



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 24/00331/FUL

Name and address for correspondence:	Applicant name:
Miss Sofena Yasmin WSP 8 First Street Manchester M15 4GU	Ms Sarah Jakubiak

Part I - Particulars of Application

Date of Application: 22 May 2024

Proposal:	Construction of a temporary bridge crossing over the River Irk, extended 2.4m high palisade boundary fencing and pressure relief column to facilitate permitted development works to provide a below ground storm water storage tank
Location:	The Site Comprises An Area Of Pavement And Some Amenity Grassland Located To The North Of The River Irk And Grassland Located To The South Of The River Irk Around The Existing Combined Sewer Overflow (CSO), Off Boothroyden Road, Middleton,

Part II - Particulars of decision

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

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

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The permission hereby granted, so far as it relates to the temporary bridge, is for a limited period only, expiring on 31 January 2026, following which the temporary bridge is required to be respectively removed and discontinued. The area forming the site of the temporary bridge shall be reinstated within 3 months of the expiry date.

Reason: Some of the works are of a temporary and to ensure the site is appropriately reinstated, pursuant to Policy DM1 of the Rochdale Core Strategy.

3 This permission relates to the following plans and documents:

Drawing No: 70114053-LUD-001 Rev C03 - Landscape General Arrangement Plan

Drawing No: 48304-ECE-XX-XX-DR-C-0105 Rev P02 - Proposed Temporary Site Access Bridge

Drawing No: 48304-ECE-XX-XX-DR-C-0106 Rev P01 - Proposed MCC Kiosk and Vent Stack Plan and Elevations

Received 8th April 2024

Drawing No: 80065149-ECE-XX-XX-DR-C-0100 Rev P05 - Site Location Plan

Drawing No: 80065149-ECE-XX-XX-DR-C-0102 Rev P06 - Proposed Site Plan

Drawing No: 80065149-ECE-XX-XX-DR-C-0104 Rev P04 - Temporary Footpath Diversion

Received 22nd May 2024

Drawing No: ROC0018-80065149-COMPOUND-REVA-001 Rev 02 - Proposed Compound Area

Received on 11th December 2024

Technical Memo (UU Response) dated 14 October 2024

Received on 26th November 2024

and the development shall be carried out in accordance with the approved drawings.

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

4 Notwithstanding details submitted, prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the Local Planning Authority, which for the avoidance of doubt should include:

- Quantification / classification of vehicular activity associated with construction including commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routing both within the site and on the adjacent highway;
- Noise mitigation to ensure suitable mitigation takes into account all activities likely to take place in the compound area in order to ensure there will be no break-out noise or vibration from the proposed generator(s) or compound area likely to give rise to disturbance to surrounding residents;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.
- Storage of plant and materials;
- A highway dilapidation survey and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site;
- Community consultation details.

The development shall only be carried out in accordance with the approved construction management plan.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of

pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, T2, G7, G8 and G9 of the Core Strategy, JP-C8 of PfE and the National Planning Policy Framework.

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

- 5 Notwithstanding details submitted, before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the Local Planning Authority.

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the Local Planning Authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with any agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the completion/verification report is submitted to and approved by the Local Planning Authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy G9 of the Core Strategy and the NPPF.

Reason for pre-commencement condition: Due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

- 6 Any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. The scheme shall be submitted to and approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the site. The approved scheme shall be completed before the development is brought into use.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall

also undertake post completion testing to confirm that the noise criteria has been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in accordance with Policies DM1 and G9 of the Rochdale Council Core Strategy and the National Planning Policy Framework.

- 7 Notwithstanding details submitted, no above ground development shall commence until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented not later than 12 months from the date the development is brought into use. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with Policies G6 and DM1 of the Rochdale Core Strategy and JP-G7 of PfE. Amendments to the shrub planting is required as advised by Greater Manchester Ecology Unit.

- 8 No works or vegetation clearance shall take place during the optimum period for bird nesting (1st March - 31st August inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats in accordance with Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 9 Prior to any vegetation clearance, earth works or machinery being brought onto the site, a precautionary working method statement for otters, in line with the recommendations of the submitted Aquatic and Otter Report (Ref: 002), prepared by WSP, received by the Local Planning Authority on 8th April 2024 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be implemented in accordance with the agreed details.

Reason - In order to protect otters from works that may impact on their habitats, pursuant to Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 10 Prior to any vegetation clearance, earth works or machinery being brought onto the site, a resurvey for badgers within the area of the proposed works and within 30 metres of the site where accessible, should be submitted to and agreed in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed details. If a badger sett or signs of badgers are found, a badger mitigations strategy should also be provided and complied with.

