

Report to Planning and Licensing Committee



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| Date of Meeting | 24 June 2021 |
| Portfolio | Councillor John Blundell Cabinet Member for a Thriving Economy |
| Report Author | Michael Atkinson-Smith |
| Public/Private Document | Public |

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| Application: 21/00608/FUL | Township: Rochdale | Ward: Kingsway |
| Applicant: Wilson Bowden Developments Ltd | | Agent: DLA Architecture Ltd |
| Site Address: Plot J2 Kingsway Business Park, James Kearns Avenue, Rochdale OL16 4NR | | |
| Proposal: | Development of site for storage of operational vehicles, including site levelling, drainage and resurfacing, formation of access, associated parking, acoustic and security fencing, retaining walls, guard hut, welfare building, substations, landscaping, lighting columns and all related engineering and infrastructure works | |

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as it comprises major development and more than 10 objections have been received, contrary to the recommendation

PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for the use of the site to provide dedicated storage facilities for operational vehicles (delivery vans) required to operate the existing distribution warehouse at Plot H on Kingsway Business Park. A total of 665 van parking spaces including Electric Vehicle charging points would be provided along with a new access off James Kearns Avenue, a welfare building, guard hut, fencing and lighting.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to the conditions listed in the report.

REASON FOR RECOMMENDATION

- 4.1 The proposed development would result in a lower overall impact to surrounding residential occupiers and the local landscape character than the extant outline planning permission allows for. The proposal will deliver additional benefits in terms of supporting the efficient operation of an associated newly located business within an employment area and the investment in the provision of infrastructure to aid the delivery of low carbon alternatives to high emission fossil fuelled operational vehicles.
- 4.2 The proposed use of the site is considered appropriate on a designated employment site. The development will support employment opportunities through its role of supporting the delivery function of a distribution warehouse to be located offsite.
- 4.3 Despite the scale of the facility, the layout, appearance and landscaping treatment to the site are considered to be acceptable and to provide sufficient mitigation of visual, landscape and biodiversity impacts given the context of the site within the already defined extent of a business park environment.
- 4.4 No unacceptable harm has been identified in respect of the residential amenity of surrounding occupiers.

SITE

The application relates to a 4.37 hectare vacant plot on the Kingsway Business Park. The somewhat undulating site is grassed over and presently unenclosed. The site lies to the west of James Kearns Avenue and to the north of the existing Asda distribution depot. Lower Lane is to the north west of the site which is the location of the closest residential dwellings and a public bridleway that is a continuation of Lower Lane passes the site to the north. The Grade II listed Silver Hill Farm lies to the west of the application site.

The site is referred to as Plot J2 in the Kingsway Business Park masterplan. Kingsway Business Park was originally granted outline planning consent in 1999 and since that time the road infrastructure and highway landscaping has been put in place, development plateaux have been created, and several plots are occupied by established business units.

PROPOSAL

Full planning permission is sought for use of the site to provide dedicated storage facilities for the operational vehicles (delivery vans) required to operate the existing distribution warehouse at Plot H on Kingsway Business Park. This existing building is in close proximity to Plot J2, along the estate road of John Milne Avenue.

There would be provision within the scheme to accommodate 665 vans with access taken from James Kearns Avenue. All van parking spaces would be fitted with Electric Vehicle charging points. Also to be provided would be a modest welfare building, a guard hut, 8m high LED lighting columns and acoustic fencing.

The bund and landscaping belt separating the site from Lower Lane and the Silver Hill Farm complex would be retained and additional landscaping provided as necessary.

Engineering operations would be required to level the site with the final plot level being broadly consistent with the outline planning permission for the business park, with a general downward gradient from James Kearns Avenue towards Lower Lane.

BACKGROUND

Outline planning permission established the principle of the development of Kingsway Business Park in 1999. This was renewed and updated in 2014 (14/00542/OUT), with variations in 2016 (16/01085/VRCON) and 2018 (18/00943/VRCON). The outline consent included a master plan and parameters plan including road layouts and plots and an arrangement of units on each plot. Plot J2 was identified as a single development plateau with the potential for three Use Class B1/B2/B8 units of up to 9m in haunch height, three separate service yards and ancillary parking and facilities.

Condition 4 of the outline planning permission required development to be carried out in substantial accordance with the layout shown on this masterplan. As the use of the site differs significantly from the parameters and layout of the outline planning permission, full planning permission is required for the proposed development.

