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DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT DWELLING

(RESUBMISSION)

23 RHODES GREEN, MIDDLETON M24 4SL

PLANNING, DESIGN AND ACCESS STATEMENT

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BACKGROUND

An application for the construction of a replacement dwelling on this site was first submitted in September 2017 (Reference 17/01046/FUL). However, the case officer was concerned that the proposed resultant increase in the volume of the building would be contrary to adopted policy and the application was subsequently withdrawn.

A revised application was submitted in March 2018 (Ref 18/00289/FUL), addressing the case officer's previous concerns. The amendments improved the appearance of the dwelling and also significantly reduced its bulk and massing, resulting in an increase of 39% in the built volume, as opposed to 56% under the original scheme. The case officer indicated that, given the flexibility arising from the fact that the site is not within the Green Belt, such an increase would be likely to be considered acceptable.

However, late in the application process, following comments from an adjoining landowner, it became apparent that the applicant does not own a small part of the site edged red. It also became clear that the scheme as proposed could not be implemented due to legal matters surrounding a party wall dispute. The application has now been withdrawn.

Following extensive discussions between the applicant and her legal advisors, the design of the dwelling has been amended in order to overcome the party wall issues. Accordingly, the previously proposed basement level has been deleted and the elevations amended to ensure that no part of the property overhangs the site boundary. The case officer has indicated as part of pre-application discussions that the design is generally acceptable.

The tree report has also been amended (see plan reference 247/1 March 2019) to address the Council's previous concerns relating to the extent of the proposed root protection measures for trees 1 and 2 at the entrance to the site. Essentially the report proposes a cellular confinement system which will ensure that no root damage will occur due to the flow of construction traffic or the subsequent use of the land for car parking.

THE SITE

The application site is occupied by a detached dwelling situated within an extensive garden area. The dwelling, which is of rendered stone construction, has been vacant for some time and its physical condition is beginning to deteriorate.

The site is generally flat and the area surrounding it is primarily open in character, although there are several other residential properties in close proximity.

The site is not allocated for any specific purpose, but lies within an area designated as Protected Open Land and a Greenspace Corridor on the Rochdale Unitary Development Plan.



East elevation of the existing dwelling



North elevation of existing dwelling viewed from the road

THE PROPOSAL

The application is again seeking consent for the demolition of the existing dwelling and its replacement with another single detached house. The new dwelling will provide four bedroom family accommodation over two floors. Private gardens areas are retained and parking facilities for two vehicles are provided within the existing curtilage. The dwelling will be constructed in reclaimed brick with natural stone detailing, with a pitched roof laid in reclaimed blue slate. At the case officer's request, the windows will be timber rather than uPVC as originally intended. Please refer to the materials schedule submitted with the application.

PLANNING POLICY CONTEXT

The Planning and Compulsory Purchase Act 2004 reformed the development planning system in England. Section 38(6) of the Act requires that all planning applications be determined in accordance with the development plan, provided the policies or proposals it contains are relevant and unless 'material considerations' indicate otherwise.

The development must therefore be assessed against national planning policy contained within the National Planning Policy Framework (NPPF) and the local planning policies as set out in the Rochdale Core Strategy (CS) and the Rochdale Unitary Development Plan (UDP). The CS was formally adopted by the Council on 19th October 2016 and partially replaces the 2006 UDP; although some saved UDP policies remain relevant.

The National Planning Policy Framework (NPPF) first came into effect in March 2012 and a revised version was published in July 2018. Paragraphs 10 and 11 of the revised NPPF set out that a presumption in favour of sustainable development is at the heart of the Framework. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should endeavour to approve applications for sustainable development.

The government also published its National Planning Policy Guidance (NPPG) in 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled.

In this policy context the main issues relevant to the proposed development are addressed below.

Principle of the Development

The NPPF establishes a presumption in favour of 'sustainable' development, and accordingly development is directed towards the reuse of previously developed land in accessible locations. Reflecting national

guidance, policy C1 of Rochdale's Core Strategy, 'Delivering the right amount of housing in the right places', states that the Council will provide sufficient land to deliver at least 460 net additional dwellings per year up to 2028 to assist in the creation of successful, inclusive and mixed communities and meet the housing needs of the borough. Amongst other things this policy aims to maximise the potential of previously developed sites, including empty homes and buildings, and ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport.

In accordance with the NPPF and Policy C1, the site is previously developed. It is sustainable in relation to access to public transport, with a bus stop for service number 125 located within a short walk of the site, on Heywood Old Road, which provides a regular service to Middleton town centre. There are other local facilities, including a primary school, shops serving local needs, and a church within walking distance of the site. It has excellent access to areas of open land and the public rights of way network.

