APPLICATION NUMBER: 19/01160/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01160/FUL	Emma Heron	25 February 2020

Address: 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.

Proposal: Enabling works (in preparation for the carrying out of Phase 2 of the Rochdale Riverside Development granted permission under reference 16/01383/HYBR) including the erection/construction of a temporary means of enclosure and temporary means of access; clearance of trees and vegetation; remediation works and archaeological works (required by conditions 15 and 16 respectively of that permission); the diversion and laying of services; regrading of land including demolition of structures and construction of retaining structures.

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	Neighbour letters expired?	Y	**Press Notice expired?**	Y

DELEGATION	**Significant departure from local plan?**	N	**Contrary to national policy?**	N
	Applicant a Council Member or officer?	N	**Contrary to previous decision?**	N
	Major with 10 or more objections and recommending approval?	N	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	n/a
	Neighbour comments received?	Y

EIA	**Screening opinion completed and saved to Onbase?**	n/a

CONDITIONS	**Pre-commencement conditions proposed?**	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	**GRANT PLANNING PERMISSION with conditions**

CHECKED AND SIGNED OFF BY: EH DATE: 4 March 2020

SITE

The application relates to land within Rochdale Town Centre. The site comprises 0.87 hectares and has roughly rectangular form with an extremity projecting further to the north. It is bounded on the east by John Street, Baillie Street to the south, Penn Street to the east, and, to the north by the rear of buildings fronting Yorkshire Street.

There is a change of levels with a significant fall north to south.

PROPOSAL

The site forms Phase 2 of the Rochdale Riverside development granted under reference 16.01383/HYBR ('over-arching planning permission'). Phase 1 is under construction / nearing completion and the Phase 2 land is presently used as a construction works compound. There is an extant outline planning permission for development of the application site, however, a fully detailed scheme has not yet been prepared.

The present application arises from the applicant's need to carry out an interim treatment of the land in order to enable efficient progress from construction of Phase I to Phase 2. These 'enabling works' would include:

- Hoarding/fencing the site, forming a temporary access to Penn Street and closure of access to John Street.
- Vegetation clearance.
- Archaeological works.
- Remediation works.
- Diversion and laying of services.

The archaeological and remediation works are required by conditions 16 and 15 respectively of the over-arching planning permission.

The diversion/laying of services is small in scale, consequential to the earthworks proposed and full details are submitted.

Details of the position of the proposed hoarding/fencing, including position of gates at the existing access from Penn Street is submitted. The supporting information indicates that submission of full details would be the subject of a planning condition. This indication also refers to Vegetation clearance, archaeological works and remediation works.

RELEVANT PLANNING POLICY

National Guidance
National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

Policies G7, G9, P2, DM1, T2

Unitary Development Plan (UDP) (Currently Saved):
Policy EM/8, Defined Urban Area.

Supplementary Planning Documents (SPD):
N/A

RELEVANT SITE HISTORY

The application site has been subject to the following relevant applications:

- 16/01383/HYBR - Hybrid application comprising comprehensive phased regeneration of Rochdale Town Centre East A) Detailed application for Phase One for erection of four commercial buildings and decked car park to provide retail, food and drink uses (Use Classes A1, A3 and A4, maximum 22,511 sq.m), cinema (Use Class D2, maximum 1,797 sq.m), gym (Use Class D2, maximum 2,018 sq.m) together with new service road and junction at John Street, ancillary uses, servicing and common areas, landscaping and infrastructure; and for B) Outline application (all matters reserved) for Phase Two for erection of four buildings to provide retail, food and drink (Use Classes A1, A3, A4 and A5 maximum 1,000 sq.m), offices / commercial (Use Classes A2 and B1, maximum 4,000 sq.m), residential uses (Use Class C3, maximum 100 dwellings), hotel use (Use Class C1, maximum 120 bedrooms), and leisure (Use Class D1, maximum 500 sq.m) together with associated car parking, ancillary uses, landscaping and infrastructure. (Application accompanied by an Environmental Statement). Approved.

- 17/01130/ANM **-** Application for non-material amendment to planning permission 16/01383/HYBR to clarify the cinema floorspace in the Development Schedule to state; "(f) The maximum gross floorspace for cinema use (Class D2) shall be 1,797 m2 (GIA) at second floor level, and 240 m2 (GIA) for projection room at second floor mezzanine level". Approved.

- 19/01081/ANM - Non-material amendment to planning permission 16/01383/HYBR for alterations to shop fronts and landscaping - Granted.

