

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

22/00370/FUL

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 30.08.2022 **EXT OF TIME** 27.09.2024

Address: Site On The Corner Of Mellor Street And College Bank, Rochdale, OL12 6XD

Proposal: Erection of a drive-thru restaurant including associated access, landscaping and engineering works

PUBLICITY Y	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

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
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION**GRANT SUBJECT TO CONDITIONS****CHECKED AND SIGNED OFF BY:** RG**DATE:** 20 December 2024

SITE

The application relates to a vacant plot set on the northeast side of the junction of Mellor Street and College Road, circa 400m west of the boundary of the designated Rochdale Town Centre. The site abuts the service and delivery entrance for Aldi to the east, immediately beyond which is nos.50-56 Mellor Street and beyond those the Aldi food store. The River Spodden bounds the site to the north which shares a confluence with the River Roch 130m to the east. The wider area is mixed in character, with terraced dwellings set amongst commercial and industrial uses. The site appears to have been most recently occupied by a row of terraced dwellings fronting College Road which were demolished around the turn of the millennia. The site is sparsely vegetated having been reclaimed by self-seeded specimens. The site falls within entirely within Flood Zone 2, with the north-eastern boundary against the River Spodden set within Flood Zone 3.

PROPOSAL

Planning permission is sought for the erection of a single storey café with a drive through and associated parking and landscaping. The unit itself would be set to the western end of the site close to the highways junction with parking set to the east. Access would be taken from the existing service entrance and landscaping set to the bank of the River Spodden, College Road and Mellor Street.

The building would be constructed with a mono-pitch roof sloping up to, and fronting Mellor Street with a predominantly glazed frontage. The building would be faced in anthracite cladding and vertically arranged timber cladding. A vertical stack which rises through the roof slope is also included to accommodate space for signage.

The bank of the River Spodden is also proposed to be regraded for the purposes of compensatory flood water storage.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1 Delivering and more prosperous economy

E2 Increasing jobs and prosperity

SO3 Improving design, image and quality of place

P1 Improving image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

SO4 Promoting a greener environment

- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

- T2 Improving accessibility

Places for Everyone Joint Development Plan (PfE)

5. Sustainable and Resilient Places

- JP-S4 Flood Risk and the Water Environment

8. Greener Places

- JP-G7 Trees and Woodland
- JP-G9 A Net Enhancement of Biodiversity and Geodiversity

9. Places for People

- JP-P1 Sustainable Places
- JP-P2 Heritage
- JP-P4 New Retail and Leisure Uses in Town Centres

10. Connected Places

- JP-C1 An Integrated Network
- JP-C4 Streets for All
- JP-C5 Walking and Cycling
- JP-C7 Transport Requirements of New Development

Unitary Development Plan (UDP):

- G/D/1 Defined Urban Area
- EC/3 Mixed Employment Zone

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

- 84/D16971 Change Of Use From Residential To Offices And Provision Of Car Park – Granted STC

Site History Inclusive of Adjacent Aldi Site

03/D42320	Outline Application For Non-Food Retail Unit And Office Block With Associated Car Parking Servicing And Landscaping Including New Bridge Across The River Roch. – Refused, Appeal Allowed
10/D53753	Outline Application (Including Access, Layout & Scale) For Mixed Use Development For A1, A2, A3, A4, A5, And B1(A) Uses – Granted STC
14/00225/REM	Application for reserved matters following outline permission 10/D53753 (for appearance and landscaping) for a mixed use development comprising of A1, A2, A3, A4, A5 and B1 (a) uses – Granted STC
16/00422/ANM	Application for non-material amendment to planning permission 14/01194/FUL to allow the installation of the extract system required for the operation of the unit - Withdrawn

CONSULTATION RESPONSES

Environment Agency

20/12/2022 – Summary:

We are satisfied that the updated FRA is able to demonstrate that the proposed development will not be unacceptable risk of flooding or exacerbate flood risk elsewhere. We can now therefore, remove our objection.

11/09/2022 – Summary:

The FRA does not comply with the requirements for site-specific flood risk assessments as it fails to provide details of compensatory flood storage at a suitable location within the site.

Greater Manchester Archaeological Advisory Service

Summary: The submitted Archaeological Investigation indicates that there is negligible potential for significant archaeological survival which could increase knowledge of the site or the industrial period in this area. No conditions necessary.

Gtr Manchester Ecology Unit

Summary: The submitted metric appears to have minor issues, notwithstanding the metric currently shows an overall loss at in biodiversity which would be contrary to the NPPF.

