

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01294/FUL

CASE OFFICER

Rachel Carney

DETERMINATION DATE 09.05.2025 **EXT OF TIME**

Address: Land At Waterfold Business Park Bury BL9 7BJ

Proposal: Redevelopment of existing premises, comprising full demolition; erection of new building for Class B8 purposes with ancillary offices; installation of external plant and gatehouse; hardstanding for servicing and parking; attenuation pond; and boundary enclosure.

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

RECOMMENDATION

APPROVE

CHECKED AND SIGNED OFF BY: Melanie Hale

DATE: 3r April 2024

SITE

The application site is located to the south of Waterfold Business Park and it is flanked by the M66 to the east, the East Lancashire Railway to the south and the River Roch to the west. The business park is a relatively modern development that includes a variety of units. To its north there is also a public house and a hotel and the site is located on the border of Rochdale and Bury.

The site itself currently contains a large industrial unit that has been operated by Bibby Distribution. Around the existing building there is substantial parking for cars and areas for HGV's. To the west, the site comprises a relatively dense area of woodland and this borders onto the River Roch, which is a designated greenspace corridor. The application site is allocated as a primary employment zone.

PROPOSAL

The application seeks permission for demolition of the existing building and its replacement with a larger building for B8 use (storage and distribution), alongside the provision of new hardstanding for parking and servicing. Access to the site would remain from the north, through the Waterfold Business Park.

The main area of the new building would have a footprint of approximately 78m by 215m and it would have a shallow, triple pitched roof with a height of 18m. Located central to the north elevation an adjoining lean to structure would measure approximately 15.72m by 13.8m, have an eaves height of 8m and a maximum height of 11m.

The building would primarily provide a large, open warehouse area. The main entrance would be located to the north of the east elevation where there would be a glazed atrium. Additional glazing to the east elevation would provide for first and second floor offices and stairwell that would be accommodated on mezzanine levels, with a smaller office area and WC to the ground floor, adjacent the entrance and a fire escape staircase towards the south of the east elevation. An additional two storey office hub would be provided in the northern elevation lean to.

HGV loading bays would be provided to the north elevation. The south and west elevations would be inactive elevations, including only personnel doors that would sit amongst narrow, vertical glazing panels.

The main external walls of warehouse areas of the building would be predominately finished with horizontally laid trapezoidal cladding in RAL 7038 (agate grey) between the parapet and haunch height, RAL 180 40 05 (earth green) at mid-level and RAL 7016 (anthracite grey) to the lower levels. Between the haunch height and mid-level cladding, a composite cladding laid horizontally in RAL 9002 (grey white). To the east elevation, the office area would be clad with horizontal composite cladding in RAL 9002 (anthracite white) and horizontal trapezoidal cladding in RAL 7038.

The office hub to the south elevation would be external finished composite cladding laid horizontally in RAL 7016 (anthracite grey).

The roof would be clad in RAL 7038 (note, RAL 7038 is agate grey but the plan states Goosewing grey) with the eaves, fascia and soffits in pressed metal in RAL 7038 and the warehouse parapet flashing in pressed metal in RAL 9003 (signal white).

The roof would also include solar panels on all areas of the useable roof space, with rooflights also proposed.

The retained access to the north east corner would lead to a car parking area to the east, north east and south east of the building. This would provide parking for 182 cars, including 11 enlarged accessible spaces and 35 spaces provided with electric charging facilities. 24 Cycle spaces would also be provided as well as 5 motorcycle spaces.

Vehicle access to the south of the building would be gated and provide a fire tender access track that would run around the south and west periphery of the building. HGV parking and access would be to the north of the building, where 20 docking bays would be provided, including 4 level access bays. The proposal also includes 44 trailer spaces and 2 stacking spaces.

Additional proposed development includes a bin store, a substation and an external condenser unit to the north of the building and the service yard and the west and northern perimeters of the building would be enclosed by 2.4m high security fencing.

