

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01315/VRCON

CASE OFFICER

Michael Atkinson-Smith

DETERMINATION DATE 29.01.2024 **EXT OF TIME** 03.05.2024

Address: Land at Gowers Street, Rochdale

Proposal: Section 73 application to vary condition 2 of planning permission 16/00697/FUL (Proposed development comprising 8 no. residential dwellings together with associated access, parking and landscaping) to amend finished floor levels, site landscaping and roof pitch.

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

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

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

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

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 03 May 2024

SITE

The application relates to a 0.25ha undeveloped area of land set off Gower Street, approximately 900m east of Rochdale Town Centre. The site is bound by Entwisle Street to the west, with Weedon Street to the east. Buckley (Hey) Brook, which is a designated main river, runs along the southwest to the south of the site, to its confluence with the River Roch. The surrounding area is predominantly residential with small pockets of commercial uses dispersed across the wider area. Further to the south, to the adjacent bank of the River Roch, is Roch Wood Nature Park, an extensive area of semi-natural wooded green space which runs along the southern bank of the River Roch. Due to the site's proximity to the River Roch, the site falls wholly within Flood Zones 2 and 3.

PROPOSAL

Planning permission is sought under Section 73 of the Town and Country Planning Act 1990 (as amended) for amendments to the previously approved scheme, ref. 16/00697/FUL.

The proposed changes are:

- Amendment to the finished floor levels from 125.5m AOD to 124.80m AOD, including alterations to dwelling base design;
- Amendment to the roof pitches to allow for the incorporation of solar panels in the future;
- Site plan amended to incorporate the swale proposed within the SUDs report, the easement required to Buckley (Hey) Brook and some minor changes to the car parking layout and access to the dwellings to improve functionality; and
- Changes to landscaping and planting details to allow for rainwater retention rather than surface water runoff

Procedural note: Amended plans have been received to remove the proposed solar panels and micro-generation turbines from the plans on the basis that Section 73 cannot be used to amend the description of development of the original planning permission and these installations constitute development. It is understood that the applicant will seek to ensure these installations using permitted development rights upon substantial completion of the development.

RELEVANT PLANNING POLICY & LEGISLATION

Legislation

Town and Country Planning Act 1990 (as amended) – Section 73

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional Policy

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 particularly relevant:

JP-S1: Sustainable Development
JP-P1: Sustainable Places
JP-H3: Type, Size and Design of New Housing
JP-G2: Green Infrastructure Network
JP-G3: River Valleys and Waterways
JP-G8: A Net Enhancement of Biodiversity & Geodiversity
JP-C8: Transport Requirements for New Development

Adopted Rochdale Core Strategy (RCS):

SD1	Delivering sustainable development
DM1	General Development requirements
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO4	Promoting a greener environment
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Relevant saved Rochdale Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

- Biodiversity and Development (January 2008 – updated February 2017)
- Climate Change Adaption (June 2012)
- Guidelines & Standards for Residential Development (June 2016)
- Oldham and Rochdale Residential Design Guide (September 2007)

RELEVANT SITE HISTORY

16/00697/FUL	Proposed development comprising 8 no. residential dwellings together with associated access, parking and landscaping. Granted STC November 2022
10/D53934	Change Of Use From Storage (B8 Use) To Retail Cash & Carry (A1 Use) And Extension To Create A Warehouse Together With External Alterations, Car Parking And Goods Vehicle Servicing – Withdrawn.
10/D53512	Prior Approval For The Demolition Of 219-223, 220-228 And 244-260 Entwistle Road. Granted 27.07.10

CONSULTATION RESPONSES

Environment Agency - No objection subject to the suggested conditions in respect of compliance with the Flood Risk Assessment, finished floor levels to be set no lower than 124.80m AOD and an intrusive site investigation for ground based contaminants.

Greater Manchester Ecology Unit - I have no objection to the proposed amendments to the development as they will not materially change the ecological issues associated with this development. The proposed amendments are also exempt from biodiversity net gain as S73 applications are exempt where they apply to a permission granted prior to net gain becoming mandatory. No further information or measures are required.

Highways and Engineering - We have no highways comment for this proposal.

