

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01324/FUL

Name and address for correspondence:	Applicant name:
Mr Ben Gavaghan DLA Architecture Limited No 6 East Parade Leeds LS1 2AD	Mr Ian Smith Wilson Bowden Developments Limited

Part I - Particulars of Application

Date of Application: 19 January 2024

Proposal:	Erection of four industrial/warehouse units (Classes E(g)(iii), B2 & B8) with ancillary office space, new access, car parking, servicing, boundary treatments, hard and soft landscaping and other associated works.
Location:	Kingsway Business Park Rochdale - Plot L Bordering John Milne Avenue And Lower Lane

Part II - Particulars of decision

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

The Council hereby permits the above development in accordance with the details given on the application form and 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 The development hereby approved shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

KPL DLA LS XX DR A 90000 Rev P04 - LOCATION PLAN PLOT L
KPL DLA LS XX DR A 90002 Rev P08 - SITE PLAN PLOT L
KPL DLA LS XX DR A 90005 Rev P04 - EXTERNAL WORKS PLOT L
KPL DLA LS XX DR A 90006 Rev P04 - FENCING PLOT L

KPL DLA LS XX DR A 90007 Rev P05 - REFUSE STORES PLOT L
KPL DLA LS XX DR A 90008 Rev P04 - CYCLE SHELTERS PLOT L
KPL DLA LS XX DR A 90009 Rev P04 - CONDENSER COMPOUNDS PLOT L
KPL DLA LS XX DR L 90050 Rev P02 - LANDSCAPE PROPOSALS PLOT L

PLK-BWB-DDG-XX-DR-D-0500 S8 Rev P08 - Drainage
PLK-BWB-DGT-XX-DR-C-0600 S8 Rev P05 - Proposed Levels
PLK-BWB-DGT-XX-DR-C-0630 S8 Rev P04 - Earthworks

KPL DLA L1 XX DR A 20000 Rev P03 - Unit L1 PROPOSED FLOOR PLANS
GROUND AND FIRST
KPL DLA L1 XX DR A 20002 Rev P03 - UNIT L1 PROPOSED ROOF PLAN
KPL DLA L1 XX DR A 20010 Rev P03 - UNIT L1 PROPOSED ELEVATIONS
AND SECTION
KPL DLA L2 XX DR A 20000 Rev P03 - UNIT L2 PROPOSED FLOOR PLANS
GROUND AND FIRST
KPL DLA L2 XX DR A 20002 Rev P03 - UNIT L2 PROPOSED ROOF PLAN
KPL DLA L2 XX DR A 20010 Rev P03 - UNIT L2 PROPOSED ELEVATIONS AND
SECTION
KPL DLA L3 XX DR A 20000 Rev P03 - UNIT L3 PROPOSED FLOOR PLANS
GROUND AND FIRST
KPL DLA L3 XX DR A 20002 Rev P03 - UNIT L3 PROPOSED ROOF PLAN
KPL DLA L3 XX DR A 20010 Rev P03 - UNIT L3 PROPOSED ELEVATIONS AND
SECTION
KPL DLA L4 XX DR A 20000 Rev P03 - UNIT L4 PROPOSED FLOOR PLANS
GROUND AND FIRST
KPL DLA L4 XX DR A 20002 Rev P03 - UNIT L4 PROPOSED ROOF PLAN
KPL DLA L4 XX DR A 20010 Rev P03 - UNIT L4 PROPOSED ELEVATIONS AND
SECTION

Phase 2 Geo-Environmental Assessment by BWB Consulting dated September 2023

Noise Impact Assessment by BWB Consulting dated September 2023

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 The development shall be constructed in accordance with the materials set out on the approved plans.

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

- 4 The development shall be undertaken in accordance with the tree protection measures set out in Tree Protection Plan numbered DR-5429-02-01 submitted with the application. Any physical tree protection measures shall be in place prior to commencement of development, including any demolition or other site preparation works.

Reason: In the interest of protecting trees in accordance with Rochdale Core Strategy policy G6.

- 5 The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations for ground gas protection measures contained within the submitted Phase 2 Geo-Environmental Assessment by BWB Consulting dated September 2023.

Before the site is first brought into use, a verification report for the installed gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the natural environment and to ensure the safe development of the site in the interests of the amenity of future users in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing PLK-BWB-DDG-XX-DR-D-0500/S08/P04 dated 15.9.0223 which was prepared by BWB consultants. For the avoidance of doubt surface water must drain at the restricted rate of 994 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 7 No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:
- (i) hours for site preparation, delivery of materials and construction;
 - (ii) the route of access and parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding;
 - (vi) wheel washing facilities;
 - (vii) dust management during site preparation and construction; and
 - (viii) any external lighting of the site.

The duly approved CMP shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with policies G9 and P3 of the adopted Rochdale Core Strategy, and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure the construction process is managed from commencement and measures put in place to protect the amenity of nearby residents and highway safety prior to commencement of any building or engineering works on site.

- 8 Prior to commencement of any development (including any site clearance, groundworks and development works) the applicant shall undertake and submit to the Local Planning Authority precautionary surveys for badgers and water voles of the development site.

