

## Report to Planning and Licensing Committee



|                         |                                                                            |
|-------------------------|----------------------------------------------------------------------------|
| Date of Meeting         | 24 August 2023                                                             |
| Portfolio               | Councillor Daniel Meredith<br>Cabinet Member for<br>Economy & Regeneration |
| Report Author           | Ryan Killeen                                                               |
| Public/Private Document | Public                                                                     |

|                                                                                                                                                                            |                           |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------|
| <b>Application:</b> 22/01230/FUL                                                                                                                                           | <b>Township:</b> Rochdale | <b>Ward:</b> Bamford                         |
| <b>Applicant:</b> Hall & Co Developments Limited                                                                                                                           |                           | <b>Agent:</b> Paul Nellist – Asteer Planning |
| <b>Site Address:</b> Former Tack Lea Works, Bury And Rochdale Old Road, Rochdale                                                                                           |                           |                                              |
| <b>Proposal:</b> Residential Development for 26no' dwellings and erection of one block of 6no' 2-bedroom apartments with associated access, landscaping and infrastructure |                           |                                              |

### SITE LOCATION



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| <b>DELEGATION</b> |
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- 1.1 The application is referred to the Planning and Licensing Committee in accordance with the scheme of delegation, as the application is for Major development and has received more than 10 letters of objection.

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| <b>PROPOSAL SUMMARY</b> |
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- 2.1 The application proposes 26no. dwellings comprising three-bedroom terraces, four-bedroom semis and five bedroom detached dwellings, and 6no. two-bedroom flats.

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| <b>RECOMMENDATION</b> |
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- 3.1 It is recommended that the Planning and Licensing Committee resolves to **GRANT** planning permission subject to a Section 106 legal agreement to include:
- a) £33,541.20 (+5% admin fee) towards formal sports provision at Heywood Sports Village.
  - b) £92,102.53 towards primary education and £46,051.25 towards secondary education
  - c) Agreement of an affordable housing strategy which will secure at least 6 two-bedroom apartments for affordable rent, and a financial contribution to meet compliance with Policy C4 of the adopted Core Strategy and the Affordable Housing SPD.
  - d) The provision and future maintenance of on-site recreational open space.

And upon execution of the above S106 legal agreement, to grant planning permission subject to conditions listed in this report.

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| <b>REASON FOR RECOMMENDATION</b> |
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- 4.1 The proposed development would make an efficient use of the site where the principle of residential development has already been established and would provide a valuable contribution of family dwellings and higher value housing in a sought after location in the borough. The proposals would also contribute positively to the character and appearance of the area. Additionally, the development raises no concerns in respect of access, highways and parking. As such, the proposal complies with the development plan.

## **SITE**

The application relates to a site approximately 0.88ha in area formerly occupied by the vacant and partially derelict buildings of the former Tack Lea Works, to the north of Bury and Rochdale Old Road (B6222). The site lies within the defined Green Belt but also within a site designated as a Major Existing Developed Site in the Green Belt under Policy D/5 of the Unitary Development Plan.

The site has an existing access from Bury & Rochdale Old Road, benefitting from the provision of a right-turn lane into the bell-mouth junction. The site was historically host to the Tack Lea Bleach Works, although it was most recently used by a firm known as Melba, which used the site for the production of traffic cones and other equipment for highway maintenance.

The site was cleared of buildings circa 2020 with hardstanding remaining across the site. Prior to this, the site accommodated buildings of varying ages, styles, construction techniques and materials, reflecting the organic development of the site for industrial purposes over its history. The buildings were largely concentrated in a linear form on the northern edge of the site, with a large expanse of concrete hardstanding to the south providing circulation and access.

The site is set on made ground over a culverted stream which enters at the northwest and exits to the south east. Several culverts exist beneath the site.

The edges of the site abut areas of significant tree cover, including swathes of mature woodland which are subject of Tree Preservation Order TPO010. The site also sits adjacent to, and in part includes, the Tack Lee & Gristlehurst Woods Site of Biological Importance (Grade A). There are two ponds located within the site: one of which sits in the north west corner, the second of which sits directly to the north of the works building itself.

Surrounding land uses are predominantly residential, with the site being located on the eastern edge of the Bury urban area. The closest neighbouring properties are located to the east at 65-71 Bury and Rochdale Old Road; to the north of the site is Lower Tack Lee Farm. The site has previously benefitted from outline planning permission (09/D52014) for a 70-bed care home scheme, although this permission is now extinct.

## **PROPOSAL**

Full Planning Permission is sought for the erection of 26 dwellings set across three terraces of 4no dwellings (8no. 3 bedrooms, 4no. 4 bedrooms), four pairs of semi-detached dwellings (2no. 3 bedrooms and 6no. 4 bedrooms) and 6

detached 5 bedroom dwellings. 6no. 2 bedroom flats are proposed set to the existing site entrance to Bury and Rochdale Old Road. The built form would be concentrated broadly across the extent of the previously demolished buildings, fronting a central spine road with detached dwellings set fronting a turning head at the west of the site. A separate private drive would be set to the rears of the terraced dwellings and flats to provide access to off-street parking.

An area of open space is provided for future residents towards the western end of the site which includes a play area planting and outdoors dining area.

## **AMENDMENTS**

Concerns were raised by the Local Highways Authority over the position of the access drive to the south of the site and its arrangement with the access from Bury and Rochdale Old Road.

This has been amended to remove the link between access route along the south of the site and Bury and Rochdale Old Road to ensure a singular vehicular access/egress point from the site.

## **DEVELOPMENT PLAN**

### **Adopted Rochdale Core Strategy (RCS):**

The Core Strategy was formally adopted by the Council on 19<sup>th</sup> October 2016 and partially replaces the 2006 Unitary Development Plan. The following policies are relevant:

|            |                                                             |
|------------|-------------------------------------------------------------|
| SD1        | Delivering sustainable development                          |
| DM1        | General development requirements                            |
| <b>SO2</b> | <b>Creating successful and healthy communities</b>          |
| C1         | Delivering the right amount of housing in the right places  |
| C3         | Delivering the right type of housing                        |
| C6         | Improving health and well being                             |
| C7         | Delivering education facilities                             |
| C8         | Improving community, sport, leisure and cultural facilities |
| <b>SO3</b> | <b>Improving design, image and quality of place</b>         |
| P1         | Improving image                                             |
| P2         | Protecting and enhancing character, landscape and heritage  |
| P3         | Improving design of new development                         |
| <b>SO4</b> | <b>Promoting a greener environment</b>                      |
| G4         | Protecting Green Belt                                       |
| 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

Unitary Development Plan (UDP):

**G/D/2 Green Belt**  
D/5(v) Infilling at Major Existing Developed Sites in the Green Belt  
EM/7 Development and Flood Risk  
EM/8 Protection of Surface and Ground Water  
NE/2 Designated Sites of Ecological and Geological/Geomorphological Importance

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)

**NATIONAL PLANNING POLICY AND GUIDANCE**

National Planning Policy Framework (NPPF) – July 2021  
National Planning Practice Guidance (NPPG)

**RELEVANT HISTORY**

N/A

**CONSULTATION RESPONSES**

**Conservation Officer**

Summary: Given that all the existing structures have been clear from the site, the degree of separation and the presence of mature landscaping, it is considered that the proposal would have a neutral impact on the significance of Higher Elbut Farmhouse and the Birtle Conservation Area.

