

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00453/VRCON

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 12.08.2024 **EXT OF TIME****Address:** Birch Business Park Whittle Lane Heywood Rochdale OL10 2SX

Proposal: Section 73 application to remove condition 3 (Occupancy Restriction) of planning permission 22/01148/FUL (Demolition of Units B and G and erection of a warehouse unit (Class B2/B8) with ancillary office space (Class E) including parking, servicing areas, associated works and infrastructure - Resubmission of 21/01489/FUL)

PUBLICITY Y	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?	N

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

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

RECOMMENDATION	Grant Subject to Conditions
-----------------------	------------------------------------

CHECKED AND SIGNED OFF BY: RG**DATE:** 12 July 2024

SITE

The application relates to Units B and G at Birch Business Park, which lie at the south-east corner of the wider industrial estate site. The industrial estate, including the application site, is a major developed site within the Green Belt. Approximately 350m to the south east of the site is the eastbound Birch Services of the M62, whilst 900m north is Heywood Distribution Park. The immediate area surrounding Birch Industrial Estate is farmland, and the topography of the land falls away to the south-east. There are areas of landscaping throughout the industrial estate, including a pond in the eastern corner. The site boundaries are marked by mature trees on all sides, although there are some significant gaps within it at present. The site is accessed via Moss Hall Road / Whittle Lane, the former of which runs along the western boundary of the site and the latter of which runs along the southern boundary.

Birch Business Park lies to the south of Heywood Distribution Park and is also closely located to the wider South Heywood masterplan area recently approved under application ref. 16/01399/HYBR. The site also sits within the 'Northern Gateway' area as referred to in the emerging Greater Manchester 'Places for Everyone' joint development plan document.

PROPOSAL

The application seeks to delete condition 3 (occupancy restriction) of planning permission 22/01148/FUL for the Demolition of existing units B and G and erection of a Class B2/B8 warehouse unit with ancillary office space (Class E), parking, servicing areas, associated works and infrastructure.

RELEVANT PLANNING POLICY

Rochdale Core Strategy (CS) 2016:

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
G1	Tackling and adapting to climate change
G2	Energy and new development
G3	Renewable and low carbon energy developments
G4	Protecting Green Belt
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport

T2 Improving accessibility

Rochdale Unitary Development Plan (UDP) 2006:

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/2	Green Belt
D/5(ii)	Infilling at Major Existing Developed Sites in the Green Belt – Birch Industrial Estate, Whittle Lane, Heywood
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Places for Everyone Joint Development Plan

4. Strategy

JP-Strat6	Northern Areas
JP-Strat7	North-East Growth Corridor

5. Sustainable and Resilient Places

JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air

6. Places for Jobs

JP-J1	Supporting Long Term Economic Growth
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development

8. Greener Places

JP-G6	Urban Green Space
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity

9. Places for People

JP-P1	Sustainable Places
JP-P2	Heritage

10. Connected Places

JP-C1	An Integrated Network
JP-C7	Transport Requirements of New Development

Supplementary Planning Documents (SPD):

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

NATIONAL PLANNING POLICY AND GUIDANCE

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

RELEVANT SITE HISTORY

22/01148/FUL	Demolition of Units B and G and erection of a warehouse unit (Class B2/B8) with ancillary office space (Class E) including parking, servicing areas, associated works and infrastructure - Resubmission of 21/01489/FUL – Granted Subject to Conditions
21/01489/FUL	Demolition of existing units B and G and erection of a Class B2/B8 warehouse unit with ancillary office space (Class E), parking, servicing areas, associated works and infrastructure – Withdrawn
21/01508/SO	Request for screening opinion in respect of the erection of a new industrial building including associated parking, landscaping and infrastructure works – EIA Not Required
20/00955/FUL	Retrospective demolition of Unit D and erection of a B2/B8 warehouse unit with ancillary B1(a) office space at Birch Business Park including ancillary office, parking and servicing areas, associated works and infrastructure – Granted subject to conditions
19/00092/REM	Submission of reserved matters pursuant to outline planning permission 18/01048/VRCON relating to the means of access, appearance and landscaping in relation to phase 1 of the development. – Granted subject to conditions
19/00144/VRCON	Application to vary condition 5 (development to be carried out in accordance with submitted Ground Investigation Report) and condition 16 (to refer to updated energy statement submitted) of planning permission 18/01048/VRCON – Granted subject to conditions
18/01048/VRCON	The imposition of additional planning condition to planning permission reference 16/01455/OUT to allow the site to be developed in 2 phases. Subsequent variation in the wording of conditions 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14 and 17 and the removal of condition 15 for achievement of very good or excellent BREEAM rating – Granted subject to conditions.
16/01455/OUT	Outline planning permission by means of layout and scale for the erection of 3 industrial units of B2/B8 use (with ancillary B1) including the provision of car parking and associated infrastructure including the demolition of existing commercial units – Granted subject to conditions

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

Letters of notification were sent to all surrounding properties, a notice was posted in the vicinity of the site and an advert issued in the local press. No responses were received.