Lead Local Flood Authority/Drainage

Summary: Query over any works to the embankment as increased loading may increase susceptibility to being washed away. No details of reinforcement to prevent

washing away or slippage of a bank that is immediately next to a river whose levels rise rapidly in flood conditions.

Advice over current drainage strategy issued.

Local Highways Authority

Summary: The Technical Note is acceptable. It is recommended that the applicant provides a contribution of £5,000 to review and amend the existing Traffic Regulation Orders around the site and on the approach to the signals. A construction management plan and pre-commencement survey of the highway should also be required.

United Utilities

Summary: Request applicant provides details of finished ground and floor levels and indicative foul and water drainage strategy – Recommend condition to this effect.

Transport For Greater Manchester

18/01/2023 – Summary:

There are some errors in the LINSIG model for Mellor Street / College Road / Bury Road and the site access / Mellor Street, notably:

- The give way parameters used for the site access are incorrect.
- The Cycle time is incorrect – should be 112s.

However, in this instance the results of the modelling will not be affected significantly by the errors.

The modelling indicates that the junction will operate within practical capacity during the base scenarios. With the addition of the development flows the junction will continue to operate within practical capacity.

It should be highlighted that the modelling work is dependent on the trip assessment work and whether the Local Highway Authority (LHA) consider that proportioning 50% as 'new trips' is acceptable. TfGM HFAS have provided their recommendation below, however, we would defer to the LHA to determine whether the trip work is considered acceptable from their perspective.

02/08/2022 – Summary:

Colleagues from within TfGM HFAS (Highways Forecasting Analytical Services) and TfGM UTC (Urban Traffic Control) have reviewed the Transport Statement (TS) issued in support of the proposed development and have provided comments in respect of the highway section.

I. Road Safety Data

An accident analysis has been undertaken for the 5-year period up to December 2020 using CrashMap. This should be updated to include 2021. The study area should be increased to include all arms of the junction.

II. Trip Generation

The TS states that 90% of trips should be considered 'pass-by' or 'diverted' trips. This is quite a high percentage and should be revised. No suitable evidence has been presented to justify the use of 10% for new trips. TfGM would suggest that, in the absence of firm evidence, 50% new trips should be assumed for this development (as a worst case scenario).

III. Highway Impact

TfGM would suggest that the site access be assessed through suitable junction modelling software for the afternoon weekday peak and Saturday peak on the basis of the trip generation comment listed in the previous section.

In terms of the signalised junction at Mellor St/College Road, TfGM are concerned about the impact of the access on the operation of the signal junction. If Rochdale are happy with the access location, then 'Keep Clear' markings should be introduced.

Env Health - Noise/Odours

Summary: This section has no objection in principle to the proposal, the submitted noise impact assessment has demonstrated that with mitigation the daytime and night time operation of the unit should have no impact on existing noise sensitive receptors.

Recommend conditions for the development to be constructed in accordance with submitted details and delivery hours.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted in the vicinity of the site. Two letters of objection were received which raised concerns over the following matters:

- ☐ Unacceptable impact on traffic
- ☐ There are other land ownership interests in the site

Matters relating to traffic are considered within the 'Highways' Section of the report. Following the concerns over land ownership related to a freehold interest in the site, a corrected Certificate B form has been completed and the correct notices served.

ANALYSIS

Principle of Development

Mixed Employment Zone

The site falls within a Mixed employment Zone as designated under saved UDP Policy EC/3. Policy EC/3 seeks to protect and enhance MEZs for a variety of industrial, business and commercial uses, and is to be read alongside Core Strategy Policies E2 and E3 (of which only E2 is relevant) in addition to PfE Policy JP-J2, which collectively seek to maintain a strong and diverse supply of employment sites within the borough.

Policy E2 seeks to protect employment sites over 0.2ha in the north of the borough and therefore, with the site area only being 0.17ha, is not subject to the contents of CS Policy E2 in respect of protecting existing employment sites.

Furthermore, the proposed use would assist in supporting existing employment uses through the provision of uses which are complementary to the wider employment uses in the area, having a minor positive contribution to the attractiveness of nearby sites to employers and employees.

Therefore, it is not considered that the proposals would prejudice the supply of employment sites in the borough and the proposals would accord with the requirements of the relevant policies contained within the adopted Core Strategy and Places for Everyone Joint Development Plan.

Main Town Centre Use

Paragraph 90 of the NPPF requires planning policies and decisions to support the role that town centres play at the heart of local communities. Paragraph 91 leads onto require LPAs to apply a sequential test to planning applications for main town centre uses which are not in an existing centre. Core Strategy Policy E1 places similar requirements on the decision making process in respect of the need for a sequential approach to assessing planning applications for out-of-centre development.

