Agenda Item 6

Report to Planning and Licensing Committee

Date of Meeting	8 April 2021
Portfolio	Councillor John Blundell Cabinet Member for a Thriving Economy
Report Author	Michael Atkinson-Smith
Public/Private Document	Public

Application: 20/01506/FUL	**Township:** Middleton	**Ward:** West Middleton
Applicant: Lovell Partnership Ltd	**Agent:** Ainsley Gommon Architects	
Site Address: Land off Bonscale Crescent and Rothay Drive, Middleton		
Proposal:	Residential development for the erection of 55 dwellings together with improvements to existing Public Open Space and provision of a Local Equipped Area for Play	

SITE LOCATION



DELEGATION

1.1 The application is referred to the Planning and Licensing Committee as it comprises major development which represents a departure from the Development Plan and more than 10 objections have been received, contrary to the recommendation.

PROPOSAL SUMMARY

2.1 Full planning permission is sought for the erection of 55 dwellings together with improvements to existing Public Open Space and provision of a Local Equipped Area for Play.

RECOMMENDATION

3.1 It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to conditions and subject to the completion of a S106/S111 legal agreement/s to include:

i. A financial contribution of £104,000 towards Outdoor Sports Provision for Middleton Gymnastics Club or / and Bowlee Community Park Football Pitches;
ii. Financial contributions of £176,243.92 towards Primary education and £88,121.93 towards Secondary education;
iii. A financial contribution of £20,000 towards off-site highway improvements;
iv. A financial contribution of £10,000 towards enhanced cycling and walking routes; and
v. The provision and future maintenance of recreational open space within the site, in accordance with the Council's policies

And that the Head of Planning Services is authorised to grant planning permission upon execution of the above legal agreement/s and subject to the recommended conditions.

REASON FOR RECOMMENDATION

4.1 The proposed development comprises an element of the wider strategy for the regeneration of the Langley Estate, as directed by the Council's adopted Langley Masterplan. The development brings a former clearance site back into use (Rothay Drive), delivering 55 units on previously developed land and land largely earmarked for development in the Langley Masterplan.

4.2 The scheme also, however, represents a departure from the provisions of saved Policy G/3 of the UDP and the relevant considerations of the NPPF, as it includes a reasonably substantial reduction in size of the reduction in size of an area of Protected Recreational Open Space. The development does, however, provide for the delivery of enhancements to the retained public open space, including provision of a Local Equipped Area for Play, on what is currently an underutilised and poor quality area of open space.

4.3 The improvements in respect of provision of suitable and usable recreational space on site together with the conformity with the Council's adopted Langley Masterplan alongside the significant and demonstrable benefits arising from the delivery of 55 high quality homes for market sale, which will further diversify the tenure mix within the Langley Estate, should be taken into account as substantial and clear benefits when considering the application.

4.4 The development makes efficient use of the site and is acceptable having regard to neighbour amenity, layout and design. Furthermore, requirements are met, or can be met by way of condition, with regards to drainage, contaminated land, biodiversity enhancement, tree protection and ecological protection.

4.5 In taking the above factors into account, the recommendation, on balance, is one of approval given that the substantial benefits of the scheme are considered to outweigh the identified harm.

SITE

The application relates to a former clearance site centred on Rothay Drive to the south and Bonscale Park to the north. The application site measures 2.12 hectares and is bounded on all sides by Windermere Road to the south west and Bonscale Crescent for the remainder. Bonscale Park is designated as an area of Protected Recreational Open Space under the saved provisions of the Rochdale Unitary Development Plan. Since clearance, the Rothay Drive part of the site, has partially remained a secure compound, often used for parking of contractor's works vehicles.

The site lies 1.3 miles to the north of Middleton Town Centre and is located in a predominantly residential area. The site is relatively flat and comprises a mixture of grassed open space with some mature and semi-mature trees. The site is within Rochdale Borough Council's Strategic Housing Land Availability Assessment and has been identified as a residential development opportunity. The site also lies within the defined Langley Physical Regeneration Area.

PROPOSAL

Full planning permission is sought for the development of the site with 55 dwellings. All of the dwellings would be made available as market housing. The houses will be primarily semi-detached, with a few terraced and detached units. The proposals are for family housing with a mixture of 2, 3 and 4 bedroom units in the following accommodation mix:

- 10 x 2 bedroom houses
- 25 x 3 bedroom houses
- 20 x 4 bedroom houses

2 parking spaces would be provided for each dwelling.

Also provided would be a Local Equipped Area for Play for, the benefit of new and existing residents of the area, together with improvements to and ongoing maintenance of the remaining area of Public Open Space that is Bonscale Park.