Lead Local Flood Authority/Drainage

The latest submitted drawings indicate that new boundary walls will surround the back gardens of the properties and provide dividing fences. Short sections of new boundary walls are proposed in brickwork with gaps, which are suitable for flood waters to pass through. Most of the fencing are proposed as timber with gaps for any flood water to enter and exit. The posts are pressure treated timber rather than slotted concrete posts. Conc. posts would last much longer than the typical 10 years for treated timber posts. This is an issue for the Planning Officer to consider. However, from a flood & drainage viewpoint, the Drainage Officer has no objection to this type of fence. The Drainage Officer has previously noted that there are some old concrete panel fencing on the far boundary; as to whether these are to be retained or removed is an issue for the Planning Officer to consider.

The site is predominantly in Flood Zone 2, with a risk greater than 1 in 100 of flooding once per year. The Flood Strategy of putting the houses on stilts is no longer part of the application. The revised FFLs for the houses are now set at 124.80m AOD which allows for a 460mm freeboard to the Flood Zone 2 level.

Drainage Officer comments:- the above appear satisfactory.

Although the details in the revised application are a little vague, the LLFA Officer assumes that the following will still apply:-

- the street parking areas for residents is to be formed using permeable tarmac surfacing.

- There will be a 1.5m deep surface water attenuation basin site between the car parking and the river, with an approx. vol. of 23 cu.m. storage. The basin will discharge to river via, a flap valve

As stated in a previous Drainage Consultation, the Drainage Officer accepts that the final details can be provided at the Discharge of Drainage Conditions stage. If the ground located within flood zone 3 area is not raised, there is no need to provide compensation flood volume (i.e. removal of soil elsewhere on the site).

The Applicant has provided no detailed sustainable drainage strategy. Before the development starts on the site, the Planning Authority will require full hydraulic details of the proposed surface and foul drainage system to support the development.

REPRESENTATIONS

Letters of notification were sent to surrounding properties and a site notice displayed in the vicinity. One unique representation has been received, citing the following concerns:

- The proposed driveway into the site will remove on-street parking space for existing residents
Case Officer's response – addressed in the analysis section below.
- The high rental price of the proposed dwellings.
Case Officer's response – property rental values are not a planning matter
- The properties should be social housing
Case Officer's response – there is no policy requirement to provide affordable housing for a development of this scale

ANALYSIS

Principle of Development – Section 73

The principle of development at this site has previously been accepted by the granting of Planning Permission 16/00697/FUL. Whilst a number of policy changes have occurred in the intervening period, as set out in the policy section earlier in this report, the assessment of the principle of the development is considered to remain wholly valid.

Section 73 of the Town and Country Planning Act makes provision for the amendment of extant planning permissions where minor material amendments are sought. This is in line with the options for flexible planning permissions as outlined in the National Planning Practice Guidance.

A Planning Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new Planning Permission sits alongside the original Planning Permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new Planning Permission or that which was originally granted.

Design, Layout and Visual Appearance

The proposed changes to the scheme would result in the removal of the previously approved honeycomb lattice structures at the base of the properties which were designed to allow overland flows to run through in times of Hey Brook being in flood, but were considered to be difficult to maintain in respect of silt removal. The visual change to the proposal as a result of the lowering of the finished floor levels is not considered to be harmful to the appearance of the dwellings themselves or the character & appearance of the area. The provision of increased buffer planting is considered to be a positive change to the development in aesthetic terms, subject to a landscaping condition requiring retention and maintenance of any planting as it matures.

The alteration to the roof pitches has been proposed to accommodate the installation of solar panels in the future. It would've been preferable to use this an opportunity to increase the eaves height to provide space for headers above the first floor windows, although the details of the previous approval are noted in this regard.

The brickwork boundary with lattice treatment would remain along the highly visible Entwhistle Road frontage and rear garden areas, which is considered to be positive overall as robust rear boundary treatments would be observed when passing through.

On the above basis, the proposed changes to the scheme in respect of visual appearance are, on balance, considered to be acceptable and the proposal therefore complies with Places for Everyone Joint Development policies JP-P1 & JP-H3, adopted Rochdale Core Strategy policies DM1, P1 & P3, the Residential Development & Housing Design SPDs and the NPPF.

Flood Risk and Drainage

The application site abuts the north-eastern bank of Hey Brook, which is recognised as a main river by the Environment Agency. The site falls predominantly within Flood Zone 2, with Flood Zone 3 the actual highway of Gowers Street and the banks of Hey Brook, and the Environment Agency's flood map for planning places the site at medium risk of flooding.

