



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01345/VRCON

Name and address for correspondence:	Applicant name:
Mr Daniel Connolly Connollys Kingfisher Business Centre Burnley Road Rossendale BB4 8EQ	Mr John Matthews

Part I - Particulars of Application

Date of Application: 12 December 2023

Proposal:	Section 73 application to vary conditions 2 (Approved Plans), 13 (Materials) and 23 (Retaining Walls Specification) of planning permission 18/00869/FUL (Residential development: erection of 23 dwellings and provision of access from Langley Lane, with associated hard and soft landscaping; retaining walls; pumping station; and, other associated works) to accommodate Ecclestone Homes house types and details
Location:	Land South Of Langley Lane And West Of Silver Birch Stables, Birch, Middleton

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance, the results of which have been submitted to and approved in writing by the local planning authority.
Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policies G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 2 This permission relates to the following plans and drawings:

General details

SL01 - Location Plan
038 102 Rev G - Planning Layout
18070/154/1 Rev A - External Works
2086-F01 Rev A - Proposed Site Access Arrangement
038 ECC-01 - Land Use Plan
18070/153/1 - Rev A Typical Road Construction Details
18070/157/1 Rev B - S38 Agreement Plan
038 103 Rev F - Materials and Enclosure Plan
P.1885.23.01 Rev C - Planting Plan
SD-F01-1 - 1750mm High Brick Wall
AB-30 - WIND FENCE 1

Housetypes (as ordered in Housetype Pack Rev C)

K-P-01 - Plot 20 & 21 Type K Semi Detached
K-P-01 - Plot 22 & 23 Type K Semi Detached
L-P-01 - Plot 1 Type L Detached (elevations)
L-P-01 - Type L Detached (floor plans)
M&N-P-01 - Type M & N (elevations)
M&N-P-01 - Type M & N (floor plans)
STD-PDG-005 - Premium Single Garage Floor Plan and Elevations Plot 1
STD-PSG-002 - Premium Single Garage Front and Side Elevation Plot 2
C-P-01 - Rev A Plot 4 Type
C C-P-01 - Rev A Plot 5 Type C
P-P-01 - Plot 6 Type P
P-P-01 - Plot 19 Type P
P-P-01 - Plot 17 Type P
Q-P-01 - Plot 7 & 16 Type Q
R-P-01 - Plot 18 Type R
STD-PSG-002 - Premium Single Garage Front and Side Elevation Plot 4
STG-PSG-002 - Premium Single Garage Front and Side Elevation Plot 5
STD-PSG-002 - Premium Single Garage Front and Side Elevation Plot 7 & 16

B-P-01 - Rev A Plot 9 Type B
D-P-01 - Plot 8 & 15 Type D
E-P-01 - Plot 14 Type E
E-P-01 - Rev A Plot 10 Type E
F-P-01 - Plot 13 Type F (elevations)
F-P-01-1 - Type F (floor plans)
F-P-01 Rev A - Plot 11 & 12 Type F (elevations)
F-P-01-1 - Type F (floor plans)
STD-PSG-002 - Premium Single Garage Front and Side Elevation Plot 8 & 15

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, Rochdale Core Strategy, saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 The development shall be undertaken in accordance with the following approved details of facing materials and design details:

Roofs: Ravendale Natural Slate (Plots 1 -3, 20 -23), Sandtoft Dual Thin Leading Edge interlocking Roof Tile (Colour: Dark Grey) (Plots 4 -6, 10 -11, 12 - 13, 17 -19), Sandtoft Dual Thin Leading Edge interlocking Roof Tile
Colour: Rustic Red (Plots 7 - 9, 14 - 16).

Facing bricks: Old Lymm Blend (plots 1 -4, 20 -23), Hartford Red Multi (plots 6 - 9, 14 - 18), Monarch Handmade (plots 5, 10 - 13, 19).

Windows: Farmstead and Transition units (Plots 1-7 and 16-23): Resurgence white UPVC flush sash with triple glazed units and Georgian bar windows. Art & Crafts units (plots 8-15): White UPVC casements with triple glazed, leaded windows.

Rooflights - Velux manual centre pivot roof lights: GGU & GGL

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone policies JP-S1 and JP-H3, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 All retaining walls indicated on the approved plans shall be implemented in accordance with the following approved details:

- Retaining walls extents and heights as indicated on External Works Drawing ref. 18070/154/1 Rev A.
- AB-30 Wind Fence 1
- Colinwell Allan Block, colour Abbey, as indicated in Collinwell Retaining Wall System brochure received by the Local Planning Authority on 27.06.2024

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone policies JP-S1 and JP-H3, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 5 The development shall be undertaken in accordance with the details of a scheme for the provision and management of a minimum 5m wide buffer zone for the Whittle Brook as approved under discharge of condition application ref 23/00640/DOC, as indicated on the following approved drawings:

Drawing titled Soft Landscaping Plan dated 08.06.22
Drawing 18070/100/2A Longitudinal Sections 1 of 2.
Drawing 18070/100/2 Longitudinal Sections 2 of 2.

The approved details shall be implemented in full prior to the first occupation of any dwelling hereby approved.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure maintenance of the outfall 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.

- 6 The development shall be undertaken in accordance with the scheme for the discharge of surface water approved under discharge of condition application ref 23/00686/DOC. For the avoidance of doubt, the approved details were indicated on the following approved plans:

18070/100/1 Rev A - Road and Main Drainage Layout 1
18070/100/5 - Road and Main Drainage Layout 2
18070/100/2 Rev A Longitudinal Sections 1 of 2
18070/100/2 Longitudinal Sections 2 of 2
18070/102/1 Surface Water Areas Plan

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

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy JP-S5 of the Places for Everyone joint development plan, 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.