Contributions would be provided towards off-site highways works as detailed in the report.

DEVELOPMENT PLAN

NATIONAL

National Planning Policy Framework (NPPF) – June 2019
National Planning Practice Guidance (NPPG)

LOCAL

Adopted Rochdale Core Strategy:

SP2 The Spatial Strategy for the borough
SP3 The Spatial Strategy for the townships

SD1 Delivering sustainable development
DM1 General development requirements
DM2 Delivering planning contributions and infrastructure

SO2 Creating successful and healthy communities
C1 Delivering the right amount of housing in the right places
C3 Delivering the right type of housing
C4 Providing affordable homes
C6 Improving health and well being
C7 Delivering education facilities
C8 Improving community, sport, leisure and cultural facilities

SO3 Improving design, image and quality of place
P1 Improving image
P3 Improving design of new development

SO4 Promoting a greener environment
G1 Tackling and adapting to climate change
G2 Energy and new development
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

SO5 Improving accessibility and delivering sustainable transport
T2 Improving accessibility

Rochdale Unitary Development Plan (UDP):

G/D/1 Defined Urban Area
G/3 Protection of Existing Recreational Open Space
EM/7 Development and Flood Risk
EM/8 Protection of Surface and Ground Water

Supplementary Planning Documents:

- Affordable Housing (March 2008)
- Biodiversity and Development (January 2008 – updated February 2017)
- Guidelines & Standards for Residential Development (June 2016)
- Oldham and Rochdale Urban Design Guide (September 2007)
- Oldham and Rochdale Residential Design Guide (September 2007)
- Provision of Recreational Open Space in New Housing (March 2008 – updated January 2017)

RELEVANT SITE HISTORY

None of relevance.

CONSULTATION RESPONSES

Greater Manchester Ecology Unit - No overall objection but recommendations made in respect of habitat loss mitigation, protection of protected species and securing a higher standard of biodiversity enhancement measures.

Greater Manchester Ecology Unit (Trees) - No comments received to date.

Greater Manchester Police - Design for Security - Recommend a condition to reflect the physical security specification set out on Section 4 of the Crime Impact Statement should be applied.

Highways and Engineering – [Summary] No objection. Two parking spaces per dwelling have been provided and the development will not generate any significant volume of traffic. A capital receipt has been received towards off-site improvement works which be used in part to undertake the conversion of the grass verge into layby parking. This will help to alleviate the issues that have previously reported as a concern.

Landscaping Team - No comments received to date

Lead Local Flood Authority/Drainage - No objection subject to conditions in respect of separation of foul & surface water drainage and an attenuated surface water discharge rate of 12/l/s.

Open Space - Environmental Management – Advised that Formal Sports contribution to be allocated to Middleton Gymnastics Club or Bowlee Community Park football pitches.

Public Protection (Air Quality) – Recommendation for electric vehicle charging points to be installed. These should have a minimum power rating of 7Kw and fitted with a universal socket able to charge all types of vehicles currently on the market meeting safety and accessibility requirements. A dust management plan should be secured through condition.

Public Protection (Environment) – [Summary]: The reports are acceptable but further work in respect of ground gas monitoring and contaminated land remediation are required.

Public Protection (Noise/Odours) - No comments received to date

Schools Service – Summary - The site sits within the Middleton Planning Area for Primary capacity and the Middleton Township Planning Area for Secondary capacity. Contributions are required for primary and secondary places.

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

Transport for Greater Manchester – No comments received to date.

United Utilities - No objection subject to a surface water run off rate restriction of 12 l/s and separation of foul and surface water.

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, a notice displayed in the vicinity of the site and a notice placed in the local press

Objection Reps	20	**Support Reps**	0	**Neutral Reps**	1

Duplicate representations have been discounted from the above figure.

In addition, a petition was also received signed by 82 local residents. This figure includes duplicate representations in respect of the above total as individual representations were also received from some parties.

Comments made in respect of the application are summarised as follows:

- The public consultation during lockdown has not allowed neighbouring residents to speak with one another about the proposed development / some residents are unable to walk to see the site notice / some residents do not have access to social media / not all houses on the street have been notified;
- Increase in rodent activity as a result of development;
- Increase in vehicular traffic / highway safety issues;
- Increased parking problems;
- An access should be opened up from Lee Street;
- Loss of open space;
- Impact on wildlife / environmental impacts;
- Disruption during construction;
- Impact on local schools;
- Impact on the character and appearance of the area;
- Impact on community and sense of place;
- Loss of amenity space;
- Brownfield land should be developed first;

- Limited public transport;
- Impact on emotional wellbeing through increased traffic and disturbance;
- Lack of community and health facilities to support the development;
- Speed of traffic / general driving standards;
- Lack of local amenities and shopping facilities;
- Risk of anti-social behaviour in public open space and LEAP / maintenance responsibility of facilities; and
- Lack of Council communication in respect of required wider highway improvements.