The Environment Agency have raised no objection in principle to the proposals, but require, in accordance with the NPPF, that the development must be carried out in accordance with the submitted flood risk assessment (ref. Design and Access Statement Rev P01 2023/12-01) and the mitigation measure it details regarding finished floor levels, which are required to be set no lower than 124.80 metres above Ordnance Datum (AOD). Suitably worded conditions have been recommended.

The Council's Drainage Officer assumes that the street parking areas for residents remain to be formed using permeable tarmac surfacing and that there will be a 1.5m deep surface water attenuation basin site between the car parking and the river, with an approx. vol. of 23 cu.m. storage, which will discharge to river via a flap valve. It is noted that no detailed sustainable drainage strategy has been provided and that before the development commences, the LPA will require full hydraulic details of the proposed surface and foul drainage system to be submitted. Suitably worded

conditions have been recommended

Some additional concern has been raised by the Drainage Officer over the longevity of the proposed internal boundary treatments. There is a risk that come the end of their usable life they could be replaced with alternative structures that may contribute to increased flood risk. Additionally, it may be beneficial for exiting impermeable site boundary treatments on the far southern boundary to be removed. On this basis, the original boundary treatments condition has been carried over the new permission as it directly relates to flood risk.

On the basis of the above assessment, it is considered that subject to the suggested conditions in respect of flood risk mitigation and sustainable drainage, the proposal would comply with adopted Places for Everyone joint development plan policy JP-S4, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

Highways and refuse collection

The proposed internal layout and access changes to the permitted scheme are minor and would improve functionality. The Highways has not sought to provide any detailed comment on the changes. A neighbour objection has been received in respect of the development affecting existing on-street parking provision, but the amendments to the scheme would result in no additional impact.

On this basis, and subject to the suggested conditions, it is considered that the access and parking impacts of the development are acceptable and the application duly accords Places for Everyone policies JP-P1 & JP-C8, adopted Rochdale Core Strategy policies DM1 and T2 and the NPPF.

Arboricultural and Ecological Impacts

As per submitted plan layout DR-A-PL0003/P01 (MOJO, 01/12/2023) the proposed development ensures protection of 4m undeveloped buffer along Buckley (Hey) Brook and incorporation of multifunctional SUDs solutions on the scheme's southern riparian boundary. Additional planting is also proposed to the front of the dwellings, which must be of a native species type. No objection has been received from the Environment Agency or GMEU, but a condition is recommended full planting and implementation details to be submitted for agreement.

On this basis, subject to the recommended conditions, the ecological implications of the proposed changes are considered to be acceptable and the application is therefore considered to accord with Places for Everyone policies JP-S1, JP-G2, JP-G3, JP-G8 & JP-P1, adopted Rochdale Core Strategy policy G7 and the NPPF.

Residential Amenity

Unaffected by the change to the proposals.

Land Contamination

Unaffected by the change to the proposals.

RECOMMENDATION

Case Officer Note – The numerical sequence of previous conditions remains unaltered for ease of reference, although Condition 6 (Finished Floor Levels) is now out of sync as it is no longer pre-commencement.

GRANT planning permission subject to the following conditions:

- 1 The development must be begun not later than 8th November 2025

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

- 2 This permission relates to the following plans:-

- EX-001 - Location Plan and Existing Site Plan
- Proposed Site Layout Plan, 23035-MOJO-01-ZZ-DR-A-PL0003 Rev. PO2
- Proposed Elevations, 23035-MOJO-01-ZZ-DR-A-PL1002 Rev. PO2
- Proposed GA Plans 23035-MOJO-01-ZZ-DR-A-PL1001 Rev. PO1

and the development shall be carried out in complete 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 Places for Everyone Joint Development Plan, the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding;
- e. measures to protect Hey Brook and other surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and
- f. wheel washing facilities (or a demonstration that this is not required)

The approved method statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with policies JP-S1, JP-P1, JP-G2 & JP-G3 of the Places for Everyone Joint Development Plan policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: A scheme therefore needs to be agreed in advance of any works taking place.

