

# Public Document Pack



**Meeting of:** Planning and Licensing Committee  
**Date:** Thursday, 24<sup>th</sup> June, 2021  
**Time:** 6.00 pm.  
**Venue:** Middleton Arena - LCpl Joel Halliwell VC Way,  
Middleton, Manchester M24 1AG

**This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

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### **Planning and Licensing Committee Members**

Councillor Shakil Ahmed	Councillor Phil Burke
Councillor Irene Davidson	Councillor Susan Emmott
Councillor Amna Mir	Councillor Kallum Nolan
Councillor Shaun O'Neill	Councillor Peter Rush
Councillor Billy Sheerin	Councillor Patricia Sullivan
Councillor John Taylor	Councillor Shah Wazir
Councillor Donna Williams	Councillor Sameena Zaheer
Councillor Mohammed Zaman	

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# Agenda Item 5

## Planning and Licensing Committee Update Report – 24<sup>th</sup> June 2021

**AGENDA ITEM 5** – Page 7 - 21/00608/FUL – Plot J2 Kingsway Business Park, James Kearns Avenue, Rochdale OL16 4NR

### **ECOLOGICAL IMPACTS AND ENHANCEMENTS**

A revised 'Off Plot Landscape Plan' (2021-017 9101 Revision A) has been submitted in response from a request from the Greater Manchester Ecology Unit to omit a particular species of shrub (*Symphoricarpos sp*) from the planting scheme.

### **DRAINAGE AND FLOOD RISK**

Drainage plans have been removed from the recommended plan list on the basis that work to finalise the drainage details is still ongoing and final details are to be secured through condition. United Utilities have therefore suggested an amended pre-commencement drainage condition which has been applied, with a minor variation in relation to the requirement to maintain the scheme as installed.

### **ADDITIONAL PUBLIC REPRESENTATION**

An additional public representation has been received in addition to points previously raised by the same party. Additional concerns raised include concern about potential for noise to be over the level predicted by the Noise Impact Assessment and a desire for evergreen planting to prevent loss of privacy during the winter months.

Conditions are proposed restricting the hours of operation to between 5am and 11pm, and ensuring the installation of the acoustic fence in accordance with the strategy provided. In the highly unlikely event that level of noise generated from the site exceeds the expected thresholds, then the Council's Public Protection service have the ability to investigate and consider enforcement action where noise as a Statutory Nuisance is identified.

Evergreen planting is to be provided in appropriate locations as part of the recommended landscaping scheme, but the acoustic fence to be provided along the western boundary will have the added benefit of ensuring additional privacy screening during the winter months.

### **UPDATE TO RECOMMENDATION**

Conditions 2 (plans), Condition 6 (drainage) and Condition 11 (landscaping) are therefore amended to read as follows:

2. This permission relates to the following plans:-

- 2021-017 101 Rev. A - Location Plan
- KBP-BWB-00-01-DR-G-0001 Rev. P1 - Existing Site Plan Sheet 1 of 2
- KBP-BWB-00-02-DR-G-0001 Rev. P1 - Existing Site Plan 2 of 2
- 2021-017 102 Rev. H - Proposed Site Plan
- 2021-017 200 Rev. B - Welfare Facility Elevations
- 2021-017 200 Rev. B Welfare Facility General Arrangement Plan
- 2021-017 221 Rev. A - Gatehouse/Security Kiosk Elevations
- 2021-017 230 Rev. A - Welfare Facility Cross Sections
- 2021-017 801 Rev. D - Cycle Shelter Details
- 2021-017 802 Rev. D - Refuse Store Details

- 2021-017 803 Rev. E - Fencing Details
- 2021-017 805 Rev. D - Smoking Shelter Details
- 2021-017 820 Rev. D - External Works
- 2021-017 824 Rev. D - GRP Enclosures
- JKP-BWB-ZZ-XX-DR-C-0002 Rev. P02 - Finished Levels Strategy Drawing
- JKP-BWB-ZZ-XX-DR-C-0003 Rev. P03 - Earthworks Isopachytes Summary Drawing
- JKP-BWB-ZZ-XX-DR-C-0004 Rev. P03 - Earthworks Sections Drawing
- JKP-BWB-ZZ-XX-DR-C-0005 Rev. P02 - Typical Retaining Detail
- 2021-017 9100 - On Plot Landscape
- 2021-017 9101 - Off Plot Landscape Revision A
- JKP-BWB-XX-XX-DR-ME-0302 Rev. P1 - Utility Services Proposed Utilities Layout
- Proposed Site Plan.

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 and the National Planning Policy Framework.

6. Notwithstanding the submitted details, no development shall take place unless and until a foul and surface water sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, foul and surface water shall be drained on separate systems. The foul and surface water sustainable drainage scheme shall:
- (i) be based on the hierarchy of drainage options in the National Planning Practice Guidance;
  - (ii) be accompanied by evidence of an assessment of the site conditions and shall accord with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
  - (iii) include levels details of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) in the event of surface water discharging to the sewer network, include a restricted rate of discharge to be agreed in consultation with the Lead Local Flood Authority and United Utilities; and
  - (v) include details of how the drainage scheme will be maintained and managed after completion.