The development would include a reduction in the size of the woodland to the west of the site from approximately 1.2ha to 0.5ha. An attenuation pond is also proposed to the landscaped area is proposed to the south east of the site and this would include a drainage attenuation pond. A small number of additional trees/clusters of trees would be provided around the development and as landscape features within the car park.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

- JP-S1 Sustainable Development
- JP-S2 Carbon and Energy
- JP-S4 Flood risk and the water environment
- JP-J1 Supporting Long Term Economic Growth
- JP-J2 Employment Sites and Premises
- JP-P3 Office Development
- JP-P4 Industry and Warehousing Development
- JP-G2 Green infrastructure network
- JP-G3 - River Valleys and Waterways
- JP-G7 Trees and woodland
- JP-G8 A net enhancement of biodiversity and geodiversity
- JP-P1 Sustainable Places
- JP-C1 An Integrated Network

JP-C4 The Strategic Road Network
JP-C7 Freight and Logistics

Adopted Rochdale Core Strategy (CS):

E2 Increasing jobs and prosperity
E3 Focusing on economic growth corridors and areas
P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development
G1 Tackling and adapting to climate change
G2 Energy and new development
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
T1 Delivering sustainable transport
T2 Improving accessibility
DM1 General Development requirements
DM2 Delivering planning contributions and infrastructure

Unitary Development Plan (UDP):

EC//2 Primary Employment Zone

Supplementary Planning Documents (SPD):

RELEVANT SITE HISTORY

96/D32744 - Of Distribution Warehouse With Ancillary Offices And Facilities And Formation Of New Bridge - Approved
97/D34534 - Widening Of River Roch To Provide Flood Defence Channel - Approved
97/D34657 - Importing Selected Inert Material Onto The Site To Raise The Existing Levels For Flood Defence Purposes In Preparation For Industrial Development In Pursuance Of The Requirements Of Conditions 11 And 18 Of Planning Permission D32744 - Approved
99/D36899 - Erection Of Warehouse Unit (Class B8) And Office Unit (Class B1) Involving Proposed Diversion Of A Public Right Of Way - Approved
99/D36900
03/D41876
04/D42886
05/D44803

CONSULTATION RESPONSES

Gtr Manchester Ecology Unit

First comments – Satisfied that mitigation and enhancement for wildlife is achievable on site.

Request, prior to determination, further information on BNG and provision of the full metric to ensure that the headline results are accurate.

Second comments – The amended plans would increase the on-site habitat provision. All other ecological issues are unchanged and previous recommendation still apply. An updated biodiversity metric, based on the amended plans, is required.

Third comments – No issues with the metric provided. The net loss of 1.92 base units is much reduced from the original proposal of 4.7 BU. There is a net gain of linear units. Advise that off-site compensation is sought through a S106.

Highways And Engineering

No objections.

Env Health - Noise/Odours

No comments received to date

Tree Officer

First comments – Concerns raised – the development will result in the loss of approximately 1ha of lowland broadleaved woodland, which has the potential to be an important asset in the future.

The development will result in the loss of 4.61 biodiversity units. If tree loss is determined to be unavoidable, financial contribution should be sought.

Second comments – Concerns remain. Very little additional proposals have been put forward for the almost total loss of the woodland.

United Utilities

First comments – Objection – exact location of sewer should be identified prior to determination.

Suggested conditions.

Second comments – Objection remains

Third comments – Drainage strategy acceptable in principle but elements of the detailed drainage design may not be acceptable to UU. Request that the drainage strategy is not approved and suggested drainage condition.

Environment Agency

First comments – objection – submitted FRA is not acceptable.

Second comments – Objection removed.

Suggested conditions.

Transport For Greater Manchester

First comments – Transport Statement should be updated. A Travel Plan should be conditioned upon any approval.

Second comments – The updated Transport Statement is acceptable. No additional comments.

Strategic Transport Planning Co-Ordinator

No comments received to date

Lead Local Flood Authority/Drainage

First comments – Additional/amended information required. The current proposals do not represent sustainable drainage. Comments from United Utilities should be sought.

Second comments – suggested drainage condition.

Environmental Control (Landfill Gas)

No objection, the submitted report is acceptable. Suggested condition.