The site is located within an area designated as a Greenspace Corridor on the UDP, which forms part of the Borough's green infrastructure. Core Strategy policy G6, 'Enhancing green infrastructure', expects development proposals affecting green infrastructure to have regard to local landscape character and contribute to its conservation or enhancement, and avoid the loss of existing urban greenspace or features, such as trees. UDP policies G8(A) and G8(B) are also relevant and set out the detailed criteria for assessing the acceptability of new developments within Greenspace Corridors.

In accordance with these policies, the proposed development will have no greater impact on the Corridor than the existing dwelling and will, in fact, enhance the site and its surroundings. The proposed dwelling will replace an existing building which is in a poor state of repair and be of a design and appearance which is more appropriate to the character and setting of the Corridor. Boundary treatments and landscaping will be designed to retain a 'countryside' character and very little change is proposed to the external areas of the site, with existing mature trees and shrubs to be retained.

The site is also located within an area designated as Protected Open Land on the UDP. Core Strategy policy G5, 'Managing protected open land', states that development on open land outside the urban area and not in the Green Belt will be resisted unless it is limited development that would be acceptable were it in the Green Belt, or it is small scale development which is consistent with other detailed policies and site allocations in the Local Plan.

Core Strategy policy G4, 'Protecting Green Belt land', states that development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated. Detailed policies for managing development in the Green Belt are not included in the Core Strategy, as the Council considers that current UDP policies largely repeat national guidance and are, therefore, not carried forward into the Core Strategy.

Section 9 – 'Protecting Green Belt Land' of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 89 states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. However, there are a number of exceptions to this, including the replacement of a building. The new building must be in the same use and not be 'materially larger' than the one it replaces.

The term 'materially larger' is not defined within the Framework and the local planning authority has not provided any policy guidance with regard to the level at which it considers an increase in floorspace or volume to be materially larger for proposals involving replacement dwellings. The Council's Residential Development Supplementary Planning Document contains quantitative guidance only in relation to extensions to existing residential properties within the Green Belt and as a general guide suggests that an increase of 35% in volume may be considered appropriate. However, the document acknowledges that there may be instances when a 35% increase would be considered disproportionate and other occasions when a greater than 35% increase may be considered proportionate.

National and local guidance reflects the fact that it is not practicable or desirable to state categorically what percentage increase in size for a replacement building is acceptable, given the wide range of circumstances to which policy must be applied. Rather, the principal consideration is the potential impact upon the openness and visual amenities of the Green Belt, in terms of the size, scale, design, materials and character of the proposed development.

The submitted plans indicate that the scheme proposes an increase of 39% in the volume of the building, but this is considerably less compared to the original scheme as the building has been reduced in height. The proposed siting of the house on a similar footprint to the existing building, within the existing defined curtilage, together with its form, bulk and massing, will ensure that it sits comfortably on the site. The building is set well back from road and, as such, does not occupy an unduly prominent position in the street scene. The site is screened to a large extent by mature trees and shrubs and also by the topography of the surrounding landscape. This means that no long distance views of the site are available from any direction, and additional landscaping can be provided if necessary. Any increase in volume will be further mitigated by the improvement to the north elevation, which currently provides an unattractive frontage onto the road when approaching the site from the north west. Overall, the new dwelling will be constructed in more visually recessive materials and be of a more attractive design than the existing house, resulting in an enhancement to the visual appearance of the site.

In these circumstances, it is considered that the proposed replacement dwelling will not represent an unduly prominent feature in the landscape and will have no greater impact on the openness and visual amenities of the surrounding area than the existing dwelling and, as such, the proposal is in accordance with policy G5(2a).

Notwithstanding whether the development would be regarded as acceptable in the Green Belt, the proposed dwelling is also considered to comply with the requirements of policy G5(2b) in that it is a small scale development which is compliant with other relevant detailed policies in the Local Plan.

For the reasons set out above, the proposed development is considered to be acceptable in principle.

Residential Amenity

Paragraph 17 of the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The Council's Residential Development SPD sets

out guidelines and requirements for the design and layout of new housing in order to preserve amenity standards for surrounding residents.

Due to the isolated position of the site and the resultant distance from the nearest neighbouring dwellings, the proposed dwelling would far exceed the separation distances set out in the SPD. It is not considered, therefore, that the proposal would have any impact on the amenity of existing residents by way of overbearing impact, overshadowing or loss of privacy. The design of the scheme means that excellent levels of natural light and privacy will be provided for the future occupiers of the dwelling.