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

ANALYSIS

Principle of Development

1. The spatial strategy for the Borough (Core Strategy (CS) Policy SP2) seeks to focus housing delivery within the south of the borough, including within identified regeneration areas. Housing delivery in sustainable locations and the continued development of more high quality homes to widen tenure choice across the Langley Estate are supported by The Strategy for Middleton (CS Policy SP3/M) and CS Policies C1, C2 and C3.

2. The regeneration of Langley has been a long standing objective within Development Plans and regeneration initiatives. The UDP included a specific the Langley Masterplan prepared in 2008. Langley was also identified as a neighbourhood for intervention through the 2004 Housing Market Renewal Pathfinder programme.

3. The site lies within the Defined Urban Area and the former Langley Physical Regeneration Area and comprises a mixture of previously developed land and greenfield land designated as Protected Recreational Open Space. The site has been identified as a residential development opportunity within Rochdale Borough Council's Strategic Housing Land Availability Assessment. Whilst the north and west of the site is designated as Protected Recreational Open Space, the Development Brief for the area has been designed to accommodate some development on that land subject to significant improvements being undertaken to the remainder.

4. The application site forms part of the AL/HOU/16 allocation in the draft Allocations Plan Development Plan Document. The Council undertook Regulation 18 consultation on the DPD in 2018; it is not considered that any significant weight can be attached to this matter, however, given the current draft status of the DPD.

5. The site is approximately 1.6 km to the north of Middleton Town Centre, within a well-established residential area. Nearby Windermere Road is a bus corridor, with frequent connections to the centre of Middleton and to

Manchester. Accordingly, the proposed site is in a sustainable location for residential development.

Previously Developed Land

6. The application site primarily constitutes an area of greenfield land, based on the NPPF definition of previously developed land which specifically excludes 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'. The small compound/storage area at the western end of Rothay Drive can be considered to be previously-developed land. The northerly part of the site, i.e. Bonscale Park would, however, is greenfield.

7. Development of the southern and central section of the site including the cleared area surrounding Rothay Drive would make a valuable contribution towards the provision of high quality housing on brownfield land, assisting in meeting the Council's target to deliver 80% of new housing on previously developed sites within the urban area and in the delivery of regeneration priorities for Langley. In accordance with Paragraph 118 of the NPPF, substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes.

Open Space

8. The northern section of the site represents an area of Protected Recreational Open Space (designated under the provisions of saved Policy G/3 of the Unitary Development Plan). The existing open space is of relatively low quality, being largely comprised of grassed amenity land, hard surfacing, trees and shrubs. It does not appear to be widely used as effectively by local residents as it could be. The site is constrained by way of being positioned to the rear of existing properties on Windermere Road and Bonscale Crescent. Although there is some limited natural surveillance of the site, the existing open space is not considered to be a welcoming or open environment. Accessibility to the site is poor. Not all of the currently accessible open space is formally designated as such.

9. Saved Policy G/3 of the Unitary Development Plan seeks to protect existing designated recreational open space unless development comprises a number of limited exceptions. The proposed development would not strictly comply with the provisions of criterion (b) – alternative provision of at least the equivalent quantity **and** [author's emphasis] quality of recreational open space; there is a net loss of open space of approximately 0.7ha and it has not been demonstrated that the replacement open space would be of a higher quality than that which currently exists. For the same reason, the proposal would also not strictly comply with the provisions of paragraph 97 of the NPPF. In respect of the qualitative concern, however, it is considered that the development could include for provision of a substantially improved area of POS with attractive landscaping, which would be secured through condition alongside provisions for maintenance and management.

10. Policy G6 of the Core Strategy sets out a focus on securing improvements to the quality of accessible greenspace, securing tree planting and other urban greening. The proposed development of the site should be considered within the wider context of the regeneration of Langley; led by the Masterplan which was in turn informed by a Green Space Strategy, which was intended to secure the development of lower quality areas of open space in order to widen housing tenure choices and improve quality of housing stock whilst also improving and enhancing retained areas of open space. This vision is supported by Policy C2 of the Core Strategy, which sets out that the Council will deliver new homes in Langley by maximising opportunities on the estate including underused, poor quality open space.