Rights Of Way Officer

No comments received to date

Natural England (North West Planning)

No comments received to date

National Highways

No objection

GMP - Design For Security

No comments received to date

GM Fire Service

Advice provided on access requirements and provision of water supplies.

Street Lighting

No objections. Any changes to lighting on the adopted highway will need to be submitted as an agreement with Highways (Rochdale BC Street Lighting).

REPRESENTATIONS

The application has been publicised with a site notice, press notice and neighbour notification letters. One representations was received to advise that part of the site was not within the applicant's ownership. The applicant was notified of this, correct notice was served and the application was revalidated.

ANALYSIS

Principle

The application site is located within a primary employment zone where saved UDP policy EC/2 applies, alongside Core Strategy Policies E2 and E2. These policies promote the development of industrial, business and warehouse uses and the increase of jobs and prosperity in the area. Policy JP-P1 of PfE also seeks to support a thriving, inclusive and productive economy and facilitates the development in key economic sectors including logistics. Policy JP-J2 offers a wide range of employment sites, protecting existing employment areas from redevelopment and policy JP-P4 recognises the need to provide industrial and warehousing sites, recognising its importance to key economic sectors.

Given the existing land use allocation and existing use of the site it is considered that the proposals to provide a new and larger building for B8 use (storage and distribution) is acceptable in principle, with the development supporting the economic growth of the area and the wider Greater Manchester region.

Design

Policies P1 and P3 of the Core Strategy require high quality design in new development. The requirements for high quality design is also clearly set out in the NPPF. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and paragraph 135 goes on to state that planning policies and

decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Additionally, Paragraph 139 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The application seeks the provision of a large storage and distribution building to replace an existing, similarly designed, but smaller building. The new building would have a footprint of approximately 78m by 215m and it would have a shallow, triple pitched roof with a height of 18m. Located central to the north elevation an adjoining lean to structure would measure approximately 15.72m by 13.8m, have an eaves height of 8m and a maximum height of 11m. The building would be principally clad, with areas of glazing predominantly located to the office areas and main entrance of the building.

The design of the building is typical for a modern storage and distribution centre and is of a scale proportionate to the site and the wider employment land allocation. It is accepted that the design could not be described as “high quality”, none the less, it would be appropriate for its setting and not result in harm to the appearance of the site or the surrounding area, with the functional design recognised as being necessary for the proposed use.

Details of the materials and their colour have been submitted and these are considered appropriate for the site, with the cladding proposed in neutral and subtle colours which will aid in the building sit comfortably within the site. A condition can be included on approval to control materials.

The wider site would also appear acceptable in terms of its visual impact. The proposed car parking area contains soft landscaping, including tree planting between parking spaces and a soft boundary to the north, east and south. The HGV area, for functionality reasons, is clear of any planting apart from to the northern boundary, but to the west of the site approximately 0.5ha of woodland is proposed to be retained, an attenuation pond and additional planting is also proposed. This is assessed further in the landscape section of the report, but visually, this soft landscaping would aid in softening the appearance of the development and improve its overall impact on visual amenity.

Further to the above, the impact on visual amenity is acceptable and the development would comply, in this regard with policies P1, P2 and P3 of the Core Strategy, the NPPF and PfE.

Trees, Landscaping and BNG

The western area of the site is covered by a dense area of woodland of approximately 1ha and beyond this the River Roch and a greenspace corridor abut the site boundary and sit partly within the applicants ownership.

Policy G6 of the Council's Core Strategy requires that development protects and improves green infrastructure and where trees are to be removed, these should be replaced on a 2:1 ratio. Policy G7 also requires that site and features of biodiversity are given full and appropriate recognition and protection and the NPPF under chapter 15 requires that planning decisions contribute to and enhance the natural environment. PfE policy JP-G2 also recognises that trees and woodland are a vital element of green

infrastructure and policy JP-G7 aim to significantly increase tree cover, protect and enhance woodland and connect people to the trees and woodland around them.

BNG legislation, implemented on the 12th February 2024 for major developments, requires a statutory 10% BNG net gain. Policy JP-G7 also requires that new development proposals demonstrate a measureable net gain in biodiversity of no less than 10%.

