

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01347/VRCON

CASE OFFICER

Michael Atkinson-Smith

DETERMINATION DATE 03.05.2024

Address: 2 War Office Road Rochdale OL11 5HR

Proposal: Section 73 application to vary condition 2 of planning permission 23/00773/FUL (Erection of three dwellings following demolition of existing bungalow - Resubmission of 22/01175/FUL), to replace approved site layout and proposals for plot 1 with amended plans showing alterations to plot 1 to provide accommodation in the roof space, re-planning of internal arrangements, minor alterations to fenestration and small projection added to ground floor to side elevation facing Bury Road.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT STC
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CHECKED AND SIGNED OFF BY: RG

DATE: 03 May 2024

SITE

The application relates to No.2 War Office Road in the Bamford area of Rochdale, a detached bungalow set centrally on a corner plot approximately 3.4km west of the Town Centre. The site is set in a predominantly residential area, however numerous local amenities are also within close proximity site. The site fronts War Office Road to the west and is also bound by the B6222 Bury Road to the south and Arnside Drive to the north, of which no.2 Arnside Drive abuts the eastern boundary of the site.

Much of the surrounding housing stock was developed in the post-war era and comprises varying forms, detailing and materiality, with pre and post-industrial vernacular buildings also visible within close proximity, and the appearance of the area lacks cohesion as a result.

This section of Bury Road is a long, linear stretch of highway which includes a spacious carriageway with long range views either way. This stretch of highway is lined by a great number of mature trees to either side which also appear in terminal views to the west and east, and the area retains a relatively verdant character despite its suburban setting.

PROPOSAL

Planning permission is sought for the development of land without compliance with conditions attached to previously approved application 23/00773/FUL, through making minor changes to replace approved site layout and proposals for Plot 1 with amended plans showing alterations to that plot to provide accommodation in the roof space, re-planning of internal arrangements, minor alterations to fenestration and small projection added to ground floor to side elevation facing Bury Road. Approved drawings R430-01-C and R430-02-B would be replaced by Revised Proposal Site Plan (Drawing R430-01-D) and Revised Proposal Plot 1 (Drawing R430-02-C). Only Condition 2 (Plans) of the original planning permission would be varied in respect of meaning, although all conditions have been amended to reflect the recent adoption of the Places for Everyone Joint Development Plan.

RELEVANT PLANNING POLICY & LEGISLATION

Town and Country Planning Act 1990 (as amended) – Section 73

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional Policy

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are particularly relevant:

JP-S1: Sustainable Development
JP-H3: Type, Size and Design of New Housing
JP-C8: Transport Requirements for New Development

Adopted Rochdale Core Strategy (CS):

SD1	Delivering sustainable development
DM1	General development requirements
SO2	Creating successful and healthy communities
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)

RELEVANT SITE HISTORY

23/00773/FUL: Erection of 3 no. dwellings following demolition of existing bungalow. Approved by the Planning & Licencing Committee on 23 November 2023 by Decision Notice dated 8th March 2024.

22/01175/FUL: Erection of 3 no. dwellings following demolition of existing bungalow. Outcome: The application was recommended for approval but refused by the Planning & Licensing Committee on 1st June 2023.

CONSULTATION RESPONSES

Highways – No objection

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours. No representations have been received.

ANALYSIS

Principle of Development – Section 73

The principle of development at this site has previously been accepted by the granting of Planning Permission 23/00773/FUL.

Section 73 of the Town and Country Planning Act makes provision for the amendment of extant planning permissions where minor material amendments are sought. This is in line with the options for flexible planning permissions as outlined in the National Planning Practice Guidance.

Planning permission is sought for the development of land without compliance with conditions attached to previously approved application 23/00773/FUL, through making minor changes to replace approved site layout and proposals for Plot 1 with amended plans showing alterations to that plot to provide accommodation in the roof space, re-planning of internal arrangements, minor alterations to fenestration and small projection added to ground floor to side elevation facing Bury Road.

A Planning Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new Planning Permission sits alongside the original Planning Permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new Planning Permission or that which was originally granted.

Impact on Residential Amenity

The main change to the previously approved planning permission is the provision of a second storey of living accommodation for Plot 1, comprising an additional main bedroom and a guest bedroom, alongside shower room facilities and storage. This would involve a change to the previously vaulted main master bedroom and un-utilised loft space.