11. On this basis, whilst the development cannot be considered to strictly comply with the provisions of saved Policy G/3 of the Unitary Development Plan and paragraph 97 of the NPPF, it is noted that the development would deliver significant qualitative benefit, subject to detail, by virtue of the retention and improvement of open space within the site (with particular regard to the proposed provision of the Local Equipped Area for Play). It is therefore not considered that the proposals conflict with the overall relevant requirements of the Core Strategy and the development is considered to accord with the Council's adopted Langley Masterplan, which forms an important material consideration. Detailed consideration of the potential biodiversity and ecological impacts of the development is explored within the relevant, separate analysis section below.

12. In light of the above, although conflict is identified with the provisions of saved Policy G/3 of the UPD and the development must therefore be considered a departure from the Development Plan, it is noted that the proposals otherwise comply with the Core Strategy and the overarching principles of the National Planning Policy Framework and in this case, material considerations, in respect of the delivery of the site in compliance with the Council's adopted Langley Masterplan and the benefits which arise as a result of the potential significant qualitative improvement in open space provision, exist which justify a departure, in accordance with S38(6) of the Planning and Compulsory Purchase Act, from the noted provisions of the development plan in this instance.

Design, Layout and Visual Appearance

13. The layout of the development would be appreciably different in nature and grain to that of the majority of existing surrounding housing, which is predominantly comprised of terraced stock. However, it is noted that the vast majority of the development would be constructed on a back-land site, and therefore would not form a prominent part of any existing street scene. The variation proposed in the form of detached and semi-detached units is not considered to be harmful; variation within the urban grain, where appropriately designed, creates interest.

14. The development layout is relatively dense, however, this allows for the most efficient use of a constrained site. The arrangement of dwellings is such that

natural surveillance across the site would be prevalent, including through provision of a substantial number of properties fronting onto the retained area of public open space; this provides a significant benefit in comparison to the existing situation, whereby the POS is largely located to the rear of existing properties.

15. Appropriate corner housetypes have been employed throughout and the new internal estate road, such that active frontages are provided to both highways and there is limited presentation of blank gables.

16. Amendments were secured at pre-application stage in respect of the highway layout and position of proposed dwellings, alongside design detailing, to ensure a better standard of design. Whilst the layout would benefit from a minor reduction in the number of units proposed, overall the houses are considered to be of an appropriate quality and include a number of attractive and contemporary detail features which add interest. The density of the scheme is therefore on balance appropriate.

17. The proposed layout would result in a mix of side driveways and parking spaces to the front but an overall positive attempt has been made, given the density, to provide variation, reduce the dominance of parked cars and ensure that parking spaces are clearly associated with the host dwellings. Improvements have been made over earlier versions of the proposed layout in this respect.

18. There are some incidences of parking arrangements contained within the proposed layout that limit opportunities for landscaping of the car parking areas, for Plots 35 and 36 in particular given the vantage points from the POS and 'New Road C'. However, the impact of this and other areas of concern (Plots 19, 10, 31, 32 especially; as a result of dual double front parking) could be mitigated somewhat by careful and appropriate use of materials to differentiate from the adopted highway surface and denote separation of the relevant curtilages. It is therefore recommended that driveway surfacing materials are controlled through condition.

19. The locations of boundary treatments across the site, as shown on the submitted site plan, are acceptable. It is noted, however, that several side/rear garden boundaries would run parallel to the rear of the footway of adjacent highways - it is considered that brick boundary treatments would be most suitable in these locations rather than typical timber fencing. A condition is recommended to require the boundary treatments to these areas to be agreed prior to their installation to ensure a satisfactory treatment to the public areas.

20. The mix of brick types proposed is acceptable but further details of the proposed fixtures and fittings are required. A condition is recommended in respect of all materiality to ensure that a satisfactory standard of visual appearance is achieved.

21. Subject to the suggested conditions as referred to above, the proposal is considered to meet the requirements of Policies P1 and P3 of the adopted Rochdale Core Strategy and the NPPF.

Impact on Residential Amenity

22. In respect of the properties surrounding the site, the development accords with the requirements of the residential development SPD. Appropriate separation distances have largely been achieved.

23. The main concerns identified at pre-application stage in relation to on-site separation distances have also been adequately addressed. Where minor infringements to the required standard apply, these would not unduly affect existing residents. Sufficient outdoor amenity space has been provided for each dwelling.

24. The proposed 'active' area of the enhanced public open space, the Local Equipped Area for Play, would be separated from existing and proposed dwellings by a suitable distance, in excess of the 10m buffer set out under the Council's Recreational Open Space SPD. Accordingly, it is not considered that the LEAP provision would result in any adverse impacts on the amenity of adjacent occupiers.