The application was initially submitted with almost the entirety of the 1ha area of woodland proposed for removal. Through consultation with GMEU it was established that the woodland, although of recent origin, was of a substantive size, largely unfragmented and located within the Roch Valley, which acts as an important green corridor for the borough. The area therefore has significant to become an important asset in the future, if it were managed properly.

The applicant was therefore advised that the Council could not support the substantial tree loss proposed and they were asked to consider amended proposals that would retain a larger area of tree cover. The applicants were advised that to be retained as a woodland, as defined by the Forestry Commission, the area of trees would need to meet all of the following:

- a minimum area of 0.5ha
- a minimum width of 20m
- a potential tree canopy cover of at least 20%
- a canopy consisting of specimens that meet the definition of trees

Following the above, amended plans have been submitted and these retain 0.5 ha of trees/woodland, which is significantly more than originally proposed and through consultation with GMEU the increased area is welcome.

It is acknowledged, along with an amended BNG metric, that the development would still result in a substantial loss of trees and the metric identifies a loss of 1.92 area based units. Again, it is recognised that this is significantly reduced from the original proposals which would have resulted in the loss of over 4.7 units and this indicates that measures have been taken to maximise the on-site measures in line with the mitigation hierarchy. There is also a net gain of linear units, which can be weighed against the loss of area based units. Nonetheless, GMEU have advised that these gains are small and do not significantly removed the need for off-site compensation. GMEU have therefore advised that BNG should be provided and this can be controlled through condition.

Further to the above, it is accepted that the proposals in their amended form would result in significant tree loss across the site and this is reflected in the BNG metric. Ideally, any tree losses would be compensated by on site planting, at a 2:1 ratio, as identified in policy G6. However, the loss to unprotected trees must also be considered in the context of the wider site, which includes the redevelopment of an allocated employment site with a large and modern distribution centre which would actively contribute to the economic growth of Rochdale and the wider GM region.

As set out above, the tree losses have been significantly reduced since first submission of the application and GMEU have advised that the habitat losses (which includes the loss of the trees) can be mitigated through off site contribution for biodiversity net gain. Therefore, on balance, it is considered that the tree losses associated with the application are acceptable, subject to the provision of off-site BNG, and the application therefore complies, in this regard, with the requirements of policy G6 and G7 of the Core Strategy JP-G2 and JP-G7 of PfE and the NPPF.

In regards on site landscaping, as referenced above the application includes the provision of some new linear BNG units which include planting strips along the site boundary. These alongside the individual trees set amongst the car park areas would provide acceptable landscaping to the eastern side of the site, softening the appearance of the development. To the west of the site the retained area of woodland plus the new attenuation pond would provide acceptable buffer to the greenspace corridor and retain the verdant character. A landscape condition will be required with any approval as well as the previously mentioned BNG requirements, which will be controlled through a S106. Subject to these provisions, landscaping of the site is considered to be acceptable.

Ecology

Policy G7 of the Core Strategy requires developments to protect existing biodiversity including trees and vegetation. The NPPF also requires the planning system to contribute to and enhance the natural and local environment and policy JP-G8 of PfE requires that through local planning a net enhancement of biodiversity resources will be sought.

PfE policy JP-G2 also recognises the importance of river valleys and waterway as priority green infrastructure and requires that new development to be designed to ensure river corridors and their habitats are integrated within development and enhanced wherever possible.

An ecological assessment has been submitted with the application to consider the impact on other matters of ecology and this has been reviewed by GMEU, who have also considered the lighting impact document. In regards lighting GMEU have advised that the proposals demonstrate no significant effect on the boundaries of the site, including the River Roch corridor. As such, they have confirmed that no further information or measures are required with regards potential negative effects on wildlife movement at night.

In respect of specific species, the buildings and trees on site have been assessed as having negligible bat roosting potential, given the design and age of the building and age of the trees. Activity surveys also did not identify significant levels of foraging or commuting. GMEU have however noted that the report is old, and whilst the trees are unlikely to develop roosting features until the age of around 20, there is a theoretical risk that the building may develop such features. GMEU have therefore advised that if demolition does not commence prior to the 30th April 2025, the building should be reassessed for bat roosting potential.

