

APPLICATION NUMBER: 23/01324/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01324/FUL

CASE OFFICER

Tom Hiles

DETERMINATION DATE 19.04.2024

Address: Kingsway Business Park Rochdale - Plot L Bordering John Milne Avenue And Lower Lane

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.

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

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

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

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

RECOMMENDATION	Approve with conditions
----------------	-------------------------

CHECKED AND SIGNED OFF BY: LA DATE: 10.07.24

SITE

The application site comprises a 3.99 hectare area of undeveloped land within the boundaries of the Kingsway Business Park (KBP) in Rochdale, designated Plot L in the Kingsway masterplan. Plot L is located at the western edge of the business park. The site is mostly level and mainly comprises areas of light scrub and bushes. A shallow stream crosses the east side of the site flowing to the north.

The site forms part of the mostly built-out business park, and is surrounded at the north, east and south by other plots of the KBP, hosting industrial units. Development of plot J2 at the immediate south was under way at the time of the officer's site visit in February 2024.

The site is otherwise surrounded at the north-west, west and south-west by residential areas off Neston Road and Wrenbury Drive, as well as a community centre with sports pitches at the east end of Neston Road, to the north of the site.

The site is accessed off John Milne Way, a road developed as part of the KBP masterplan also providing access to neighbouring units. The site is enclosed along the south-east boundary by Lower Lane.

The site is within the urban area as defined by saved Rochdale UDP policy G/D/1 and is allocated as a Primary Employment Zone by saved policy EC/7.

The site is not and does not contain any designated or non-designated heritage assets, but it is within the setting of two Grade-II listed buildings some distance to the south-west of the site on Lower Lane.

A public right of way is identified as running to a point on Lower Lane a short distance to the west of the site, but does not cross the site.

PROPOSAL

The application proposes the development of the site to provide four industrial/warehouse units, specifically in Use Classes:

- ☐ E(g)(iii) - Commercial, Business and Service - any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area
- ☐ B2 - General industry
- ☐ B8 - Storage and distribution

The buildings would be set within and around internal driveways, parking and turning areas. The current proposal would differ from inductive layouts within the KBP masterplan and approved plans from the outline consent, which comprised three units on Plot L.

The scheme as proposed would include the largest unit, L1, at the south-east corner of the site at the site frontage, with the smaller units L3 and L4 at the north boundary, and unit L2 set to the rear of the site. A single vehicle access point and driveway would be provided between units L1 and L4, onto John Milne Avenue, extending into the site and incorporating a turning head.

An existing access point built as part of previous permissions for the business park at the north-east corner of the site would be closed up.

Separate driveways and parking areas (including EV charging spaces and disabled spaces) and cycle parking would be provided to each unit. A total of 57 parking spaces would be provided. Each unit would include HGV loading areas or loading docks, refuse compounds, and external condenser compounds.

The four buildings would provide a total of 12807m² internal floor space, comprising Unit L1 (5653m²), Unit L2 (3703m²) Unit L3 (1466m²) and Unit L4 (985m²).

The submitted plans indicate that the finished floor levels for units L2, L3 and L4 would be 148.5m AOD, according with the plateau height indicated in the outline permission.

The FFL for unit L1 would be 1m higher than the approved plateau height, at 149.5m AOD. In addition, the 10m haunch height of unit L1 would also be 1m higher than the maximum indicated in the outline permission.

The haunch heights of the buildings would be as follows:

Unit L1 - 10m

Unit L2 - 8m

Unit L3 - 7m

Unit L4 - 8m

The buildings will have relatively simple metal clad elevations, with a range of predominantly grey (in two shades) but also smaller areas of blue finishes. The office sections will feature windows at ground and first-floor height, whilst the main warehouse/production buildings have very few openings other than at ground floor level which feature loading bay doors. Feature curtain walling is proposed to offer visual interest to the principal office elevations.

External works include a new access road from John Milne Avenue, service yards, block-paved car parking areas and driveways. A drainage ditch runs across the eastern areas of the site from south to north will be diverted into a new drainage ditch running around the north-east corner and east edge of the site. The ditch would be enclosed by retaining walls at certain extents, and retaining walls would also be formed to the south of unit L1 and around the north-west corner of unit L3.