25. In light of the above analysis, the proposal is considered to accord with the requirements of Policy DM1 of the Rochdale Core Strategy and the National Planning Policy Framework with respect to the impacts on amenity of surrounding occupiers and the standard of amenity for future occupiers of the development.

Highways and Access

26. The application is accompanied by an appropriate Transport Statement, which has been subject of consultation with the Highway Authority. The site is well connected to the local highway network as Bonscale Crescent links to Windermere Road and is easily accessed of Hollin Lane.

27. In respect of accessibility to the site by other means, the site benefits from access to a range of local services within an 800m walking catchment; including convenience stores, GP surgery, community centre, playground and sports facilities. Services on Wood Street also fall within the walking catchment. Footways in the vicinity of the site are noted to be in good condition, with suitable crossing points. A 5km cycle catchment area includes the centre of Middleton, as well as Birch Industrial Park, Hareshill Distribution Park, Hanson Close Industrial Estate, Mills Hill Rail Station and National Cycle Route 66.

28. The closest bus stops are approximately 260m walking distance from the site from the site on Windermere Road with further stops nearby on Langdale Drive and Hollin Lane. These provide access to a number of regular services to Middleton Town Centre and Manchester City Centre. The site is

therefore considered to be well connected and residents would be afforded opportunities to make use of sustainable transport modes.

29. The proposed site layout is considered to be acceptable to the Highway Authority and there is an appropriate arrangement of adoptable highway and private driveways.

30. In looking at the potential traffic generation of the development, the industry standard TRICS database has been used to calculate potential trip rates and trip generation figures. The forecast sets out that the development is expected to generate 27 two-way vehicular trips in the AM peak and 25 two-way trips in the PM peak hours, or one trip every 2-3 minutes on average. In light of the negligible level of trips generated by the development, it is not considered that the development would have a material impact on traffic on the surrounding highway network.

31. The development is laid out such that a total of 110 off-road car parking spaces would be provided, with all proposed properties all benefitting from 2 parking spaces. This figure accords with the Council's maximum standard which is designed to encourage transportation by other means the private car, but also reflects that adequate parking provision is required to prevent a dominance on on-street parking which is detrimental to visual amenity and road safety.

32. In light of the above analysis, it is not considered that the proposed development would not conflict with the relevant requirements of Policies DM1 and T2 of the adopted Rochdale Core Strategy or the National Planning Policy Framework.

Ecological Impacts

33. The application is accompanied by an 'Extended Phase One Habitat Survey' containing a summary of the results of a desk top survey and an on-site habitat survey, a 'Bat Activity Report' and a 'Biodiversity Enhancement Measures Report'. Habitats in the site include scrub, broadleaf scattered trees, tall ruderal and amenity grassland, alongside areas of hardstanding.

34. With the exception of the trees and wooded/scrub habitats present on the site, the grassland areas and other habitats are of limited ecological importance with limited potential to support protected species. The bat activity survey did not find high levels of use of the site by bats, and the additional assessment of trees for bats on the site found the few potential roost features on the site had negligible potential to support roosting bats. However, a condition requiring a precautionary check of the 3 trees with negligible bat roost potential, as suggested in section 5.1 of the 'Bat Roost Assessment Report' is recommended.

35. There is potential for species such as hedgehog to be present on site, so it is recommended that a condition is applied requiring that a site check is undertaken immediately prior to clearance of any scrub/bramble vegetation,

which should be carried out with care to avoid any injury to this species. Provision of hedgerows as opposed to fencing would result in a better overall outcome and this would be addressed as part of the process to discharge conditions in relation to boundary treatments. This would not be suitable for all plots and side boundaries, but would appear to be an effective solution to the rears of Plots 17 through 20 and 27 through 31 subject to an appropriate species mix, stock sizes and appropriate height at maturity species being used. The same process would also be used to ensure that where fencing must be used, occasional gaps (13cm x 13cm) are provided at the base of close boarded fencing (minimum of one gap per elevation) to maintain habitat connectivity through the site for species such as hedgehog. These details should be secured through condition.

36. The removal of trees, hedgerow and scrub from the site has the potential to result in disturbance to nesting birds, if undertaken during the bird nesting season; therefore a condition requiring no clearance during the bird nesting season is recommended.

37. It is noted that the Rochdale Canal Special Area of Conservation (and Site of Special Scientific Interest) is located approximately 1.8 miles east of the site, however, the development does not meet any of the relevant thresholds under the Natural England Impact Risk Zone criteria and there are no known hydrological connections between the site and the canal.