DEVELOPMENT PLAN

Rochdale Core Strategy (CS) 2016:

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| SP2 | The Spatial Strategy for the borough |
| SP3 | The Spatial Strategy for the townships |
| SD1 | Delivering sustainable development |
| DM1 | General development requirements |
| SO1 | To deliver a more prosperous economy |
| E2 | Increasing jobs and prosperity |
| E3 | Focusing on economic growth corridors and areas |
| SO3 | Improving design, image and quality of place |
| P1 | Improving image |
| P2 | Protecting and Enhancing Character, Landscape and heritage |
| P3 | Improving design of new development |
| SO4 | Promoting a greener environment |
| G1 | Tackling and adapting to climate change |
| G2 | Energy and new development |
| G3 | Renewable and low carbon energy developments |
| G6 | Enhancing Green Infrastructure |
| G7 | Increasing the value of biodiversity and geodiversity |
| G8 | Managing water resources and flood risk |
| G9 | Reducing the impact of pollution, contamination and land instability |
| SO5 | Improving accessibility and delivering sustainable transport |
| T1 | Delivering sustainable transport |
| T2 | Improving accessibility |

Rochdale Unitary Development Plan (UDP) 2006:

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| G/D/1 | Defined Urban Area |
| EC/7 | Kingsway Business Park |
| EM/7 | Development and flood risk |
| EM/8 | Protection of ground and surface water |

Supplementary Planning Documents (SPD):

Greater Manchester Joint Minerals and Waste DPD (2013)
Climate Change Adaptation SPD (June 2012)
Biodiversity and Development SPD (updated 2017)

RELEVANT SITE HISTORY

18/00943/VRCON I Removal of condition 45 (requirement for BREEAM rating) of outline planning permission 16/01085/VRCON. Approved

16/01085/VRCON - Variation of condition 12 (maximum floorspace thresholds) on planning permission 14/00542/OUT to remove the references to Use Classes B1(c)/B2 and B8 and the associated floorspace figures. Approved December 2016.

14/00542/OUT – Outline application, with all matters reserved, for a mixed use business park comprising buildings within development plots as shown on the site location plan for General and Light Industrial Uses (Classes B1 and B2), Offices in the Use Class B1, Distribution and Storage Uses (Class B8), Research and Development Uses in Use Class B1, Car Showrooms (Sui Generis Use), Hotels in Use Class C1, Ancillary Retail and Leisure in Use Classes A1 - A5 and D2, and Residential in Use Class C3. Approved August 2014.

09/D052264 - Outline Application With All Matters Reserved For A Proposed Business Park Comprising Buildings Within Development Plots C To X Inclusive As Shown On The Master Plan For: General And Light Industrial Use Classes B1 & B2, Offices In Use Class B1, Distribution And Storage In Use Class B8, Research And Development Facilities In Use Class B1, Hotels In Use Class C1, Ancillary Retail And Leisure In Use Class A1-A5 & D2, Housing In Use Class C3. Approved October 2009.

98/D35130 - Outline Application For A Proposed Business Park Comprising Buildings Within Development Plots C To X Inclusive As Shown On The Master Plan For: General And Light Industrial Use Classes B1 And B2; Offices In Use Class B1; Distribution And Storage In Use Class B8; Research And Development Facilities In Use Class B1; Hotels In Use Class C3; Ancillary Retail And Leisure In Use Classes A1,A2,A3 And D2; Housing In Use Class C1; And Including Details Of The Use And Siting Of And Means Of Access To The Proposed Buildings On Development Plots C,D,E,G,H,I And T. Approved Jan 2000.

CONSULTATION RESPONSES

Environment Agency - There are no significant environmental constraints which would necessitate detail technical review by our internal consultee teams.

Greater Manchester Ecology Unit – No objection, comments as follows:

- Water vole surveys are not required. However, I would recommend the following to secure protection: -
 - Existing retained features (structure planting to northern boundary and ditch to the east boundary) should be temporarily fenced to 5m with high visibility fencing. This is to ensure protection of vegetation (including root zones), watercourse and any potential for water vole burrows, in addition to preventing the spillage of spoil and/or stored materials. This should be secured via condition.
 - A CEMP should be required to be implemented via a condition to ensure that appropriate pollution prevention measures are implemented during construction, enabling works and earth moving.
 - An informative should be applied to alert the applicant and contractors to the protected status of water vole (Wildlife & Countryside Act 1981). If water vole are found or suspected within 5m of any construction area work should cease until appropriate advice is sought and implemented.
- I note the planting specifications provided within the on and off-site proposals. I have the following comments to make: -
 - The native species specifications are appropriate.
 - The eastern boundary is proposed to include horticultural shrubs adjacent to the retained ditch. I appreciate that this is to define this edge as it abuts the landscape of the internal road system. However, I would recommend that *Symphoricarpos sp* are not used. This species suckers readily and reproduces abundantly from seed which are attractive to birds. While this species is not yet on Schedule 9 of the W&CA it is a significant problem in Greater Manchester

where it is colonised (by birds & humans) habitats of value. I would recommend another suitable alternative horticultural species.