No other evidence of protected species has been identified in the submitted survey. GMEU have however noted that the survey is becoming dated and as such there is a theoretical risk of species such as badger colonising the site or adjacent habitats, such as the nearby railway embankment. Otter also likely utilise the River Roch to the west. GMEU have advised that they would not expect any other protected species to colonise the site, but to protect any badgers and/or otters who may migrate onto or adjacent to the site, a condition for a badger survey and footnote to remind the applicants of the protected status of otters, have been recommended. These are considered to be reasonable and should be included on any approval.

GMEU have also noted that the trees and scrub that will be lost as a result of the development provide potential bird nesting habitat. All British birds nest and eggs (with certain limited exemptions) are protected and therefore a condition should be included

with any approval requiring that any works and clearance of trees and shrubs shall take place outside of the nesting period, unless the absence of nesting birds has been confirmed by a suitably experienced ecologist.

There is also a theoretical risk of species such as hedgehog being present in the scrub on site. GMEU have however advised that the site is generally sub-optimal and isolated, with the River Roch and M66 providing significant barriers to movement in and out of the site and the East Lancashire Railway embankment a partial barrier. GMEU have therefore advised that the risk is low, but to mitigate against this, a footnote should be included on any approval, advising the applicant of the Wild Mammal (Protection) Act 1996.

In regards the proximity to the River Roch, GMEU have noted that a significant vegetated buffer is to be retained between the site and the river, with the proposed surface and foul water proposed to drain to an existing combined sewer. GMEU are therefore satisfied that the risk of a negative impact on the River Roch is low, with risks during construction dealt with through standard construction management practices. The Environment Agency have further commented on this matter and noted that development that encroaches on watercourses, ponds and wetlands can have a potentially severe impact on their ecological value. They have therefore recommended that the application would be acceptable if a condition is included requiring a scheme to be agreed to protect a minimum of 8m wide buffer zone around the River Roch.

GMEU and The Environment Agency have also noted the presence of invasive non-native species in the area, therefore a further condition for further survey and management of invasive should be included upon approval.

Further to the above it is considered that subject to the above mentioned conditions, the development would provide adequate ecological protection and in this regard the application accords with the requirements of policy G7 of the Core Strategy policy JP-G8 of PfE and the NPPF.

Flooding and Drainage

Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensures prudent use of water resources.

The application site is located in Flood Zone 2, with areas close to the River Roch designated as Flood Zone 3. A Drainage Strategy and Flood Risk Assessment have been submitted with the application, with consultations undertaken with the Environment Agency, United Utilities and the Council's Lead Drainage Officer.

Upon initial submission of the application concerns from all of the above consultees were raised. There were concerns that the flood risk assessment did not adequately assess the flood risks posed by the development and the drainage scheme did not represent sustainable drainage, with United Utilities objecting due to the potential impact on their sewer infrastructure.

Following these concerns an updated Flood Risk Assessment and Drainage Strategy has been submitted.

The Environment Agency have confirmed removal of their previous objection with a request of a condition for finished floor levels which would ensure protection of the development from flood risk.

There are still concerns raised by United Utilities and the Council's Lead Drainage Officer, and whilst United Utilities have confirmed that the strategy for the disposal of foul and surface water is acceptable in principle, there are elements of the detailed drainage design that might not be acceptable and will require resolution by the applicant. They have therefore requested that the submitted drainage strategy is not approved and that a condition requiring submission of a foul and surface water drainage scheme be included upon any approval.

The Council's Lead Drainage Officer has also provided comment and as per the comments from UU, the Council's Drainage Officer does not consider that the submitted drainage scheme is acceptable and in particular, the applicant has not investigated all sustainable drainage methods. Therefore, similar to UU, a drainage condition has been suggested and this is considered reasonable given the clear outstanding uncertainties in respect of drainage associated with the site.

