

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00728/FUL	Aimee Bovaird	12 October 2023

Address: Land Off Aspinall Street Heywood OL10 4HL

Proposal: Erection of one industrial, comprising 4 individual units for storage and distribution purposes (Use Class B8) with associated car parking and boundary treatment

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: LA

DATE: 07.03.24

SITE

The site relates to an area of land off Aspinall Street provides access to the site.

This is a mixed residential and commercial area within the defined Urban Area and within a mixed employment zone

North of the site is a row of terraced houses that run adjacent with the boundary. South and west of the site is a continuation of the commercial and industrial businesses. Permission has been granted for three bungalows (21/01477/FUL) to the front of the site fronting Aspinall Street.

PROPOSAL

The proposed development is the erection of one industrial warehouse, comprising 4 individual units for storage and distribution purposes (Use Class B8) with associated car parking and boundary treatment. The development consists of a two storey and single story element. Eight spaces are proposed and two are for electric vehicles, twenty-two roof lights are proposed.

Cycle storage and proposed waste storage are proposed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E2	Increasing jobs and prosperity
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EC3	Mixed Employment Zones

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

21/01477/FUL - 3 no. two-bedroom bungalows – Approved

CONSULTATION RESPONSES

United Utilities

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

CONDITION 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. The drainage schemes must include:

- (i) 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;*
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; Rochdale Borough Council Your ref: 23/00728/FUL By email Our ref: DC/23/2928 Date: 05-SEP-23*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
- (iv) Foul and surface water shall drain on separate systems.*

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.

Highways And Engineering

The following comments have been received,

'The submitted plans, including the swept path analysis, would seem to indicate that there is adequate internal turning space for the expected size of service vehicle. If the application was to be approved we would ask for a condition which requires that the turning area identified is kept clear of parking, storage of materials and goods etc.

Although there is a reduction in parking provision to accommodate the turning area the level of provision is acceptable.

We still have concerns regarding the access into the site from Aspinall Street and if the size of vehicle used in the swept path can access the site safely without crossing onto the opposite carriageway or over running the footway. At this stage we would require swept analysis of the junction into the site before we can support this application.'

Further comments received,

'The submitted plans, including the swept path analysis, would seem to indicate that there is adequate internal turning space for the expected size of service vehicle. If the application was to be approved we would ask for a condition which requires that the turning area identified is kept clear of parking, storage of materials and goods etc.

Although there is a reduction in parking provision to accommodate the turning area the level of provision is acceptable.

We still have concerns regarding the access into the site from Aspinall Street and if the size of vehicle used in the swept path can access the site safely without crossing onto the opposite carriageway or over running the footway. At this stage we would require swept analysis of the junction into the site before we can support this application.'

The applicant submitted a revised swept analyses plan and Highways raised no further objections.

Env Health - Noise/Odours

No objections- have asked to condition hours applied for .

Environmental Protection.

The submission of a Phase 1 Risk Assessment is required as a pre commencement condition.

Lead Local Flood Authority/Drainage

The following comments were received

'The WML drainage drawing indicates that impermeable paving will be provided but that an infiltration geocellular structure will collect all rainwater runoff from the building and paved areas. It is based upon BRE infiltration testing, which has yet to be undertaken. The WML drainage drawing has a note which suggests that: "The design indicated (Geocellular tank or area 832 sq.m) is based upon an assumed infiltration rate of 0.036 m/hr (equivalent to 1×10^{-5} m/s) which is quite an optimistic value, which will depend upon the ground conditions.

However, the applicant has provided some consideration of sustainable drainage, which can be revised when infiltration testing has been undertaken.'

REPRESENTATIONS

Letter of notification have been sent out to surrounding properties and a site notice was displayed within the vicinity of the site.

The mains points raised within the six objections are

- Parking – this is considered in the Highways section below
- Questions raised about ownership of the road- addressed in the application form
- Heavy machinery on site damaging property – this is not a material planning consideration
- Insufficient parcel of land to contain the development – this is considered in the Design and Appearance section
- Drainage problems leading to flooding – this is considered in the Drainage section

- Working times being 24hrs leading to noise disturbance – this is considered in the Residential Amenity section below

ANALYSIS

Principle of Development

The site lies within the Defined Urban Area under saved policy G/D/1 of the Rochdale Unitary Development Plan (UDP) and Mixed Employment Zone and is therefore covered by policy E2 of the Core Strategy and 'saved' policy EC/3 of the UDP. New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

Saved UDP Policy EC/3 allows development '*change of use will be permitted for the following employment generating uses, c.) Warehousing and distribution (B8), builders' and plumbers merchants, timber suppliers, plant hire depots and other outlets providing a service to the trade, subject to conditions regulating the goods sold and the hours of opening*'

The aim of the policy is to protect Mixed Employment Zones while not causing disturbance to their surroundings.

The application states the use will fall within the B8 Class, use for storage or as a distribution centre. No further details have been provided indicating the proposed use for the units. However the site is within a mixed employment zone and the Defined Urban Area the development is considered to be acceptable in principle.

Design and Appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires 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, paragraphs 131 of the National Planning Policy Framework (NPPF) state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 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. Finally, paragraph 139 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The development proposes grey cladding, grey roller shutters with a metal roof containing skylights. This is typical of storage distribution units and the design will not have a negative impact on the character of the area. The development will be visible from Aspinall Street however it will be set back from the highway.