38. Consultation has been undertaken with the Greater Manchester Ecology Unit (GMEU) which has raised no overall objections to the proposed development. However, GMEU have noted that the proposed development fails to reflect the advice provided at pre-application stage with regard to the use of the Defra metric as a tool to demonstrate the ecological impact of a scheme with a view to achieving a net gain for biodiversity and that the wooded/tree corridors are retained within the scheme layout are adequately buffered by the proposed scheme. This applies especially to the south of the site where the majority of the trees/scrub habitat within the scheme will be lost.

39. The measures included in the submitted 'Biodiversity Enhancement Measures Report' include some limited use of bat and bird boxes alongside the use of native trees and hedge species but do not demonstrate that the scheme would deliver biodiversity net gain, and it is unclear currently that this proposal would result in no net loss for biodiversity as per policy G7 of the adopted Rochdale Core Strategy which states that no development should result in the loss of biodiversity or geodiversity in the borough, and overall development in the borough should result in a net gain.

40. In this instance it is recommended that more ambitious biodiversity enhancement measures are adopted through the landscape design, which is reflected in the suggested suite of conditions relating to ecology and biodiversity enhancement.

41. The suggestion of the provision of external lighting contained within section 4.6 the submitted Crime Impact Statement has been omitted from the suggested informative given the potential of excessive lighting to negatively affect protected species including bats.

42. Subject to the suggested conditions in respect of landscaping, biodiversity enhancement and habitat protection, it is not considered that there would be any conflict with the requirements of Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Arboricultural Impacts

43. The application is accompanied by a tree survey and Arboricultural Impact Assessment (AIA). 19 individual trees, 23 groups of trees and 1 hedgerow were recorded on site at the time of the survey, with 27 of those 43 tree features scheduled for removal to facilitate the development. The trees present are generally on the site boundary, some larger trees are found towards centre in the northern half of the site. No category A trees will need to be removed; of the 10 category B tree features, 7 are identified for removal; 12 category C tree features have been identified for removal; and eight category U tree features will be removed in the interests of good tree management. The one hedgerow will also require removal. None of the trees on site are currently protected by a Tree Preservation Order.

44. Whilst the removal of the trees and vegetation would be a dis-benefit of the proposals, it is noted that replacement tree planting, which would comprise more trees than would be removed as a result of the Council's required 2:1 re-planting ratio, would result in a net gain in tree cover by the time the new trees are mature. Detail of proposed soft landscaping is only indicative at this stage and does not include species. The current landscaping proposals also do not reflect the scheme as it has been evolved. It would be preferable to see an increase in tree planting of an appropriate species in the rear gardens that can accommodate such planting at an early stage to ensure that good headway is made with the greening of the site and the benefits that this brings in respect of biodiversity as well as visual amenity. Appropriate conditions are therefore recommended requiring submission of detailed landscaping proposals, which would be used to ensure appropriate biodiversity standards.

45. A condition is recommended requiring that development is carried out in accordance with the works schedules set out within the AIA, and in accordance with the requirements for provision of protection measures for retained trees within and adjacent to the site, including precautionary working methods. Subject to application of such a condition, and provision of an appropriate landscaping scheme for the site, it is not considered that there would be any conflict with the requirements of Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Drainage and Flood Risk

46. The site is within Flood Zone 1, with low probability of flooding. Neither the Council's Drainage Engineer nor United Utilities have raised an overall objection the proposed scheme. United Utilities have requested that any surface water discharge rate to the combined sewer is restricted to a maximum of 12 l/s. A condition is therefore recommended requiring the submission of a detailed, final drainage strategy including detail of maintenance and management for approval prior to commencement of development. Subject to the suggested condition, the proposal would accord with adopted Core Strategy policy G8, saved policies EC/7 and EC/8 of the Unitary Development Plan and the National Planning Policy Framework.

Contamination

47. The application is accompanied by a Phase II Site Investigation Report, which has been subject of consultation with the Council's Public Protection Service. The report does not identify any notable constraints in respect of the development of the site for residential purposes. No objections have been raised to the findings of the reports, however, it is noted that further investigative work and a suitable remediation strategy are required. A condition is therefore recommended requiring the same. Subject to application of a condition requiring further detailed site investigation work it is considered that there would be no conflict with Policies G9 and DM1 of the Core Strategy or the National Planning Policy Framework with respect to providing a safe environment for residential development.

Planning Obligations

48. Paragraph 92 of the NPPF requires that LPAs should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

49. Policy DM2 of the Core Strategy sets out the Council's requirement for developers to provide, or contribute towards the cost of providing, any physical and social infrastructure that is needed because of proposed development. In the case of residential development of this scale, this specifically requires contributions towards affordable housing (Policy C4), open space and formal sports provision and maintenance (Policy G6) and education facilities (Policy C7). However, the requirement for contributions towards open space a waived in this instance as improved public open space and facilities would be delivered on site. Additional contributions for off-site highways works and towards enhanced cycling and walking infrastructure are also sought in this instance.