The proposed development would preserve the setting of the listed building and the character and appearance of the Conservation Area.

No heritage objections.

**Drainage**

23<sup>rd</sup> February 2023 – Summary:

The site has a very deep culverted section of stream running right through the site and although the old section of stone built culvert is redundant, there is still a connecting 150mm pipe AND the proximity of this old culvert to the proposed buildings is problematic. The Applicant has not explained how they will provide piled foundations in such close proximity to the old, deep culvert.

50m of the concrete section of culvert is in very poor condition – see fig 2 and 3 but the Applicant has made no suggestions as to how they will repair or divert this culvert. It is unacceptable to build houses so close to a culvert that is clearly in need of major repair and leave the responsibility for any extremely expensive future repair due to future collapse to whichever householder has the misfortune for the collapse to occur in their garden.

17<sup>th</sup> April 2023 – Summary:

The site has a very deep culverted section of stream running right through the site and although the old section of stone built culvert is redundant, there is still a connecting 150mm pipe AND the proximity of this old culvert to the proposed buildings is problematic.

21<sup>st</sup> June 2023 – Summary:

As discussed with the Applicant and previous drainage consultations, a stream runs under the site at significant depth (~13m) through a 1050mm dia. concrete culvert which, in turn replaces an old stone built culvert which has become redundant but is at risk of future collapse.

The Northern Structural Services report analyses an updated CCTV on the concrete culvert and carefully explains the issues with the culverts. In summary, the concrete culvert has sunk in places, due to poor quality bedding which has resulted in cracks and deformation. The culvert bedding is also at risk of washout, if the culvert developed a leak. The main manhole shaft is non-standard, with poor man-access at the top, even though confined space access methods would be used.

Drainage Officer accepts recommendations and provides a condition to secure details prior to the commencement of development.

## **Environment Agency**

Summary: Guidance provided on land contamination, request that conditions in respect of contamination and remediation, drainage design and piling methodology be attached to any permission.

## **Environmental Health - Noise**

No comments received.

## **Environmental Health – Air Quality**

No comments received.

## **Greater Manchester Archaeological Advisory Service (GMAAS)**

An earlier application at this site was supported by an archaeological Desk-Based Assessment (DBA) (LP Archaeology, March 2017), which identified below-ground archaeological potential related to the mid-19th century dye works within the site. The DBA recommended mitigation of development impacts in the form of an archaeological trial trenching evaluation. Assessment of the standing buildings (since demolished) had been taken care of previously by the University of Manchester Archaeological Unit (UMAU 2009). A planning condition to secure the below-ground evaluation (as recommended by GMAAS in a consultation response dated 2nd August 2017) was added to the permission as Condition 5.

GMAAS recommend that the applicant should liaise with Matrix Archaeology (given their intimate knowledge of the site and outstanding archaeological requirements) and ensure that the evaluation is undertaken in accordance with the WSI prior to commencement of development.

## **Greater Manchester Ecology Unit**

Summary - It is of note that GMEU has provided commentary on this site over a considerable period 2009 and ultimately have no reservations regarding the principal of redevelopment of the former works despite its proximity to the SBI (Tack Lee & Gristlehurst Woods SBI D10). I note that the buildings have now been demolished and the footprint of the scheme appears to have been reduced from the approved proposal.

I am satisfied that the application can be progressed to determination in respect of biodiversity without the need for further survey work.

Recommended conditions in relation to Reasonable Avoidance Measures for amphibians and small mammals, a Construction and Environmental Management Plan, Badger Survey and Biodiversity Net Gain.

## **Greater Manchester Fire and Rescue Service**

Summary – The proposal appears to meet the requirements for Fire Service access.

## **Greater Manchester Police (Design for Security)**

On behalf of Greater Manchester Police, we are happy to support the application. Consequently, if the Local Planning Authority is minded to approve the application, I respectfully suggest the inclusion of the following condition:

The development hereby approved shall, where feasible, be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of Crime Impact Statement, ref.2009/0402/CIS/05, Version A, dated 25.08.22, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

## **Local Highways Authority**

14<sup>th</sup> November 2022 - This application is supported by a Transport Statement (TS) prepared by Vectio Consulting which along with the sites general arrangement drawing will be the basis of Highway comments

Having reviewed the submitted TS we have the following comments on the points as they arise within the document;

We accept that the site has an extant use and we will compare the existing traffic generation figure against the proposed traffic generation figure. Highways have previously accepted residential development on this site.

The submitted plans show some parking to the rear of the dwellings to the south side of the development which appears to be accessed via a loop with the main access road. This parking access road emerges directly onto the junction of the sites access with Bury and Rochdale Old Road and creates junction proximity issues. The conflicting vehicle movements along with poor visibility at this junction is likely to create accident potential therefore we cannot support the proposed junction arrangement.

A requirement for the size of the proposed residential development is that the main access road must be adopted via a s38 agreement. The applicant has submitted an indicative general arrangement plan showing the internal access road and at this stage we would say that the overall layout appears to be adoptable but would be subject to further approval via the s38 process.

Parking provision as shown on the submitted plans appears to be acceptable.

From a Highways perspective we do not believe there would be any highway capacity issues as a result of the proposed development

We can agree with the accident data within the TA that there does not appear to be any inherent road safety issues on the highway network and we do not expect this to change as a result of this development.

The TA includes swept path analysis on the internal access road for service vehicles which indicates how collections vehicles can access each dwelling. We therefore have no concerns regarding servicing of the development.

The site is in a fairly remote location with limited access to local amenities and although there is a regular bus service passing the site we would say that it is not in a sustainable location and we would expect a higher number of vehicle trips from the site.

Until the junction proximity issues are resolved we cannot support this application.