The application includes detailed landscaping proposals, including the retention of existing planted bunds along the north, west and south edges of the site. Additional landscaping proposed includes additional tree planting at the north-west corner of the site and within the site, formation of hedgerows, areas of shrubs, grassland meadow areas, and flowering lawn areas.

The existing drainage ditch crossing the site would be diverted along the northern and eastern edge of the site.

BACKGROUND

The original comprehensive Outline Planning Permission for the overall site was granted in December 1999 (ref 98/D35130) and renewed in October 2009 (ref 09/D52264). In 2014, a new, updated outline (14/00542/OUT) was issued to reflect the extent of completed development across Kingsway Business Park and the need for greater flexibility on the remaining undeveloped plots, as well as resulting from the impacts of the development of the Metrolink and the addition of the Council owned land at the Kingsway frontage (Plot V).

RELEVANT PLANNING POLICY

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the nine authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S5	Flood Risk and The Water Environment
JP-S6	Clean Air
JP-J1	Supporting Long-Term Economic Growth
JP-J2	Employment Sites and Premises
JP-J4	Industrial Warehousing Development
JP-G7	Trees and Woodland
JP-G9	Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-P6	Health

Local

Adopted Rochdale Core Strategy (CS):

SP2	The Spatial Strategy for the borough
SP3	The Spatial Strategy for the townships
SD1	Delivering sustainable development
DM1	General development requirements
SO1	To deliver a more prosperous economy
E2	Increasing jobs and prosperity
E3	Focusing on economic growth corridors and areas
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
G3	Renewable and low carbon energy developments
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
T1	Delivering sustainable transport
T2	Improving accessibility

Rochdale Unitary Development Plan (UDP) 2006:

G/D/1	Defined Urban Area
EC/7	Kingsway Business Park
EM/7	Development and flood risk
EM/8	Protection of ground and surface water

Supplementary Planning Documents (SPD):

Greater Manchester Joint Minerals and Waste DPD (2013)
Climate Change Adaptation SPD (June 2012)
Biodiversity and Development SPD (updated 2017)

RELEVANT SITE HISTORY

09/D52133 - Screening Opinion In Respect Of Updating Outline Permission For Kingsway Business Park. EIA not required, 15.07.2009

09/D52264 - Outline Application With All Matters Reserved For A Proposed Business Park Comprising Buildings Within Development Plots C To X Inclusive As Shown On The Master Plan For : General And Light Industrial Use Classes B1 & B2, Offices In Use Class B1, Distrib....Approved, 08.10.2009

14/00542/OUT – Outline application, with all matters reserved, for a mixed use business park comprising buildings within development plots as shown on the site location plan for General and Light Industrial Uses (Classes B1 and B2), Offices in the Use Class B1, Distribution and Storage Uses (Class B8), Research and Development Uses in Use Class B1, Car Showrooms (Sui Generis Use), Hotels in Use Class C1, Ancillary Retail and Leisure in Use Classes A1 - A5 and D2, and Residential in Use Class C3. Approved, 22.08.2014

14/00412/SO – Request for a screening opinion in relation to the update of the current outline planning permission for Kingsway Business Park. EIA not required, 17.04.2014

14/01503/REM - Reserved matters (layout, scale, appearance, access and landscaping) pursuant to outline approval ref. 14/00542/OUT for the erection of a unit comprising warehousing / light assembly with associated two-storey offices, under Use Classes B1, B2 and B8 together with external works including access, external service yard, car parking, retaining walls and landscaping. Approved, 23.03.2015

16/01085/VRCON – Variation of condition 12 (maximum floorspace thresholds) on planning permission 14/00542/OUT to remove the references to Use Classes B1(c)/B2 and B8 and the associated floorspace figures. Approved, 06.12.2016

18/00943/VRCON – Removal of condition 45 (BREEAM rating) of outline planning permission 16/01085/VRCON

CONSULTATION RESPONSES

Highways

RBC Highways And Engineering

Access, parking, servicing and turning arrangements are satisfactory. No objections or recommended conditions.