- I note the use of evergreen screen planting (Scots pine and laurel) in certain locations. This limited extent is appropriate and in keeping with other areas of the wider Kingsway Estate.

In summary and conclusion the information presented is sufficient to allow the application to be forwarded to determination in respect of biodiversity, subject to the recommendations above.

Greater Manchester Fire and Rescue Service – Sprinkler systems are recommended within the welfare building.

Greater Manchester Police – Design for Security - Recommend that a report to support the application is sought from a Suitably Qualified Security Consultant (SQSC).

Highways and Engineering - This development and the facility which it supports will generate a significant volume of traffic. Whilst the traffic generated is significant the Traffic generated is within the already accepted levels of the wider Kingsway Business Park and essentially approved. There is no aspect of the traffic generation to which we could sustain any objections.

Whilst on the surface it appears this proposal encourages private car use it does in fact facilitate a sustainable travel option for drivers. Drivers would otherwise have to make use of their own vehicles to from and during work. Instead drivers can make use of sustainable transport to and from work whilst using fleet vehicles during the day. It is clear from the proposals many of the fleet vehicles will be electric and this proportion will increase with time. The highways department is wholly supportive of the move towards electric vehicle use indicated by these proposals.

Access proposed to the site is adequate for the type of vehicles expected. Highway connections to the wider network are already established and functioning within capacity. The proposed layout is acceptable for the proposed vehicles. Echelon parking such as this will operate in a one way system which will be managed on site. No changes are being made to the highway layout. We have no concerns regarding the servicing of this proposal. We have no additional road safety concerns as a result of this proposal. We have no objections to this development as proposed.

Highways England - No objection.

Landscaping Team - No comments received to date

Lead Local Flood Authority/Drainage – No objection subject to suggested conditions.

Public Protection (Air Quality) - No comments received to date.

Public Protection (Environment) - The submitted reports are acceptable; I can recommend discharge on receipt of a suitable completion report outlining details of the proposed gas protection measures.

Public Protection (Noise/Odours) - I have reviewed the submitted lighting report and I am happy that the scheme has been designed using best practice and is in line with all relevant and required standards and guidance, and the zoning is correct for this location. I have reviewed the submitted addendum technical note regarding the reversing beeps, if in the unlikely event they are used, their use would not likely give rise to noise nuisance. As such my initial comment remains unchanged.

Strategic Planning - No comments received to date.

Strategic Transport Planning Co-Ordinator - No comments received to date

Transport for Greater Manchester - The district may wish to check with the developer that there is no trip generation associated with this development or if there is, that this was already included in previous outline applications.

United Utilities – No comments received to date.

TOWNSHIP PLANNING PANEL

Due to the ongoing COVID-19 Coronavirus pandemic, Township Planning Panels are currently suspended.

MEMBER REPRESENTATIONS

No representations have been received from individual Members.

PUBLIC REPRESENTATIONS

Letters of notification were sent by the LPA to surrounding neighbours, site notices displayed in the vicinity of the site and a notice placed in the local press.

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| Objection Reps | 32 | Support Reps | 0 | Neutral Reps | 2 |
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Comments made in respect of the application are summarised as follows:

- There has been insufficient public consultation of the application;
- Noise impacts from engines running, doors slamming and general human activity;
- Buffer zone will be insufficient as an acoustic barrier;
- Light pollution impacts to surrounding occupiers from the lighting scheme;
- The development will compound noise, air and light pollution from M62;
- The development will be harmful to the appearance of the area; would like planting scheme to obscure the development from surrounding vantage points;
- Loss of privacy from significant human presence close to residential dwellings;
- The proposal will result in unacceptable air pollution;
- The site is currently used as amenity space (dog walkers, horse riders) and this would be lost;
- Light will adversely impact wildlife;
- Impacts to highway functionality and pedestrian safety due to increase in vehicular activity;
- The submitted Noise Impact Assessment does not adequately assess the acoustic impacts of the development (no consideration for multiple noise occurrences at the same time, such as when shifts starting);
- Impacts of noise, dust and debris during the construction phase
- Site likely to contain dairy cow carcasses which need to be dealt with to prevent airborne diseases;
- Low frequency noise emitted from charging of vehicles;
- Effectiveness of acoustic fencing;
- Increase in emissions from charging;

- Lack of electromagnetic shielding;
- The development could take place somewhere else;
- Loss of habitats and wildlife; and
- The proposal will result in vibration impacts.

The matters raised above that are material planning considerations are addressed in the Analysis section below.