Updated Response 13/02/2023:

The draft plans submitted would seem to address some the previous concerns expressed by Highways regarding junction proximity issues. At this stage the proposed turning head and bin store arrangements would seem to be acceptable.

### **Open Space & Formal Sports**

Summary - Nearest POS is c. 1.5 miles from the site so it would be difficult to justify contributions towards this site. Could provide suggestions for PROW enhancement or allotment schemes.

There are 2 potential schemes at the Sports Village that any future development could contribute to in terms of a consolidated pot.

- 1) The installation of a new 3g pitch, potentially covered. A feasibility study is currently taking place at the moment on this
- 2) The installation of an outdoor fitness facility (cost circa £60k – or a contribution to this)

### **Rights of Way Officer**

I have considered the paperwork associated with Planning Application 22/01230/FUL and the proposal does not directly involve the routes of any rights

of way, there are a number of them in the area and if there are any s.106 funds to undertake surface works please advise and I can put a project together.

### **Strategic Housing**

Strategic Housing have reviewed the update provided by the agent below. Strategic Housing welcome the confirmation of MSV looking to take on the 6 apartments as affordable rent tenure and we would be happy for them to proceed on this basis.

### **Tree Officer**

No comments received.

### **United Utilities**

Summary – Drainage strategy acceptable in principle - guidance provided and condition recommended to secure detailed drainage proposals.

### **TOWNSHIP PLANNING PANEL**

Rochdale (North) Planning Panel – Monday 27<sup>th</sup> February 2023

- Concerns that the proposal comprises linear development – something that is not generally encouraged.
- Understand that there may be local concerns over traffic and impact on parking.

### **MEMBER REPRESENTATIONS**

None.

### **PUBLIC REPRESENTATIONS**

|                       |    |                     |   |                     |   |
|-----------------------|----|---------------------|---|---------------------|---|
| <b>Objection Reps</b> | 25 | <b>Support Reps</b> | 0 | <b>Neutral Reps</b> | 0 |
|-----------------------|----|---------------------|---|---------------------|---|

Letters of notification were sent to surrounding properties and a notice was posted in the vicinity of the site. 12 letters of objection were received. A further 5 responses were received however these are noted to be duplicates from individuals. Notwithstanding, the contents of all objections are noted below.

| <b>Objection</b>                    | <b>Officer's Response</b>  |
|-------------------------------------|----------------------------|
| Overbearing and Overshadowing, loss | Assessed in the 'Impact to |

|                                                                       |                                                                                                                |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| of privacy/ Neighbour Amenity                                         | Surrounding Occupiers' section of the report                                                                   |
| Impact to highways/more traffic/risk of accidents.                    | Assessed in the 'Highways' section of the report                                                               |
| Impact to Emergency Service vehicles utilising local highway network. | Assessed in the 'Highways' section of the report                                                               |
| Proposed development is not in keeping with street scene              | Assessed in the 'Impact to Character and Appearance' section of the report                                     |
| Need for larger housing                                               | Assessed in the 'Principle of Development' section of the report                                               |
| Harmful impact to Conservation Area                                   | Assessed in the 'Character and Appearance' section of the report.                                              |
| Harmful Impact to the Green Belt                                      | Assessed in the 'Green Belt' section of the report.                                                            |
| Harm to trees, biodiversity                                           | Assessed in the 'Trees, Ecology and Biodiversity' section of the report                                        |
| Development will further strain local services                        | Due to the size of the development, such matters do not form a material planning consideration.                |
| Decrease in local property prices                                     | This matter does not form a material planning consideration to which the Local Authority shall have no regard. |

## **ANALYSIS**

### **Principle of Development**

#### **Green Belt**

1. The site lies entirely within the designated Green Belt and as such CS Policy G4, which seeks to restrict development in the Green Belt to types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be identified.
2. The NPPF sets out the Government's planning policies which includes those relevant to the Green Belt. Paragraph 149 sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions, with paragraph 150 further setting out other forms of development which are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of the including land within it. Paragraph 147 states that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3. When considering planning applications, the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
4. A Court of Appeal judgement in *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* establishes that 'any other harm' in paragraph 148 of the NPPF includes non-Green Belt harm that is to be taken into account in the weighing exercise of the planning balance as to determining whether or not very special circumstances exist which would clearly outweigh the harm to the Green Belt by inappropriateness and any other harm.
5. This Court of Appeal judgment is an important reminder that under paragraph 148 of the NPPF, when considering any planning application concerning proposed development in the Green Belt, local planning authorities should continue to ensure that substantial weight is given to harm to the Green Belt and any other harm.
6. Therefore, the main consideration in assessing the principle of development is whether the proposed scheme constitutes inappropriate development within the Green Belt, the harm to openness, and where harm by inappropriateness, harm to openness or any other harm exists, whether very special circumstances have been demonstrated which may outweigh the presumption against development.
7. With regards to the construction of the new dwellings, NPPF paragraph 149 exception criteria (g) is relevant as it allows for limited infilling or partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt.
8. The site formerly included the Tack Lea Works which has recently been cleared of buildings. The site clearly retains the overall appearance of a site where buildings have been demolished. The development footprint would be confined to the extent of the former buildings and hardstanding and as such would be confined to previously developed land and would satisfy the first limb of the test

9. In assessing the second limb of this test, the development must not cause a 'greater' impact on the openness of the Green Belt. "*Openness*," for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development and neither is the term '*greater*'. However within the ordinary meaning of the word, it can be taken to mean an impact which is material.
10. NPPG (Green Belt) sets out that in considering the impact of a proposal on openness, the assessor should make a judgement based on the circumstances of the case, which through the courts, has been determined to include an assessment of both the spatial and visual components of openness, in addition to taking account of the duration of the development and its remediability and the degree of activity likely to be generated. This list is non-exhaustive however, and the decision maker may seek to assess other relevant matters.
11. Given the site is cleared, the proposed development would read as a very obvious addition over the current situation, placing built form where there is currently none and bringing a vacant site back into use. As such the proposals would result in harm to both the visual and spatial component of openness.
12. Whilst the framework nor the local plan does not define the extent of greater harm to openness, it is clear from the above assessment that the development far exceeds the limits of the harm that can be accommodated under paragraph 149(g) and would clearly cause substantial harm to the openness of the Green Belt.