Transport For Greater Manchester

Note that HGVs could not simultaneously enter each unit. Increased bus frequencies at the nearby bus stop would be useful. Pedestrian and cycling environment should be designed to be as safe, convenient and attractive as possible. Recommendations for details of full travel plan. (No objections).

National Highways

The site is in the vicinity of the M62. National Highways does expect the proposal to have a severe impact on the Strategic Road Network. No objection.

RBC Rights Of Way Officer

Does not affect any definitive rights of way, no comments.

Public Health

RBC Environmental Health - Noise/Odours

No objection – submitted NIA shows that outline permission controls on noise levels can be met. Recommend conditions on: noise levels from fixed plant; further assessment prior to installation of fixed plant; erection of close boarded fence; approval of construction management plan to include noise, vibration, dust and noise; construction hours limit.

RBC Environmental Health - Air Quality

Recommend conditions on dust management plan, use of sustainable building methods and solar panels, and EV charging points

RBC Environmental Health - Contamination

Initially recommended condition for contamination remediation scheme approval and implementation. Later clarified that only verification of ground gas protection measures is required.

Drainage and Flood Risk

RBC Drainage and Flood Risk Officer

(No objection). Reviewed Flood Risk Assessment, Sustainable Drainage Statement, and drainage plan. Recommend condition that development be carried out in accordance with principles set out in submitted foul and surface water design drawing.

United Utilities

Proposals are acceptable, recommend condition for approval of further surface water and foul drainage scheme, and condition for approval of sustainable drainage management and maintenance plan. Advice on UU assets etc also provided.

Design and Heritage

RBC Urban Design

The proposed development as a whole is considered to be acceptable in urban design terms given the context of the location. However, safe and clear pedestrian access must be provided and there is relatively little proposed in respect of internal visual site separation through landscaping and planting. The opportunity to provide attractive outdoor recreational areas for workers also appears to have been overlooked. Notional sight lines on DAS from neighbouring houses should be drawn from windows rather than from eaves height to make impact clearer. Recommend that gap in buildings in direction of houses on Neston Road be discussed with applicant in relation to potential lighting and noise nuisance. Conditions required for lighting scheme, acoustic fencing, landscaping/planting schemes.

GMP - Design For Security

No comments received to date

RBC Conservation Officer

Given the distance of separation to the nearby Grade-II listed buildings, the limited inter-visibility and the presence of other built development, the overall level of harm to their significance would be less than substantial. This harm needs to be weighed against the planning benefits stemming from the proposal.

Greater Manchester Archaeological Advisory Service

Archaeology considerations relating to the wider business park have previously been resolved through extensive investigation and recording. The plot has negligible potential for archaeological knowledge gain. No reason to impose any archaeological requirements.

Ecology and Natural Environment

Greater Manchester Ecology Unit

(No objections). Recommend conditions for:

- Precautionary surveys for badgers and water voles prior to commencement
- Implementation of submitted tree protection plan
- Approval of detailed habitat and landscape management plan for retained habitats and new landscaping
- No vegetation clearance during bird nesting season

Advice providing regarding management of deer reported in the area with regards fencing erection.

The Shadow Habitat Regulations Assessment Report prepared by Brooks Ecological can be adopted by the Council in order to fulfil its duties under the terms of the Conservation of Habitats and Species Regulations (2017) (as amended).

Natural England

No objection – will not have significant adverse impacts on Rochdale Canal SAC or SSSI. Advice provided on submitted shadow Habitats Regulations Assessment which concludes that proposal can be screened out from further stages of assessment as significant effects are unlikely to occur, either alone or in combination. NE concurs with this view.

Environment Agency

No objection in principal. Advice provided on risk of contamination to controlled waters.

Other

GM Fire Service

No comments received to date

Strategic Planning

No comments received to date

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, an advertisement posted in the local newspaper, and site notices were posted adjacent to the site.

