ROCHDALE BOROUGH COUNCIL

**ECONOMY DIRECTORATE**

**PLANNING AND DEVELOPMENT**
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Our ref: 20/01152/DOC
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Date: 19 January 2021

Mr Keith Bennet
BYA Ltd
Alina House
10 St. Vincent Street
Liverpool
L3 5XW

Dear Sir/Madam,

| **DETERMINATION ON APPROVAL OF DETAILS REQUIRED BY A CONDITION** | |
|---|---|
| **Application No:** | **20/01152/DOC** |
| **Application Type:** | **Approval of detail reserved by condition** |
| **Proposal:** | **Submission of details to comply with conditions 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 on planning permission 19/01487/FUL** |
| **Location:** | **Land at Threlkeld Road, Middleton, M24 4WB** |

Your application for approval of details reserved by condition(s) has been dealt with and the details are set out below:-

**Conditions and Reasons:**

5 No development shall take place (including any site clearance or preparation works) until a Construction Management Plan (CMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:

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 including decorative displays and facilities for public viewing, where appropriate;
e) wheel washing facilities; and
f) hours for site deliveries.

The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of 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 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 Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents and the functioning of the highway network prior to commencement of any building or engineering works on site.

The Construction Phase SHE Plan by Engie dated 28.08.20 together with the Site Logistics Plan and Phasing Plan (together forming the 'the CMP') are approved. To comply with the requirements of the condition, the approved CMP shall be adhered to throughout the construction period and the development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

6 No development shall take place until a detailed site investigation and risk assessment (in addition to the Desk Study Assessment Report ref. LC/C2965/5453) 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:

- 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; and

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 policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement: An understanding of necessary remedial works is required before works start on site in order to ensure that comprehensive and appropriate remediation is undertaken from the commencement of engineering operations.

Decision: The submitted 'Phase II Interpretive Ground Assessment' report ref. 30335-SUT-ZZ-00-RP-G-702-0003 Issue P02, dated September 2020, by Sutcliffe and the 'Phase III Remediation & Validation Proposals' report ref. 30335-SUT-ZZ-00-RP-G-702-0003 Issue P02, dated September 2020, by Sutcliffe are approved. The development shall be carried out in accordance with the recommendations contained within the reports to comply with the requirements of the condition. A further application will need to be submitted with a Site Completion Report demonstrating compliance with the Remediation Strategy outlined in Section 6 of the Phase III Remediation & Validation Proposals report to ensure compliance with the condition requirements.

7 No development shall take place shall take place until a detailed surface and foul water drainage scheme (including drainage of surface water from access roads and parking areas) has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall:

- Substantially accord with the recommendations of the Drainage Strategy and Flood Risk Assessment (Sutcliffe ref. LRD30335 rev. 001);

- Provide for the separate drainage of foul and surface water within the site;
- Accord with the surface water hierarchy of drainage options in the National Planning Practice Guidance, with evidence of an assessment of site conditions;
- Accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems or any subsequent replacement national standards;
- If including drainage of surface water to the combined public sewer, limit the discharge rate to a maximum of 8.6 l/s; and
- Include detail of how the drainage scheme will be maintained and managed after completion.

No part of the development shall be occupied until such time as the drainage scheme has been fully implemented in accordance with the duly approved detail. The drainage infrastructure shall be retained as such thereafter and maintained/managed in accordance with the duly approved detail in perpetuity.

Reason: 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 Rochdale Unitary Development Plan and the NPPF.

Reason for pre-commencement: Drainage infrastructure will need to be installed following demolition and prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Decision: The submitted drainage scheme as detailed on the following plans and documents is approved:

- Drainage Strategy & Flood Risk assessment dated Dec 2019 ref. doc LRD30335_1 by Sutcliffe Civil & Structural Engineers;
- Proposed Private Drainage Plan ref JR007087-SUT-ZZ-00DR-C-6200-p01 dated 27.3.20 by Sutcliffe Civil & Structural Engineers;
- Proposed Private Drainage Plan ref JR007087-SUT-ZZ-00DR-C-6200-p01 dated 27.3.20 by Sutcliffe Civil & Structural Engineers;
- Proposed Drainage Plan Sheet 1 of 2 ref JR007087-SUT-ZZ-00DR-C-6550-p01 dated 27.3.20 by Sutcliffe Civil & Structural Engineers; and
- Proposed Drainage Plan Sheet 2 of 2 ref JR007087-SUT-ZZ-00DR-C-6550-p01 dated 27.3.20 by Sutcliffe Civil & Structural Engineers.

The development shall not be carried other than in accordance with these details to comply with the requirements of the condition.

