

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00403/PRA56	Majid Mir	13 June 2023

Address: MVN2/60 Rochdale Canal Underbridge

Proposal: Application for prior approval under Part 18 of the GPDO relating to the general refurbishment works including vegetation removal, strengthening of corroded section and removal of redundant spans and concrete blockwork and installation of fencing and footbridge

PUBLICITY	Weekly list expired?	N/A	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?	N

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

RECOMMENDATION	PRIOR APPROVAL REQUIRED AND GRANTED
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CHECKED AND SIGNED OFF BY: RG

DATE: 18 August 2023

SITE

The application relates to the Network Rail bridge located close to Rochdale Railway Station. The bridge is a skew-span bridge carrying: High Level Road; an electrified single track of the Rochdale to Manchester Victoria Metrolink line; three non-electrified tracks of the Manchester Victoria West Jn. to Hebden Bridge line; and a disused/redundant section on the upside.

To the north of the High Level Road is Central Retail Park. The element of Central Retail Park that adjoins the bridge is the rear service area of the Retail Park. To the south of the bridge is Heap Dawson Ltd and a plot of land. To the west is Oldham Road and Richard Street to the west.

The Railway was constructed under the local Act: Manchester and Leeds Railway Act 1837.

PROPOSAL

The application seeks prior approval for a number of various works. The works consist of:

- ❑ Removal of vegetation within 3m of the structure.
- ❑ Strengthening of metallic elements.
- ❑ Replace/strengthen corroded sections of the deck to restore original cross sectional area.
- ❑ Renew protective treatment to all metallic elements to give a minimum service life of 25 years until next major maintenance.
- ❑ Refurbishment of substructure addressing all masonry defects.
- ❑ Installation of weep holes into the existing substructures.
- ❑ Removal of two redundant spans (sub decks 6 & 7).
- ❑ Removal of two concrete blockwork walls beneath MGE1 & MGE2.
- ❑ Installation of palisade fencing beneath MGE2.
- ❑ Installation of Heras Zenith SR1 fencing beneath MGI5 and MGE1 with any openings being closed off with metallic mesh.
- ❑ Installation of foot bridge in place of redundant spans to allow maintenance access along the railway corridor.
- ❑ Diversion of cables in locked lid cable trough currently crossing sub-deck 6 onto sub deck 5 if cable slack allows or supported by the proposed walkway if it does not.

RELEVANT PLANNING POLICY AND LEGISLATION

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 18, Class A

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

RELEVANT SITE HISTORY

00/D38370 Construction Of Street Running Section Of Metrolink Line And
Construction Of Three New Metrolink Stops, Including Platforms And
Pedestrian Access.
Decision: Grant subject to conditions.

CONSULTATION RESPONSES

GM Ecology

Summary

Potential ecological issues include bats and nesting birds

Bats

I am unclear from the drawings provided whether there are any potential cavities under the decking to the SE proposed for refurbishment ie the section currently covered in trees. The works appear to be external and if the embankment is solid ie infilled I am satisfied that all that is required is an informative. If however the embankment includes a void, it could be possible for bats to enter via crevices in the retaining wall and the works to result in disturbance.

I therefore recommend that prior to determination either a bat roost assessment is provided or clarification that the embankment is solid and therefore the risk very low.

Nesting Birds

The works to the SE section involves the removal of trees and shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Prior approval does not provide a defence against prosecution. I therefore recommend that an informative along the following lines is applied to any permission.

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. Prior approval 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).

Highways

Highways raise no objection to these proposals but would ask that any temporary highways closures required to undertake the works are in place prior to works commencing on site.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Prior Approval

The development site is located 360m from Rochdale Canal (designated as Special Area of Conservation, and Site of Special Scientific Interest).

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Rochdale Canal SAC and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- The nature of the proposed works (vegetation removal, removal of redundant spans, and strengthening) and the materials used means significant dust or other air pollution emissions are unlikely.
- The distance of the proposed works from the canal (360m) means that any dust or air pollution is unlikely to reach or have significant lighting or chemical effect on the canal.