Two letters of objection were received. Objections are summarised as follows:

- Site is close to residences and was originally allocated for offices/leisure
- Residents are enduring noise and vibration from building of other warehouses
- Proposal would harm wildlife habitats
- The development would potentially damage or destroy archaeological remains
- Operation of industrial units would cause pollution from vehicle emissions harming air quality and residents' health
- Development has displaced rats causing health and safety concerns for residents

These issues are addressed in the relevant parts of the following analysis.

ANALYSIS

Paragraph 11 of the NPPF identifies a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Principle of Development

Paragraph 85 of the NPPF requires that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

Places for Everyone policy JP-J2 supports the development of new employment sites and premises. Policy JP-J4 Industry and Warehousing Development notes that

at least 3.513m square metres of new accessible industrial and warehousing floorspace will be provided in the plan area over the plan period.

The site is located within the Kingsway Business Park which has been established over the past 30 years for development of this type. The site is allocated within the Rochdale UDP under policy EC/7 as part of the Kingsway Business Park for high quality general and light industry, offices, distribution & storage, research and development, and associated uses. The Core Strategy refers to the delivery of Kingsway Business Park as a key part of the Strategy for Rochdale as set out in policy SP3/R. CS policies E2 and E3 identify the wider Kingsway site as part of an economic growth corridor where a significant number of jobs and employment development will be delivered. Delivery of the proposal is therefore important in achieving the objectives of Core Strategy policies E2 and E3 and saved policy EC/7.

The proposed use of the site is intended to accord with the outline consent which was for B1(c), B2 and B8, equivalent to Classes B2, B8 and E(g)(iii) in the updated Use Class Order.

On this basis, the proposed development is considered to be acceptable in principle and in accordance with adopted Rochdale Core Strategy policies E2, E3 and SP3/R, saved UDP policy EC/7, Places for Everyone policies JP-J2 and JP-J4, and the National Planning Policy Framework, subject to all other material considerations being acceptable, as assessed below.

The public comment regarding the original allocation for the plot is noted. The most recent outline permission allocated the plot as B1/B2/B8 uses and the proposal is consistent with this.

Design

CS policy P3 states that high standards of design will be required of new development, including associated landscaping, regardless of location in the borough.

CS policy DM1 states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area.

Places for Everyone policy JP-P1 'Sustainable Places' notes that all development should be consistent with certain key sustainable design attributes, including being distinctive with a clear identity, being visually stimulating, and being socially inclusive.

The wider Kingsway Business Park is now largely developed, in accordance with the general aims and objectives of the KBP masterplan, with a range of sizes of metal clad buildings, including a number of relatively large warehouses, set within a network of highways and landscaping. The wider Kingsway site has a clear identity in the local area, with the layout and appearance of the buildings within the wider site having consistent characteristics, different from the generally residential areas to the north, east and west, and the open agricultural land to the south. Whilst the larger scale buildings are visible from the surrounding area, the site has a spacious feel with the landscaping and verges throughout providing a relatively pleasant context.

The site is located towards the western central extent of KBP. The rest of the business park extends to the north-east, east and south, with residential dwellings surrounding to the north-west and west, off Neston Road and Wrenbury Drive.

The proposed buildings, including the largest, unit L1, would be at the lower end of the range of buildings across the KBP. The largest and tallest unit L1 would be positioned away from the nearest residential dwellings to the north and west of the site. The existing planted bund along these boundaries (together with additional proposed planting) will mitigate and soften any visual impact to the adjacent residential properties resulting from the closest proposed buildings, units L2 and L3. The position of the site largely surrounded by other developed plots and close to other larger structures means that the buildings will not have a significant impact on the appearance of the site when viewed from the surrounding area.

The proposed materials and building profiles are in keeping with the prevailing character of the wider site. The proposed layout, with the buildings filling most of the length of the plot and with parking and access alongside, and other small ancillary structures throughout, is consistent with the approach taken for other plots. Likewise, the proposed strips of landscaping adjacent to the boundaries of the site including mixed native species hedgerows, planting beds and new trees is also consistent with the prevailing character of the wider site. The development would include a number of retaining walls across the site, including alongside the proposed diverted drainage ditch. Design details for these have not been provided and it is recommended that these be assessed via condition.