9 No development shall take place until finished floor levels for the proposed buildings and proposed site levels 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: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

Decision: The details of the proposed finished floor levels as indicated on drawing ref. JR007087-SUT-ZZ-00-DR-C-6150 Rev. P1 'Proposed External Levels Plan' are approved. To comply with the requirements of the condition, the development shall not be carried out otherwise than in accordance with these details.

10 No above ground works shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework. The scheme shall include:
(i) The arrangements for the transfer of the affordable housing to an affordable housing provider;
(ii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
(iii) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver, unless the express written prior approval of the Local Planning Authority has first been obtained.

Reason: Significant weight has been given in the determination of this application based on the scheme providing 100% Affordable Housing having regard to the Council's Core Strategy Policies and the National Planning Policy Framework.

Decision: Insufficient detail has been provided to date in respect of the arrangements for the transfer of the affordable housing to an affordable housing provider; therefore it is not possible to secure arrangements to ensure that such provision is affordable for both first and subsequent occupiers of affordable housing at this time. A further application will need to be submitted inclusive of any documentation relating to the agreement of the land transfer of the affected area of land, to enable the required Affordable Housing Document to be completed.

11 No above ground works shall take place until such time as a detailed scheme for the approved Local Area for Play, including but not limited to the matters listed below, has been submitted to and approved in writing by the Local Planning Authority:
(i) A general arrangement layout plan;
(ii) Specification of surfacing treatments;
(iii) Full detail of proposed boundary treatments;
(iv) Specification, full detail of appearance and the layout of the proposed play equipment;
(v) Specification and layout of street furniture including benches and bin provision; and
(vi) Specification and layout of lighting, as appropriate.

The duly approved scheme shall be implemented in full thereafter and no more than 30 dwellings within the site shall be first occupied until such time as the Local Area for Play has been made fully available for use. The Local Area for Play shall be retained and maintained thereafter in accordance with the details duly approved.

Reason: In the interests of proper planning, the visual amenities of the area and to ensure the provision of retained and enhanced open space on the site, in accordance with Policies P3, DM1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Decision: The details of the proposed Local Area for Play as indicated on the following plans / documents are approved:

- JR008384_BYA_00_XX_DR_A_0041 Rev. P2 'Play Area

- 'Movers - Inclusive Orbit' product sheet by Playdale Playgrounds
- 'City Centre - Bench' product sheet by Playdale Playgrounds
- 'Playground Extras - Self Closing Gate' product information sheet by Playdale Playgrounds
- 'Little City - Hong Kong' product information sheet by Playdale Playgrounds
- 'Playground Extras - 120cm x 90cm Entrance Signs' product information sheet by Playdale Playgrounds
- Stainless Steel Litter Bin' product information sheet by Playdale Playgrounds

The development shall not be carried out otherwise than in accordance with these details to comply with the requirements of the condition.

12 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the buildings 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 prior to the first occupation of the development.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Decision: The details of materials provided on the 'Schedule of Exterior Facing Materials' sheet are acceptable. To comply with the condition, only these materials shall be used in the construction of the external surfaces of the development.

13 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, provision for bird boxes, bat boxes, bug hotels, 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 Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Decision: The details of the proposed integral bat bricks, bird boxes, hedgehog highway infrastructure and bug houses are acceptable. However, given the cross reference for biodiversity enhancements with Condition 14 - Landscaping, this condition cannot be discharged at this time. A further application will need to be submitted inclusive of the details required by the decision for Condition 14 to ensure compliance with the requirements of the condition.

14 (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 (which shall take account of the measures required by virtue of condition 13 - biodiversity enhancements - of this permission and the recommendations of the Arboricultural Impact Assessment (TEP ref. 7797.001 v1.0)) 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 policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Decision: The submitted 'Biodiversity Enhancement Scheme' report ref. 8389.002 by The Environment Partnership does not detail the planting schedule for the trees, native hedgerow or wildflower meadow as indicated on the Landscape Masterplan ref. D8397.001, also by The Environment Partnership. A further application will need to be submitted to provide the required planting schedules to ensure compliance with the requirements of the condition.

15 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 (which shall take account of the measures required by virtue of condition 13 - biodiversity enhancements - of this permission) 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 amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Decision: The details of proposed boundary treatments as indicated on drawing ref. JR008384_bya_00_XX_DR_A_0034 Rev. P1 'Boundary Details' are acceptable, except for an absence of detail in relation to the positions of 'hedgehog' highway infrastructure as required by Condition 13 - Biodiversity Enhancements. Furthermore, details of the proposed type of timber, weather treatment and colouring on installation have not been provided.

A further application will need to be submitted to provide clarity on the locations and type of hedgehog highway infrastructure within the proposed boundary treatments alongside full details of the materials finish of the proposed fencing to ensure compliance with the condition requirements.

Yours faithfully,

MR Rook

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Signed on behalf of the Council