

APPLICATION NUMBER: 22/01225/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01225/FUL	Jake Powell	09/11/2022

Address: 190 Heywood Old Road, Middleton, M24 4GR

Proposal: Erection of one detached dwelling

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?	Y
	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?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANTED (SUBJECT TO CONDITIONS)
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CHECKED AND SIGNED OFF BY: AT

DATE: 10.11.2022

SITE

This application relates to part of the rear garden of 190 Heywood Old Road in Middleton. The house is a semi-detached mid-20th Century two storey dwelling, set back approximately 10m from the highway by a driveway which provides parking for two vehicles. The house forms part of a linear development of 11 dwellings which run parallel to the A6045 (Heywood Old Road), to the south of Saint Thomas' Church. The site lies within an area of land designated as Protected Open Land on the Unitary Development Plan Proposals Map.

The application property benefits from a substantial rear garden area, which extends between 88m and 97m eastwards to the boundary with Ellis Lane. The land to the east of Ellis Lane comprises open agricultural fields, also designated as Protected Open Land and as a Greenspace Corridor (UDP Policy G/8), providing a buffer zone between the linear development along Heywood Old Road and the western edge of the Langley estate, bordered by Rowrah Crescent.

PROPOSAL

This application seeks permission for the erection of a detached one and a half storey dwellinghouse to the far end of the rear garden of no.190 Heywood Old Road, which would front Ellis Lane.

The proposed building is of relatively simple architectural style comprising a rectangular footprint measuring 7m x 11.5m, with a dual-pitch gable style roof with a height to eaves of 2.6m and a maximum height of 6.1m. The front elevation includes an entranceway on the right side, as well as floor to ceiling glazed centralised section.

The proposal is to be finished with reclaimed Cheshire brick, with the roof constructed from blue/grey roof slates.

The application also seeks consent for the formation of new access from Ellis Lane and landscaping.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development
SO4	Promoting a Greener Environment

G4	Protecting Green Belt
G5	Managing Protected Open Land
G6	Enhancing Green Infrastructure
G7	Enhancing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2	Improving accessibility
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DM1	General development requirements
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SD1	Delivering sustainable development
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Unitary Development Plan (UDP):

D/10	Protected Open Land
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Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

21/00790/FUL Detached single storey dwelling. Refused. Appeal Allowed.

This application was refused for the following reason:

The proposed development would constitute inappropriate development were it in the Green Belt which is harmful by definition, and would additionally lead to a significant loss of openness of the site. No very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and the additional harm due to loss of openness. The proposal is therefore contrary to policies G4 and G5 of the adopted Rochdale Core Strategy, saved policy D/10 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

This application was subsequently appealed (APP/P4225/W/21/3281210) and the appeal was allowed and permission was granted. In granting this appeal, the inspector determined that:

The appeal site forms part of the rear garden to No 190 Heywood Road and has a boundary to Ellis Lane. Although reference has been made by the main parties to the proposal not filling a gap in an otherwise built-up frontage, it is also acknowledged that there is no definition of what constitutes limited infilling in local policy or in the Framework. I was able to see a variety of garages and buildings along the south-western side of Ellis Lane in the vicinity of the site. This included a house under construction to the rear of No 194 Heywood Old Road. This is separated from the appeal site by the rear garden of No 192 but is still close given the narrow widths of the plots. Although a small structure, I also note the garden area to No. 192 features a garage close to Ellis Lane and there is no appreciable gap between the appeal site and the house under construction to the rear of No 194.

It is also common ground that No. 188 has consent for a dwelling. Whilst the circumstances in granting it permission may have differed to the appeal proposal, it

nevertheless has an extant permission and there is no evidence before me that this permission would not be implemented. As such, whilst this neighbouring site is currently undeveloped and open, with an open field beyond, I consider that the appeal proposal can be considered to be limited infilling within an established pocket of housing.

One part of the exception at paragraph 149 g) of the Framework requires the development to not have a greater impact on the openness of the Green Belt than the existing development. I acknowledge that the proposal would involve the erection of a building where there is currently none, however, spatially, it sits within a clear building envelope defined by this group of semi-detached dwellings and other buildings between Heywood Old Road and Ellis Lane, rather than the open land on the opposite side of Ellis Lane. The presence of various buildings and established boundary treatment and vegetation along Ellis Lane would mean the proposal, which would be set back behind a parking area, have a modest footprint and be of a single storey height. When all these factors are considered, it would visually have no greater effect on openness and would spatially be interpreted as falling within a well-defined residential envelope.

I therefore conclude that the proposal would not be inappropriate development in the Green Belt. As such it would not be contrary to the Framework, UDP Policy D/10 or Policies G4 and G5 Rochdale Adopted Core Strategy, which seek, amongst other matters to limit development to that which would be acceptable in the Green Belt and to permit limited infilling proposals within an established pocket of housing.

CONSULTATION RESPONSES

Environmental Health

Requested pre-commencement condition to provide a preliminary risk assessment.

Highways

Requested condition relating to a survey of condition of Ellis Lane and the proposed site access prior to construction. Comments related to clearly identifying parking within site.

GMEU

No comments.

United Utilities

Strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities.

Advice relating to the separate drainage of foul and surface water.

Drainage & Flooding Engineer

Suggest condition for applicant to provide further details regarding drainage.

REPRESENTATIONS

The application has been publicised with neighbour notification letters. No letters of representation have been received in respect of this application.