Provision of Affordable Housing

50. Policy C4 of the adopted Rochdale Core Strategy and the associated *Affordable Housing* SPD require schemes of 15 or more dwellings to provide 15% of total site capacity for on-site affordable housing or 7.5% of the Gross

Development Value (by virtue of offering a discount of 50% of average open market value). As a result of the implications of the land pooling entered into between the Council and Riverside for the Langley area, and the stated aim of diversifying the tenure mix across the Langley Masterplan area, it is confirmed that neither on-site provision of affordable housing or a commuted sum in lieu of on-site provision are required in this instance.

Recreational Open Space and Formal Sports

51. Policy G6 of the Core Strategy requires that residential development should provide or contribute financially towards recreational open space (both Local Open Space or Public Open Space and Outdoor Sports Provision) in accordance with the standards set out in the *Provision of Recreational Open Space in New Housing* SPD.

52. In respect of open space provision, where on-site provision is proposed, the Council's SPD requires provision at a standard of 1ha per 1,000 bedrooms. The applicant has agreed to the provision of on-site Public Open Space and provided in excess of the policy requirement including a Local Equipped Area of Play. This, alongside ongoing maintenance, will be secured through the S106 legal agreement.

53. In accordance with the Council's adopted table of charges, a financial contribution of £96,096 towards off-site outdoor sports provision is required. This would be spent to improve the facilities at Middleton Gymnastics Club or / and at Bowlee Community Park Football Pitches.

Education

54. The development would allow for a full contribution towards education in accordance with adopted Rochdale Core Strategy Policy C7 covering both primary (£176,243.92) and secondary (£88,121.93) places equating to £264,365.85 and which would be secured via the S106 legal agreement.

Conclusion

55. The proposed development comprises part of the wider strategy for the regeneration of the Langley Estate, as directed by the Council's adopted Langley Masterplan. Whilst the majority of the site is greenfield land, the development would bring a former clearance site (Rothay Drive) back into use delivering 55 units which is a significant benefit of the proposals.

56. The scheme also, however, represents a departure from the provisions of saved Policy G/3 of the UDP and the relevant considerations of the NPPF, as it includes a substantial reduction in size of an area of protected recreational open space. The development does, however, provide for the delivery of enhancements to the retained public open space, including provision of a Local Equipped Area for Play, on an underutilised and poor quality area of open space.

57. The improvements in respect of provision of suitable and usable recreational space on site, the conformity with the Council's adopted Langley Masterplan and the significant and demonstrable benefits arising from the delivery of a substantial number of new market housing units to further diversify the tenure mix across Langley Estate must be taken into account as substantial and clear benefits when considering the scheme.

58. The development makes efficient use of the site, is acceptable having regard to neighbour amenity, layout and design, and requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection.

59. In taking the above factors into account, the recommendation, on balance is for approval given that the substantial benefits of the scheme are considered to outweigh the identified harm.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to conditions and subject to the completion of S106/S111 legal agreement/s to include:

i. A financial contribution of £104,000 towards Outdoor Sports Provision for Middleton Gymnastics Club or / and Bowlee Community Park Football Pitches;
ii. Financial contributions of £176,243.92 towards Primary education and £88,121.93 towards Secondary education;
iii. A financial contribution of £20,000 towards off-site highway improvements;
iv. A financial contribution of £10,000 towards enhanced cycling and walking routes; and
v. The provision and future maintenance of recreational open space within the site, in accordance with the Council's policies

And that the Head of Planning Services is authorised to grant planning permission upon execution of the above agreement/s and subject to the following schedule of 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:

   - 1973 001 Location Plan
   - 1973 010 Rev. J Proposed Site Layout
   - 1973 012 Rev. A Proposed External Works
   - 1973 763T-400 NHT 763T Planning Floor Plans & Elevations

- 1973 789-400 NHT 789T Planning Floor Plans & Elevations
- 1973- 895T-400 3BSP – 859T Planning Floor Plans and Elevations
- 1973-912T-400 3BSP – 912T Planning Floor Plans & Elevations
- 1973 897T-400 3B5P - 897T Planning Floor Plans & Elevations
- 1973 912T-400 Rev. A 3B5P - 912T Planning Floor Plans & Elevations

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

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

3. 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 and the National Planning Policy Framework.