ANALYSIS

Principle of development

1. Paragraph 11 of the NPPF identifies a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay. Paragraph 80 of the NPPF also requires that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.
2. The site is located within the Kingsway Business Park which has a long history of planning approvals for business and employment uses. The site is allocated within the Rochdale UDP under policy EC/7 as part of the Kingsway Business Park for high quality general and light industry, offices, distribution & storage, research and development and associated uses. The adopted Rochdale Core Strategy refers to the delivery of Kingsway Business Park as a key part of the Strategy for Rochdale as set out in policy SP3/R. Core Strategy policies E2 (Increasing jobs and prosperity) and E3 (Focusing on economic growth corridors and areas) identify the Kingsway corridor as an economic growth corridor where most jobs and employment development will be delivered.
3. The principle of development for business purposes within use classes B1, B2 and B8 on the site of the proposed development site has also been established by the approval of the most recent outline planning permission ref. 14/00542/OUT, which was subsequently varied by planning permissions 16/01085/VRCON and 18/00943/VRCON. The outline planning permission was accompanied by a 'Master Plan' and 'Parameters Plan' which expressly identified the flexible approach to employment development across the Kingsway Business Park in accordance with the Development Plan. In particular, the 'Parameters Plan' confirmed that Plot J2 could be developed for any of the primary employment uses covered by the B1 / B2 / B8 Use Classes.
4. This application now proposes that Plot J2 is used to provide a van storage facility and associated infrastructure expressly linked to the operation of an existing building at Kingsway Business Park on Plot H. The effect of this is that the proposed use can be considered to represent an ancillary function to the use of Plot H in the form of a single planning unit.
5. On this basis, the proposed development is considered to be acceptable in principle and in accordance with adopted Rochdale Core Strategy policies E2, E3 and SP3/R, saved UDP policy EC/7 and the National Planning Policy Framework.

Design and visual impact

6. The application site is located to the western side of the partially completed Business Park environment which comprises a cluster of completed medium sized business and warehouse units, with larger scale storage and distribution sheds. The plot is extremely well screened from the residential properties on Lower Lane to the north by the long established landscaping belt and the site sits well below, and is much smaller in scale than, the dominant Asda distribution warehouse on Plot J1.
7. The outline permission identified a plot level for Plot J2 to enable future buildings of 9m haunch heights to be comfortably accommodated on the site. This level was set at 154.6 AOD. Under the current proposals, the proposed plot level differs marginally from the originally specified outline level, but only to enable engineering, drainage and gradient requirements to be achieved. At the site boundary along Lower Lane, the proposed levels would be very close to the originally defined 154.6 AOD. As the current proposal omits any buildings of substantial scale, with the 8m high lighting columns and 2.4m high acoustic and security fences being the most notable built form when viewed from off site, it is not considered that the visual impact of the development would be harmful or unacceptable within the context of the business park environment.
8. It is also noted that the proposed welfare building and lighting columns would be much less intrusive than the buildings originally approved and as such the extent of the visual effects arising from the proposed development would be considerably reduced from the development approved by the terms of the outline permission.
9. The scheme has been appropriately designed to minimise the potential for future crime and disorder, including the provision of security fencing/gates and lighting as detailed above.
10. In the light of the above it is therefore considered that the proposed development is appropriate to its setting in terms of design and visual impact and the application accords with adopted Rochdale Core Strategy policies DM1 and P3 and the NPPF.

Setting of the Grade II Listed Silver Hill Farm and the Grade II Listed Tithe Barn

11. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
12. Paragraph 192 of the NPPF indicates that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Heritage assets (both designated and non-designated) are defined in Annex 2 of the NPPF.
13. Paragraph 193 of the NPPF identifies that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost

through alteration or destruction of the heritage asset or development within its setting.

14. Paragraph 196 of the NPPF advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. Core Strategy policy P2 states that the Council will conserve, promote and enhance key heritage assets and their wider settings, including listed buildings, conservation areas, registered parks and scheduled ancient monuments.
16. The group of Grade II Listed buildings at Silver Hill Farm lie immediately to the west of the application site and are shielded by the existing landscaping belt.

The listing description states:

“Charles and Esther Beswick, 24th August 1789” on inscribed stone above door. Hammer-dressed stone in narrow courses and slate roof. 3 bays and 2 storeys (plus basement). Step approach to door with overlight and square-cut stone surround between bays 1 and 2. Bays 1 and 2 have rectangular ground floor windows and 3-light flat-faced mullion first floor window (the central light being larger than the outer lights). Bay 3 was added slightly later the windows following the pattern of the other first floor windows. Plain eaves gutter brackets and ridge and gable chimney stacks”

17. The former farm buildings are currently vacant and in a dilapidated state. As part of the mixed-use intent of the comprehensive Kingsway masterplan, it is intended that the dilapidated listed building will in due course be brought back into use as part of later phases of the development which would retain the most significant historic assets of the listed buildings.
18. The Grade II listed Tithe Barn is now in residential use and is located on the north side of Lower Lane and behind the substantial existing landscaping belt surrounding the development site. The context of Tithe Barn is within a row of more modern houses along Lower Lane.