We recommend that should Rochdale Council give its prior approval to the proposed permitted development, the following paragraphs are included on the decision notice as advisory notes to the applicant:

Site of Special Scientific Interest

Should prior approval be given, and before a landowner commences a permitted development within a Site of Special Scientific Interest (SSSI), they must give written notice to Natural England and await its consent. See here for further details.

Should prior approval be given, and before a public body, statutory undertaker or other body commences a permitted development within or might affect a Site of Special Scientific Interest (SSSI), it must give written notice to Natural England and await its assent or, in some cases, its advice. See here for further details.

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>

REPRESENTATIONS

The application has been publicised with neighbour notification letters and a site notices was placed in the vicinity of the site. No responses were received.

ANALYSIS

Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the permitted development consisting of the erection or construction of a collection facility within the curtilage of a shop.

D Development is authorised under Class A by—

- (a) a local or private Act of Parliament,**
- (b) an order approved by both Houses of Parliament, or**
- (c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours, which designates specifically the nature of the development authorised and the land upon which it may be carried out.**

Network Rail's development/maintenance is permitted as development under the local Act: Manchester and Leeds Railway Act 1837, the Railways Act 1993 and other various legislation.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

- (a)** the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or

- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Assessment

Works to be carried out

Given the nature of the work being proposed, these works could not be reasonably carried out elsewhere on the land.

Visual Amenity

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image. Further to this, Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. In addition, paragraph 126 of the National Planning Policy Framework (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. Paragraph 130 of the NPPF 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.

The bridge is presently in an unkempt condition. The bridge appears to be in an aging and a poor state or repair. The majority of the work being proposed would see some of these elements in a poor condition removed or replaced. The works under the bridge by Richards Street would have a positive impact.

To the north the proposed work would see the existing blockwork that has blocked the arch of the bridge removed and replaced with fencing and a gate. This element of bridge is set to the rear of Central Retail Park, and the only views from public

vantage points is from Richards Street and Station Road. However, the fencing surrounding the retail park, the buildings within the retail park and the angles of the public highway limit the views of this element of the bridge. The blockwork represents poor design and the addition of the fencing is a positive addition in comparison to the blockwork.

To the south, the blockwork under the arch removed and replaced by palisade fencing and gate. On top of the bridge, MGE2 (Girder H) will be removed. It is noted that the Girder is in a poor state at present. A foot bridge will be constructed further back on the bridge to allow for access. Palisade fencing is proposed to the west and east of the foot bridge. Additionally, by MG15 (Girder F) which is located to the north of the footbridge, Zenith SR1 fencing is proposed. This will enclose the access to the tracks.

It is noted that the element of the bridge where the proposed work noted above will take place is screened by fencing and buildings from the east and west, however, is visible from the foot bridge that is located to the south. When viewed from the foot bridge, the removal of the blockwork will have a positive visual impact. Generally, when compared to the existing state of this element of the bridge, the proposed alterations will have positive visual impact in comparison to the existing.

In general, the overall work being proposed would see improvements made to the visual appearance and the structural integrity of the bridge. As such it is considered the design of the proposed work not adversely impact the character or appearance of the area.

Neighbour Amenity

Paragraph 185 of the NPPF also states that Planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 130 states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

Considering the proposed work and the neighbouring uses, it is considered that the proposed development would not unduly impact on the amenity of any of the neighbouring properties.

Ecology

Part 18 of the GPDO does not require for the assessment of the ecological impact of an application. It is noted that the site is located within SSSI Impact Risk Zone. Greater Manchester Ecology Unit (GMEU) and Natural England were consulted on the proposal. GMEU noted that there are potential ecological issues in regards to bats and nesting birds.

In regards to nesting birds, GMEU considered that the removal of trees and shrubs to the south of the site provides a potential habitat bird nesting habitat. As such it is recommended that an informative is added to any decision notifying that all British birds nests and their eggs (with certain limited exceptions) are protected.