ANALYSIS

Preliminary Matters

Since the granting of Planning Permission, the 9 boroughs covered by the Places for Everyone Joint Development Plan have each resolved to adopt the plan which came into force in March 2024. The relevant policies are now afforded the full weight in the decision making process. A revised National Planning Policy Framework was also published in late December 2023, the policies of which are material considerations in determining this application.

Condition 3

Condition 3 of Planning Permission 22/01148/FUL sought to restrict the occupancy of the approved unit to that only by “*Restore PLC*” for a period of not less than 5 years from the date of the first occupation. This condition was considered necessary to ensure that very special circumstances required to justify the Green Belt location of the development could be secured for a reasonable period of time.

Since the granting of planning permission, the Places for Everyone Joint Development Plan was adopted which includes a number of strategic site allocations and alterations to the Green Belt boundaries of boroughs included within the Plan. Within this context Birch Business Park has been removed from the Green Belt as part of Allocation JPA-1.1 Heywood/Pilsworth (Northern Gateway). The allocation spans from Pilsworth Road in the north to the M62 in the south and forms the largest allocation within the plan with significant strategic ambitions to enable a rebalancing of economic growth within the region with 1.2m sqm of employment floor area and 1,200 homes intended to be delivered.

Given the site has now been removed from the Green Belt, Condition 3 is no longer necessary to secure the significant weight afforded to Restore PLC occupying the unit in order to demonstrate very special circumstances. As such, in removing the condition, the development proposals would be in accordance with the development plan in force.

RECOMMENDATION

GRANT subject to the following conditions:

Time Limit

1. The development hereby approved must be begun not later than 19th December 2025.

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

Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

21033_PL01 Site Location Plan
21033_PL02 Existing Site Plan
21033_PL03 Proposed Site Plan Rev. P05 (received 15.03.22)
21033_PL04 Proposed Ground Floor
21033_PL05 Proposed Office Plans
21033_PL06 Proposed Roof Plan
21033_PL07 Proposed Elevations
21033_PL08 Proposed Sections
21033_PL09 Proposed Cycle Shelter
21033_PL10 Proposed Waste Compound
21033_PL11 Unit B as existing
21033_PL12 Unit G as existing

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, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Invasive Species Method Statement

3. The development hereby approved shall not be carried out otherwise than in strict accordance with the details and timescales contained within the approved Method Statement for Removal of Himalayan Balsam, by Avian Ecology.

Reason: To secure the satisfactory control or avoidance of this invasive species of plant which under the terms of the Wildlife & Countryside Act 1981, as amended, it is an offence to be caused to spread in the wild, and in accordance with adopted Rochdale Core Strategy policy G7, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Tree Protection

4. No development including works of demolition shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing prior to demolition or development works, in accordance with the Arboricultural Impact Assessment (AIA) ref. UG1236 (31.08.21) carried out by Urban Green and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy, Policy JP-G7 and JP-G8 of the adopted

Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Trees can be damaged by construction activity and the measures therefore need to be installed in advance.

Contamination

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the site is adequately remediated in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Drainage

6. The drainage scheme for the development shall be in general accordance with the Drainage Strategy by Ridge Consultants (dated Sept 2021) and as detailed in the Proposed Drainage GA drg ref BUB-RDG-00-ZZ-DR-C-0501 Rev P5 (dated 12.5.22). The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Drainage Maintenance

7. No part of the development shall be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development is submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy,

saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

CMP

8. The development hereby approved shall not be carried out otherwise than in strict accordance with the Construction Management Plan that comprises the 'Construction Method Statement / Risk Assessment' ref A2451 dated 01.03.22 by Reddish Demolition Ltd and the 'Construction Method Statement' by WBD Ltd.

