

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01294/FUL

Name and address for correspondence:	Applicant name:
Mr Peter Frampton Frampton Town Planning Ltd Oriel House 42 North Bar Banbury Oxfordshire OX16 0TH United Kingdom	TPIF (Portfolio No.1) LLP

Part 1 - Particulars of Application

Date of 7 February 2025
Application:

Proposal:	Redevelopment of existing premises, comprising full demolition; erection of new building for Class B8 purposes with ancillary offices; installation of external plant and gatehouse; hardstanding for servicing and parking; attenuation pond; and boundary enclosure.
Location:	Land At Waterfold Business Park , Bury, BL9 7BJ

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 The permission relates to the following plans:

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

- Landscape Concept Plan - Drawing no. 70115512-LA-PL-001 Rev P03
- Landscape Strategy Plan - Drawing no. 70115512-LA-PL-003
- Baseline Habitats - Drawing no. Figure 1
- Proposed Habitats - Drawing no. Figure 2

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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

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

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

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

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

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

- 6 No development shall take place until finished ground levels and finished floor levels for the site and proposed buildings relative to agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The finished floor levels will dictate the ground works and therefore it is important that the levels are considered at an early stage and agreed before development commences on site.

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

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

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

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

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

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

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

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to secure biodiversity mitigation in accordance with Policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall drain on separate systems and the drainage schemes shall include:

(i) A comprehensive investigation of existing drainage regimes for the paved and permeable areas of the site. This should include full connectivity surveys and infiltration assessment using site-based data.

(ii) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(iii) If infiltration is not found to be viable then either a surface water connection to a local watercourse or public surface water sewer.

(iv) A restricted rate of discharge of surface water agreed that shall not exceed greenfield runoff of 25 l/s (if it is agreed that infiltration is discounted by the investigations);

(v) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(vi) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;

(vii) construction details for any permeable paving including kerbing and cross section of open graded sub-base

(viii) Detailed layouts including conduit sizes, storage volumes, storage component footprint areas, controls, gradients and any other relevant details.

(ix) The background calculations of the software or calculations that have been used for the drainage design. These shall include drain down times for any storage features.

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

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

- 16 Prior to the commencement of development, (including any earthworks, details of the means of ensuring the 13500mm public sewer that is laid within the site boundary is protected from damage as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a survey that identifies the exact location of the sewer, the potential impacts on the sewer from construction activities (including the construction compound), the impacts post completion of the development on the sewer infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the sewer both during construction and post completion of the development.

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

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

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

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

- 17 Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings shall include:
- i) a survey of the extent, scale and nature of contamination
 - ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;

- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

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

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

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

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 3 April 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. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £43.00 for householder applications and £145.00 in all other cases.

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.

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

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

BIODIVERSITY NET GAIN

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

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
- and;
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

*original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

For the purposes of paragraph 13 (a) above, a biodiversity gain plan is a plan which:

(a) relates to development for which planning permission is granted,

and;

(b) specifies the matters referred to in sub-paragraph 14(2) below:

The matters are:

(g) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

(h) the pre-development biodiversity value of the onsite habitat;

(i) the post-development biodiversity value of the onsite habitat;

(j) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

(k) any biodiversity credits purchased for the development; and

(l) any such other matters as the Secretary of State may by regulations specify.