

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00558/VRCON	Aimee Bovaird	11 July 2023

Address: Land Between 27 And 41A Aspinall Street, Heywood OL10 4HL

Proposal: Section 73 application for minor material amendment to planning permission 21/01477/FUL (3 no. two-bedroom bungalows) comprising of revisions to relocate driveway to plot 1 and slightly widen drives to plots 2 and 3, general revisions to internal arrangements with subsequent minor changes to external openings to suit, increased sizes of entrance porches and amendments to boundary treatments and landscaping to plot 1.

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?	Y

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

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: LA

DATE:20.09.23

SITE

This application relates to land Between 27 And 41A Aspinall Street in Heywood. The land was previously green space. A terraced row of bungalows at 32-44 Aspinall Street stands to the east and rows of two-storey terraced dwellings run immediately to the south and north of the site on the same side of Aspinall Street. Immediately to the west of the southern part of the site lies a large yard associated with a civil engineering firm which is used for storage and operations. A parcel of vacant land lies to the west of the northern part of the site. The development approved by application 21/01477/FUL has not commenced and the land remains in an overgrown state.

PROPOSAL

The application seeks to vary condition 2 of planning permission 21/01477/FUL, this would amend approved drawings to include additions to Plot one consisting of an additional window on the side elevation and adding a porch over the door on the side elevation. On the rear elevation a window is being enlarged and solar panels are being added to the roof, on the front elevation there are alterations to the windows and door.

The application proposes to move the driveway on Plot 1 to be alongside the house and insert an extra garden space alongside the shrub planting bordering Plot 2.

Alterations to Plot 2 and 3 include adding a door to the side elevation, on the rear elevation solar panels are being added and there are alterations to the window. On the front elevation solar panels are being added there are alterations to the front door and windows.

The applicant has also provided details to approve condition 10, relating to boundary treatment. This will be considered further in the report.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 - Section 73

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	To deliver a more prosperous economy
SO2	To create successful and healthy communities
SO3	To improve design, image and quality of place
SO4	To promote a greener environment
SO5	To improve accessibility and deliver sustainable transport
SD1	Delivering sustainable development
SP3/R	The Strategy for Rochdale

C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
C4	Providing affordable homes
C6	Improving health and well being
P3	Improving design of new development
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution
T2	Improving accessibility
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

21/01477/FUL - 3 no. two-bedroom bungalows – Approved

CONSULTATION RESPONSES

Highways And Engineering
No objections.

REPRESENTATIONS

The application has been publicised with neighbour notification letters and one objection has been received. This objection raises the issue damages may be caused to boundaries of neighbours. This is a private matter. A Party Wall Act informative can be added to the decision notice.

ANALYSIS

The principle of development was established in the application 21/01477/FUL (3 no. two-bedroom bungalows). Whilst approval of the application would, in effect, result in the issuing of a new permission, consideration only needs to be given to those elements of the scheme which differ from the previous approval, together with any significant change in policy which has occurred in the interim. The key consideration of this application is the visual amenity impact of the proposed amendments to the elevations and privacy and outlook of neighbours.

Impact on surrounding occupiers

The application proposes alterations on plot one to the rear elevation by adding a window, on the rear elevation enlarge the windows and enlarge the windows on the front elevation and enlarge the door. Solar panels are also proposed on the rear

elevation. Policy DM1 of the Council's adopted Core Strategy states that all development proposals must not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Alterations to Plot 2 and 3 include adding a door to the side elevation, on the rear elevation solar panels are being added and there are alterations to the window. On the front elevation solar panels are being added and there are alterations to the front door and windows.

With regards to surrounding occupiers, section 4.1 of the SPD requires a distance of 21m between direct rear facing habitable room windows at an upper floor level. The report for application 21/01477/FUL acknowledges the separation distances and considers them acceptable. The proposed alterations are not considered to have a negative effect on amenity for occupiers or surrounding occupiers as the location of house plots is not changing.

The proposed alterations to the plots are not considered to have a negative effect on the surrounding properties as there will be a satisfactory standard of privacy between facing bedrooms. The solar panels will be visible from the highway are not considered to have a negative effect on surrounding occupiers

Occupier Amenity

Garden space was considered in the original application, and although it is decreasing in size as part of the proposed amendment, this is still considered acceptable as sufficient garden space is still left for existing and future occupiers.

Highways

As part of the application process the Council's Highway Officer was consulted and raised no objections.

The proposal would be considered acceptable in respect of highways, access and parking and the application would accord with Core Strategy policies T2 and DM1, the Residential Development SPD and the NPPF.

Boundary Treatment.

The applicant has submitted details of the boundary treatment in, 'Proposer development at Aspinall Street, Heywood – C393-001/F' in relation to condition 10. These condition will be amended accordingly.

The boundary detail A will be a 1.8m high close boarded timber screen fence. Boundary detail B will be ready made green screen system and boundary detail C will be 1m high masonry topped with 400m high galvanised steel railings.

The boundary treatments are considered acceptable.

RECOMMENDATION

GRANT subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of the original permission granted 3/12/2021.

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:-

1. Location Plan
2. C393-001/F – Proposed Site Plan, Floor Plans and Elevations
3. Outline Drainage Plan by The Alan Johnston Partnership LLP ref. ASP-AJP-ZZ-XX-DR-C-100/P01

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 development shall take place (including any site clearance or preparation works) until a Construction Management Plan (CMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays;
- e) wheel washing facilities (or an adequate demonstration that this is not required)
- f) measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;
- h) details of the construction hours (for the avoidance of doubt this shall be within the hours of 08:00-18:00 Monday-Friday, 09:00-16:00 Saturday and no work on Sundays or Bank Holidays); and
- h) hours for site deliveries.

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

Reason: To minimise 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.

- 4 No development shall take place until such time as a scheme for the disposal of foul and surface waters from the site substantially in accordance with the submitted Outline Drainage Plan by The Alan Johnston Partnership LLP ref. ASP-AJP-ZZ-XX-DR-C-100/P01 has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from foul water. The surface water drainage scheme should be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, and include details of how the scheme shall be managed after completion. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface and foul water from the site in accordance with the requirements of Policy G8 of the adopted Rochdale 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.

- 5 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.

- 6 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.

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

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

- 8 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, provision for bird boxes and bat boxes, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until such time as the duly approved biodiversity enhancement measures within that plot have been installed in accordance with the duly approved detail.

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.

- 9 (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 be substantially in accordance with the submitted plan ref. C393-001/F, and 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, 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 and shall be maintained in accordance with the duly approved Landscape Environmental Management Plan.

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

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policies P1, P2, P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 No part of the development shall be occupied until the boundary treatment has been constructed in full accordance with C393-001/F – Proposed Site Plan, Floor Plans and Elevations. 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.

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

Reason: In the interests of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 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 dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within their curtilage under Schedule 2, Part 1, Classes A, B and E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent the reduction of rear private gardens in the interest of privacy, in accordance with the objectives of Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

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.

Informative:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval. "The Party Wall etc. Act 1996: explanatory booklet" is available free of charge

from: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

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