CONSULTATION RESPONSES

Highways And Engineering
We have no objection to these proposals. Our main concern is how many vehicle movements we expect and how this will be managed at the entrance? (Banksman etc.) Can a statement be requested from the developer regarding these points and I will deal with them directly rather than through the planning process.

Lead Local Flood Authority/Drainage
United Utilities should be consulted [conclusion of that consultation is noted above]. Need to see any changes to the overall drainage strategy.

Environmental Control (Landfill Gas)

The submitted report and recommendations is acceptable. Recommends the imposition of a condition requiring investigation and assessment in relation to contamination.

Environmental Health

The supplied report and its recommendations are acceptable; it would be appropriate to impose of a condition to require site investigation and assessment (prior to commencement of the development) to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment should 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 development commences. The report of the findings should include:

i) a survey of the extent, scale and nature of contamination

ii) an assessment of the potential risks to:

- 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,
- archeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development should thereafter be completed in accordance with the approved recommendations.

Conservation and Design

At present, this application is not supported for approval. The proposed development site extends into the southern boundary of the Townhead Conservation Area and is located within the setting of a number of designated and non-designated heritage assets. The site is therefore considered to be relatively sensitive and the applicant has acknowledged within the supporting information submitted which includes a Heritage Statement and Heritage Impact Assessment.

Within the Heritage Impact Assessment the author has completed a comprehensive study of historic maps which demonstrate that the proposed site was formerly densely developed. In recognition of this the applicant has also submitted an Archaeological Desk Based Assessment. Within the recommendations and conclusion sections of this document, shown from page 43 onwards, the author specifies the need for onsite investigations due to the potential disturbance of below ground archaeological remains. It is therefore expected that the applicant submits a Written Scheme of Investigation within this application to appropriately safeguard the site. The WSI must set out a strategy for evaluation trenching which can then be used to inform an appropriate working methodology and strategy to be developed.

Until this work is completed we are unable to assess the potential impact that the proposal will have on the historic environment. As such, this application cannot currently be recommended for approval.

[*Comment* – *a condition is recommended to deal with this matter*]

United Utilities

No comment at this stage as the details show a small diversion within the site that does not change the overall drainage strategy.

Environment Agency

No objection to the application, however, comments are made, summarized as follows:

- The site is within Flood Zone 1 therefore Flood Risk Standing Advice applies and a link to the Advice is provided for the information of the applicant.
- Controlled waters are particularly sensitive in this location due to the site's proximity to the River Roch (126m due south) and its location upon a secondary aquifer. Previous reports noted that groundwater sampling on the Phase 1 site found significantly elevated concentrations of contaminants and this may relate to contamination of the Phase 2 site. Whilst generally low risk is identified in the submitted Risk Assessment report there is need for investigation and assessment in relation to the potential for medium risk contamination relating, in particular, to:
    - Former garage on the site and possible underground fuel storage tanks.
    - Possible hydrocarbon spillage contamination from the former car park use.
    - The potential for a migration pathway associated with a well indicated in historic maps as being present in the centre of the site.

  This presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters.

It is considered that the proposed development would be acceptable if a planning condition is included requiring the submission of a remediation strategy in line with paragraph 178 of the National Planning Policy Framework.

Greater Manchester Archaeological Advisory Service
There is archaeological interest at the site, in particular the potential to yield remains of early workers housing. A condition is recommended to require that the archaeological work is carried out.

Transport For Greater Manchester
No comments. The location of the proposed development is sufficiently remote from Metrolink.

Gtr Manchester Ecology Unit
No comments received to date

REPRESENTATIONS

Comment received from the nearby Co-op Bank expressing concern about the possibility of closure of Baillie Street and the consequent impact on access to private car parks at the rear of property in Yorkshire Street.
[*Comment – The closure of Baillie Street is not proposed by this application*].

ANALYSIS

The present proposal is consequential to the grant of planning permission for the Rochdale Riverside Development (RRD). As such, the enabling works are an expected preliminary to the commencement of RRD Phase 2.

RRD is a development of major scale with quite significant local impacts; a thoughtful and extensive scheme of conditions were imposed to regulate those impacts.

The enabling works now proposed have, therefore, already been granted planning permission subject to conditions requiring further submissions of details for approval, some being for pre-commencement approval.

Whilst clearly precursor to implementation of the Phase 2 development needs be assessed as a stand-alone proposal, with its impacts regulated by conditions requiring adherence to submitted details and/or submission of appropriate details for approval.