4. No development (including any site clearance or preparation works) shall take place until such time as a scheme of Reasonable Avoidance Measures to ensure the protection of hedgehogs and bats which may be present on site, or use the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the duly approved RAMs scheme.

   Reason: In order to prevent any harm to amphibian and hedgehog in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

   Reason for pre-commencement condition: Reasonable Avoidance Measures are required to be agreed and approved in advance of commencement of development to allow for measure to be implemented throughout the course of works on site.

5. No development shall take place (including any site clearance or preparation works) until a Construction Management Plan (CMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:

a) the parking of vehicles of site operatives and visitors;
b) loading and unloading of plant and materials;
c) storage of plant and materials used in constructing the development;
d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
e) a detailed dust management plan;
f) wheel washing facilities; and
g) hours for site deliveries.

The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

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 Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents and the functioning of the highway network prior to commencement of any building or engineering works on site.

6. No development shall take place until the results of further gas monitoring and a risk assessment for contamination, which shall accord with the recommendations contained within the 'Phase 2 Geo-environmental Site Investigation' (ref. 322692-R01 (00) dated March 2020 by RSK) and an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site have been submitted to and approved in writing by the Local Planning Authority.

   The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

   Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

   Reason for pre-commencement: An understanding of necessary remedial works is required before works start on site in order to ensure that comprehensive and appropriate remediation is undertaken from the commencement of engineering operations.

7. No development shall take place shall take place until a detailed surface and foul water drainage scheme (including drainage of surface water from access roads and parking areas) has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall:
    - Substantially accord with the recommendations of the Flood Risk Assessment and Surface Water Drainage Strategy ref. 882050-R1(00) by RSK;
    - Provide for the separate drainage of foul and surface water within the site;
    - Accord with the surface water hierarchy of drainage options in the National Planning Practice Guidance, with evidence of an assessment of site conditions;
    - Accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems or any subsequent replacement national standards;
    - If including drainage of surface water to the combined public sewer, limit the discharge rate to a maximum of 12 l/s; and
    - Include detail of how the drainage scheme will be maintained and managed after completion.

    No part of the development shall be occupied until such time as the drainage scheme has been fully implemented in accordance with the duly approved detail. The drainage infrastructure shall be retained as such thereafter and maintained/managed in accordance with the duly approved detail in perpetuity.

    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 Rochdale Unitary Development Plan and the NPPF.

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

8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The tree protection measures 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.

    Furthermore, the development, including works to trees and vegetation, shall be carried out in accordance with the works and mitigation

recommendations within the Arboricultural Impact Assessment (Amenity Tree Care ref. 8576 06.04.2020-V1-SB) and the tree protection plans contained within it.

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 P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Protection measures for retained trees are required to be in place prior to commencement of any works on site to ensure no damage is caused.

9. No development shall take place until finished floor levels for the proposed buildings and proposed site levels relative to 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 the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

   Reason for pre-commencement: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

10. No above ground works shall take place until such time as a detailed scheme for the approved Local Equipped Area for Play, including but not limited to the matters listed below, has been submitted to and approved in writing by the Local Planning Authority:
    (i) A general arrangement layout plan;
    (ii) Specification of surfacing treatments;
    (iii) Full detail of proposed boundary treatments;
    (iv) Specification, full detail of appearance and the layout of the proposed play equipment;
    (v) Specification and layout of street furniture including benches and bin provision;
    (vi) Specification and layout of lighting, as appropriate; and

    The duly approved scheme shall be implemented in full thereafter and no more than 30 dwellings within the site shall be first occupied until such time as the Local Area for Play has been made fully available for use. The Local Equipped Area for Play shall be retained and maintained thereafter in accordance with the details duly approved.

    Reason: In the interests of proper planning, the visual amenities of the area and to ensure the provision of retained and enhanced open space on the site, in accordance with Policies P3, DM1, G6 and G7 of the

adopted Rochdale Core Strategy and the National Planning Policy Framework.

11. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details prior to the first occupation of the development.

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

12. No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, provision for bird boxes, bat boxes, bug hotels, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.

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

13. (a) 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 policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have 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 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

15. No part of the development shall be occupied until such time as the car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted have been made fully available for use. The arrangements shall be retained thereafter for their intended purpose.

    Reason: In the interests 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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, the dwellings hereby approved shall not be extended and no buildings, structures gates, fences or walls shall be erected within their curtilage under Schedule 2, Part 1, Classes A, B, C and E or Schedule 2, Part 2, Class A of the above Order except with the express permission of the Local Planning Authority.

    Reason: To prevent overdevelopment of the site, to ensure a satisfactory visual appearance and to ensure an adequate standard of amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.