2.4m high black mesh fences will enclose the HGV parking and loading bay areas. This fence is typical for the wider area and is considered to be a suitably attractive approach. Additionally, given the similar characteristics of the proposed boundary features in terms of height, materials, design and position relative to any buildings, the proposed boundary features will provide a functionally equivalent degree of security as other similarly developed plots on the wider Kingsway site. Otherwise, a 2.4m close boarded timber fence will run along an extent of the north site boundary through the planted bund, to enclose the parking areas between units L2 and L3, to provide some noise mitigation for the dwellings to the north of this area of the site.

The submitted Design and Access Statement includes details of anti-crime and disorder measure which have been incorporated into the proposed design and which would be incorporated into the build. This is considered to be acceptable in terms of local policy as there is no specific requirement for a qualified security assessor to compile such details, the only requirement being that anti-crime measures are adequately considered and incorporated. As such, it would be considered unreasonable to request a separate, standalone CIS in this instance. Comments from Design for Security have not been received at the time of completing this report.

The comments from the Urban Design officer are noted. It is considered that the scheme as proposed is satisfactory in terms of pedestrian access into and within the site. The recommendation of identifying external amenity spaces for workers at the units has been raised with the applicant, who has indicated that this matter would be left open-ended for the preferences of future occupants of the speculative units.

For these reasons, the development proposals are considered to be in keeping with the established character of the wider area and in accordance with the general vision of the masterplan and outline permission. The development of four buildings (including a carefully sited, relatively larger building) rather than the three buildings depicted on the indicative Masterplan would not have a harmful impact on the appearance of the site and surrounding area. The proposal therefore complies with CS policies DM1 and P3 and the National Planning Policy Framework.

Heritage

NPPF paragraph 196 notes that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 205 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraphs 206 and 208 note that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Core Strategy policy P2 and PfE policy JP-P2 sets out the local and sub-regional approaches to conserving key heritage assets, both statutory and non-statutory, including consideration of their wider settings.

The application site lies within the setting of two Grade-II listed properties, Tithe Barn and Silverhill Farm. These are located on the west of the site to the immediate north and south of Lower Lane, and on the far side of the development under construction at plot J2, which is located to the immediate south of the application site.

The application is supported by a heritage statement which sets out the heritage significance of the two buildings and recounts previous assessment of the impact of the wider Kingsway Business Park development upon their settings, and mitigation measures which have previously been implemented. The statement then sets out the further impact of the current proposal upon the settings of the listed buildings, noting that no built form will be visible from either building, and concludes that the proposal will result in less than substantial harm to the significance of either heritage asset.

The Council's Conservation Officer has reviewed the proposed scheme and their comments are summarised above. Comments from Greater Manchester Archaeological Advisory Service are also noted above.

The Conservation Officer's advice is noted. The proposal would result in harm to the settings of the nearby listed buildings and although the resulting harm to their significance would be less than substantial, this must be weighed against the public benefits of the proposal.

The proposed development would provide significance public benefits arising from job creation, inward investment and economic development, and as part of the KBP masterplan, would be important in achieving the objectives of Core Strategy policies E2, E3, and saved policy EC/7. It is considered that these benefits would clearly outweigh the resulting less than substantial harm.

The public comments on archaeological remains are noted. GMAAS have noted that the wider KBP development has been subject of significant prior investigation, and the plot has negligible potential for archaeological knowledge gain.

For the above reasons, the proposed scheme would therefore be in accordance with the requirements of NPPF paragraphs 196 and 205 to 208, and would be acceptable in terms of CS policy P2 and PfE policy JP-P2.

Landscaping

The landscaping scheme has been designed to accord with schemes already implemented around other plots in the wider Kingsway site and to incorporate an attractive range of predominantly native species.

This would comprise new tree planting within the existing planted bund at the north and west of the site, together with new tree planting in spaces between the buildings and open areas. Tree planting at the front of the site (onto John Milne Avenue) would be more limited, but this area of the development would be more constrained in terms of planting capacity by the re-located drainage ditch. Otherwise areas of mixed native shrub planting, ornamental shrubs and flowering lawns and grassland meadows would be created around the site.