Environmental Impact Assessment
For the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) the application is identified under Regulation 9 as a *subsequent application where environmental information previously provided.* The application is accompanied by appropriate environmental information so that, for the purposes of Regulation 9(2), nor further environmental information is necessary for consideration of the application.

The applicant has addressed initial application ES matters as follows:

Townscape and Visual Assessment – The ES recorded a temporary impact and medium sensitivity of receptor to various described activities such as visual impact of HGV movements and visual impacts of remodelling ground levels. The magnitude and significance of impact of the overall construction stage were identified in the ES as ranging from minor to moderate adverse, and the identified and there is confidence that those impacts would not be exceeded in the present proposal. This judgement is made of the indicated temporary nature of the present enabling works and the enclosing hoarding/fence. It is reasonable and necessary to ensure that the present development, which is transitory in nature, remains so. For that reason a condition is recommended to require an alternative treatment of the land, should the further development not be implemented at an early date.

Heritage – The Heritage context of the site set out in the ES, is unchanged in terms of statutory designations of Listed Buildings and Conservation Areas. There has been a change in the use of Town Head House (LB Grade II) from offices to residential. The change of use and alterations to remove boundary trees to enlarge ots parking area was known at the time of determination of the application in 2016. On that basis it is considered that there is no material change in circumstance to the heritage baseline. The applicant considers that the impacts of the enabling works now proposed would not exceed magnitude assessed in the ES, which is a reasonable and acceptable conclusion.

Flood Risk – The applicant considers that the impacts of the enabling works would exceed the impacts of the identified in the ES, which, again, is a reasonable and acceptable conclusion.

Hoarding enclosure
Whilst this the provision of substantial means of enclosure is customary in relation to construction sites, the present site is especially prominent, being on a major town centre street (John Street), within the Town Head Conservation Area and adjacent to listed buildings including Town Head House and 128 Yorkshire Street (both listed Grade II). As such, full details of the external appearance of the hoarding/fence should be submitted for approval under a planning condition.

Temporary access
The Highway Authority has no objections and advises that the scheme would be acceptable provided it is properly managed under the terms of a planning condition.

Ecology
The Planning Statement accompanying the present application summarises (paragraph 7.18) the Arboricultural Impact Assessment submitted with the initial

application. It identifies several trees being of good quality; the remainder being less so. However, the need to remove the trees to facilitate remediation and development was acknowledged in the grant of the over-arching permission.

It is appropriate to safeguard nesting birds by imposing a condition controlling tree/vegetation clearance between March and September inclusive.

Archaeology
The Archaeological Desk-Based Assessment Report (2016) submitted with the initial application identified archaeological interest in the site and Condition 16 set the requirement for appropriate investigation/report prior to work commencing on the Phase 2 site.

The Planning Statement accompanying the present application acknowledges (paragraph 7.17) that the condition should be carried forward. It would be sufficient to apply the condition to operate prior to the breaking of ground rather than the commencement of the development.

Remediation
The breaking of ground/ excavation/ demolition works proposed by enabling works triggers the need for implementation of remediation required under the terms of the over-arching permission.

Neighbour amenity
The site is within a tightly knit urban location and there is likely to be some loss of amenity to neighbouring property/occupiers, in particular by reason of noise and disturbance from construction work. This would not be to an unacceptable degree provided suitable mitigation measures are put in place in a package of construction management measures.

There would be impact on the setting of the adjacent Grade II listed building (Town Head House) by loss of trees against its southern boundary. The loss of the trees is necessary in order facilitate ground works – the AORM application should take account of the need to safeguard the building's setting, so that in

Conclusion
Taking into account all of the above considerations and subject to conditions, the proposal is considered to accord with the relevant Core Strategy policies and the National Planning Policy Framework.

RECOMMENDATION – Grant subject to the following conditions

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:
- Human health,
- Property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- Adjoining land,
- Groundwaters and surface waters, including controlled 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

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:
   - Archaeological evaluation and,
   - (Informed by the above) more detailed targeted excavation (subject of a new WSI if required)

   ii) A programme for post investigation assessment to include:

- Analysis of the site investigation records and findings
- 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.

Notes for Applicant:

Informative: In preparation of the 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].

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:

   - 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
   - treated materials can be transferred between sites as part of a hub and cluster project
   - 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:
   - the position statement on the Definition of Waste: Development Industry Code of Practice
   - 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:
   - Duty of Care Regulations 1991
   - Hazardous Waste (England and Wales) Regulations 2005
   - Environmental Permitting (England and Wales) Regulations 2016
   - 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.