The site is located in an out-of-centre location. In support of the application, a sequential test has been provided which has searched for other suitable sites within a 20-minute catchment of the site. The term '*suitable*' in respect of the search for alternative sites has been established through the courts and by the Inspectorate to mean "*suitable for the development proposed by the applicant.*" NPPG expects both applicants and LPAs to demonstrate flexibility on issues such as format and scale however the degree to which this should occur will depend on the facts and circumstances of the particular case.

In respect of the submitted sequential test, the applicant has considered alternative sites capable of accommodating a drive-through restaurant which are advertised across a range of online estate agencies within a catchment area of 20 minutes of the site; operational requirements have been established as being a site with a

minimum area of 0.13ha with appropriate access from major highway infrastructure in proximity to complementary trip-generating uses.

The supporting statement makes reasonable effort to assess whether there are sequentially preferable sites within a large catchment area and concludes that such sites are not available, a conclusion which is accepted by the Council.

Notwithstanding, Planning Permission 14/00225/REM which sought permission for a mixed use development covering former use classes A1-5 and B1(a) (now Use Classes E and Sui Generis) included both the application site and the site of the now constructed Aldi. Given the relevant requirements of the planning permission have been discharged, and significant elements lawfully commenced and implemented, the permission remains extant. As such, it can be taken that the proposals fall on a site which benefits from a fall-back position for a lawfully similar use.

Furthermore, the overall format and nature of the use lends itself to being complementary to other nearby trip-generating uses such as the adjacent ALDI and employment uses, which are not necessarily linked with trips to Rochdale town centre. Customers are unlikely to make the choice between the proposed unit and similar uses within the Town Centre and as such, it is not considered that there would be a material impact the vitality and viability of the town centre and the proposals are considered to accord with the requirements of Policy E1 of the adopted Core Strategy and the National Planning Policy Framework.

Design and Appearance

The revisions to the NPPF in July 2021 make it very clear that significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life (BHL), the National Model Design Code (NMDC) and the National Design Guide (NDG) which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding if development proposals are well-designed.

The area surrounding the site is mixed in character, comprising a combination of employment uses, commercial uses and terraced dwelling which are not arranged in any coherent manner, and generally suffers from a poor quality of place. The site itself has remained undeveloped since previous buildings were demolished, with vegetation now reclaiming the site and heras fencing demarcating the boundary. The site at present detracts significantly from the appearance of the area as a result, particularly in light of its prominent siting at a gateway into the town centre.

The proposals comprise of a single-storey mono-pitch building situated to the north of the site with a drive-through and landscaping set around the building, occupying the space between the highway. A car park is contained at the southern part of the site where access is taken from the existing service access to ALDI.

The proposals appear typical of a drive-through format, albeit the proposed building is of a smaller format with a contemporary appearance, making use of glazing, vertical timber cladding and anthracite cladding.

The overall layout of the site and design of the building is comparable to that of the nearby ALDI store, and therefore is considered to be compatible with the character of the surrounding area. It is acknowledged that the site has long stood vacant in a state which currently detracts from the appearance of this prominent, well-travelled location and bringing it back into an active use would provide visual benefits to the surrounding area. Therefore, it is considered that the proposals comply with the requirements of Policy P3 of the adopted Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Impact on Surrounding Occupiers

Read individually or collectively, the Core Strategy, Places for Everyone and the NPPF seek to ensure that planning decisions should result in places with a high standard of amenity for existing and future users.

By virtue of its single storey form and placement, there are no concerns in respect of any overshadowing impact, or a loss of outlook from neighbouring dwellings. Nearby dwellings are at such a distance and orientation to the site that the proposed use would not unduly impact upon the privacy of the occupants.

The application is supported by a Noise Impact Assessment to assess the potential increase in noise levels from the proposed use on nearby sensitive receptors. The report details acoustic modelling of the impacts of the development arising from fixed plant and deliveries. The modelling concludes that there would be a 'low impact' both during the day and at night. The cumulative impact of the drive-through and associated activities has also been modelled and determined to result in a 'not significant' impact over the existing background noise. Various measures relating to the design of plant and the timing of deliveries. The report and its conclusions have been reviewed by the Council's Environmental Health Officer who is satisfied with its contents and recommendations and has recommended conditions accordingly.

The proposed opening hours of 06:00-00:00 are not considered to give rise to unacceptable levels of noise and disturbance as the anticipated number of visitors accommodated is expected to be minimal.