GMEU has been consulted and raised no objections to the landscaping proposals, subject to approval of further details for future landscape management.

The proposals are considered to fit in with the context of the wider Kingsway Business Park including the established principles of hard and soft landscaping. On this basis, the proposed development accords with adopted Rochdale Core Strategy policies DM1, P3, G6 and G7 and the NPPF.

Residential Amenity

The NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land or buildings. Locally, Core Strategy policy DM1 and PFE policy JP-P6 set out planning expectations for the protection of residential amenity. The “Guidelines & Standards for Residential Development” SPD also sets out guidelines for reducing or omitting the impact of new development on the amenities of residential occupiers.

The closest residential neighbours are located to the north and west of the site, with their rear boundaries positioned between 14m and 18m from the site boundary, located on the south side of Neston Road and the west side of Burnet Close, off Wrenbury Drive. All of these neighbouring properties have their rear gardens oriented towards the site boundary. These dwellings would be in the vicinity of units L2 and L3.

Unit L2 would have a haunch height of approximately 8m and a parapet height of around 10m. The west-facing (rear) elevation of this unit would be placed approximately 28.5m from the boundary of the rear garden with houses to the west, with the rear elevations of those houses at minimum a further 8m away. Separation distance between the north (side) elevation of L2 and houses to the north-west off Neston Road would exceed these measurements.

Unit L3 would have a haunch height of approximately 7m and a parapet height of around 10m. The north-west corner and west side elevation of L3 would be positioned at closest 19m from the rear garden boundaries of houses on Neston Road, with the rear gardens of these houses being at least 6m long.

Service yards and parking area have mostly been sited in the centre of the site, mainly enclosed by the volumes of the units, and otherwise enclosed by a close-boarded timber fence along the northern boundary. These aspects of the layout of the scheme would mitigate potential amenity harm arising from noise and lighting.

The overall height (finished floor level plus parapet height) of both units L2 and L3 would be 158.5m AOD. The ridge heights of houses to the west of the site (indicated

by the submitted existing levels plan) range from 153.95m to 156.99m AOD. The ridge heights of the houses to the north of the site would range between 154.09m to 154.47m AOD.

Unit L2 would be sited around 35m from the closest residential properties to the west of the site, with the proposed parapet height extending to around 5m above the ridge heights of those nearest properties.

Unit L3 would be around 25m from the closest residence to the north of the site, with the proposed parapet height extending to around 4.5m above the ridge height of that nearest dwelling.

Given the separation distance between the nearest homes and the proposals, it is not considered that a significant harmful effect will result, either in terms of visual intrusion or outlook from the rear of those dwellings. Views from these houses towards the proposals will be screened by existing dense planting on the raised bund along the boundary of the development, as well as additional tree planting proposed along the relevant extents of the site boundary. Comments from the Urban Design officer regarding sight lines indicated within the Design and Access Statement are noted, but it is considered that, with reference to the above metrics, that the submitted information is sufficient to robustly assess the matters of visual intrusion and outlook.

Units L2 and L3 would feature side-facing windows at the first floor oriented towards the dwellings at the north of the site, but these would serve circulation spaces and would therefore not be considered to result in a harmful loss of privacy to the dwellings, even without the screening which would be achieved by existing and proposed tree planting. Additional first-floor windows would serve office space, but these would face into the site and would not be oriented directly towards the nearby dwellings.

For the above reasons it is considered that the proposal would be in accordance with the amenity requirements of CS policies DM1 and PfE policy JP-P6.

Noise, Air Quality, Lighting and Land Contamination

Core Strategy policy G9 sets out the Council's requirements approach to all forms of pollution including the risk of land contamination, as they relate to new development.

A Noise Impact Assessment (NIA) was submitted with the application and has been reviewed by the Environmental Health (noise) officer. The assessment predicts the likely noise emissions from vehicle movements to and from the site. The EHO has advised that the assessment indicates the noise levels as required by Condition 23 of the outline planning permission for the wider KBP to be met, and advises that limits on noise levels from units, including fixed plant, should be imposed and assessed by condition. They also recommend that the proposed close boarded fence indicated to be installed along the north edge of the site should be implemented in accordance with the NIA. On this basis, the proposed development would not give rise to any significant harm arising from noise. Comments from the Urban Design officer regarding potential for noise and lighting nuisance are noted. External lighting would be subject to approval via condition, which would allow for any potential nuisance to be identified and controlled.