The duly approved drainage scheme shall be implemented prior to first occupation of the development hereby permitted, and retained and maintained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of foul and surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved policies EM7 and EM/8 Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for Pre-Commencement Condition: Drainage infrastructure needs to be implemented upon commencement and therefore a scheme needs to be agreed in advance of the same to ensure compliance with adopted Rochdale Core Strategy policy G8, saved Rochdale Unitary Development Plan policies EM/7 and EM/8 and the National Planning Policy Framework.

11. The landscaping works shall be carried out in accordance with the approved details indicated on 2021-017 9100 – ‘On Plot Landscape’ and 2021-017 9101 Rev. A – ‘Off Plot Landscape’.

All planting, seeding or turfing comprised within the approved scheme of landscaping shall be carried out no later than the first planting and seeding seasons following the development hereby approved being first brought into use and any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with policies DM1, G6, G7 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

**AGENDA ITEM 7 – Page 34 - 19/00628/OUT – Farrel Ltd, Queensway, Rochdale**

### **OFFICER UPDATE**

Following publication of the agenda, the applicant's solicitor contacted the Local Planning Authority directly to advise that the:

*"... client intends to progress with the proposed development at Queensway / Newchurch Street, Castleton, including the consequent investment in its manufacturing facility in Rochdale. Farrel's parent company suspended significant capital investment projects during the worst of the pandemic, but things are beginning to return to normal. Given that we are establishing the Advanced Machinery & Productivity Institute in Rochdale, it is essential that we do all we can to encourage companies like Farrel to remain and invest in the borough. To this end, I am grateful to you for confirming that the agenda item will proceed as an update report to the committee".*

A change in personnel within WSP Indigo (the applicant's agent), has also lead to a lack of communication, together with the original committee resolution coinciding with the national lockdown in March 2020.

### **UPDATE TO RECOMMENDATION**

The recommendation is as per Appendix 2 (set out in full below), with an additional clause that the application be referred back to the Planning and Licensing Committee with a further update, if the legal agreement has not been completed and the decision issued, within three months.

It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT Planning Permission subject to conditions and subject to the prior signing of a S106 legal agreement**, and that the application be referred back to the September Planning and Licencing Committee (or a later committee meeting to be agreed with the Chair) if the S106 agreement has not been completed and the decision issued. The S106 agreement shall include:

1:

- (i) Financial contributions of £308,000.25 towards Primary education;
- (ii) Where 'no net loss' of biodiversity cannot be demonstrated through the reserved matters submission and mitigation strategy, a payment for a financial contribution

towards biodiversity off-setting, shall be triggered, the formula for which shall be based on the DEFRA off-set matrices;

- (iii) The provision and future maintenance of recreational open space within the site, in accordance with the Council's policies;
- (iv) Financial contributions towards off-site highway improvement:
  - £3,000 – dropped crossings / tactile paving at access points
  - £20,000 – raised tables and extended 20mph zone on Newchurch Street
  - £6,000 – Footway reinstatement at junction with Queensway and lighting
  - £4,000 – TRO review along Newchurch Street

2: (v) A mechanism to ensure that where any affordable housing is to be provided on site, the details shall first be submitted to and approved in writing by the Local Planning Authority.

3: Clause that if the housing site is delivered but there is no investment in Farrel's:

- (vi) Contributions towards Outdoor Sports Provision, in accordance with the Council policies,
- (vii) A financial contribution of £154,000.10 towards Secondary education or the investment,
- (viii) Where affordable housing is not secured through a reserved matters submission, a commuted sum payment made, in accordance with the Council's policies;

to be paid.

And that the Head of Planning Services is authorised to GRANT planning permission upon execution of the above S106 agreement subject to the following conditions.

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of three years from the date of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No part of the development hereby permitted shall be commenced on the site until full details of the layout, scale and appearance of the buildings and landscaping (hereinafter called the "reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015, and details of the matters referred to in the conditions have not been submitted for consideration.

- 3 The total number of residential units included in any application(s) for reserved matters submitted pursuant to condition 2 of this permission shall not exceed 100 dwellings, and the development shall accord with the principles established by the amended Parameters Plan dwg.no.2364 - LC04 Rev 1, and the Location Plan dwg.no. 2364 - LC03.

Reason: In order to provide for an acceptable scale and layout of development and high quality environment, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) 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 order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity in accordance with the requirements of Core Strategy policy DM1 and the National Planning Policy Framework.

Reason for pre-commencement: Existing site levels are required to be surveyed and submitted prior to any ground disturbance in order to ensure accurate topographical data.