United Utilities also advise that there is an easement crossing the proposed site which has restrictive covenants that must be adhered to. The existence of a covenant is not a planning matter but the applicant should be aware of their responsibilities in investigating and complying with any covenants on the land.

United Utilities have also advised of a water main and public sewer that cross the site. United Utilities will not permit building over either and in respect of the public sewer a sewer protection and diversion condition has been recommended. This is considered reasonable in the interests of sustainable drainage and to ensure protection of the public sewerage system.

Further to the above, it is recognised that a detailed drainage scheme for the site is still required and this must take into consideration a number of factors including; sustainable drainage and UU assets. Nonetheless, it is considered, through consultation, that these matters can be addressed through condition through the submission of a detailed drainage strategy. Therefore, subject to a drainage condition, as well as a levels condition and UU asset condition, it is considered that drainage and flood risk at the site can be appropriately managed, in accordance with the Core Strategy, PfE and NPPF.

Highways

Policy T2 of the Core Strategy requires that development comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and serving arrangements, taking into account the proposed use and location.

As referenced in the site description, the site is flanked by the M66 to the east, with direct access available on junction 2. The application proposes no alterations to the existing access arrangements through the Waterfold Business Park and access to the site would also be retained in its existing position.

The Council's Highway Services have been consulted on the application and advised of no objections. They have advised that the access to the site is designed for uses such as the proposal and is therefore suitable. The proposed car parking is also adequate for

the use, and the segregation of commercial and private vehicles is welcomed. There are therefore no highway safety concerns raised in respect of the proposals.

National Highways have also commented on the application and confirmed no objection.

Transport for Greater Manchester (TfGM) have also provide comment, particularly in respect of active travel and in order to promote sustainable travel and mitigate the traffic impact of the development it is recommended that any approval include a condition for a Travel Plan that should include incentives for sustainable travel, such as concessionary bus fares, discounted cycles, journey planning etc. In the interests of sustainability and reducing the traffic impacts of the development, this is considered a reasonable request and should be conditioned upon approval.

Further to the above the application is acceptable in regards highway safety and in accordance with the requirements of policies T2 and DM1 of the Core Strategy, PfE and the NPPF.

Contamination

Policy G9 of the Core Strategy requires that any risks arising from contaminated land are identified prior to development taking place, with identified actions taken. Policy JP-S1 of PfE also requires that appropriate contamination mitigation and remediation is implemented.

A Phase I report has been submitted with the application and this identifies that there is a low to moderate potential for significant or widespread soil and groundwater contamination, which is in part related to the lack of documentation relating to the possible presence and nature of infill. It also identifies that there is a low risk of the site representing a significant risk to site users whilst in its current use and that the redevelopment would cap the site and limit the potential for ground contamination to be mobilised. The report concludes that a Phase II intrusive ground investigation should be undertaken and conditioned on any approval.

The submitted report has been reviewed by the Council's Contaminated Land Officer who has confirmed that the report is acceptable and approval should be subject to a condition requiring further investigation. The Environment Agency have also reviewed the report and similarly advised that a condition should be attached to any approval requiring the submission of a remediation strategy. Therefore, subject to an appropriately worded condition it is considered that the proposal can appropriately manage any contamination of the site in accordance with policy G9 of the Core Strategy, PfE and the NPPF.

Neighbour amenity

Policy G9 of the Council's Core Strategy requires that development will reduce all forms of pollution in the area, and to this extent new development should not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

Located within an existing employment allocation the site does not have any immediate residential neighbours, with the nearest sensitive properties located to the opposite side of the River Roch, approximately 100m from the NW corner of the car park and 120m from the NW corner of the building.

A Noise Assessment has been submitted with the application and this concludes that the predicted noise levels are expected to have no impact on receptors further from the development and a minor impact at the closest receptors during the night. The effects of noise are expected to be either low or negligible and not expected to change the behaviour of the closest receptors (such as closing windows etc). No objections have been raised in respect of noise and further to the findings of the noise report it is considered that the development would not result in any adverse disturbances and the application is acceptable in regards the requirements of policy G9.