Subject to conditions relating to opening and delivery hours, and the implementation of the recommendations of the NIA, the development would accord with the requirements of Policy G9 and DM1 of the adopted Core Strategy, Policy JP-S1 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Highways

The site is located at the junction of Mellor Street and College Road, the latter of which is a well-trafficked route into Rochdale Town Centre. Access for the development is taken from the existing service entrance to ALDI at the south of the site for both customers and servicing requirements.

The application is supported by a Transport Statement and a further technical note. TfGM consider that the modelling indicates that the junction will operate within practical capacity during the operational phase of the development. In respect of Mellor Street, the modelling indicates that queueing extends beyond the site access, however clears each cycle, providing opportunities for vehicles to turn right into the site.

TfGM have requested that the access include a 'KEEP CLEAR' lettering on the carriageway to ensure that the right turn access into the site can be maintained and the flow of the junction appropriate. The Local Highways Authority have requested agreement to review Traffic Regulation Orders within the vicinity of the site, which officers consider to be appropriately controlled via a Grampian condition for the works to be implemented prior to occupation.

Subject to the recommended condition, the proposals would accord with the requirements of Policy T2 and DM1 of the adopted Core Strategy, Policy JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Ecology & Biodiversity

As aforementioned, the site has become sparsely vegetated following clearance, comprising areas of scrub and grassland where the surface is not sealed. Having remained vacant for such a prolonged period of time, the site has visibly been subject to littering/fly tipping and is generally in a poor condition. The supporting Preliminary Ecological Appraisal assesses that all are habitats are in poor condition. Despite proximity to the River Spodden, the PEA considers that the presence of protected species is unlikely and has subsequently made recommendations for lighting and reasonable avoidance measures which are able to be secured via condition.

The application is not subject to the statutory requirement for Biodiversity Net Gain, however in respect of the NPPF and PfE requirement for enhancement, it is noted that the supporting BNG matrix indicates a loss of 0.37 units versus the baseline. The Greater Manchester Ecology Unit have raised some concerns over the loss and noted that no river habitats have been assessed.

Notwithstanding, the development is not subject to statutory net gain requirements, and the poor state of the site would be remediated if it were to be developed. The proposed landscaping of the site provides some limited opportunities for more formalised ecological interventions and the maximisation of ecologically beneficial planting can be controlled further via condition. The buildings and structures on site also offer potential to provide opportunities for protected species. Given these circumstances it is considered that the aims and objectives of the NPPF & PfE can

be achieved through the requirement for additional biodiversity enhancement measures via condition.

Flood Risk

Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site abuts the northern bank of the River Spodden, which is recognised as a main river by the Environment Agency. The site falls across Flood Zones 2 and 3 with the vast majority set within Flood Zone 2, with the north eastern edge of the drive-through set within Flood Zone 3.

The site is classified as 'less vulnerable' as per the Flood Risk Vulnerability Classification contained within annex 3 of the NPPF and therefore whilst there is no requirement to apply the exceptions test, there is a requirement for a sequential test to be applied. The supporting Flood Risk Assessment considers that the Flood Risk Vulnerability Classification of the site means that it is exempt from the need for a sequential test, however the NPPF is clear in that development should be directed away from areas of such flood risk.

In this regard, given that no alternative sites which meet the operational requirements of the proposal, it is considered to comply with the requirements of the NPPF in respect of their location.

NPPF also establishes a number of other matters which are required to be demonstrated in order for development within areas of flood risk to be acceptable, including ensuring that the risk of flooding is not increased elsewhere and that the development can be made appropriately flood resilient. Such matters are considered within the supporting Flood Risk Assessment and include setting floor levels at 600mm above the 1 in 100 year (+70% to account for climate change) and providing compensatory flood water storage.

The Environment Agency have reviewed the submitted FRA and are content with the recommendations and conclusions that the development would not be placed at unacceptable risk of flooding or contribute to flooding elsewhere.

In respect of drainage, a drainage strategy has been submitted which considers the drainage hierarchy, however discounts the possibility of draining water in to the ground given underlying geology. The proximity of the river does allow for surface water to drain into a watercourse which would be acceptable in this context. A number of queries have been raised by the Council's Drainage Engineer, however full details of the drainage scheme are to be required via condition prior to any works taking place.

Subject to the recommended conditions, the proposals are considered to be in accordance with Policy G8 of the adopted Core Strategy, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Land Contamination

In light of the historic and current industrial uses within the vicinity of the site, the application is supported by a Phase 1 Preliminary Risk Assessment which considers there to be no obvious visible evidence of contamination, however pollutant linkages from historical uses on the site and nearby, and the existence of made ground, may present a mild to medium risk to human health and the natural environment. The report recommends further intrusive investigation which may then inform remediation works where necessary. The report has been reviewed by the Environment Agency who are content with the recommendations and has provided a condition to be attached to the permission.