#### *Very Special Circumstances*

13. The site benefits from an extant planning permission for 14 detached dwellings ref. 17/00359/FUL. It is noted that all pre-commencement requirements have been discharged under 19/00651/DOC. Subsequent to the discharge of these requirements, the buildings on site have been demolished and which comprises a 'material operation' under s.56 of the 1990 act and the permission has been lawfully commenced, and preserved in perpetuity as a result.
14. In *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 Sullivan LJ held that in order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice. Given the material operations which comprise the commencement of the fall-back scheme, it

is considered that the relatively low threshold of reasonability is met and the fallback scheme comprises a material consideration with substantial weight.

15. Within the submitted design and access statement, a detailed quantitative assessment comparing the floor area and volume of the former buildings on site, the fall-back scheme and the development proposals is provided which indicates that the proposals would have a slightly reduced extent, brought in from the western and northern boundaries, in addition to a reduced volume and substantially reduced footprint versus both the previous buildings and fall-back. As such, it is considered that the proposals would result in a net benefit to the spatial openness of the site versus the fall-back permission.
16. In assessing the impact to visual openness, the site is predominantly viewed from Bury and Rochdale Old Road. The consolidated extent of the proposed development, being set further into the site from the north, south and west boundary of the site, would reduce the quantum of built form visible from the main public vantage points.
17. In addition to the above, it is considered that there would be no greater conflict with the five purposes of the Green Belt as set out in NPPF paragraph 138.
18. Therefore, notwithstanding an assessment of other development management matters such as design, neighbour amenity, ecology and highway, the development proposals would present an improved position over the extant permission in respect of its impact to the Green Belt and as such, there is clear and convincing justification that very special circumstances exist and the development would accord with the requirements of Policy G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

#### *Employment Land and Residential Development*

19. The site formerly comprised a sprawling industrial complex utilised by Melba Products, a rubber manufacturing company specialising in traffic management products such as cones and barriers. Shortly after a severe fire at the site in 2006 the company relocated to more suitable alternative premises at Derby Works in Bury and the site has since lain vacant.
20. The site has had a longstanding history of being acceptable for residential development, firstly in 2010 and most recently in 2017 on the basis of the unrealistic prospect of the employment site being brought

back into active use and the benefits derived through the delivery of high quality, larger and higher value housing within the borough.

21. As set out above, the 2017 permission (ref. 17/00359/FUL) remains extant and could be implemented, and therefore is considered to comprise a valid fall-back, thus forming a material consideration in the determination of this planning application.
22. CS Policy C1 seeks to ensure that at least 460 additional dwellings per annum are delivered in the borough in the period 2012-2028. The proposed development would help meet the Council's proposals to maximise the potential of previously developed sites within the urban area to achieve a target of 80% of new housing on previously developed land.
23. The proposals seek to deliver a mix of 32 dwelling containing between 2 and 5 bedrooms. CS Policy C3 aspires to boost the supply of larger and higher value housing in the borough of which the proposals would deliver a total of 16 dwellings containing 4 or 5 bedrooms.
24. Overall, the development would deliver an additional 18 dwellings over the previously approved scheme, making an efficient use of the site to provide a valuable contribution to the boroughs housing supply.
25. Notwithstanding an assessment of other development management requirements, including an assessment of the principle of development within the Green Belt, the development proposals are considered to be in accordance with the provisions of CS Policies C1, C3 and E2 and the National Planning Policy Framework.

### **Accommodation Standards, Impact on Residential Amenity and Noise**

26. Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

#### **Accommodation Standards**

27. The Nationally Described Space Standard (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is sufficient for future occupiers, and is applicable across all tenures. The NDSS are not adopted within the Local Plan however, do form a material consideration in the assessment of floor space. Table 1 sets out the minimum gross internal floor area requirements for new dwellings, across varying number of bedrooms, occupants and floors.

28. Below is an extract from the Nationally Described Space Standard, which specifically details the Gross Internal Area requirements for new dwellings, as are proposed within this application:

| <b>Number of bedrooms (b)</b> | <b>Number of bed spaces (persons)</b> | <b>1 storey dwellings (m<sup>2</sup>)</b> | <b>2 storey dwellings (m<sup>2</sup>)</b> | <b>3 Storey Dwellings (m<sup>2</sup>)</b> | <b>Built-in storage (m<sup>2</sup>)</b> |
|-------------------------------|---------------------------------------|-------------------------------------------|-------------------------------------------|-------------------------------------------|-----------------------------------------|
| 2b                            | 3p                                    | 61                                        | \                                         | \                                         | 2.0                                     |
|                               | 4p                                    | 70                                        | \                                         | \                                         |                                         |
| 3b                            | 4p                                    | /                                         | 84                                        | 90                                        | 2.5                                     |
|                               | 5p                                    | /                                         | 93                                        | 99                                        |                                         |
| 4b                            | 5p                                    | /                                         | 97                                        | 103                                       | 3.0                                     |
|                               | 6p                                    | /                                         | 106                                       | 112                                       |                                         |
| 5b                            | 6p                                    | /                                         | 110                                       | 116                                       | 3.5                                     |
|                               | 7p                                    | /                                         | 119                                       | 125                                       |                                         |
|                               | 8p                                    | /                                         | 128                                       | 134                                       |                                         |

29. The submitted floor plans indicate that each unit would achieve the relevant minimum space standard, and all units are considered satisfactory in this regard.

30. Each habitable room across the development is considered to be supplied with adequate levels of light and outlook and fulfil the relevant space standards contained within the Guidelines and Standards for Residential Development SPD. Each dwelling is also provided with commensurate private garden space which is laid out in a functional arrangement.

31. It is noted that the flatted accommodation does not benefit from any private garden space, however open space is provided within the western parts of the site within close proximity to these units and occupiers could reasonably be expected to benefit from this provision.

32. Noting the location of the site adjacent to Rochdale and Heywood Old Road (B6222), a key and busy route between Bury to the west and Rochdale to the east, the application is accompanied by an Environmental Noise Assessment which contains the results of daytime (0600-1000) noise measurements and night time (2200-0100) noise measurements. The report notes that the local noise climate is dominated by road traffic, emergency sirens and intermittent noise sources including bird song. Internal noise level predictions have been made, which indicate that a number of plots would require specific glazing and ventilation specifications to meet internal noise level requirements. Whilst no response has been received from the Council's Environmental Health service, the recommended measures are comparable to those previously accepted under 17/00359/FUL and therefore, a condition requiring the recommended measures to be implemented and a verification report to be submitted prior to first occupation is to be attached to any permission.