Conclusion

The application would provide acceptable redevelopment of an existing employment site to contribute towards economic growth in the borough. It is accepted that the development would result in the loss of several trees, however this loss can be adequately mitigated through BNG and landscaping conditions. All other material matters, including ecology, drainage, contamination and highway safety can also be adequately managed through condition. The recommendation is therefore for approval.

RECOMMENDATION

APPROVE

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 relates to the following plans:

- Location Plan - Drawing no. 131000 Rev P2
- Existing Site Plan – Drawing no. 131002
- Topographical Survey – Drawing no. 01/04/2022
- Existing Site and Floor Plan – Drawing no. 103
- Existing Elevations – Drawing no. 104
- Proposed Site Plan – Drawing no. 131001 Rev P15
- Proposed Warehouse Layout – Drawing no. 131100 Rev P04
- Proposed Office Layout – Drawing no. 131101 Rev P04
- Proposed Hub Layout – Drawing no. 131102 Rev P04
- Proposed Roof Plan – Drawing no. 131103 Rev P04
- Proposed Elevations – Drawing no. 131300 Rev P03
- Proposed Sections – Drawing no. 131200 Rev P03
- GEA Plans – Drawing no. 920101 Rev P03
- GIA Plans – Drawing no. 920100 – Rev P03
- Illustrative Landscape Sections – Drawing no. 70115512-LA-PL-002 Rev P02
- Landscape Concept Plan – Drawing no. 70115512-LA-PL-001 Rev P03
- Landscape Strategy Plan – Drawing no. 70115512-LA-PL-003
- Baseline Habitats – Drawing no. Figure 1
- Proposed Habitats – Drawing no. Figure 2

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 Rochdale Core Strategy, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. The development shall be first constructed in full accordance with the materials identified on drawing no. 131300 Rev P03 and retained as such thereafter.

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

4. Notwithstanding the details shown on the approved plans, prior to first occupation full design details and siting of all boundary treatment, including any car park barrier and all gates, fences, walls and any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided in accordance with the approved details prior to first occupation and retained as such thereafter.

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

5. Notwithstanding the details shown on the approved plans, prior to first occupation full design details and siting of a waste management store and bicycle store shall be submitted to and approved in writing by the Local Planning Authority. The waste management store and bicycle store shall be provided in accordance with the approved details prior to first occupation and retained as such thereafter.

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

6. No development shall take place until finished ground levels and finished floor levels for the site and proposed buildings relative to agreed off-site datum points 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: The finished floor levels will dictate the ground works and therefore it is important that the levels are considered at an early stage and agreed before development commences on site.

7. The car parking spaces and service yard as identified on drawing no. 131001 Rev P15 shall be fully provided prior to first occupation of the development and shall thereafter be retained solely for the parking and turning of vehicles.

Reason: In the interests of highway safety and to ensure that the development is provided with sufficient parking and turning facilities in accordance with the requirements of policy T2 and DM1 of the adopted Rochdale Core Strategy, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

8. Prior to first occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan shall include:

- A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases; and
- Targets and monitoring arrangements.

The approved Travel Plan shall be implemented on first occupation of the development hereby permitted.

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

9. Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces, retaining structures 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, a scheme for the timing / phasing of implementation works and the provision of bird nesting and bat roosting opportunities.

The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

Any trees or shrubs planted 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 to secure biodiversity mitigation in accordance with Policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. Prior to the commencement of development, excluding demolition but including any clearance of vegetation and earthworks, a survey of the site and the adjacent land within 30m of the site boundary (where accessible) for badgers and badger activity shall be undertaken and a findings report submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the survey and report shall be undertaken by a suitably qualified ecologist and shall outline any reasonable avoidance measures required and necessary protection measures and the development shall thereafter be undertaken in accordance with the approved report.

Reason: To ensure the adequate protection of protected species in accordance with Policies G6 and G7, of the adopted Rochdale Core Strategy, policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

Reason for pre-commencement condition: It is important to ensure any protected species on the site are appropriately protected from any development taking place.