Reason: To minimise detrimental effects to the amenities of surrounding occupiers and the area in general and 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 and G9 of the adopted Rochdale Core Strategy, Policies JP-S1, JP-G8, JP-P1 and JP-C7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Materials

9. Notwithstanding any details provided within the application, no above ground works shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. 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 and in accordance with policies DM1, P1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Parking & Hard surfacing

10. No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking and servicing areas, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The parking and servicing areas shown on the approved plans shall be constructed in accordance with the duly approved details before the associated building is first occupied, and shall be retained thereafter for their intended purpose.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of highway safety and the free flow of traffic and to ensure the suitable disposal of surface water in order to comply with the requirements of policies T2, DM1 and G8 of the adopted Rochdale Core Strategy, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan, Policies JP-S4 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Landscaping

11. The landscaping works shall be carried out in full accordance with the approved details contained within the 'Landscape Strategy Plan' ref. 432-P-01 Rev. D and the 'Planting Schedule and Specification' ref. 432-P-01 Rev. C, both by Urban Wilderness.

All planting, seeding or turfing comprised within the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development, whichever is sooner; and any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with policies DM1, G6, G7 and P3 of the adopted Rochdale Core Strategy, Policies JP-G8 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Nesting Season

12. No 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 any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, Policy JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Cycle Storage

13. The development hereby permitted shall not be occupied until such time as the bicycle parking facilities as shown on drawing no. 21033_PL09 Rev. P01 'Proposed Cycle Shelters' have been installed as per the approved details and made available for use. The bicycle parking facilities shall be retained as such 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, Policy JP-C6 of the adopted Places for Everyone Joint Development Plan and the requirements of the National Planning Policy Framework.

External Lighting

14. Any external lighting that is installed shall be in strict accordance with external lighting scheme as indicated on drawing no. 1974-B-EX-6301 Rev. P1 'External Lighting Layout'.

Reason: In the interests of, amenity and to prevent nuisance to the natural environment in accordance with adopted Rochdale Core Strategy policies

DM1, P3, G4 and G9, Policies JP-G8 and JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

No External Storage

15. No goods, materials, waste products or containers shall be stored on land outside the building or designated enclosures 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, T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-C7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

EV Charging

16. No above ground works shall take place until a scheme for the installation of electric vehicle charging points with a minimum power rating of 7Kw, universal sockets and at least mode 3 or equivalent, has been submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging point scheme shall be implemented in full prior to occupation of the unit hereby approved.

Reason: In the interests of air quality management in accordance with policy T2 of the adopted Rochdale Core Strategy, Policy JP-S1 and JP-S2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Travel Plan

17. Within 6 months of first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:

- ☐ measures to promote a choice of transport mode;
- ☐ a monitoring regime with agreed mode share targets;
- ☐ specific measures to manage staff car parking;
- ☐ a commitment to increase the provision of cycle parking should the uptake in cycle travel increase;
- ☐ 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 fully implemented as approved.

Reason: In order to ensure that the development encourages travel to the site by sustainable modes of transport, in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy, Policies JP-C3 and JP-C6 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Fixed Plant

18. Noise from fixed plant shall not exceed 43 dB(A) between 07:00-23:00 and 37 dB(A) between 23:00-07:00 when measured 3.5m from the façade of the nearest noise sensitive receptors. Such noise levels are to include any rating corrections.

Reason: In the interests of the amenity of neighbouring occupiers, in accordance with Policy DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Acoustic Barrier

19. The unit hereby approved shall not be occupied until the acoustic barrier has been erected in full accordance with the details provided in the BWB Noise Impact Assessment ref. MCP2350 and as indicated on drawing no. 21033_PL03 Proposed Site Plan Rev. P05 (received 15.03.22). The acoustic barrier shall thereafter be retained in full accordance with the approved details.

Reason: In the interests of the amenity of neighbouring occupiers, in accordance with policies DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Energy Statement

20. The development shall be carried out in full accordance with the measures set out in the CWC Energy Statement Ref: 1974 R003 dated 06/09/2021, to achieve the specified improvements over the building fabric and building services systems over and above the Building Regulations minimum standards to result in reduced energy demand. The development shall also include the Variable Refrigerant Flow system, utilising Air Source Heat Pump technology, along with further measures to reduce CO2 including waste facilities to encourage recycling and a reduction in waste. Within 6 months of first occupation of the development hereby permitted a verification statement shall be submitted to and approved in writing by the Local Planning Authority providing evidence of the specified measures.

Reason: In response to the climate emergency, in accordance with policy G2 of the adopted Rochdale Core Strategy, Policies JP-S1 and JP-S2 of the adopted Places for Everyone Joint Development Plan and 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:

Bats

Whilst the buildings to be demolished have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations 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.

Great Crested Newts

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

Bird Nest

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).