The Environmental Health (Air Quality) officer raised no objection to the scheme in terms of air quality impacts, but requested conditions for dust management and details of electric vehicle charging points. The submission includes indicative details

of EV charging provision and given the speculative nature of the development this is considered to be acceptable in this instance. A Construction Management Plan will be required to be approved via condition, which will include dust management details.

A detailed Ground Conditions Investigation report was also submitted. The Environmental Health (ground contamination) officer has reviewed the report and has not objected to the proposal, subject to the submission and approval of a verification report for protection measures to address ground gas risk, as identified in the investigation report. A condition to this effect is recommended.

Subject to the conditions noted above to address noise and ground gas, the proposed development would be acceptable in terms of impacts upon residential amenity and public health. Public comments on noise, vibration, pollution, rats and health risks are noted, but on the basis of the advice from the environmental health officers it is not considered that the proposal would result in significant harm to public health arising from these matters.

For the above reasons it is considered that the proposal would be in accordance with the requirements of CS policy G9.

Highways and Access

NPPF paragraph 115 notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local requirements for are highways safety, transport and access matters are set out in Core Strategy policies DM1, T2, and PfE policy JP-C7.

The application is supported by a Design and Access Statement, Framework Travel Plan and Transport Statement. The Highway Authority was consulted and has raised no objections to the proposed development, advising that the scheme would be acceptable in terms of access arrangements, parking provision, servicing and HGV turning arrangements. Transport for Greater Manchester were also consulted and their advice is summarised above.

A Framework Travel Plan has been submitted with the application. The Highways Authority has advised that its content appears to be acceptable, and have requested that the Travel Plan is implemented in line with the action plan contained within it. An updated plot specific travel plan will be a requirement in line with the already well-established travel planning framework operating at the wider KBP and can be secured via condition.

The proposal is therefore in accordance with the requirements of Core Strategy Policies T1 and DM1, PfE policy JP-C7, and the aims of the NPPF.

Drainage and Flood Risk

NPPF paragraph 169 notes that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Local requirements relating to managing surface water, flood risk and protecting water resources are set out in Core Strategy policies G8 and saved UPD policy EM/8.

The application is supported by a Flood Risk Assessment, Sustainable Drainage Statement and a drainage plan, which have been reviewed by the Drainage Officer and by United Utilities, whose finalised comments are noted above.

The Flood Risk Assessment notes that, subject to mitigation measures (ground level profiling to direct water towards drainage points), the development would not be subject to significant flood risk and would not increase flood risk to the wider catchment area subject to management of surface run-off from the site.

The Drainage Officer's finalised consultation response has raised no objections in terms of flood risk, and has also advised that the diversion of the drainage ditch across the site is acceptable.

United Utilities' final consultation response confirmed that the drainage proposals are acceptable to UU, subject to a condition to ensure that they are undertaken and completed in accordance with the submitted drainage drawing prior to first occupation.

UU also advised that a condition for the future management and maintenance of sustainable urban drainage systems should be imposed. However, as noted by the applicant and the drainage officer, the scheme will not make use of SUDS and as such this condition is not required.

On the basis of the above consultee advice it is considered that the proposal would be acceptable in terms of surface water and foul water management and flood risk, and would be in accordance with policies G8 and EM/8.

Ecology, Biodiversity and Trees

Section 15 of the NPPF sets out requirements relating to the conservation and enhancement of the natural environment. This includes a requirement, set out in Paragraph 180, for development to minimise impacts on and provide net gains for biodiversity. Core Strategy Policies G6 and G7 set out the Council's expectations in relation to green infrastructure, ecology and biodiversity. PfE policy JP-G8 sets out similar expectations including for improving habitats.

For the avoidance of doubt, the application was received on 19th January 2024, prior to national requirements for mandatory biodiversity net gain coming into force.

