

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 24/00453/VRCON

Name and address for correspondence:	Applicant name:
Mr Alec Drake WSP 8 First Street Deansgate Manchester Greater Manchester M15 4RP United Kingdom	Yeargate Limited

Part I - Particulars of Application

Date of Application: 13 May 2024

Proposal:	Section 73 application to remove condition 3 (Occupancy Restriction) of planning permission 22/01148/FUL (Demolition of Units B and G and erection of a warehouse unit (Class B2/B8) with ancillary office space (Class E) including parking, servicing areas, associated works and infrastructure - Resubmission of 21/01489/FUL)
Location:	Birch Business Park , Whittle Lane, Heywood, Rochdale, OL10 2SX

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 The development hereby approved must be begun not later than 19th December 2025.

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 approved plans and details:

21033_PL01 Site Location Plan
21033_PL02 Existing Site Plan
21033_PL03 Proposed Site Plan Rev. P05 (received 15.03.22)
21033_PL04 Proposed Ground Floor
21033_PL05 Proposed Office Plans

21033_PL06 Proposed Roof Plan
21033_PL07 Proposed Elevations
21033_PL08 Proposed Sections
21033_PL09 Proposed Cycle Shelter
21033_PL10 Proposed Waste Compound
21033_PL11 Unit B as existing
21033_PL12 Unit G as existing

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, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 The development hereby approved shall not be carried out otherwise than in strict accordance with the details and timescales contained within the approved Method Statement for Removal of Himalayan Balsam, by Avian Ecology.

Reason: To secure the satisfactory control or avoidance 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, and in accordance with adopted Rochdale Core Strategy policy G7, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 No development including works of demolition shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing prior to demolition or development works, in accordance with the Arboricultural Impact Assessment (AIA) ref. UG1236 (31.08.21) carried out by Urban Green and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy, Policy JP-G7 and JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Trees can be damaged by construction activity and the measures therefore need to be installed in advance.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the site is adequately remediated 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.

- 6 The drainage scheme for the development shall be in general accordance with the Drainage Strategy by Ridge Consultants (dated Sept 2021) and as detailed in the Proposed Drainage GA drg ref BUB-RDG-00-ZZ-DR-C-0501 Rev P5 (dated 12.5.22). The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

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 adopted Rochdale Unitary Development Plan, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 No part of the development shall be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development is submitted to and approved in writing by the local planning authority. 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 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.

- 8 The development hereby approved shall not be carried out otherwise than in strict accordance with the Construction Management Plan that comprises the 'Construction Method Statement / Risk Assessment' ref A2451 dated 01.03.22 by Reddish Demolition Ltd and the 'Construction Method Statement' by WBD Ltd.

Reason: To minimise detrimental effects to the amenities of surrounding occupiers and the area in general and detriment to the natural environment through the risks of pollution and dangers to highway safety during the construction phase in accordance with Policies DM1, T2, G7 and G9 of the adopted Rochdale Core Strategy, Policies JP-S1, JP-G8, JP-P1 and JP-C7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 Notwithstanding any details provided within the application, no above ground works shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 10 No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking and servicing areas, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The parking and servicing areas shown on the approved plans shall be constructed in accordance with the duly approved details before the associated building is first occupied, and shall be retained thereafter for their intended purpose.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of highway safety and the free flow of traffic and to ensure the suitable disposal of surface water in order to comply with the requirements of policies T2, DM1 and G8 of the adopted Rochdale Core Strategy, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan, Policies JP-S4 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 11 The landscaping works shall be carried out in full accordance with the approved details contained within the 'Landscape Strategy Plan' ref. 432-P-01 Rev. D and the 'Planting Schedule and Specification' ref. 432-P-01 Rev. C, both by Urban Wilderness.

All planting, seeding or turfing comprised within the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development, whichever is sooner; and any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with policies DM1, G6, G7 and P3 of the adopted Rochdale Core Strategy, Policies JP-G8 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 12 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.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, Policy JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 The development hereby permitted shall not be occupied until such time as the bicycle parking facilities as shown on drawing no. 21033_PL09 Rev. P01 'Proposed Cycle Shelters' have been installed as per the approved details and made available for use. The bicycle parking facilities shall be retained as such thereafter.

Reason: In order to ensure that the development encourages people to travel to the site by sustainable modes of transport, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy, Policy JP-C6 of the adopted Places for Everyone Joint Development Plan and the requirements of the National Planning Policy Framework.

- 14 Any external lighting that is installed shall be in strict accordance with external lighting scheme as indicated on drawing no. 1974-B-EX-6301 Rev. P1 'External Lighting Layout'.

Reason: In the interests of, amenity and to prevent nuisance to the natural environment in accordance with adopted Rochdale Core Strategy policies DM1, P3, G4 and G9, Policies JP-G8 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 15 No goods, materials, waste products or containers shall be stored on land outside the building or designated enclosures at any time, without the prior written consent of the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-C7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 16 No above ground works shall take place until a scheme for the installation of electric vehicle charging points with a minimum power rating of 7Kw, universal sockets and at least mode 3 or equivalent, has been submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging point scheme shall be implemented in full prior to occupation of the unit hereby approved.

Reason: In the interests of air quality management in accordance with policy T2 of the adopted Rochdale Core Strategy, Policy JP-S1 and JP-S2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 17 Within 6 months of first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:
- o measures to promote a choice of transport mode;
 - o a monitoring regime with agreed mode share targets;
 - o specific measures to manage staff car parking;
 - o a commitment to increase the provision of cycle parking should the uptake in cycle travel increase;
 - o monitoring procedures and mechanisms to ensure that the Plan remains effective and is reviewed within a framework approved by the Local Planning Authority.

The approved Travel Plan shall be fully implemented as approved.

Reason: In order to ensure that the development encourages travel to the site by sustainable modes of transport, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy, Policies JP-C3 and JP-C6 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 Noise from fixed plant shall not exceed 43 dB(A) between 07:00-23:00 and 37 dB(A) between 23:00-07:00 when measured 3.5m from the façade of the nearest noise sensitive receptors. Such noise levels are to include any rating corrections.

Reason: In the interests of the amenity of neighbouring occupiers, in accordance with Policy 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.

- 19 The unit hereby approved shall not be occupied until the acoustic barrier has been erected in full accordance with the details provided in the BWB Noise Impact Assessment ref. MCP2350 and as indicated on drawing no. 21033_PL03 Proposed Site Plan Rev. P05 (received 15.03.22). The acoustic barrier shall thereafter be retained in full accordance with the approved details.

Reason: In the interests of the amenity of neighbouring occupiers, in accordance with policies 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.

- 20 The development shall be carried out in full accordance with the measures set out in the CWC Energy Statement Ref: 1974 R003 dated 06/09/2021, to achieve the specified improvements over the building fabric and building services systems over and above the Building Regulations minimum standards to result in reduced energy demand. The development shall also include the Variable Refrigerant Flow system, utilising Air Source Heat Pump technology, along with further measures to reduce CO2 including waste facilities to encourage recycling and a reduction in waste. Within 6 months of first occupation of the development hereby permitted a verification statement shall be submitted to and approved in writing by the Local Planning Authority providing evidence of the specified measures.

Reason: In response to the climate emergency, in accordance with policy G2 of the adopted Rochdale Core Strategy, Policies JP-S1 and JP-S2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Article 35 Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Date Decision Issued 12 July 2024

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: £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.

Bats

Whilst the buildings to be demolished have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Great Crested Newts

Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.

Bird Nest

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