- 7 The development shall be undertaken in full accordance with the recommendations of the Updated Badger Survey prepared by Erap and dated June 2023, as submitted under discharge of condition application ref 23/00641/DOC.
- Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy JP-G9 of the Places for Everyone joint development plan, Policies G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 8 The development shall be undertaken in strict accordance with the details and timescale of the approved Invasive Weed Management Plan Revision B dated 02.06.2023 submitted under discharge of condition application ref 23/00641/DOC.
- Reason: 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, and in accordance with the provisions of Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 9 The development shall be undertaken in accordance with the proposals for protecting retained trees as described in the Arboricultural Impact Assessment (ref: AWA4069) approved under the original permission ref 18/00869/FUL.
- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
- Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 10 The development shall be carried out strictly in accordance with the landscape and environmental management plan titled Landscape Management Plan by ERAP and dated June 2023, as submitted under discharge of condition application ref 23/00641/DOC. The development and future management of the site shall be undertaken in accordance with the measures and recommendations set out in the management plan, including undertaking a detailed review as set out in section 4.0 of the report.
- Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policies G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 11 The dwellings hereby approved must be constructed as per the requirements of the submitted Noise Impact Assessment (ref: 50-457-R1-3) and whole dwelling ventilation systems and barriers must be installed as required prior to occupation. Upon completion and prior to occupation, validation testing must be carried out at a range of units across the site, to include a minimum of two of the units requiring the enhanced mitigation measures. Details of the validation testing must be submitted to and approved in writing by the local planning authority prior to the occupation of any dwellings on site.
- Reason: To ensure a satisfactory standard of development in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 12 The construction phase of development shall be undertaken in strict accordance with the Construction Environmental Management Plan (revised version 3 received 04.07.2023) submitted under discharge of condition application ref 23/00640/DOC. The

development shall not be carried out otherwise than in accordance with the approved CEMP.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 13 No development above slab level shall take place until full details of the proposed physical security measures listed in Section 4 of approved Crime Impact Statement (ref: 2021/0076/CIS/02 rev A) have been submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: In order to ensure that the development is safe to use and access and to reduce the risk of crime, in accordance with Core Strategy Policy C3 and the National Planning Policy Framework.

- 14 No development above slab level shall take place until full details of the pumping station have been submitted to and approved in writing by the local planning authority. The pumping station shall be constructed in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Places for Everyone policies JP-S1 and JP-H3, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 No above ground works shall take place unless and until a scheme for the installation of electric vehicle charging points with a minimum power rating output of 7Kw, universal sockets and at least mode 3 or equivalent, at a rate of one charge point per five car parking spaces, to include timescales for implementation, is submitted to and approved in writing by the Local Planning Authority. The approved car charge point scheme shall be implemented in accordance with the approved details and timescales for implementation.

Reason: In the interests of air quality management in accordance with Core Strategy Policy T2 and the National Planning Policy Framework.

- 16 No dwelling shall be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development is submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policy JP-S5 of the Places for Everyone joint development plan, 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.

- 17 No external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Such details shall:

- set out the position and height of means of lighting on the building or site and its lux plot and luminance, angle of installation and any hoods to be fixed to the lights
- provide lighting contour plans to demonstrate clearly any impacts on the

Whittle Brook Corridor;

- specify frequency and duration of use.

The approved scheme shall be implemented prior to occupation of the dwellings and in accordance with the approved details and retained as such thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy JP-G9 of the Places for Everyone joint development plan and Policies G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A - B of Part 1, Schedule 2 of the Order shall be carried out on the dwellinghouses at Plots 1, 4, 5 & 11 hereby permitted.

Reason: To ensure continued control over the extent of further building on the site on the plots adjacent to Heywood Old Road having regard to the circumstances of the application and in the interests of the character and setting of Birch Village Conservation Area.

- 19 The development hereby approved shall not be occupied until the archaeological site investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation (approved under discharge of condition application ref 23/00640/DOC) and provision made for the completion of all elements of that programme.

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.

- 20 The approved development shall not be occupied until the site access has been constructed (including visibility splays onto Langley Lane) in accordance with the approved drawings. No structure, object plant or tree exceeding 1m in height shall at any time be erected or allowed to grow within the visibility splay identified on drawing ref: 2086-F01 rev A.

Reason: In order to provide safe, secure access to the development in the interests of public safety, and ensure continued function of the surrounding highway network, in accordance with Policy T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 21 No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking areas, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The parking areas shown on the approved plans shall be constructed in accordance with the approved details before the associated development is first occupied, and shall be retained thereafter for their intended purpose.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of highway safety and the free flow of traffic and to ensure the suitable disposal of surface water in order to comply with policies T2, DM1 and G8 of the adopted Rochdale Core Strategy, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 22 No part of the development shall be occupied until a scheme for the self-enforcing 20 mile per hour zone into and throughout the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety in accordance with Policy T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the safe development of the site in the interests of the amenity of existing residents and future site occupiers, and of the environment, in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Statement under Article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended):

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 16 July 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

This decision notice should be read in conjunction with the S106 legal agreement dated 29 September 2022 as agreed in relation to the original permission ref 18/00869/FUL. The requirements of the S106 agreement remain in effect on this approval.

INFORMATIVE:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.