Archaeology

The site first became developed during the industrial period of the late C19, with historic mapping showing the presence of buildings associated with nearby mills. GMAAS have considered the submitted Archaeological Desk Based Assessment in conjunction with an earlier report for the site and consider that there is negligible potential for significant archaeological survival which could increase knowledge of the site or the industrial period in this area. On this basis GMAAS do not consider it reasonable to impose conditions and the proposals accord with the requirements of the development plan in this regard.

RECOMMENDATION

GRANT subject to the following conditions:

1 Time Limit

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 Plans

This permission relates to the following plans:-

- MS/R/002c – Proposals
- MS/R/006 – Proposed Street Scenes, Bin Store Details

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

3 CEMP

No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) 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. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and,
- f. reasonable avoidance measures for the protection of amphibians and mammals.

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 the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy, Policies JP-P1 and JP-G9 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and to surrounding occupiers and a scheme therefore needs to be agreed in advance of any works taking place.

4 Contamination

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

- 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 Drainage

Notwithstanding the information already submitted and approved, No development (other than works of site preparation) shall take place until further details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include but shall not be limited to:

- (i) A plan of the drainage system, including invert levels of manhole chambers to confirm gravitational connections;
- (ii) Construction details for the attenuation tanks, the flow control chambers and the headwall for the outfall to the Ordinary Watercourse;
- (iii) The Causeway® model of the drainage design, if requested by the LLFA Officer;
- (iv) Construction details for permeable paving including sub-base details e.g. cross-section, if this paving forms part of the sustainable drainage system; and,
- (v) Provision of 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 and to manage the risk of flooding and pollution. 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 Levels

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 Works to the Bank of the River Spodden

No works to the bank of the River Spodden shall take place until full details of the construction of any regrading of land and the construction of retaining features including details of their appearance and materiality, and cross sections of the River Spodden, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of providing a safe environment in the event of a flood, to prevent an increased risk of flooding further downstream and in the interest of visual amenity in accordance with Policies P3, G8 and DM1 of the adopted Rochdale Core Strategy, Policies JP-S4 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

8 Materials

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. 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.

9 Landscaping

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 based upon the plans M684-CRR-LAND-01A "Soft Landscape General Layout Plan" and M684-CRR-LAND-02A "Planting Schedule" by Mulberry dated March 2023 have been submitted to and approved in writing by the Local Planning Authority. The proposals shall maximise ecological enhancements and 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.

Within the first planting season following the first occupation of the development hereby approved, or within a timing/phasing which has first been submitted to and approved in writing by the Local Planning Authority, the landscaping shall be carried out in accordance with the approved details.

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-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

10 Biodiversity Enhancement

The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site, which may include but are not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat 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.

11 Boundary Treatments

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.

12 Highways Markings

The development hereby approved shall not be occupied until such time as off-site 'KEEP CLEAR' highways markings at the access from Mellor Street have been submitted to and agreed with the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the approved development.

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.

13 Cycle Store

No part of the development shall be occupied until such time as details for the design of cycle store 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 cycle store shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

14 Bins

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.

15 Refuse Store

No part of the development shall be occupied until such time as the bin store has been installed in complete accordance with the plan ref. MS/R/006 – Proposed Street Scenes, Bin Store Details, and made available for use. The refuse and recycling store shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

16 Parking

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.

17 Opening Hours

The development hereby approved shall not be operated outside the hours of 0600-0000 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.

18 Delivery Hours

The development hereby approved shall not be operated outside the hours of 0700-2300 Monday to Friday, 0900-1200 Saturdays, and shall not be open on 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.

19 NIA

The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment ref. 7742RL ver.001 dated 23/05/2023 by Nova Acoustics. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter in perpetuity.

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.

20 FRA

No part of the development hereby approved shall be brought into use until the recommendations set out in section 12 of the submitted Flood Risk Assessment ref. 22063 rev. F2 by ELLUC Projects and the plan "Flood Compensation Proposal" ref. ELL-22063-RG-L-1000 dated 02/12/2022 have been implemented in full. The necessary measures shall be retained thereafter.

Reason: In the interest of providing a safe environment in the event of a flood and to prevent an increased risk of flooding further downstream and in accordance with Policy G8 of the adopted Rochdale Core Strategy, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

21 No External Lighting

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.

22 No External Storage

No good, 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.

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:

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.