Date of Application: 9 January 2023

Proposal:	Outline application (means of access only) for the erection of a Class B8 (storage or distribution) development and associated works
Location:	Land On Plot 3 Of The South Heywood Masterplan , Off Pilsworth Road , South Heywood, , 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 submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in any phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

- 2 Application for approval of the reserved matters application shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To be imposed pursuant to Section 92 of the Town & Country Planning Act 1990 for those parts of the application submitted for outline permission only, and that the time period reflects the separated, phased development programme.

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the reserved matters.

Reason: To be imposed pursuant to Section 92 of the Town & Country Planning Act 1990 for those parts of the application submitted for outline permission only, and that the time period reflects the separated, phased development programme.

- 4 The development hereby permitted shall provide no more than 40,000m² of floorspace (GIA) for use within Use Class B8 of the Town and Country Planning (Use Classes) order (as amended).

Reason: In the interests of the safe operation of the highway network and in compliance with policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 5 The development and all reserved matters applications shall accord with the following approved plan and parameters:
Land Use and Height Parameters Plan Drawing No 4846_SP(90)44-P1

Reason: For the avoidance of any doubt and to ensure that the development is carried out in accordance with the approved parameters and specifications.

- 6 The submission of any reserved matters application shall include plans showing the finished floor levels of the proposed building/s. No development shall take place until the submitted plan is approved by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement: Setting of finished floor levels is an early activity in the construction process and it is in the interest of all stakeholders to ensure that levels are appropriately set and agreed before development commences on site.

- 7 No development shall take place in any phase of development 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,
 - 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 building(s) hereby approved are first occupied.

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

Reason for pre-commencement condition: To ensure contamination is appropriately identified and a strategy is in place before works commence on site for the protection of controlled waters and to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers.

- 8 No development shall take place on any phase of development until the following information has been submitted to and approved in writing by the local planning authority for that particular phase:

- i) The submission of a scheme of intrusive site investigations for the mine entry for approval;
- ii) The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- iii) A plan detailing the timetable and methods of undertaking of both of the schemes of intrusive site investigations.

In the event that the site investigations confirm the need for remedial works to treat the mine entry and areas of shallow coal mine workings to ensure the safety and stability of the proposed development, the following information should be included with the submission of any reserved matters application:

- i) The submission of a report of findings arising from both of the intrusive site investigations;
- ii) The submission of a layout plan which identifies an appropriate zone of influence for the mine entry on site, and the definition of a suitable 'no-build' zone;
- iii) The submission of a scheme of treatment for the mine entry on site for approval
- iv) The submission of a scheme of remedial works for the shallow coal workings for approval;

The remedial works shall be carried out in accordance with the approved details prior to the commencement of any development on site.

Reason: To address any issues of unstable land and ensure safety and stability of new development in accordance with policies DM1 and G9 of the Adopted Rochdale Core Strategy.

Reason for pre-commencement condition: To ensure the need for any remedial works is appropriately identified and a strategy is in place before works commence on site to ensure the safe development of the site in the interests of the amenity of future occupiers.

- 9 No development shall take place (including any site clearance works) on any phase of development until a Construction Method Statement (CMS), which shall include the following:

- i) the amount of construction vehicles movements and vehicular routes
- ii) construction delivery hours
- 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 constructing the development;
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust and dirt during construction;
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- x) details of noise reduction measures

- xi) measures for the protection of the natural environment from accidental spillages, dust and debris;
- xii) hours of construction, including deliveries; and
- xiii) measures for protection of the existing water mains and sewers within the site.
- xiv) Details of post construction restoration of public rights of way.

For that particular phase has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CMS during the construction period.

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 construction of the development in accordance with the requirements of Core Strategy Policy G9, and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will include site clearance, demolition works, ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of adjacent premises and users, prior to commencement of any works taking place.

- 10 No development shall take place within any phase of development, including any works of excavation or demolition, until a detailed Construction Traffic Management Plan (CTMP) to include the following:

- i) Construction operating hours and vehicle delivery hours.
- ii) Location of proposed construction compounds and lay-down areas.
- iii) On-site construction vehicle parking and manoeuvring.
- iv) Staff parking arrangements and details of supporting staff /operative travel management initiatives, including encouraging staff travel outside of the traditional AM & PM 'rush hour' periods.
- v) Off-site construction HGV routing for each delivery phase.
- vi) Driver incentive / disciplinary procedures to ensure suitable HGV routing.
- vii) Construction HGV haulage route signage strategy.
- viii) Construction vehicle cleansing procedures and details of load sheeting / covered load policy.
- ix) Management and procedures for access by abnormal loads.
- x) Programmed duration and timing of short term material import / export HGV campaigns.
- xi) Programmed temporary road closure / temporary traffic management works and details of supporting information campaigns as relevant.