Reason - In order to protect badgers from works that may impact on their habitats, pursuant to Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 11 Prior to any vegetation clearance, earth works or machinery on the site, a precautionary working method statement for amphibians including the Common Toad, as well as mammals, including hedgehogs shall be submitted to and agreed in writing by the Local Planning Authority in line with the recommendations contained within the submitted Preliminary Ecological Appraisal, prepared by WSP, received by the Local Planning Authority on 8th April 2024 shall be submitted to and agreed in writing by the

Local Planning Authority. The development shall only be implemented in accordance with the agreed details.

Reason - In order to protect wildlife from works that may impact on their habitats, pursuant to Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 12 No development, site clearance or earth moving shall take place or material or machinery brought onto the site until a method statement to protect the River Irk from accidental spillages, dust and debris has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be implemented in accordance with the agreed measures and maintained for the duration of the construction period.

Reason - In order to protect river wildlife from works that may impact on their habitats, pursuant to Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 13 The development hereby approved shall only be implemented in strict accordance with the details contained within the submitted Invasive Species Method Statement (Rev 0, January 2024), received by the Local Planning Authority on 8th April 2024 prior to the commencement of the development hereby approved.

Reason - To control the spread of invasive species, pursuant to Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 14 The development hereby approved shall only be implemented in accordance with the recommendations and measures contained within the submitted Arboriculture Impact Assessment Report (Ref: 70114053-ARB-BOO-AIA-001, March 2024) prepared by WSP, received by the Local Planning Authority on 8th April 2024.

Reason: In order to ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy G6 of the Rochdale Core Strategy and JP-G7 of PfE.

- 15 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy G6 of the Rochdale Core Strategy and JP-G7 of PfE.

- 16 Prior to the installation of any external lighting, an external lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- Demonstrate protection of residential amenity at relevant receptors
- Identify areas/features on site that are potentially sensitive to lighting for bats;
- Show how and where external lighting will be installed and through appropriate lighting contour plans demonstrate clearly that any impacts on bats and other nocturnal wildlife is negligible;
- Specify frequency and duration of use.

All external lighting shall only be installed in accordance with agreed specifications and locations set out in the agreed strategy.

Reason: In order to protect the privacy and amenity of adjoining and future occupiers and enhance the appearance of the development in accordance with Policies DM1 and G9 of the Rochdale Core Strategy.

- 17 Prior to restoration of the site, a wildlife mitigation and enhancement plan, including but not restricted to nesting birds and roosting bats, shall be submitted to and agreed in writing by the Local Planning Authority. The measures contained within the agreed plan shall be implemented in full within 1 month of site restoration being completed.

Reason - In order to promote wildlife from works that may impact on their habitats, in accordance with Policy G7 of the Rochdale Core Strategy, JP-G8 of PfE and the National Planning Policy Framework.

- 18 No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1400hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 19 Notwithstanding the details shown on the approved plans, no barriers or gates shall be installed across Boothroyden Road at any time during the construction of the development hereby approved to ensure that local residents can access their driveways and properties.

Reason: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement:

Date Decision Issued 17 January 2025

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £43.00 for householder applications and £145.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface

mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

The applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Regarding the submitted invasives method statement (Morrison WS, Jan 2024) it should be clarified that any Japanese knotweed control should be in accordance to best practice (Japanese Knotweed Management - Professional Guidance - PCA (property-care.org)) and ensure appropriate approval from the Environment Agency regarding the herbicide control along River Irk (Application to use herbicides in or near water - GOV.UK (www.gov.uk)). Where the excavation method is proposed along existing riverbanks, these will need to be appropriately reinstated; in consultation with the Environment Agency; to ensure they are sensitively restored and stabilised whilst minimising any re-infestation from upstream sources.

The applicant is advised that details of the interaction with the highways will need to be agreed separately under a S278 Agreement.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact the National Customer Contact Centre on 03708 506 506.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic. Any works affecting the Highway shall be in accordance with Rochdale Borough Council's guidance. The applicant is advised to contact the Council's Highways Network Management Team on 0300 303 8879.

BRIL (Bringing the River Irk to Life) project, that has highlighted extensive restoration opportunities to improve the River Irk waterbody across its catchment and which could potentially be utilised by United Utilities to help meet the BNG requirements of this scheme in local area. Of particular interest, there are actions to address fish passage over the large weir (that sits immediately upstream of the UU asset); by creation of a natural bypass channel; which would result in significant environmental benefits along this reach of waterbody and key ecological network. The BRIL steering group comprises several different organisations, including a representative from UU, and the Environment Agency and they would welcome the opportunity to explore partnership working at this site.

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority,

and;

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

*original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

For the purposes of paragraph 13 (a) above, a biodiversity gain plan is a plan which:

- (a) relates to development for which planning permission is granted,
- and;
- (b) specifies the matters referred to in sub-paragraph 14(2) below:

The matters are:

- (g) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (h) the pre-development biodiversity value of the onsite habitat;
- (i) the post-development biodiversity value of the onsite habitat;
- (j) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (k) any biodiversity credits purchased for the development; and
- (l) any such other matters as the Secretary of State may by regulations specify.