

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 24/01251/VRCON

Name and address for correspondence:	Applicant name:
Mr James Borley Avison Young 11 York Street Manchester M2 2AW United Kingdom	ERP (Accrington) Ltd C/o Glenbrook Investments Ltd

Part 1 - Particulars of Application

Date of Application: 19 December 2024

Proposal:	Section 73 application for the erection of Drive Thru Cafe (Class E) with access from Duke Street together with associated parking and landscaping without complying with conditions 9 (biodiversity) and 15 (servicing and delivery hours) of planning permission 23/01279/FUL
Location:	Land At Whitworth Road (Dunelm) Car Park , Whitworth Road, Rochdale, OL12 0TY

Part 2 Compliance with Conditions

It is YOUR responsibility to comply with planning conditions. The Council's Planning Enforcement Team is responsible for investigating alleged breaches of planning control. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration. In some cases, failure to comply with planning conditions can lead to the loss of the planning permission.

Part 3 - 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 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:-

- 11390 PL L01 (Location Plan)
- 11390 PL LO4 Rev. C (Proposed Site Plan)
- 11390 PL L05 Rev. D (Enlarged Site Plan)
- 11390 PL S02 (Proposed Site Section and Contextual Front Elevation)
- 11390 PL E01 Rev. A (Proposed Elevations)
- 11390 PL P01 (Proposed Ground Floor Plan)
- 11390 PL P02 (Proposed Roof Plan)
- 11390 PL S01 (Proposed Building Section)
- 11390 PL L02 (Existing Site Plan)
- 11390 PL L03 (Enlarged Existing Site Plan)
- 21G200/001 and 21G200/002 (Topographical Survey)

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 No development shall take place until a Construction Management Plan (CMP) 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. the provision of wheel washing facilities; and
- f. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;

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 construction disturbance and detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G8 of the Core Strategy, Policies JP-P1 and JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that a safe construction site can operate adjacent to a public car park and in the interests of protecting the public realm and the wider environment.

- 4 No development (other than works of site preparation) 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) details of site investigations and assessment to identify the potential extent, scale and nature of contamination on site.
- 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 Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan 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.

- 5 No development shall take place until such time as full details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include construction details of any drainage attenuation, flow control and outlet connection to culvert. The details shall also include provision or a short 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 promote sustainable development, secure proper drainage, manage the risk of flooding and pollution and 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, Policy JP-S4 of the adopted Places for Everyone Joint 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.

- 6 No development (other than works of site preparation) shall take place until finished floor levels for the proposed buildings and finished ground levels across the site relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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 condition: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

- 7 Notwithstanding any details of materials contained within the application, no above ground works shall take place until such time as a detailed specification of materials to be used externally in the construction of the development have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

For the avoidance of doubt, Material H (Off-white through colour render - K-Rend Silicone TC15 Ash White) shall not be utilised.

The development shall be carried out in accordance with the duly approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 8 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 Core Strategy Policies G6 and G7, Policies JP-P1 and JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site 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 drive-thru café and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the PfE and the NPPF.

- 10 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. The development shall be carried out in accordance with the duly approved details prior to the first occupation of the development to which the submission relates and the structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 11 No part of the development shall be occupied until such time as details for the design of policy compliant (at a minimum) bicycle storage facilities has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved bicycle storage facilities shall be retained thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for bicycle parking in the interests of encouraging active travel in accordance with policy P2 of the adopted Rochdale Core Strategy, policy JP-C6 of the Places for Everyone joint development plan and the National Planning Policy Framework.

- 12 No part of the development hereby approved shall be occupied until such time as details of litter and recycling bins to be located within the site has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location and visual appearance of bins. The approved scheme shall be implemented prior to the first use of the development and retained for their intended purpose thereafter.

Reason: To facilitate the disposal of waste and recycling to prevent littering and the subsequent impacts to visual amenity and ecology and in accordance with Policies G7, P3 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 The development hereby approved shall not be brought into use until such time as the parking and access arrangements as shown on the approved site plan have been implemented in full and made available for use. The parking and access arrangements shall be retained and maintained thereafter.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy, Policies JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 14 The development hereby approved shall not be operated outside the hours of 06:00-22:00 Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 The development hereby approved shall not be serviced by deliveries outside the hours of 06:00-22:00 Monday to Friday, 07:00-21:00 Saturdays and 08:00-21:00 Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment ref. 90876 Rev. 2 dated 14th June 2023 by Noise Solutions Ltd.

For the avoidance of doubt, this includes that:

- The extract systems are fitted with attenuation as documented in appendix D of the submitted Noise Impact Assessment.
- The proposed acoustic barrier is installed as shown in appendix B of the submitted Noise Impact Assessment.
- Cumulative noise from the site does not exceed 50 dB(A) between 07:00-23:00 and 40 dB(A) between 23:00-07:00 measured 1m from noise sensitive receptors.

The required noise attenuation measures shall be retained and maintained as intended.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 17 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: 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, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 No goods or materials, which are either loose or contained, waste products or containers shall be stored on land outside buildings or designated enclosures at any time.

Reason: In the interest of visual amenity and highways and pedestrian safety and in accordance with Policy P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Statement under Article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended):

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 14 February 2025

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: £43.00 for householder applications and £145.00 in all other cases.

INFORMATIVE:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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:

Under Section 1 of the Wildlife and Countryside Act (1981) it is a criminal offense for a person to intentionally kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst that nest is in use or being built. Additional care should be taken through the nesting season which runs from 1st March to 31st August inclusive. If any nesting bird is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.

The applicant's attention is drawn to the list of protected species of animal under Schedule 5 of the Wildlife and Countryside Act (1981). Under this act, it is a criminal offence if a person is to intentionally kill or injure , or intentionally or recklessly damages or destroys, disturbs or obstructs a structure or place which any specified wild animal uses for shelter. If any Schedule 5 animal is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.