11. If demolition of the existing building is not commenced prior to the 30th April 2025 the building shall be reassessed for bat roosting potential and report submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the survey and report shall be undertaken by a suitably qualified ecologist and the development shall thereafter be undertaken in accordance with the approved report.

Reason: To ensure the adequate protection of protected species in accordance with Policies G6 and G7, of the adopted Rochdale Core Strategy, policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

Reason for pre-commencement condition: It is important to ensure any protected species on the site are appropriately protected from any development taking place.

12. No ground works or clearance of vegetation hereby permitted shall take place until a detailed method statement for the removal or long-term management/eradication of invasive plant species on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures to prevent the spread of invasive plant species during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development and site works shall thereafter be carried out in accordance with the approved method statement.

Reason: To prevent the spread of invasive species and to protect native flora in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy, policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

13. No works to or clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent disturbance to any nesting birds that may be present in accordance with Policies G6 and G7, of the adopted Rochdale Core Strategy, policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

14. Prior to the commencement of development a scheme for the provision and management of a minimum of 8metre wide buffer zone alongside the River Roch shall be submitted to, and approved in writing by, the local planning authority. The 8-metre-wide buffer is to be measured from the top of the riverbank. The top of the riverbank is defined as the point at which the bank reaches normal land levels. The development shall thereafter be carried out in accordance with the approved scheme.

For the avoidance of doubt, the buffer zone scheme shall be free from built development including but not limited to lighting, roads, fencing and formal landscaping and the scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- detailed method statement for removing or the long-term management / control of Non-native Invasive Species

Reason: To ensure the adequate protection of the river corridor in accordance with Policies G6 and G7, of the adopted Rochdale Core Strategy, policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

Reason for pre-commencement condition: Land alongside watercourses and ponds are particularly valuable for wildlife and it is essential this is protected.

15. Prior to the commencement of development, 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. Foul and surface water shall drain on separate systems and the drainage schemes shall include:

- (i) A comprehensive investigation of existing drainage regimes for the paved and permeable areas of the site. This should include full connectivity surveys and infiltration assessment using site-based data.
- (ii) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (iii) If infiltration is not found to be viable then either a surface water connection to a local watercourse or public surface water sewer.
- (iv) A restricted rate of discharge of surface water agreed that shall not exceed greenfield runoff of 25 l/s (if it is agreed that infiltration is discounted by the investigations);
- (v) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (vi) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- (vii) construction details for any permeable paving including kerbing and cross section of open graded sub-base
- (viii) Detailed layouts including conduit sizes, storage volumes, storage component footprint areas, controls, gradients and any other relevant details.
- (ix) The background calculations of the software or calculations that have been used for the drainage design. These shall include drain down times for any storage features.

(x) Provision of a maintenance document explaining how the drainage scheme will be maintained and managed after completion.

The approved schemes 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 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy G8 of the adopted Rochdale Core Strategy the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: It is important that drainage infrastructure is fully considered prior to the commencement of development.

16. Prior to the commencement of development, (including any earthworks, details of the means of ensuring the 1350mm public sewer that is laid within the site boundary is protected from damage as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a survey that identifies the exact location of the sewer, the potential impacts on the sewer from construction activities (including the construction compound), the impacts post completion of the development on the sewer infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the sewer both during construction and post completion of the development.

Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that the survey of the sewer infrastructure identifies the buildings/plots as within a 5m standoff either side of the main (10m in total), the applicant shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of the public sewerage system in accordance with policy G8 of the adopted Rochdale Core Strategy, The Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: It is important to ensure that the existing main drainage infrastructure is protected from any development at the site.

17. Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be completed in full accordance with the approved recommendations.

Reason: To ensure that the development is appropriately protected from any contamination of the site in accordance with policy G9 of the adopted Rochdale Core Strategy, The Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure safe development of the site in the interest of future occupiers, and to prevent pollution of the water environment.

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:

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

2. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

BIODIVERSITY NET GAIN

1. Prior to the commencement of development, a Biodiversity Gain Plan shall be prepared and submitted to and approved in writing by the Local Planning Authority.

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.