

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00727/FUL

Name and address for correspondence:	Applicant name:
Mr Barry Tang Tang and Associates Ltd - Chartered Architects 10/F, 1 City Approach Albert Street Eccles Manchester M30 0BG	Mr Agron Elezi

Part 1 - Particulars of Application

Date of Application: 28 September 2023

Proposal:	Erection of a 4-storey building to consist of 23no. dwellings
Location:	Land Bound By Earl Street, Taylor Street And Bethel Street, Rochdale, Heywood, OL10 1HT

Part 2 Compliance with Conditions

It is YOUR responsibility to comply with planning conditions. The Council's Planning Enforcement Team is responsible for investigating alleged breaches of planning control. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration. In some cases, failure to comply with planning conditions can lead to the loss of the planning permission.

Part 3 - Particulars of decision

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

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

Conditions and Reasons:

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

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

- 2 This permission relates to the following plans:

- Location Plan, Existing and Proposed Site plans Drawing No 8435/301 Rev G
- Proposed G/F and typical 1/F and 2/F Plans Drawing No 8435/311 Rev K
- Proposed 3/F and Roof Plans Drawing No 8435/312 Rev M
- Proposed Elevations Drawing No 8435/321 Rev M
- Existing and Proposed Earl Street-scenes Drawing No 8435/322 Rev G
- Existing and proposed Bethel Street and Taylor Street Street-scenes Drawing No 8435/323 Rev J
- Proposed Floor Area Schedule (8 x 1B1P, 8 x 2B3P and 7 Studios)
- Internal Daylight and Sunlight Study Dated 18.10.24 Rev 2
- Phase 1 Preliminary Risk Assessment Reference LKC 20 2021 issued March 2021
- Design and Access Statement Dated November 2024
- Crime Impact Statement Reference 2006/1308/CIS/03 Version A Dated 9th April 2021
- Residential Acoustic Survey Report no 10428 Dated 25 April 2016
- Transport Statement Reference LB/200158/TS/01 Rev 01
- Flood Risk Assessment and Outline Drainage Strategy Reference FRA 20 1269 dated April 2021
- Coal Mining Risk Assessment Dated March 2021

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 saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 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. United Utilities may request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. The drainage scheme shall include:

- i) A restricted rate of discharge to public combined sewer of 5 l/s.
- ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD. Foul and surface water shall drain on separate systems at least to the point of discharge from the site, in accordance with Building Control Part H Drainage requirements.
- iii) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.
- iv) Construction details for permeable paving including kerb edging and sub-base details i.e. cross-sections, if this type of paving forms part of the sustainable drainage system.

The approved scheme 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/ use of the proposed development, the drainage scheme 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. 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 and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

4 No development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;

and

(b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: to ensure the safety and stability of the development in accordance adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site.

5 Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: to ensure the safety and stability of the development in accordance adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site.

6 Prior to the commencement of the development, a detailed construction management plan outlining working practices during construction shall be submitted for approval in writing by the Council, as local planning authority, which for the avoidance of doubt should include:

- Display of an emergency contact number;
- Details of Wheel Washing; - Dust Management Plan;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy, vehicular access point, vehicular activity associated with construction and swept path analysis; and,
- Parking of construction vehicles and staff.

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

Reason: To safeguard the amenities of nearby residents and businesses, highway safety and air quality, pursuant to policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to construction methods and details and their potential impacts on residential amenity can be considered prior to works commencing on site.

- 7 No development shall take place until a Phase II Intrusive site 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: - 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, - 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 development hereby approved is first occupied.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with 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.

- 8 No above ground construction works shall take place until samples and/or full specification of materials to be used externally on the buildings, including detailed design of windows, doors and reveals at a scale of not less than 1:50, 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 prior to the first occupation of the development.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 9 The development shall not be occupied until such time that the existing 'bellmouth' vehicular access to the site from Taylor Street, which will be made redundant by virtue of the proposed development, is reinstated to a full width pedestrian footway.

Reason: In the interests of highway safety, including pedestrian safety, and in accordance with Policies T2, DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 Prior to the commencement of development, a highway and footway dilapidation survey shall be submitted to and approved in writing by the Council as Local Planning Authority which for the avoidance of doubt, should include photographs and commentary on the condition of the local highways and footways on construction vehicle routes surrounding the site.

Reason: In the interests of highway safety and to ensure the functionality of the wider highway network in accordance with the Core Strategy policy T2 and the National Planning Policy Framework.

- 11 The development shall not be occupied until such time that the cycle parking and refuse store as shown on approved plans is provided and made fully operational for the use of residents of the proposed development. The arrangements shall be retained thereafter in good working order for the life time for the development and the space retained for its intended purpose.

Reason: In the interests of residential amenity and highway safety and in accordance with Policies T2, DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 The development shall not be occupied until full details of the proposed green roof, have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the maintenance and management strategy of the proposed green roof, including access arrangements, as well as planting plans (including planting size, species and numbers/densities).

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

Any landscaping, including the proposed green roof that is removed, destroyed, dies or becomes severely damaged or diseased within 5 years of planting shall be replaced within the next planting season with species of a similar type to those originally 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 Policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 13 The development shall not be occupied until a scheme of biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and be in place prior to the first occupation of the development hereby approved and shall thereafter be retained and maintained in situ for the lifetime of the development hereby approved.

Reason: In the interests of enhancing biodiversity in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 14 The apartments hereby approved shall be constructed in accordance with the requirements of the submitted and approved noise impact assessment to ensure the following internal and external noise levels are achieved

- 35dB(A) Leg (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- 30dB(A) Leg 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- 35dB(A) Leg (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7am and 11pm;
- 40dB (A) Leg (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion of the development and prior to the first occupation of the apartments hereby approved, internal noise testing shall be carried out internally and the results of

the tests shall be submitted to the Local Planning Authority for approval to demonstrate that the required noise limits are met.

Reason: In the interest of the amenity of the future occupiers of the apartment scheme and in accordance with DM1 of the adopted Rochdale Core Strategy.

- 15 No piling or any other foundation designs using penetrative methods shall take place unless a scheme for such works, that demonstrate that there is no resultant unacceptable risk to groundwater or land stability, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm land stability or groundwater resources and in the interest of the amenity of surrounding occupiers with regards to noise generation in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 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 and in compliance with Policies P3, G9, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 17 The development hereby approved shall be constructed in accordance with the recommendations contained within section 4 of the submitted Crime Impact Statement ref. 2006/1308/CIA/03 version A.

Any approved site security measures shall be retained thereafter.

Reason: In order to ensure that the development is appropriately secured from crime in the interests of providing a safe, secure and accessible community in accordance with policy DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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.

Date Decision Issued 6 May 2025

Melanie Hale
Head of Planning Services

IMPORTANT

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

INFORMATIVE:

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

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site.

INFORMATIVE:

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk) In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

INFORMATIVE:

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

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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

1. The application for planning permission was made before 12 February 2024.