- 5 As the site characterisation has identified potential unacceptable risks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall have been submitted to and approved in writing by the Local Planning Authority.

The approved remediation scheme shall thereafter be fully implemented. There shall be no variation of the approved remediation scheme unless otherwise approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme and prior to the commencement of the permitted use/development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared which is subject to the approval in writing of the Local Planning Authority.

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.

- 6 No development shall commence until a foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems for foul and surface and only combined at the site's final outfall manhole, if necessary, in accordance with Building Regulations Part H5 (2010).

Reason: 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.

- 7 No development shall commence until a surface water drainage scheme (including surface water from parking areas where appropriate) has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme must include:

The background calculations or MicroDrainage® model details shall be submitted to the Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) details of the rate of surface water discharge from the site to any soakaway, or watercourse or sewer and shall incorporate measures (including any necessary flow attenuation measures and the use of SUDS where appropriate) to maintain the existing (predevelopment) greenfield runoff rate from the site
- (ii) confirmation of approval by United Utilities of the restricted rate of surface water discharge of surface water to the public sewer;
- (iii) a drainage management and maintenance document – for future maintenance purposes: and
- (iv) An assessment of the risks to controlled waters.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: 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.

- 8 Notwithstanding the requirements of conditions 1 and 2, if demolition of any of the buildings hereby approved for demolition does not commence before 30<sup>th</sup> April 2021, the building not yet demolished will be reassessed for bat roosting potential. The survey shall include any methodologies for bat roost mitigation measures where necessary. The resultant survey shall be submitted to and approved in writing by the local planning authority prior to any demolition taking place.

Reason: In the interests of species protection in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 9 Upon submission of the first Reserved matters application, a detailed ecological assessment of the pond shall be submitted. The assessment shall include marginal and aquatic plants, amphibians, nesting birds and invertebrates and any methodologies where appropriate. The assessment and methodology shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of species protection in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 10 The submission of the first reserved matters application shall be accompanied by a Method Statement detailing the eradication and/or control and/or avoidance measures for Rhododendron and monbretia. The Method Statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a means of eradicating and/or controlling invasive species in accordance with the adopted Rochdale Core Strategy policy G7 and the National Planning Policy Framework.

- 11 No demolition or clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (1 March – 31 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. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 No development shall take place (including any site clearance works) until a Construction Method Statement (CMS), has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) Dust Management Plan which includes mitigation measures that are set out in Appendix E (pages 31-34) of the submitted Air Quality Assessment ;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) noise reduction measures;
  - ix) measures for the protection of the natural environment including the River Beal from accidental spillages, dust and debris;
  - x) hours of construction, including deliveries; and
  - xi) measures for protection of the existing water mains and sewers within the site.
  - xii) post construction restoration of public rights of way.

The approved CMS shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMS during the construction period.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will include site clearance, demolition works, ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of adjacent premises and users, prior to commencement of any works taking place.

- 13 On submission of the reserved matters application for any phase of development a noise report for that phase of development pursuant to condition 2 shall be submitted to and approved in writing by the Local Planning Authority which should ensure that the following internal and external noise levels are achieved:
- o 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm.
  - o 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am.
  - o 35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm.
  - o 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
  - o Noise in external amenity areas shall not exceed 58 dB(A).

Prior to the first occupation of each dwelling hereby approved, a verification report shall have been first submitted to and approved in writing by the Local Planning Authority, confirming that the internal and external noise levels have been achieved.

Reason: To ensure satisfactory living conditions for future occupiers of the development in accordance with the requirements Core Strategy policies P3 and G9, and the NPPF.

- 14 Upon submission of the reserved matters application pertaining to layout, a scheme for the installation of electric vehicle charging points ducting at all houses within the development shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to first occupation of each dwelling within the development hereby approved.

Reason: In the interests of air quality management in accordance with Core Strategy policies T2 and the National Planning Policy Framework.

- 15 Upon submission of the reserved matters application pertaining to layout, a scheme incorporating a pedestrian connection with the existing lane to the immediate north of the application site shall be submitted to the Local Planning Authority for their approval. The approved scheme shall be fully implemented prior to first occupation of the approved development.

Reason: In the interests of sustainable travel, and encouraging journey on foot, in accordance with Core Strategy policy T2 and the National Planning Policy Framework.

- 16 Upon submission of the first reserved matters application, a scheme of biodiversity mitigation measures, and a timetable for implementation shall be submitted to the Local Planning Authority for their approval. The approved scheme shall be carried out in full accordance with the approved details and timescales.

Reason: To ensure that the development provides biodiversity mitigation measures in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 17 Upon submission of the reserved matters application pertaining to layout, a strategy of traffic calming to achieve a 20 mile per hour zone shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be operational prior to first occupation of any dwellinghouse hereby approved and shall be retained and maintained as such thereafter.

Reason: In the interests of highway safety in accordance with policy T2 of the Rochdale Core Strategy and the National Planning Policy Framework.