- 4 Prior to the commencement of development, details of a sustainable surface water & flood mitigation scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:-
- (i) Cross-sections of the site for existing and proposed site levels to show clearly where ground levels are increased or reduced.
 - (ii) A detailed plan of a sustainable drainage system that aligns with the National Planning Practice Guidance (or any subsequent amendment thereof). The details should include proposed ground and finished floor levels in mAOD, and inverts of some of the pipework and chambers.
 - (iii) Construction details for permeable paving, if this forms part of the sustainable drainage system.
 - (iv) Construction details for any swales or an attenuation basin that may form part of the drainage design.
 - (v) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface and foul water from the site in accordance with the requirements of Places for Everyone Joint Development Plan policies JP-S1, JP-P1, JP-G3 & JP-S5, policy G8 of the adopted Rochdale Core Strategy, saved policies EM7 & EM8 of the Rochdale Unitary Development Plan and the and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

- 5 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted

to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

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

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with the requirements of Places for Everyone Joint Development Plan policies JP-S1 & JP-P1, policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 6 Finished floor levels shall be set no lower than 124.80 metres above Ordnance Datum (AOD). These flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interests of flood risk mitigation in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 7 No development or works of site preparation shall take place until a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed 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 Japanese Knotweed 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 shall be carried out in accordance with the approved method statement.

Reason: In accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-G8, policy G7 of the adopted Rochdale Core Strategy and to ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

Reason for pre-commencement condition: Construction activity increases the risk of invasive species spreading.

- 8 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1 & JP-H3, policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 9 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and in compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1 & JP-H3, policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) 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.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, adopted Rochdale core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 11 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 a) The development hereby approved shall be constructed in accordance with the submitted Flood Risk (ref. Design and Access Statement Rev P01 2023/12-01). No dwelling shall be occupied until the necessary measures have been implemented in full and shall be retained and maintained thereafter.

b) Prior to the first occupation of any dwellings, an Emergency Plan for the purposes of flooding shall be submitted to and approved in writing by the Local Planning Authority. The emergency plan shall be in accordance with the broad principles set out in section 5 of the previously approved (application ref. 16/00697/FUL) Flood Risk Assessment by JBA Consulting ref. BXZ-JBAU-XX-XX-RP-C-0001-S3-P03 and dated March 2021, and the addendum ref. 2022s0663 dated 31st May 2022. The provisions within the duly approved emergency plan shall be made available at all times following the first occupation of the dwellings.

Reason: In the interest of flood risk mitigation and occupier safety in the event of flooding in compliance with adopted Places for Everyone joint development plan

policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 13 Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of visual & residential amenity and flood risk mitigation in with compliance with adopted Places for Everyone joint development plan policies JP-S1, JP-P1, JP-S4 JP-H3, adopted Rochdale Core Strategy policies G8 & G9, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the National Planning Policy Framework.

- 14 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with adopted Places for Everyone Joint Development Plan policies JP-P1 & JP-C8, policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 15 No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

Reason: In the interests of amenity and the conservation of protected species in compliance with policies JP-S1, JP-P1 & JP-G8 of the adopted Places for Everyone joint development plan policies P3, G9, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the 'Plots 1 and 2' as shown on the approved site plan shall not be altered or extended, and no buildings or structure shall be erected within their curtilage under Schedule 2, Part 1, Classes A, or E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent undue harm to the amenity of existing and future occupiers and in accordance with adopted Places for Everyone joint development plan,

policies JP-P1 & JP-P1, policy DM1 adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked positively and 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:

Ecology

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 bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Under the Wildlife and Countryside Act 1981 it is an offence to capture, injure or kill a bat, deliberately disturb a bat, or damage or destroy a bat roost. Planning consent does not provide a defence against prosecution under this act.

The site and adjacent Hey Brook has low potential as suitable habitat for other species afforded statutory protection under the Wildlife and Countryside Act 1981, of which it is an offence to capture, injure or kill, deliberately disturb, or damage or destroy a the habitat of such species. In the event that

Environment Agency

The applicant is reminded of their responsibility to acquire relevant consent(s) or permit(s) from the Environment Agency for the facility; this includes, but may not be limited to, a permit in accordance with the requirements of the Medium Combustion Plant Regulations and permit under the Environmental Permitting (England and Wales) Regulations 2016 for any proposed works or structures, in, under, over or within 8m of the bank of the Whit Brook.