#### Impact on Surrounding Occupiers

33. The site benefits from a relatively isolated setting with the exception of the immediately adjacent properties at 65 to 71 Bury and Rochdale Old Road, with other surrounding land uses comprising agricultural fields and managed woodland. The proposed redevelopment of the site for residential purposes was previously considered to represent a benefit in respect of the relationship with the adjacent dwellings in comparison to the potential resumption of commercial activities, which would result in greater levels of noise and disturbance.

34. Whilst this application proposes 32 residential dwellings, which would be 18 more than the extant planning permission for the site, and would therefore be an intensification of the site, it is not considered that this would occur to the extent that it would give rise to unacceptable levels of noise and disturbance as the additional journeys generated by the proposals would not be noticeable above the general levels of traffic along Bury and Rochdale Old Road. Any noise associated with general domestic activities is of a sufficient distance from the nearest dwellings.

35. It is noted that the block of flats include an east facing window on the side elevation which serves a living room and faces towards the gable end of 65 Bury and Rochdale Old Road at a distance of 17m. It is noted that no.65 has had planning permission granted in February 2023 for a side extension and first floor rear extension (ref. 22/01478/HOUS). The existing first floor, side facing windows as noted as serving a bedroom

and a bathroom, with an additional side facing window to be constructed as part of the first floor rear extension to serve a third bedroom.

36. It is not considered that this arrangement would give rise to any unacceptable loss of privacy with the 17m of separation provided as the windows do not share a rear facing relationship where occupiers would expect as much privacy, in addition to the window serving the proposed flats being secondary to that room.

37. In light of the above, the proposal would not unduly impact on the amenity of the occupants of neighbouring properties and would provide an acceptable level of amenity for future occupiers in accordance with policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

### **Character, Appearance and Heritage**

38. The revisions to the NPPF in July 2021 make it very clear that significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life (BHL), the National Model Design Code (NMDC) and the National Design Guide (NDG) which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding if development proposals are well-designed.

39. It is well established across the design guidance that well-designed development should demonstrate a sound understanding of the features of the site and surrounding context, and that well-designed places and buildings are influenced positively by the history and heritage of the site and its surroundings. A design and access statement has been submitted to support the application and informs the various typologies, form, detailing and materiality used across the proposals, citing local domestic and industrial buildings as inspiration.

40. The resulting house types would appear highly contemporary and attractive and, taken individually or cumulatively, would make a significant contribution to local character through their appearance. Whilst a number differing forms and detailing is used, the development would overall, read as a coherent form of development taking cues from various aspects of the rich local vernacular.

41. The properties will be constructed from a robust material palette of red brick and stone, with slate roofs. Full details of materials are to be provided via condition to ensure a suitably high quality.
42. In respect of the density and layout, it is acknowledged that the development is a significant intensification over the previously approved development and arranging rows of terraces and semi-detached dwellings around a central cul-de-sac with a strong building line, with larger detached dwellings at the west of the site with a looser urban grain. It is considered that this arrangement is more reflective of the positive built characteristics of the surrounding area than the extant permission on the site and a similar density is used to great effect at the nearby Birtle Brook Village.
43. This compact form of development would broadly occupy the siting of the former works and would retain the site's existing verdant setting and provide space for the on-site provision of open space which will be available to future residents with space for a play area and outdoor seating.
44. Parking for the development is provided as frontage parking for 15 of the plots, however an over-proliferation of vehicles within the street scene is avoided where parking for dwellings lining the southern side of the cul-de-sac, and the apartment block, is set to the rear and is screened by the buildings and dense vegetation. Where frontage parking is provided, it is broken up by street tree planting to allow for screening with separate access paths to front doors. Boundary treatments, where visible within the street scene are to be constructed of either brick or stone and metal railings, with timber fences to be used elsewhere. Separate bin storage is provided to ensure that refuse containers can be stored out of view of the street scene.
45. Regard has been had to paragraph 203 of the NPPF in respect of Non-Designated Heritage Assets, where the former works was considered to comprise a NDHA due to the age of the original buildings and the significance of the site in relation to the local textile industry. The buildings have since been demolished, and the application is supported by a desk-based archaeological assessment which draws together a variety of historical documentary, cartographic and index information whilst also benefitting from a site walkover. The report and its recommendations have been assessed by the Greater Manchester Archaeological Advisory Service, which has confirmed their acceptance of the report and that they are satisfied that archaeological remains would not be nationally significant or worthy of preservation and therefore

consider that archaeological mitigation can be undertaken and secured through a condition. A relevant condition is recommended accordingly

46. In considering the above, the development is considered to be a well-designed, attractive development which would represent a strong example of the design aspirations for new development in the borough and a vastly preferable development in terms of design over the fall-back scheme. The development would respond positively to, and enhance, the strong local character and would fulfil the overarching aims and objectives set out in local and national design guidance in addition to Policies P1, P2, P3 and DM1 of the adopted Core Strategy and the National Planning Policy Framework.

### **Highways**

47. Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
48. The site is in a relatively isolated location with limited access to local amenities which include The Wagon at Birtle public house (300m), The Bird at Birtle public house (750m) and Hooley Bridge Service Station (450m). Whilst Bury and Rochdale Old Road does benefit from regular bus services to Rochdale, Bury and Heywood, it is still assumed that there would be a reasonable reliance on private vehicles for any future occupiers.
49. The application is supported by a Transport Statement (TS) which provides a comparison with the average week-day trip rate calculations for both the historic B2 use (73 trips) and the previously consented C2 care home use (127 trips), indicating that the proposed development would generate slightly more trips (149 trips) than the previously consented care home (less than 1 additional per hour). Whilst this would slightly exceed double the number of trips generated by the extant planning permission (64) trips, this would equate to 3.5 additional trips

per hour, or approximately one vehicle every 17 minutes. As such, the proposed development would not give rise to noticeably increased levels of traffic over the previously approved scheme. Furthermore, during the post construction phase, the development would involve significantly fewer HGV movements than the previous B2 use.

50. A review of the visibility splay at the access point, taking into account the 40mph speed restriction on the B6222 at this point, indicates that splays in excess of 102m can be achieved in both directions.
51. The Local Highways Authority have reviewed the TS and have acknowledged that the principle of development for residential use has previously been accepted, further noting the accident data which does not highlight any inherent road safety issues on the surrounding road network, which would not be expected to change as a result of the development.
52. The Local Highways Authority did raise some concern over the relationship between the access road along the south and the junction with Bury and Rochdale Old Road due to the poor visibility, however these concerns have been alleviated as this vehicular link has been severed.
53. In respect of parking provision, each dwelling would be provided with minimum two external parking spaces of standard dimensions. Accordingly, the proposal meets the requirements set out within the Core Strategy and the Residential Development SPD. Sufficient space would be made available for the storage of refuse and recycling bins away from the street scene. A submitted swept path analysis demonstrates that the proposed turning head on the estate road would be suitable for use by standard refuse collection vehicles. Accordingly, the proposal is considered to meet with the relevant requirements of CS Policies T2 and DM1 and the National Planning Policy Framework.