The site is considered large enough to incorporate the proposed development, it has also been designed to incorporate landscaping and parking, this has been a concern

raised within an objection and the size of land is considered acceptable for the proposed development,

A vacant parcel of land on Aspinall Street at the beginning of the access road has permission for 3 two bed bungalows. The proposed development will be set back from the highway, this combined with the bungalows if built would reduce the visibility of the development from the highway to an extent.

A boundary fence is proposed, this will be 2.4m high they will be mesh panels and have a pedestrian access gate and opening gated for vehicles. This is considered acceptable.

The waste storage is proposed to be finished in Timber Cladding and stored in a suitable location at the rear of the site. Overall the waste storage is considered acceptable.

No landscaping plan had been provided within the application, however it is necessary that planting is incorporated into the proposed development wherever possible but particularly along the boundary of the site. This is to soften the visual impact of the proposed development and in the interests of improving the appearance of the site. This can be conditioned if the application is approved.

Subject to conditions, the application would therefore have an acceptable impact on the character and appearance of the surrounding street scene and would accord with policies DM1 and P3 of the Core Strategy and policy in the NPPF.

Residential Amenity

Paragraph 191 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 135 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.

The Guidelines and Standards for Residential Development SPD sets out space standards for new development, '21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage; (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room; (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.'

The proposal meets the minimum space standards as the single story element of the development is approx. 12 m from the houses on Tounge Street and the double storey element is 15m away.

The parcel of land to the front of the site has been granted permission for 3 bungalows. These have been indicated on the plans and the separation distances have been met in this instance. As such, officers are satisfied that the surrounding occupiers will not suffer an adverse impact in terms of loss of light or loss of outlook.

The development is 7.8m in height and the houses on Tounge Street are approx. 7m in height, however the houses on land are 1.4m lower than the land the development is proposed on. On balance this is considered acceptable due to the separation distances being met.

The Council's Environmental Health Officer has been consulted and raised no objections to the proposal and suggested the hours of opening be conditioned.

The application would therefore not have unacceptable adverse impact on residential amenity and the development would, in this regard, accord with policies G9 and DM1 of the adopted Core Strategy.

Highways

Core Strategy policy T2 states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Core Strategy policy DM1 requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Developments are required to provide parking in compliance with the Council's Car Parking Standards as set out in Appendix 5 of the adopted Rochdale Core Strategy. Paragraphs 112 and 113 of the NPPF require that safe and suitable access to a site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the road network would be severe.

Eight parking spaces are being provided, two are electric vehicle charging spaces, and the Council's Highway officer has said this is adequate. The Council's Highways Officer has been consulted and raised no objections in relation to parking. An objection has raised on the grounds that there may be an issue for residents on Aspinall Street. Parking proposed for this development is considered acceptable and compliant with parking standards.

The Council's Highway Officer has been consulted and after seeking amended plans in regards to the swept path analysis raises no objection to the proposal. This demonstrates large vehicles will be able to access the site. This is as the swept path analysis has been reviewed and internal turning arrangement are acceptable.

This would accord with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Flooding and Drainage

Policy G8 requires that new development does not lead to any form of increased flooding or impeded natural water and flood risk management. In this regarding it is important that development includes drainage that is appropriate for the site and that utilised sustainable urban drainage solutions where ever possible.

The Council's Drainage Officer has been consulted and raised no objections, however they have advised United Utilities may need more information. This has been addressed via pre commencement condition.

RECOMMENDATION

GRANT subject to conditions

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:-

Proposed Site Plan Sheet 3 Rev A
Proposed Elevations Sheet 6 Rev A
Proposed Elevations Sheet 7 Rev A
Proposed Roof Plan Sheet 5 Rev A
Boundary Treatment Plan Sheet 11

and the development shall be carried out in complete accordance with these drawings hereby approved unless otherwise required by the conditions below.

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. The drainage schemes must include:
 - (i) 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;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; Rochdale Borough Council Your ref: 23/00728/FUL By email Our ref: DC/23/2928 Date: 05-SEP-23
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

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

4. No development shall commence on site including demolition and any preparatory works until an investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must 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)

The development shall thereafter be completed in full accordance with the approved recommendations. Any identified remedial works necessary must include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This verification plan shall be submitted to and approved in writing prior to occupation of the development.

Reason: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy G9 of the Core Strategy and the NPPF.

Reason for pre-commencement condition: Due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

5. The development hereby approved shall not be operated (including receiving deliveries) outside the hours of 0800-1800 Monday to Friday, 0900-1500 Saturday, and shall not be open on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. The car parking, servicing and other vehicular access arrangements shown on the approved plans (including EV charging) 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. Turning areas and parking spaces are retained for their intended purpose and not to be used for the storage of goods, materials, bins or other items.'

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. No goods, materials, waste products, containers or vehicle trailers shall be stored on land outside the buildings

Reason: In order to ensure a satisfactory appearance in accordance with Policies BE/2 and BE/14 of the Council's Unitary Development Plan.

8. 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 Core Strategy Policy G6 and G7 and the National Planning Policy Framework.

9. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: To protect occupiers of nearby properties from unreasonable disturbance from works connected with the permission with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. Prior to occupation of the building hereby approved the waste structure should be built in accordance of the approved plans and maintained thereafter.

Reason: To ensure a satisfactory standard of development in accordance with the relevant policies in Rochdale's Core Strategy and NPPF and Rochdale's Unitary Development Plan.

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.

Report Author Aimee Bovaird