For that particular phase has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CTPM during the construction period.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will generate a number of vehicular movements an understanding will therefore be necessary of what measures will be put in place to protect the amenity of adjacent premises and users, prior to commencement of any works taking place.

- 11 No development shall take place on any phase of the development (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) for each phase shall include the following:

- i) Identification of "biodiversity protection zones".

- ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iii) The location and timing of sensitive works to avoid harm to biodiversity features.
- iv) The times during construction when specialist ecologists may need to be present on site to oversee works.
- v) Responsible persons and lines of communication.
- vi) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP for each phase shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment during the construction phase in accordance with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will include site clearance, demolition works, ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of the natural environment and the area in general, prior to commencement of any works taking place.

- 12 Prior to occupation of the development details shall of any fixed plant shall be submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that noise from fixed plant does not exceed the existing background levels of 38dB from the nearest residential property and would not adversely impact any noise sensitive receptors.

Reason: To safeguard the living conditions of future residents in accordance with Core Strategy Policy G9 and the National Planning Policy Framework.

- 13 No development shall take place on any phase of development until a Landscape and Habitat Creation and Management plan (LHCM) for that particular phase has been submitted to, and be approved in writing by, the local planning authority. The content of the LHCM shall include the following.

- a) Description and evaluation of features to be created and/or managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LHCM should set out how net gain in biodiversity (habitat enhancement) will be achieved on the site and include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The Plan should also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Plan should be implemented in accordance with the approved details.

Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site in

accordance with Core Strategy Policies G6 and G7 and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure satisfactory details for that phase or plot which will enhance nature conservation value.

- 14 No development shall take place, until a scheme of works, which shall include a detailed method statement, for the control and disposal of the invasive plant species, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme of works and method statement shall be implemented in full throughout the course of the development.

Reason: To secure the satisfactory disposal of this invasive species of plant, which under the terms of the Wildlife & Countryside Act 1981, as amended, it is an offence to be caused to spread in the wild, in accordance with the general principles of Policy G6 of the adopted Rochdale Core Strategy.

Reason for pre-commencement condition: To ensure satisfactory details for the control of invasive species and prevent spread during the construction phase.

- 15 No development shall take place until a further Arboricultural Impact Assessment report detailing the impact on the trees within and adjacent to the site relating to that particular phase of development has been submitted to and approved by the Local Planning Authority. The assessment shall include a scheme of tree and hedgerow protection measures in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction' incorporating both above and below ground measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the construction period.

Reason: In order to protect existing trees on the site and ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3, G6 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will include site clearance, demolition works, ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of the natural environment and the area in general, prior to commencement of any works taking place.

- 16 No development (excluding site clearance) shall take place until details of the means of ensuring the water mains within the site boundary are protected from consequential damage during the construction and operational life of the development or details of the means of diverting the water main, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply, and as required by United Utilities.

Reason for pre-commencement condition: To ensure the public water supply is appropriately identified and a strategy is in place before works commence on site to ensure the safe development of the site in the interests of the amenity of future occupiers.

- 17 Prior to the occupation of the development, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed, operated and maintained in accordance with the approved details.

Reason: In the interests of amenity and highway safety in compliance with policies DM1, P3, T2 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 18 Prior to the occupation of the approved building of Use Class B8, a subsidiary Full Travel Plan(s) (FTP) must be submitted to and approved in writing by the Local Planning Authority, and shall be implemented and reviewed in accordance with the timetable set out in the Framework Travel Plan. The FTP shall then be implemented as approved.

Reason: To provide for sustainable travel and to limit the effects of the increase in travel movements in accordance with Policies T1 and T2 of Rochdale Core Strategy.

- 19 The submission of the reserved matters application shall include a full Crime Impact Statement, which appraises the design and layout of the developed proposals should be submitted. The development shall thereafter be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and in the interests of public safety and security in accordance with Core Strategy Policy P3, and the National Planning Policy Framework.