### **Ecology and Trees**

54. Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy

expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

55. The site is characterised by the mature broad-leaved trees which line the boundary of the site and woodland which covers much of the west of the site, the majority of which are covered by Tree Preservation Order (TPO) no.10. The habitat lining the south of the site and following the course of Tack Lea Brook through the western part of the site (and northwest to Birtle Brook Village) falls within the Tack Lea and Gristlehurst Site of Biological Importance (SBI) ref.D10. Three ponds are present on site at the along the north and northwest boundaries of the site.
56. The application is accompanied by a Preliminary Ecological Appraisal, based on the results of both an initial desk study and an extended Phase 1 Habitat Survey. The habitats recorded during the survey included semi-natural broad-leaved woodland, dense scrub, scattered broad-leaved trees, ruderal herb and standing open water - of particular note are the three ponds within the boundaries of the site.

### Ponds

57. Pond 1 is a manmade waterbody which lies within the woodland in the north-west of the site and is rectangular in shape measuring approximately 10 m x 40m. The water quality of the pond was deemed to be poor being as it is heavily silted and filled with leaf litter. Pond 2 lies slightly to the east and is much smaller. Again it is a manmade feature with poor water quality. Pond 3 lies at the north of the site and measures 20m by 10m. The water quality was considered to be average, likely due to agricultural inputs from neighbouring improved grassland and leaf litter.
58. All three ponds are to be retained within the development due to the reduced development footprint, providing a net improvement over the extant permission in this regard. GMEU have reviewed the proposal and raised no objection over the impact of the development to the ponds subject to the imposition of a condition requiring the submission of reasonable avoidance methodology as part of a Construction Environmental Management Plan (CEMP).

### Priority/Protected Species

59. The remaining building on site which is a small, single-storey sub-station was assessed as having negligible bat roost potential. Three trees within

the site were recorded as having low or moderate bat roosting potential. Each tree is located within the woodland and should not be affected by development and no concerns are raised by GMEU as a result. The woodland and trees lining the boundary of the site would be suitable for bat foraging and the design of any external lighting is to be required via condition.

60. A badger latrine was recorded in the woodland to the north of the site—this was the only field sign observed during the assessment and it was considered that this would likely mark the edge of their territory. No setts were recorded within the search area. As requested by the Ecology Unit, a badger survey of the area including any underground built features associated with the works is to be undertaken prior to the commencement of the development and a condition is recommended to require this.

61. Noting the proposed removal of tree and vegetation cover, it is recommended that a condition be attached requiring that such removal occurs outside of the bird breeding season in order to prevent destruction of nesting birds. An additional condition is also recommended requiring a scheme of biodiversity enhancement measures to be provided within/on the fabric of the proposed dwellings.

### Trees

62. A portion of the site (to the south and south west edges) is the subject of TPO 010, which covers a significant area of the Ashworth and Cheesden Valleys in Heywood, although the plotted boundary of the Order includes a large proportion of the existing concrete pad to the front of the building which is devoid of tree cover. The site is also surrounded by mature and dense tree cover on the remaining boundaries. Accordingly, the application is accompanied by a detailed tree survey.

63. The overall impact on trees on site is largely similar to that consented under 17/00359/FUL and as such, no concerns are raised in this regard. Replacement planting will take place at the requisite 2:1 replacement ratio, with Biodiversity Net Gain delivered on site. Full details of landscaping and other biodiversity enhancement features can be required by way of condition. Similarly, all tree protection measures as outlined in the submitted report are to be required to be installed prior to the commencement of development.

64. Accordingly, subject to conditions requiring full details and implementation of the above biodiversity features, the proposed development would accord with the requirements of Policies G6 and G7 of the adopted Core Strategy and the National Planning Policy Framework.

### **Drainage**

65. The site falls wholly within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). Nonetheless, given the scheme represents 'major' development, the application is accompanied by a Flood Risk Assessment (FRA).

66. The application is accompanied by a Flood Risk Assessment and Drainage Strategy, which outlines that all methods of surface water discharge from the site have been assessed – as soakaways are not possible, the report recommends that discharge to Tack Lea Brook would be the preferred option for the site, with attenuation storage accommodated within the site to restrict the discharge rate. Accordingly, it is recommended that a condition be attached requiring the submission and agreement of a detailed surface water drainage strategy, in accordance with the outline principles contained within the FRA, prior to commencement of development. Subject to the imposition of such a condition it is considered that the proposal meets the requirements of CS Policy G8 and the Framework.

### **Ground Conditions and Land Contamination**

67. The application is accompanied by a Phase I Preliminary Risk Assessment and Geo-Environmental Investigation and Risk Assessment which contains the results of a desk-study and a site reconnaissance visit. The report concludes that, given the nature and extent of contamination identified on the site, a detailed remediation strategy is likely to be required. The report has been reviewed by the Council's Public Protection service, which has raised no objection to the development subject to the imposition of a standard pre-commencement condition requiring further detailed investigations and the submission of an appropriate remediation strategy for approval.

68. The report has also been reviewed by the Environment Agency, which has also confirmed that it has no objection to the proposed development. They note however, that controlled water receptors potentially at risk are Tack Lea Brook which flows through the site in culvert (east to west) and

re-emerges in the western part of the site and the underlying Secondary aquifer within the Pennine Lower Coal Measures bedrock.