The listing description states:

Tithe Barn - “Il House and adjoining barn, said to be a tithe barn. Probably mid C17 with C18 barn and C20 alterations. Hammer-dressed stone, now mostly rendered, with graduated stone slate and slate roofs. 3-unit 2-storey house with 2-storey porch and barn/stable wings to right, now partly converted for domestic use. 2-storey porch has moulded door surround with obtuse-angled lintel, a 2-light chamfered mullion first floor window (mullion removed) with arched lights and a coped gable with kneelers and ball finial. All windows have been altered, formerly having had chamfered and double-chamfered mullions. Ridge chimney stack. Similarly altered and C20 window openings to rear and barn. Interior: Beams with stepped stops. Timber-framed crosswall includes a door with shaped lintel. King-post roof trusses to barn.”

19. It is acknowledged that the proposal will result in less than substantial harm to the setting of Silver Hill Farm and a lesser degree to Tithe Barn, and that this harm carries considerable weight. However, based on the listing descriptions it is clear that the significance of the former farmhouse, associated buildings and barn relates to the features of the buildings themselves. It is also noted that any contribution to the significance based on the setting of the former farmhouse, associated buildings barn within associated agricultural land has already been

lost. It is therefore considered that the significant public benefits of the proposed development in terms of job creation and inward investment outweigh the degree of harm caused to the significance of the Grade II Listed buildings. It is also noted that when considered in the wider context of Kingsway Business Park the harm to Silver Hill Farm and Tithe Barn generated by bringing the current Plot J2 proposals forward is limited and of lower impact than would occur under the outline planning permission.

20. On this basis it is considered that the proposal complies with the requirements of the Planning (Listed Building and Conservation Areas) Act, adopted Rochdale Core Strategy policy P2. And the NPPF.

Impact on Residential Amenity

21. Core Strategy policy G9 includes a commitment to reduce all forms of pollution by ensuring that development does not lead to an unacceptable increase in air, water, noise, light or other pollution.
22. The closest neighbouring residential properties are approximately 25m away from the edge of the development area of the application site on Bishopsgate Walk, with a separation of 34m to the dwellings themselves. Dwellings on Lower Lane are similarly located. Neighbour concerns have been raised with regard to a number of factors, with light pollution and noise disturbance being amongst the most prominent themes of concern.
23. A noise assessment report has been submitted which indicates that van storage, van movements and car movements are unlikely to give rise to an adverse noise impact to neighbouring residents during the daytime and night-time over weekday and weekend periods. The assessment has been undertaken based on reasonable assumptions of van storage area movements and vehicle operations, such as car and van door slams.
24. It is further noted that the outline planning permission would have allowed for likely a far greater level of noise disturbance than the current proposal and the application must therefore be assessed in this context. The applicant has considered the concern raised in respect of reversing alarms being fitted to the vans housed on site and notes that the installation of such alarms is not immediately planned; however, should they be installed in the future the Public Protection Officer remains satisfied that any level of noise generated would not give rise to an unacceptable degree of disturbance. It must be noted that the site is separated from residential properties by a significant landscaped bund which is up to 5m high in parts above Lower Lane and the application proposes the additional installation of an acoustic fence in the locations that any potential disturbance to residential properties would be most likely to occur.
25. External lighting is proposed, consisting of 8m high lighting columns across the site. A lighting impact assessment has been carried out which concludes that all external lighting will comply with the recommended limitations for a suburban location. This limits emission of any upward light and helps to minimise light spill and glare. It is noted that all luminaires will face south-east, in the opposite direction to the residential development, and full cut-off luminaires will be used to reduce potential views of light sources and contribution to sky glow. On this basis, the assessment finds that effects created by light spill and glare are

expected to be negligible with respect to residential properties, and minor adverse with respect to sky glow.

26. No objection has been raised from the Council's Public Protection Officer who considers that the submitted reports in respect of lighting and noise impacts are acceptable and that the development would not give rise to any undue level of disturbance to residential amenity. A Construction Management Plan will be required by condition, in order to minimise impacts during construction, including the management of dust emissions. The concern raised over the potential impacts of electromagnetic interference from future electric vehicle charging are not a material planning consideration and, in any case, would not be expected to have any discernible impact.
27. In light of the above, it is considered that the proposal will not cause material harm to residential occupiers to a degree that would result in a recommendation of refusal of planning permission. Conditions are proposed restricting the hours of operation to between 5am and 11pm, and ensuring the installation of the acoustic fence and lighting in accordance with the strategy provided. It is therefore considered that the proposal would accord with the relevant requirements of adopted Rochdale Core Strategy policies DM1 and G9 and the National Planning Policy Framework.