Should the surveys find the presence of either species, a Method Statement should be submitted providing details of measures to be taken to avoid harm to either (or both) of the species concerned shall also be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved harm avoidance measures.

Reason: In the interest of protecting biodiversity and protected species in accordance with the Rochdale Core Strategy policies G6 and G7 and Places for Everyone JP-G8.

Reason for pre-commencement condition: The condition relates in part to the construction phase of development

- 9 No works to trees or shrubs shall occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: In the interest of protecting biodiversity in accordance with Policies DM1 and G7 of the Rochdale Core Strategy and the National Planning Policy Framework.

- 10 Prior to commencement of any above-ground works, a detailed Habitat and Landscape Management Plan (in accordance with the approved Landscape Proposals ref KPL-DLA-L5-XX-DR-L 90050 rev P02) relating to all retained habitats and new landscaping within the development, to include details of timescales for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of protecting and enhancing biodiversity in accordance with the Rochdale Core Strategy policies G6 and G7 and Places for Everyone JP-G8.

- 11 Prior to the commencement of any retaining walls and structures indicated in the approved plans, full design details of all such retaining walls and structures within the development (including those required for the diverted drainage ditch) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: In the interest of protecting the health of future occupants and the wider public from land contamination in accordance with Rochdale Core Strategy policy G9.

- 13 The landscaping scheme shall be carried out in full accordance with the approved landscape planting plans (ref: KPL-DLA-LS-XX-DR-L 90050 Rev P02) during the first planting season after the buildings are substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to ensure adequate provision of replacement habitats and landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with policies G6 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 14 No part of the development hereby permitted shall be occupied until an updated plot specific Travel Plan, adhering to the aims, processes, measures and targets of the Kingsway Business Park Sustainable Travel Plan, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:
- o firm measures for promoting a choice of transport mode;
 - o a monitoring regime with agreed mode share targets;
 - o specific measures to manage staff car parking during the peak employment period of November and December;

- o a commitment to increase the provision of cycle parking should the uptake in cycle travel increase; and
- 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 implemented on first occupation of the development hereby permitted.

Reason: In order to ensure that the development encourages people to travel to the site by sustainable modes of transport and to ensure that the site will be provided with sufficient off-street car parking, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 15 The proposed cycle storage facilities shown on the approved Cycle Shelters Plot L plan (ref: KPL-DLA-LS-XX-DR-A-900 Rev P04) for each unit shall be implemented and the facilities shall be made available for use before any part of the relevant building is first brought into use and those facilities shall be retained on the site 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 and the requirements of the National Planning Policy Framework.

- 16 The vehicular and pedestrian access, car parking areas, service yard, refuse stores and manoeuvring areas for each building shall be constructed and marked out in accordance with the approved details shown on the approved plans, and shall be made available for use before the relevant building is first occupied and retained thereafter for the parking and manoeuvring of vehicles.

Reason: In order to ensure there is adequate provision for vehicles to be parked clear of the highway, to ensure appropriate surface treatment of hardstanding areas and to ensure the suitable disposal of surface water in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 17 Prior to first occupation of any of the buildings hereby approved, a 2.4m high close-boarded fence shall be completed in full accordance with the details indicated by figure 3.3 of the submitted Noise Impact Assessment.

Reason: In the interest of protecting public health and avoiding environment nuisance in accordance with Rochdale Core Strategy policies DM1 and G9 and Places for Everyone policy JP-P6.

- 18 Noise levels from any fixed plant used in association with the development hereby approved, in conjunction with all other noise from the unit shall not exceed 52 dB(A) Leq,15mins between 0700 and 2300 hours and 47 dB(A) Leq,5mins at any other time as measured at the façade of any noise sensitive property, (or 48 dB(A) Leq,15mins and 43dB(A) Leq(5mins) as free measurements within the curtilage of any noise sensitive building.

Reason: In the interest of protecting public health and avoiding environment nuisance in accordance with Rochdale Core Strategy policies DM1 and G9 and Places for Everyone policy JP-P6.

- 19 Prior to the installation of any fixed external plant associated with the development hereby approved, an addendum to the submitted Noise Impact Assessment shall be submitted to and approved in writing demonstrating full compliance with the requirements of the above condition 17.

Reason: In the interest of protecting public health and avoiding environment nuisance in accordance with Rochdale Core Strategy policies DM1 and G9 and Places for Everyone policy JP-P6.

- 20 No goods, materials, waste products or containers shall be stored on land outside the buildings 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 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 21 Full details of any external lighting to be installed on the buildings or on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Such details shall include its position and height on the buildings or site and its luminance, angle of installation and any hoods to be fixed to the lights. Only lighting as approved shall be installed on the site in accordance with the terms of any such approval.

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 and the requirements of the National Planning Policy Framework.

Procedure 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 10 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:

United Utilities have provided advice to the applicant regarding UU assets and easements in the vicinity of the development site. This advice is available in their consultation response which will be provided alongside the decision notice for this application.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's 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.