Reason for pre-commencement condition: Design and provision of adequate protection for future residential occupiers is fundamental to good design practice and it is necessary to understand the performance of a future phase or plot prior to its construction.

- 20 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. The development shall be carried out in accordance with any agreed mitigation strategy.

Reason: In order to prevent disturbance to any nesting birds that may be present in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 21 The building/s submitted with the reserved matters application for use within Use Class B8 of the Town and Country Planning (Use Classes) order (as amended) shall achieve Excellent rating under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The building/s shall not be brought into use until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved by the development and a copy of the Certificate has been provided to the local planning authority. Where the BREEAM requirement is not achieved, a scheme to offset the development's impact on the global environment, in accordance with the advice and standards set out in the Council's Supplementary Planning Document, 'Energy and New Development,' shall have been submitted to and approved in writing by the Local Planning Authority before any building/s or that part of the building/s under construction is first occupied. The approved scheme shall thereafter be fully implemented before the relevant building is occupied.

Reason: to support sustainable development objectives in accordance with Core Strategy Policy G9, and the National Planning Policy Framework.

- 22 Prior to the commencement of development (excluding site clearance), 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. The drainage scheme shall be based upon WSP document:-

- South Heywood Plot 3 Outline App. FRA and Drainage Strategy Rev B Nov 2022 by WSP

The application shall be accompanied by the provision of MicroDrainage® model or any other software or calculations that have been used for the drainage design and 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 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 ensure the appropriate disposal of surface waters and to manage the risk of flooding and pollution in accordance Core Strategy Policy G8, saved UDP policies EM7 and EM/8, the National Planning Policy Framework and as required by United Utilities.

Reason for pre-commencement condition: Drainage is an early activity in the construction process and it is in the interest of all stakeholders to ensure that an acceptable scheme is agreed before development commences on site.

- 23 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 24 No development (excluding site clearance) shall take place until a detailed River Corridor Strategy for the Plot 3 development site has been submitted to, and be approved in writing by, the local planning authority in consultation with the Environment Agency. The content of the strategy shall include the following:
- i) Full details of earthworks including any required land remodelling or remediation works, and vegetation clearance on and adjacent to both Brightley Brook waterbodies.
 - ii) details of any required diversion of waterbodies associated within plot 3 development, based on sound geomorphological understanding of both existing and new channel hydrology; and based on design using more environmentally sympathetic bio-engineering solutions.
 - iii) Provide pre and post scheme detailed cross-sections (a minimum 6 cross-sections along both stream corridors, and particularly at pinch points of scheme design), showing the new commercial scheme; including new landform or retaining solutions (if required) along both northern and southern reaches of Brightley Brook.
 - iv) Construction details for the formation of any new embankments, retaining structures and revetments.
 - v) details of enhancement opportunities integrated into overall scheme proposals i.e., sky lighting of existing culverted sections of waterbody, ecological/geomorphological improvements to existing modified agricultural channels etc.
 - vi) Measures adopted to protect and preferably improve Brightley Brook's water quality, during both scheme construction and operation.
 - vii) Full details of proposed new soft landscaping scheme including planting schedule predominantly based on native species along both ecological corridors.

- viii) Integrated invasives non-native species (INNS) treatment programme within riparian corridor.
- ix) details of any new surface water connections to rivers; and
- x) Biodiversity enhancement strategy for the Brightley Brook waterbodies and key green infrastructure assets; that ensures a gain for biodiversity in the riverine environment for Plot 3 development site.

The development shall be undertaken in full accordance with the approved strategy and the measures retained thereafter.

Reason: To ensure the protection of onsite water bodies throughout the construction and operational stages of development.

Reason for Pre-commencement condition: The initial construction stages have the potential to impact upon the water bodies and will need to be carried out in accordance with best practice for their protection.

Procedure Statement:

The development did not accord with the development plan however very special circumstances were demonstrated to outweigh the harm that would arise. The Local Planning Authority worked positively and proactively with the applicant and the proposed development would improve the economic, social and environmental conditions of the area.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2021 the application has been referred to the Secretary of State for Levelling Up, Housing and Communities. The Secretary of State confirmed (Letter dated 8 November 2023, ref: PCU/CONS/P4224/3332169) that they did not request to call in this application and that they were content that it should be determined by the local planning authority.

Date Decision Issued 10 November 2023

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.