Highways, Access and Parking

28. A Transport Statement has been submitted in support of the application which found that there are likely to be 126 vehicle movements associated with the development between the network AM peak of 08:00 – 09:00, and 384 movements in the PM peak of 17:00 – 18:00. However, it should be noted that a proportion of these will replace trips previously consented at Plot J2. Moreover, vehicular activity associated with the intended end user of the site will shortly be present on the network in any event as they start operating from Plot H. It is therefore concluded that the level of traffic that was agreed for the wider Kingsway Business Park will not be exceeded.
29. The Highways Authority notes that the development and the facility which it would support will generate a significant volume of traffic. However, this is to be expected within an emerging business environment that has been specifically placed with good motorway access to encourage light industrial and distribution businesses to locate there. It is noted that the proposed use would not generate more traffic than was originally envisaged in the outline application and Highways England, whose primary concern would be the potential impact on Junction 21 of the M62 and the strategic highway network, have raised no objection. Regular traffic monitoring takes place within the vicinity and traffic flows are expected to remain well within the previously expected and approved parameters.
30. Drivers of the fleet vans would largely be expected to access the site via private means of transportation, but Kingsway Business Park is well served by its own dedicated Metrolink Station and has a very good level of accessibility for cyclists and for those who live close by who may choose to walk to the employment opportunities offered as a result of the proposed development. Much work has been undertaken to ensure that Kingsway Business Park is highly accessible by public transport to encourage modal shift away from private car usage.

31. No objection has been raised by the Highways Authority, which is wholly supportive of the move to electric vehicles over time, and no road safety concerns have been identified. On-site echelon parking will result in a one way system to be managed on site which is considered to be satisfactory. The bell mouth access to James Kearns Avenue would allow room for vehicles to slow and enter clear of the highway due to the setback position of the gatehouse and the vehicle gates would be expected to remain open during the hours of operation, thus reducing the potential for blockage of the public highway by traffic accessing the site. Cycle shelters will be provided within the site.
32. Therefore the proposed development is considered to be acceptable in terms of highways, parking and access and compliant with adopted Rochdale Core Strategy policies DM1 and T2 and the National Planning Policy Framework.

Air Quality

33. Core Strategy Policy G9 states that all forms of pollution will be reduced by focusing on measures that reduce air pollution in Air Quality Management Areas, and other areas where pollution levels are unacceptable, particularly around motorways and main roads.
34. The site is not located within an Air Quality Management Area, however sections of the M62 and surrounding road network lie within the Greater Manchester Air Quality Management Area. An Air Quality Assessment report was submitted which concludes that the development is not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development on local air quality is predicted to be 'negligible' in accordance with guidance. A qualitative construction phase dust assessment was undertaken in accordance with Institute of Air Quality Management guidance and measures were recommended for inclusion in a Dust Management Plan to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions was considered to be 'not significant' in accordance with Institute of Air Quality Management guidance.
35. Subject to a condition requiring the development to be carried out in accordance with the recommendations of the air quality assessment and the preparation of a dust management plan (as part of the Construction Management Plan) the development will not result in an unacceptable impact on air quality and therefore complies with Core Strategy policy G9 and the NPPF.

Ecological Impacts and Enhancements

36. The NPPF requires that applications should conserve and enhance biodiversity, minimise impacts and recognise the benefits of ecosystems. The impacts on nature conservation interests are also protected by separate legislation including the Natural Environment and Rural Communities Act, which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive, which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
37. The fourth bullet point to paragraph 170 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where

possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Core Strategy policy G7 states that no development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain

38. The site has been left largely unmanaged in recent years, and consists of grassland and scrub with some young, self-set trees. The application is accompanied by a Preliminary Ecological Appraisal report, which found that the site is primarily comprised of species poor, widespread habitats of limited ecological value, with no areas of higher distinctiveness which would need to be avoided by the proposals. On this basis, further species survey was not recommended, although precaution was advised in relation to checks for badgers and nesting birds prior to commencement.
39. The proposal includes the provision of an extensive new planting scheme in addition to the existing well-established buffer of structure planting adjacent to Lower Lane. Within the plot itself this includes an area of structure tree planting with a total of 102 evergreen trees and 178 native trees; over 900 native shrubs towards the eastern site boundary; wet meadow planting adjacent to the proposed drainage swale; and flowering meadow grass to all edges of the site. In addition, "off-plot" planting is proposed to supplement the existing landscaped buffer to Lower Lane and on the eastern boundary with John Milne Avenue, consisting of over 300 trees, over 2,000 shrubs and supplementary native hedge planting.
40. Greater Manchester Ecology Unit has confirmed that they have no objections on biodiversity grounds, subject to conditions to ensure the protection of the adjacent structure planting and the drainage ditch during construction. These are required to be submitted as part of a Construction Environmental Management Plan. A minor amendment to the planting scheme is requested, to omit a particular species of shrub. An informative note is also proposed in respect of water vole.
41. Subject to the conditions and informative requested by GMEU and conditions ensuring the proposed landscape planting is carried out and requiring the checks for badgers and nesting birds, it is considered that the development is acceptable in respect of biodiversity and would therefore accord with Core Strategy policies G6 and G7 and the NPPF.