The proposed additional main bedroom would be provided with a sufficient outlook through an enlarged feature window within the proposed projecting gable, which is an acceptable arrangement. The main outlook would be towards a commercial use, and secondary roof lights and high level window would result in no issues in respect of overlooking or loss of privacy for surrounding occupiers. The guest bedroom space would be provided with a high level window and rooflight, which is considered to be an acceptable arrangement in this instance as it balances both the provision of natural light against the perception of increased overlooking of No. 4 War Office Road through a facing window at height.

The additional ground floor projection to the main kitchen/living area would not result in any neighbour amenity issues and the relationship with Plot 2 would be acceptable.

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 PfE policy JP-P1, CS policy DM1, the SPD and the NPPF.

Character and Appearance

The proposed changes would have minimal impact on the visual appearance of the proposed development when taken as a whole. The changes to the projecting gable feature through increasing the height of the second storey windows are negligible to the overall appearance of the development, as is the provision of the additional ground floor projection to the kitchen/living space. The proposed high level windows in the side elevations of Plot 1 are considered to have a minor detrimental impact on the appearance of Plot 1 but, on balance, it is not considered that the impact on the appearance of this plot and the character of the surrounding area would be so detrimental as to warrant a refusal of planning permission.

The application is therefore considered to accord with PfE policy JP-P1, CS policies P3 & DM1, the SPD and the NPPF.

Highways

The provision of an additional bedroom and guest bedroom to a family household, bringing the total of bedroom spaces to 5, may result in occasional additional parking demand. However, it is not considered that any such impacts would be of the magnitude to warrant a refusal of planning permission. No objection has been received by the Highways Authority.

The application therefore accords with PfE policies JP-P1 & JP-C8, CS policies DM1 & T2, the SPD and the NPPF.

Other Matters

It is not necessary to re-visit additional matters such as ecology & trees, drainage and land contamination as these have all been addressed in the granting of Planning Permission 23/00773/FUL and the proposed changes would result in no material additional impacts requiring consideration. The relevant conditions remain un-amended, with the exception of the inclusion of the relevant recently adopted Places for Everyone Joint Development Plan policies, alongside the removal of Condition 16 (External Lighting) of the original planning permission. This has not been carried over as it is unnecessary in this particular instance and would not meet the necessary tests as described in the Planning Practice Guidance.

RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. The development must be begun not later than 8th March 2027

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:-

- Location Plan, Proposed Site Plan (Drawing R430-01-D dated July 2023)
- Floor Plans, Elevations of Plot 1 (Drawing R430-02-C dated July 2023)
- Floor Plans, Elevations of Plots 2 & 3 (Drawing R430-03-B dated July 2023)

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

Places for Everyone Joint Development Plan, 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 Places for Everyone Joint Development Plan policy JP-G8, policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Places for Everyone Joint Development Plan Policy JP-G8, policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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

5. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:
 - (i) the route of access and parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding;
 - (v) any external lighting of the site.

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

Reason: To minimise detrimental effects to the amenity of surrounding residential occupiers and dangers to highway safety during the construction phase in accordance with Places for Everyone Joint Development Plan policies JP-P1 and JP-S5, Policies DM1, T2, and G9 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents

and users of the highway prior to commencement of any building or engineering works on site.

6. 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 Places for Everyone Joint Development Plan policies JP-S1, JP-S4, JP-S5 & JP-P1, 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.

7. Notwithstanding any detail shown on the approved plans or provided with the application submission, no development shall take place until a scheme for the discharge of foul and surface water from the site (including surface water from hard landscaped areas and parking area), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance, shall be accompanied by evidence of an assessment of the site conditions and shall accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. For the avoidance of doubt, foul and surface water shall be drained on separate systems. Details of how the drainage scheme will be maintained and managed after completion shall be provided.

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

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Places for Everyone Joint Development Plan policy JP-S4, policy G8 of the adopted Rochdale Core Strategy, policy EM/7 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: No drainage information has been submitted. Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

8. 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 Places for Everyone Joint Development Plan policy JP-P1, 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.

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

10. 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 order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

11. 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 order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

12. No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, 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 Places for Everyone Joint Development Plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

13. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers / densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Places for Everyone Joint Development Plan policies JP-P1& JP-G7, policies P3, DM1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details.

Reason: In the interests of visual appearance, amenity, highway safety and ecology in accordance with Places for Everyone Joint Development Plan policies JP-P1, JP-G8 & JP-C8 adopted Rochdale Core Strategy policies DM1, P3, T2 and G7 and the National Planning Policy Framework.

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

Reason: In the interests of highway safety and the free flow of traffic and in accordance with Places for Everyone Joint Development Plan Policies JP-P1 & JP-C8, policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

INFORMATIVES:

Bats -

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.

Nesting Birds -

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.