In regards to bats, GMEU considered that if the cavities to if the embankment is solid (ie infilled) an informative is advised. However, if the embankment includes a void, it could be possible for bats to enter via crevices in the retaining wall. As such the proposed works could result in disturbance of the bats. GMEU therefore recommend that prior to determination either a bat roost assessment is provided. As the GPDO does not allow for the assessment of the ecological impact of the proposal, an advisory is considered appropriate.

Natural England raised no objection and considered that the proposed development will not have a significant effect on the Rochdale Canal SAC. Natural England added that it is considered that it was unlikely that the proposed works would cause a significant level of dust or other air pollution emissions and due to the distance from the canal, that any dust or air pollution from the works is unlikely to reach or have significant lighting or chemical effect on the canal. Natural England did however recommend the addition of advisory notes. It is considered appropriate to include these advisories in any decision notice.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND GRANTED SUBJECT TO FOLLOWING CONDITION:

1. This permission relates to the following plans:
 - Location Plan
 - MVN2/60 Rochdale Canal Existing General Arrangement Plan (Sheet 1 of 3). Drawing no: 10047371-ARC-10-XX-DR-CE-000005. Rev: B02
 - MVN2/60 Rochdale Canal Existing General Arrangement Section (Sheet 2 of 3). Drawing no: 10047371-ARC-10-XX-DR-CE-000006. Rev: B02
 - MVN2/60 Rochdale Canal Existing General Arrangement Section (Sheet 3 of 3). Drawing no: 10047371-ARC-10-XX-DR-CE-000007. Rev: B02
 - MVN2 60 Rochdale Canal Proposed Demolition Details (Sheet 1 of 2). Drawing no: 10047371-ARC-10-XX-DR-CE-000020. Rev: B02
 - MVN2 60 Rochdale Canal Proposed General Arrangement Plan (Sheet 1 of 2). Drawing no: 10047371-ARC-10-XX-DR-CE—000025. Rev: B02
 - MVN2 60 Rochdale Proposed General Arrangement Elevation & Section (Sheet 2 of 2). Drawing no: 10047371-ARC-10-XX-DR-CE-000026. Rev: B02
 - MVN2 60 Rochdale Canal Proposed Demolition Details (Sheet 2 of 2) Drawing no: 10047371-ARC-10-XX-DR-CE-000021. Rev: B03
 - MVN2 60 Rochdale Canal Proposed Parapet Extension Plate Fixing Detail Top of MGI5. Drawing no: 10047371-ARC-10-XX-DR-CE-000027. Rev: C01

- MVN2/60 Rochdale Canal Miscellaneous Details Palisade, Concrete Paving Heras Fencing, Bird Netting. Drawing no: 10047371-ARC-10-XX-DR-CE-000065. Rev: C01
- MVN2/60 Rochdale Canal Underbridge Refurbishment Painting Details. Drawing no: 10047371-ARC-10-XX-DR-CE-000060. Rev: B02
- General Arrangement. Drawing no: BB1318-GA-001. Rev: G

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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

1. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended). Prior approval does not provide a defence against prosecution. 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. Prior approval 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).
2. 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. Prior Approval consent does not provide a defence against prosecution under this act.
3. It is unclear if the embankment is solid (i.e. infilled) or if there are any voids. If there are any voids in the embankment. If the embankment includes a void, it could be possible for bats to enter via crevices in the retaining wall and the works being proposed may result in disturbance of the bats. The Greater Manchester Ecology Unit therefore recommends that prior to determination a bat roost assessment is undertaken.
4. Before a landowner commences a permitted development within a Site of Special Scientific Interest (SSSI), they must give written notice to Natural England and await its consent. See [here](https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest#check-if-you-need-consent) (<https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest#check-if-you-need-consent>) for further details.
5. Before a public body, statutory undertaker or other body commences a permitted development within or might affect a Site of Special Scientific Interest (SSSI), it must give written notice to Natural England and await its assent or, in some cases, its advice. See [here](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities) (<https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities>) for further details.
6. There may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found [here](https://www.gov.uk/guidance/wildlife-licences) (<https://www.gov.uk/guidance/wildlife-licences>).