Drainage and Flood Risk

42. The site is within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted. The site will be paved over for van usage and the existing greenfield area will become impermeable. The drainage statement proposes an attenuation tank with a storage volume of 274 cubic metres, which takes into account climate change as well as the existing retention ponds on the wider business park. The proposed car park will have gullies and filter drains and the surface water flows will pass through an oil interceptor before discharging from the site into the attenuation pond system and then ultimately into Stanney Brook. The system would be designed to handle a 1 in 100 year storm flow

43. The strategy is acceptable to the authority's Drainage and Flooding Engineer, subject to the final detail being agreed by condition of planning permission. It is considered therefore that the proposal accords with policy G8 of the Core Strategy.

Ground Contamination and Site Conditions

44. A Phase II report detailing the findings of intrusive ground investigations has been provided. The report concludes that the soils and groundwater on site are considered to pose a low risk to human health and controlled waters receptors. However, ground gas monitoring has identified that ground gas protection measures will be required. The Council's Public Protection Officer has reviewed the submitted Phase II report and has concluded that the report and the recommendations contained within it are acceptable. Subject to the suggested condition requiring a verification report in respect of installed gas protection measures for approval, the proposal would accord with adopted Rochdale Core Strategy policies DM1 and G9 and the NPPF.

Planning Obligations

45. Financial contributions to off-site highway works are not required in this instance owing to the existing and established highways infrastructure in the vicinity that has already been provided to support developments of a nature such as this.

Conclusion

46. The proposed use of the site is considered appropriate on a designated employment site. The development will support employment opportunities through its role of supporting the delivery function of a distribution warehouse located offsite.
47. It is recognised that although the facility proposed will enable a fully electric fleet of delivery vehicles to be delivered, this planning application does not secure the actual delivery of that fleet or all of the required infrastructure. Instead the proposal provides investment in a significant amount of on-site sub-surface infrastructure for use in association with the developer's potential forthcoming operations in the area. This in turn will enable the future delivery of a fleet of electric vehicles, with associated reduction in carbon emissions which can be afforded some weight in the decision making process.
48. Despite the scale of the facility, the layout, appearance and landscaping treatment to the site are considered to be acceptable and to provide sufficient mitigation of visual, landscape and biodiversity impacts given the context of the site within the already defined extent of a business park environment.
49. It is appreciated there is local concern regarding the proposals, however the amenity impacts and traffic impacts, together with other matters that have been addressed, are considered acceptable and, where appropriate, would be controlled by the use of planning conditions to ensure no material harm occurs to the amenity of residential properties or to the free flow of traffic and highway safety, amongst other things.
50. In conclusion, the proposed development would clearly result in a lower overall impact to surrounding residential occupiers and the local landscape character than the extant outline planning permission allows for. The proposal will deliver

additional benefits in terms of supporting the efficient operation of an associated newly located business within an employment area and the investment in the provision of infrastructure to aid the delivery of low carbon alternatives to high emission fossil fuelled operational vehicles.

51. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

RECOMMENDATION

It is recommended that Planning and Licensing Committee resolve to **Grant planning permission** subject to the following 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:-

- 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
- JKP-BWB-ZZ-XX-DR-CD-001 Rev. P04 - Drainage Strategy
- JKP-BWB-ZZ-XX-DE-CD-0006 Rev. P01 - Drainage Details Sheet 1 of 2
- JKP-BWB-ZZ-XX-DE-CD-0007 Rev. P01 - Drainage Details Sheet 2 of 2
- 2021-017 9100 - On Plot Landscape
- 2021-017 9101 - Off Plot Landscape
- 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.

3. The use of the site hereby permitted shall be restricted to the parking/storage of vehicles in association with the operation of the distribution warehouse at Plot H Kingsway Business Park, John Milne Avenue, Rochdale and in full accordance with the details set out in the submitted Planning Statement (Wilson Bowden Developments, April 2021).