The application is supported by a suite of environmental and ecology information, including a Preliminary Ecological Appraisal Report (PEU), and has been reviewed by GMEU, Natural England and the Environment Agency, whose consultation responses are summarised above.

Habitats Regulation Assessment

The site is within the zone of influence in relation to the Rochdale Canal Special Area of Conservation (SAC), as it is located less than one kilometre to the north of the site.

When a development has the potential to affect a European site such as an SAC, the Council is required undertake an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of the European site. The application package includes a shadow HRA screening report, which has been reviewed by GMEU and Natural England. The report sets out the sensitive interest feature (specifically, the presence of floating water-plantain, *Luronium natans*) of the SAC and provides an assessment of the potential impacts of the proposal, in isolation and in combination with other pending development decisions, on this feature. The report concludes that there will not be a significant effect on the

habitats or species associated with the SAC, and that no further assessment is required in order to comply with the regulations. Natural England has advised that they concur with this conclusion, the GMEU have likewise advised that the Council can adopt the shadow HRA as its own assessment of the development proposal in terms of effects on the European site.

In terms of more general ecology and biodiversity matters, GMEU have advised that the proposal will result in losses to semi-natural habitats on the site, but note that these losses were anticipated as part of the wider KBP masterplan, and compensated for by habitat enhancement and creation along the Stanney Brook. As set out above, the proposal will include areas of planting across the site including new trees, native shrubs and wildflower areas, following through from recommendations in the PEU.

Accordingly, GMEU have not objected to the proposal, subject to conditions for: precautionary surveys for badgers and water voles prior to commencement (as advised by the PEU); implementation of submitted tree protection details; submission of a habitat landscape and management plan; and for controls of building work during the bird nesting season.

Public comments on wildlife are noted, but as noted above the wider KBP scheme provides compensation for loss of on-site habitats.

For these reasons, the proposed development accords with the requirements of NPPF paragraph 180 and CS policy G7 and JP-G8.

Carbon and Energy

Places for Everyone policy JP-S2 sets out expectations for developments to minimise carbon emissions, following the energy hierarchy, and incorporating renewable energy and EV charging. JP-S2 has replaced existing policies within the Rochdale Core Strategy which related to these considerations.

For the avoidance of doubt, the site does not lie within a Heat and Energy Network Opportunity Area as identified by Places for Everyone, and as such the requirements of PfE policy JP-S3: Heat and Energy Networks as it relates to industrial development do not apply in this case.

The Council's air quality officer has recommended the inclusion of sustainable building methods and an assessment of use of solar panels, and installation of EV charging points. The scheme as submitted indicates the provision of EV charging points across the site, and it is noted that further approval of such details has not been required on previous approvals for similar development on the KBP. It is also noted that sustainability of building methods and energy efficiency is also subject of the building regulations regime. In the context of the established approach across KBP, it is considered that the proposed provision of EV charging points would mean that the proposal would be satisfactory in terms of the objectives of policy JP-S2.

CONCLUSIONS

The proposed development of four industrial/warehouse units would be consistent with the Kingsway Business Park masterplan for Plot L and would support the objectives of Core Strategy policies E2, E3 and saved policy EC/7, and would therefore be acceptable in principle. The proposal would be acceptable in terms of impacts on residential amenity, public health, highways safety and access arrangements, flood risk and drainage arrangements, ecology and biodiversity, and heritage assets, and would be acceptable in terms of design, landscaping and

sustainable development considerations. For these reasons the proposal would comprise sustainable development because it complies with the development plan, and accordingly the application is recommended for approval, subject to conditions required for approval of certain matters.

RECOMMENDATION

Approve subject to the following conditions

Conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby 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

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 for its approval in writing 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. The 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 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 (including timescales for implementation), 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 ten 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:

- ☐ firm measures for promoting a choice of transport mode;
- ☐ a monitoring regime with agreed mode share targets;
- ☐ specific measures to manage staff car parking during the peak employment period of November and December;
- ☐ a commitment to increase the provision of cycle parking should the uptake in cycle travel increase; and

- 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 and thereafter.

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.

Notes for Applicant

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.

Report Author Tom Hiles