Design

One of the core planning principles contained within the NPPF is to always seek to secure high quality design. Furthermore, policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design.

The proposed development has been carefully designed to be sensitive to its context and is considered to be appropriate in scale and massing in relation to its open setting. The detailed design of the building represents a modern family home, which incorporates traditional features and a mix of materials, utilising brick with stone detailing to add variation and interest to the elevations. The elevations have been amended to take into account the comments previously provided by the case officer and to ensure that the dwelling complies with the requirements of the Party Wall Act in terms of its relationship with the adjoining piece of land outside the applicant's ownership.

Overall, the proposed scheme will result in the visual improvement of the site in view of the condition and external appearance of the existing dwelling, which has been vacant for some time and is now beginning to deteriorate.

Ecology

Paragraph 109 of the NPPF states 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.

A Bat Survey was carried out by Verity Webster in July 2017 and the report on the survey has been submitted with this application as an accompanying document. Following the Preliminary Roost Assessment, the existing dwelling was considered to have low suitability for bats. The building has a number of holes and crevices present in the eaves of the roof where mortar has fallen, providing potential access for bats into the space between the tiles and the lining. A couple of tiles are also missing, allowing potential access into this space. Crevice-dwelling bat species such as pipistrelle (*Pipistrellus*) species favour such features. However, internally the building has negligible suitability for bats. The loft space is very shallow and is far too small to accommodate bats favouring voids in which to fly prior to leaving a roost.

No bats or signs of bats (droppings, staining or feeding remains) were found internally or externally. Further survey work to determine the presence or absence of bat roosts within the building was

recommended and was undertaken in July 2017. No bats were recorded emerging from the building and the survey work undertaken indicated the absence of a bat roost within the building.

The report concluded that the proposals to demolish the building are very unlikely to have a negative impact upon individual bats or bat populations in the locality and no further survey or mitigation was recommended.

Public Open Space

Policy G6 of the Core Strategy normally requires developers to provide or contribute financially towards recreational open space, including maintenance, in accordance with the standards set out in the 'Provision of Recreational Open Space in New Housing' SPD. However, there is no loss of Public Open Space as a consequence of the development and, as the scheme only proposes to replace an existing family dwelling, there will be no additional impact on Public Open Space need. No financial contribution is, therefore, proposed for this development.

Furthermore, in November 2014 the NPPG: Planning Obligations paragraphs 12 – 23 were revised by the Government. The accompanying Ministerial Written Statement notified all local authorities that the NPPG was updated and the new provisions took effect immediately on publication. The update involved additional information being added to the Planning Obligations section. One of the changes was that affordable housing and 'tariff style' contributions should not be sought from developments of 10 or less units, and which have a maximum combined floorspace of no more than 1,000 square metres. Tariff style contributions are defined as those contributions to pooled funding 'pots' intended to provide common types of infrastructure for the wider area. This policy was given legal effect following the order of the Court of Appeal dated the 13th May 2016 and is a material consideration in the determination of this application.

DESIGN AND ACCESS

Use/Amount

The application proposes the construction of a single, detached dwelling on a similar footprint to that of an existing dwelling to be demolished.

Scale

The scale and massing of the building is appropriate to its proposed use and setting.

Appearance

The external elevations are attractively designed, using a mix of traditional and contemporary features. The building will be constructed to a high standard, using good quality brick with stone detailing.

Landscaping

The areas around the dwelling are already used as domestic gardens and little additional landscaping is required. A small area of hardstanding is proposed to provide the parking facilities and a surfaced footpath to the main entrance.

A detailed tree survey has been provided and explains how the development can be implemented without detriment to the existing trees on the site. It is proposed to remove two semi-mature trees, identified as being of poor quality, with all trees identified as having amenity value being retained. The report proposes that a cellular confinement system be constructed at the site entrance, which will ensure that no root damage occurs to trees 1 and 2 due to the flow of construction traffic or the subsequent use of the land for car parking.

Access and Parking

Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development will improve existing vehicular access arrangements by providing two parking spaces within the application site. The spaces are accessed directly from Ellis Lane and there is good visibility in both directions.

CONCLUSION

In accordance with national and local planning policy guidance the proposed development is located on previously developed land with good access to local services and is, therefore, compliant with the concept of 'sustainable development', which underpins the planning system.

The dwelling replaces an existing dilapidated building and has been designed to respect its open setting within an area of Protected Open Land and designated Greenspace Corridor.