Reason: The site is part of an employment area and the use of the site is justified to support the operation of a business currently operating from the employment area. The use of the site for the storage of vehicles in association with a business more remote from this location may not be appropriate and would require further consideration, in accordance with adopted Rochdale Core Strategy policies E2 and E3 and the National Planning Policy Framework

4. The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations contained within the submitted 'Phase 2 Geo-Environmental Assessment' ref. KBP-BWB-ZJ-XX-RP-YE-0002_Ph2_P2 dated February 2018 by BWB. Before the site is first brought into use, a verification report evidencing a gas protection score of 1.5 from gas protection measures installed in accordance with BS848:2015 has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the natural environment and to ensure the safe development of the site in the interests of the amenity of future users in accordance with Policies G8 and G9 of the Core Strategy and the National Planning Policy Framework.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the route of access and parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) any external lighting of the site;
- (viii) dust management plan;
- (ix) pollution prevention measures; and
- (x) a scheme of fencing to protect the structure planting to the northern boundary and the ditch to the eastern site boundary.

The duly approved CEMP shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to protect the adjacent habitats during the construction of the development in accordance with policies G7, G9 and P3 of the adopted

Rochdale Core Strategy, and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure the construction process is managed from commencement and measures put in place to protect the adjacent habitats, the amenity of nearby residents and highway safety prior to commencement of any building or engineering works on site.

6. Notwithstanding any detail shown on the approved plans or provided with the application submission, no works to install drainage infrastructure shall take place until a scheme for the discharge of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance, shall 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. For the avoidance of doubt, foul and surface water shall be drained on separate systems. Details of how the drainage scheme will be maintained and managed after completion shall be provided. In the event of surface water discharging to sewerage, the rate of discharge shall be restricted to the lowest possible rate; the flow rate shall be agreed with the Local Planning Authority and United Utilities. The duly approved scheme shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.

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 policies EM7 and EM/8 Rochdale Unitary Development Plan and the National Planning Policy Framework.

6. All trees that are to be retained within or adjacent to the site shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. The development hereby permitted shall not be brought into use until such time as the bicycle parking facilities as shown on drawing no. 2021-017 801 Rev. D – 'Cycle Shelter Details' have been installed as per the approved details and made available for use. The bicycle parking facilities shall be retained as such thereafter.

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

8. The development hereby permitted shall not be brought into use until the refuse and recycling storage facilities indicated on drawing no. 2021-017 802 Rev. D –

'Refuse Store Details' have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended purpose at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9. The development hereby permitted shall not be brought into use until the security and acoustic fencing as indicated on drawing no.2021-017 803 Rev. E – 'Fencing Details' has been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. The development hereby approved shall not be carried out otherwise than in accordance with the recommendations contained in the Brooks Ecological Preliminary Ecological Appraisal Ref. ER-5290-01C, including a pre-commencement check for the establishment of badger setts on the site.

Reason: To ensure that the development does not affect the favourable conservation status of protected species, in accordance with policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife and Countryside Act 1981 (as amended).

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 – '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.

12. The development hereby approved shall be carried out in accordance with the details provided on drawing no. JKP-BWB-ZZ-XX-DR-C-0002 Rev. P02 – 'Finished Levels Strategy Drawing'

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.

13. No 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 any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the provisions of the Wildlife and Countryside Act 1981 (as amended).

14. External lighting for the site shall be installed as shown on the submitted 'Proposed Site Plan' ref. '2021-017 102 Rev. H' and as per the recommendations contained within the 'Lighting Impact Assessment' ref. KPJ-BWB-ZZ-XX-RP-YE-0201_LIA by BWB dated April 2021 and retained as such thereafter.

Reason: To ensure that the development minimises light pollution and the potential impact on residential amenity and biodiversity in accordance with adopted Rochdale Core Strategy policies DM1, G7 and the National Planning Policy Framework.

15. The site specific mitigation measures set out in Section 7 of the 'Air Quality Assessment' ref. JKP-BWB-ZZ-ZZ-RP-LA-0001_AQA_S0_P02 by BWB dated April 2021 shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenity of the surrounding area and to avoid unacceptable levels of air quality in accordance with adopted Rochdale Core Strategy policies DM1 and G9 and the National Planning Policy Framework.

16. With the exception of site management or security, works relating to maintenance, or in the event of an emergency or major incident, no operational use of the site which is the subject of this permission shall take place other than between the hours of 05:00 and 23:00 hours on any day.

Reason: To safeguard the amenity of surrounding residential occupiers in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

17. No goods, materials, waste products or containers shall be stored on land outside the building or designated enclosures at any time, without the prior written consent of the Local Planning Authority.

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

Informatives

WATER VOLE HABITAT

The applicant and contractors must be made aware of the protected status of water vole (Wildlife & Countryside Act 1981). If water vole are found or suspected within 5m of any construction area, work should cease until appropriate advice is sought and implemented.