69. They note that further site investigation works are required to enable the risks to controlled waters to be appropriately assessed and to further inform the proposed remediation strategy for the site. Accordingly, they recommended conditions including submission of a remediation strategy prior to commencement of development, submission of a verification report prior to first occupation, submission of revised remediation strategy if any contamination not previously identified is found to be present and no piling or other penetrative foundation designs unless it is demonstrated that there is no resultant risk to groundwater.
70. It is noted that a number of culverts run beneath the site facilitating the course of Tack Lea Brook. They include a historic stone culvert which is redundant and a more recent concrete culvert. Both are set beneath 13m of made ground which is more susceptible to erosion where leakages occur. Where a culvert fails beneath made ground there is a significant risk to property as sink holes often occur.
71. A detailed structural survey of the culverts has been carried out after significant concerns were raised by the Council's Drainage Engineer. The condition of the culverts was discovered to be poor; debris is present in the stone culvert with a slight distortion to the shape of the channel, and the concrete culvert shows numerous significant defects along much of its 100m length, with cracks, fractures and open joints which have resulted due to the granular nature of the made ground in which it is set, where fine soils are washed away leading to settlement.
72. The report makes a number of recommendations for the culverts, with the stone culvert to be grouted between the infall and a manhole, eliminating any future maintenance concerns and allowing the easement to be redrawn along the concrete culvert. In respect of the concrete culvert, the report suggests that a replacement pipe is economically unfeasible, and a Cure in Place Pipe (CIPP) lining is proposed to ensure the culvert is watertight and strong for the lifetime of the development, avoiding any future maintenance liability.
73. The report has been reviewed by the Council's Drainage and Highways engineers separately who are content with the recommendations of the report and have provided a suggested condition to ensure the implementation of the works. Piling works are suggested for foundations, however the specific details of this will be agreed via condition in consultation with the Environment Agency.

74. In light of the above, and subject to the imposition of an appropriate condition as recommended, it is considered that all ground instability and contamination risks can be suitably addressed and there is no conflict with the requirements of CS Policy G9 or the Framework.

### **Developer Contributions**

75. CS Policy DM2 sets out that the Council will require 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, the Core Strategy specifically requires contributions towards affordable housing (Policy C4), open space provision and maintenance (Policy G6) and education facilities (Policy G7). The development proposes the construction of 32 dwellings, and therefore there is an expectation that the requirements of all aforementioned policies are met.

#### **Open Space and Formal Sports**

76. CS Policy G6 requires that residential development should provide or contribute financially towards recreational open space in accordance with the standards set out in the Provision of Recreational Open Space in New Housing SPD. The SPD sets out that all developments of 100 bedrooms or more, but less than 900 bedrooms, it will generally be expected that the required amount of Local Open Space, including children's play facilities, will be provided on site, with a contribution made to off-site Outdoor Sports Provision.

77. The total number of bedrooms within the development is 106 and it is expected that on-site POS is applicable to this development. The total area of POS expected by the SPD is set at 1.0ha/1000 population (or bedrooms) which equates to a minimum expected provision of 0.106ha.

78. The developer has included a provision within the woodland at the west of the site, include a play area and picnic area, with the total size of the POS which covers an area of approximately 0.17ha and is considered suitable for a development of this size. The specific design of the POS is to be agreed via condition, with the provision and maintenance (at the expense of the developer) to be secured in perpetuity via section 106 agreement.

79. In respect of contributions to formal sports, a contribution of £58,572.48 is required with a 5% administration charge bringing the total to £61,501.10.

The formal sports contribution is to be directed towards the most proximate formal sports hub – Heywood Sports Village – in accordance with the adopted Playing Pitch Strategy, specifically for the installation of a new 3G pitch or the installation of an outdoor fitness facility.

### Affordable Housing

80. The Council's affordable housing requirements are set out in the Affordable Housing SPD and are applicable to developments of over 15 dwellings. Where on-site provision is proposed, a total of 15% of total site capacity should be provided at an affordable level (discount of 50% against the average market cost of the dwellings on the site) for a total discount equal to 7.5% GDV.
81. The proposals include a mix of 2 bedroom apartments and 3, 4 & 5 bedroom dwellings. Within this, the block of 6, 2-bedroom units are proposed as affordable through affordable rent. The developer has been in discussion with Mosscafe St. Vincent's (MSV).
82. The Council's Strategic Housing service have reviewed the application and given the commitment demonstrated by the RP, are satisfied with this provision.
83. This discount would equate to a 50% discount on 18.75% of the total number of units, however given their size, the total discount provided by the affordable provision on site would fall below the 7.5% of GDV discount required, and as such the developer has agreed to make up the difference via a financial contribution to be secured via a Section 106 agreement.

### Education

84. CS Policy C7 seeks developer contributions for the provision of educational facilities (including new school places) and employment skills and training in order to improve education, skills and training in the borough and raise educational achievement. The need to provide contributions towards education provision has arisen as a result of schools within the Borough reaching capacity; whilst new pupil places generated by housing developments could previously be accommodated within existing schools, this is now no longer the case. Therefore additional school places are required to be provided to accommodate the pupil yield generated by housing developments in Rochdale Township.
85. The council's schools services have identified requirements for both primary and secondary education places within the local area. These requirements would comprise £92,102.53 towards primary education and

£46,051.25 towards secondary education for a total contribution of £138,153.78.

86. The applicant has indicated their agreement to enter into a S106 agreement to secure the above contributions. Subject to the completion of the agreement, it is considered that the impacts of the development on public open space and formal sports provision would be satisfactorily mitigated.

## **Conclusion**

87. The proposed development of thirty two dwellings would be acceptable in principle both in respect of its location within the Green Belt and being suitable for residential development. The development comprises a significant improvement over the extant fall-back scheme in respect of its design and contribution to local character whilst making efficient use of the site. The development is also acceptable having regard to neighbour amenity, highways and ecological impacts. Requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection. Contributions towards formal sports and education, and the securing of affordable housing can be achieved through an appropriate Section 106 agreement. In taking the above factors into account, the recommendation is for approval.

## **RECOMMENDATION**

It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to a Section 106 legal agreement to include:

- a) £33,541.20 (+5% admin fee) towards formal sports provision at Heywood Sports Village.
- b) £92,102.53 towards primary education and £46,051.25 towards secondary education
- c) Agreement of an affordable housing strategy which will secure at least 6 two-bedroom apartments for affordable rent, and a financial contribution to meet compliance with Policy C4 of the adopted Core Strategy and the Affordable Housing SPD.
- d) The provision and future maintenance of on-site recreational open space.

And upon execution of the above S106 legal agreement, 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:-

- A645\_P\_001 – Location Plan
- A645\_P\_002A – Block Plan
- A645\_P\_100A – Proposed Site Plan
- A645\_P\_101A – Proposed External Works (Sheet 1 of 2)
- A645\_P\_102 – Proposed External Works (Sheet 1 of 2)
- A645\_P\_200 – Proposed House Type 2A Plan
- A645\_P\_201A – Proposed House Type 3A Plan
- A645\_P\_202A – Proposed House Type 3B Plan
- A645\_P\_203A – Proposed House Type 4A Plan
- A645\_P\_204A – Proposed House Type 4B Plan
- A645\_P\_205A – Proposed House Type 5A Plan
- A645\_P\_206 – Proposed House Type 2A Elevations & Section
- A645\_P\_211 – Proposed House Type 5A Elevations & Section
- A645\_P\_400 – Proposed Block Plans & Elevations P 1-4
- A645\_P\_401 – Proposed Block Plans & Elevations P 5-10
- A645\_P\_402 – Proposed Block Plans & Elevations P 17-20
- A645\_P\_403 – Proposed Block Plans & Elevations P 21-22
- A645\_P\_404 – Proposed Block Plans & Elevations P 23-26

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 shall take place until the trees that are to be retained within the site has been enclosed with temporary protective fencing and temporary ground protection has been fully installed in full accordance with BS:5837:2012 'Trees in relation to design, demolition and construction'. The necessary protection measures shall be retained during the period of construction and throughout the installation of the temporary development hereby approved and no work, excavation, tipping, or stacking/storage of materials shall take place beyond 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 P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The trees must be protected before any works are carried out.

- 5 No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- 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;
- e. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and,
- f. reasonable avoidance measures for the protection of amphibians and mammals.

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

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and to surrounding occupiers and a scheme therefore needs to be agreed in advance of any works taking place.

- 6 No development (including any demolition) shall take place until the site and land within 30m of the site boundaries, has been surveyed to confirm the continued absence of badgers and badger setts and the results shall be submitted to and approved in writing by the Local Planning Authority. If any badgers are found to either reside or forage within the site, no development (including any demolition) shall take place until a scheme for the protection of their habitat or an appropriate mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and the approved protection / mitigation measures thereafter fully implemented.

Reason: In order that the development does not prejudice the favourable conservation status of badgers in accordance with the requirements of Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: To protect any badgers that may be present on the land at the time of commencement of development within each phase.

- 7 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
  - o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

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 ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 8 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall be based upon the Assessment & Drainage Strategy dated Sept 2022 by Waterco and the Technical Note on Culvert Remediation by Northern Structural Services rpt ref. C14684 rev 0 dated June 2023. Surface water discharge(s) to the watercourse shall be controlled to 15 l/s or a similar agree value with the LLFA. The submitted design shall include:

- a) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD.
- b) The background calculations or model information used for the drainage design.
- c) Construction details for permeable paving including sub-base details e.g. cross-section, if this type of paving forms part of the sustainable drainage system.
- d) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

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

- 9 No development shall take place until details of penetrative piling for the foundations of buildings have been submitted to and approved in writing by the local planning authority. Such details shall include a risk assessment in connection to the risks to controlled waters in accordance with the Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention National Groundwater & Contaminated Land Centre report NC/99/73. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm groundwater resources in line with the provisions of the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

- 10 No development shall take place until a detailed scheme of repair for the stone and concrete culverts beneath the site has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) Details of grouting of the redundant brick culvert.
  - b) Details of modifications to the manhole shaft within the site.

- c) Details of the lining of the concrete culvert from inlet to the manhole shaft.
- d) Details of the foundations for the dwellings in the vicinity of the sewer – to ensure that the culvert is not compromised.

The repairs shall be carried in accordance with the approved details prior to the first occupation of any dwelling.

Reason: To ensure the long term stability of ground conditions across the site in accordance with Policy G9 of the adopted Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

- 11 No development (including any demolition) shall take place until the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation (WSI) has been secured and which has been prepared by the appointed archaeological contractor and submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the site investigation has been completed in accordance with the approved WSI. The WSI shall cover the following:

(a) A phased programme and methodology of site investigation and recording to include:

- targeted field evaluation trenching
- (depending upon the evaluation results) a strip map and record exercise
- targeted open area excavation

(b) A programme for post investigation assessment to include:

- analysis of the site investigation records and finds
- production of a final report on the significance of the archaeological and historical interest represented.

(c) Provision for publication and dissemination of the analysis and report on the site investigation.

(d) Provision for archive deposition of the report, finds and records of the site investigation.

(e) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To protect the significance of any archaeological remains on the site in accordance with Policy P2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: There is a risk of disturbance to below ground features of archaeological importance on commencement.

- 12 No development shall take place until finished floor levels for the proposed buildings and finished ground levels across the site 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 condition: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

- 13 No development or works of site preparation shall take place until a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in accordance with the approved method statement.

Reason: In accordance with policy G7 of the adopted Rochdale Core Strategy and to ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

Reason for pre-commencement condition: Construction activity increases the risk of invasive species spreading.

- 14 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the building(s) 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.

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 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

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

- 16 Notwithstanding any description in the application or approved plans, no above ground works shall take place until full details of the design and placement of any pipework, meter boxes or flues (as necessary) to be fixed to the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be duly implemented and retained as such thereafter.

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

- 17 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 Core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 18 The development hereby approved shall not be occupied until such time as a detailed scheme for the approved Open Space and Local 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.

- 19 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the

fabric of the buildings hereby approved, bug hotels, hibernaculum, 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.

- 20 No part of the development shall be occupied until such time as details for the design of refuse/recycling bin store has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved refuse and recycling scheme shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 21 Notwithstanding any details submitted as part of the application, 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.

- 22 No above ground works shall take place until a detailed design for the vehicular access from Bury and Rochdale Old Road, parking spaces and access road serving the development hereby approved, including construction level drawings showing the levels, drainage strategy, lighting and materials (as necessary), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details prior to the first

occupation of the approved dwellings and 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.

- 23 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment by Philip Dunbavin Acoustics Ltd dated 09 August 2022 ref. J003941-5711-JP-01. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter in perpetuity.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 24 No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

Reason: In the interests of amenity and the conservation of protected species and in compliance with Policies P3, G9, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwelling hereby approved shall not be altered or extended, and no buildings or structure shall be erected within their curtilage under Schedule 2, Part 1, Classes A, AA, B, D, and E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent undue harm to the amenity of existing and future occupiers and in the interest of visual amenity and in accordance with Policy DM1 adopted Rochdale Core Strategy and the National Planning Policy Framework.

## **INFORMATIVES**

Bats can be mobile and cryptic in their habits, and can turn up in unexpected places. Under the Wildlife and Countryside Act 1981 it is an offence to capture, injure or kill a bat, deliberately disturb a bat, or damage or destroy a bat roost. Planning consent does not provide a defence against prosecution under this act. If bats are encountered at any time during works, work must cease and advice sought from a suitably qualified person about how best to proceed.

Under Section 1 of the Wildlife and Countryside Act (1981) it is a criminal offense for a person to intentionally kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst that nest is in use or being built. Additional care should be taken through the nesting season which runs from 1st March to 31st August inclusive. If any nesting bird is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.