ANALYSIS

Principle of Development

The site is designated as Protected Open Land under policy D/10 of the Unitary Development Plan. Policy G5 of Rochdale's Adopted Core Strategy states that development on protected open land outside the urban area and not in the Green Belt will be resisted unless it is limited development that would be acceptable were it in the Green Belt. Policy G4 of Rochdale's Adopted Core Strategy seeks to restrict development within the Green Belt in line with national planning policies unless very special circumstances can be demonstrated.

The NPPF sets out the Government's planning policies for England. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

Therefore, the main consideration in assessing the principle of development would be whether the proposed scheme constitutes inappropriate development within the Green Belt and, if so, whether very special circumstances have been demonstrated which may outweigh the presumption against development.

It is noted that the development would sit at the edge of a clearly defined envelope of development defined by the curtilage of the group of semi-detached dwellings and other buildings on Heywood Old Road and Ellis Lane. Taking into consideration the presence of such buildings of comparable size and scale (whether under construction or having a reasonable prospect of being built) in addition to boundary treatments, vegetation and other associated domestic paraphernalia, when all these factors are considered, the proposed dwelling would visually have no greater effect on openness and would spatially be interpreted as falling within a well-defined residential envelope.

Based on the previous appeal decision, the principle of residential development on the site has already been established. The development would have limited impact to openness and therefore would not be considered inappropriate development in the Green Belt. As such it would not be contrary to the Framework, UDP Policy D/10 or Policies G4 and G5 adopted Core Strategy, which seek, amongst other matters to limit development to that which would be acceptable in the Green Belt.

Visual Amenity

Policies DM1 and P3 of the adopted Rochdale Core Strategy, which requires require all new developments regardless of location in the borough, to adhere to high standards of design, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. Core Strategy Policy P2 seeks to protect and enhance character, landscape and heritage, with particular regard to conserving, enhancing and utilising other non-statutory heritage assets. Paragraph 131 c) states that planning decisions should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Whilst larger than the previous submission, the proposed dwelling would still be of an appropriate scale and size that would not appear incongruous or dominant when viewed in the streetscene.

The proposed dwelling still seeks to reflect the agricultural character of the surrounding area by virtue of its simple, functional dual-pitch form and materiality which includes Cheshire wire cut brick on all sides now, additionally seeking to contrast some of the traditional features with a contemporary glazed front elevation.

The design of the proposed dwelling although simple, would still be considered to be of a satisfactory standard; the glazed entrance accompanied to either side by Cheshire wirecut brick would provide an attractive and contemporary focal point for the building, aiding legibility, with the wider material palette being complementary of the surrounding built environment, to assist in assimilating the proposed development.

Whilst limited details on landscaping are supplied, it is considered that a suitable landscaping scheme would contribute positively to the overall character of the area given the existing condition which includes an unattractive metal gate and unkempt vegetation.

Parking provision would be located relatively prominent in the context of the site, to the front of the dwelling. However, it is expected that only a single or two vehicles could ever be parked to the front of the property and it is not considered that this would amount to an unacceptable visual impact.

In light of the above, the proposal would comply with the requirements of policy P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Residential Amenity

Paragraph 131 of the National Planning Policy Framework advises that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

The proposed dwelling would retain distances in excess of 50m to the rear of dwellings on Heywood Old Road and 22m between the rear elevation of the proposed dwelling and the rear boundary of the site. The land to the east of the site is agricultural in use and constitutes large, open fields with no permanent occupiers and the adjacent residential plot to the north contains a garage.

It is acknowledged that the adjacent plot (no.188) is subject to a similar planning application which includes the erection of a dwelling, which has since been granted permission since the previous submission. However in the absence of a substantially completed dwelling, the lawful use of the land remains for stabling. As such, there

are no concerns with regards to a loss of amenity for surrounding occupiers by way of overshadowing, overbearing impact, loss of privacy, or undue noise and disturbance.

A rear garden 23m in length would be provided for the occupants of the new dwelling, whilst a garden length of approximately 33m would be retained for the occupants of 190 Heywood Old Road (with the garden being a width of approximately 8.5m). Suitable light and outlook would be achieved in all habitable rooms. Furthermore, it is considered that the proposal would be compatible with surrounding land uses in respect of noise and disturbance.

In light of the above, the proposed dwelling would not unduly impact on the amenity of the occupants of neighbouring properties and would therefore accord with policy DM1 of the adopted Rochdale Core Strategy, the relevant requirements of the Residential Development SPD and the NPPF.

Highways

Two off-street spaces would be provided for the resultant two bedroom dwelling. Given the scale of the proposal, it is not considered that it would result in a negative impact on the capacity of the local highway network or have a detrimental impact upon road safety. Additionally, the proposal has been reviewed by the Council's Highways Engineer who has raised no objection to the proposal.

The applicant is however informed that any damage caused to Ellis Lane as a result of construction must be rectified by the applicant.

Therefore the proposed parking arrangements are therefore acceptable in accordance with policies T2 and DM1 of the Adopted Core Strategy, along with the objectives of the National Planning Policy Framework.

Ecology

The site is covered by unkempt foliage at present, but has no notable ecological features. No specific details on landscaping have been submitted at this stage. It is considered that net gains in biodiversity can be achieved through a suitably sensitive landscaping scheme comprising native species suitable for the landscape context. Should the LPA wish to support this scheme, a condition requiring a landscaping scheme to be submitted to and approved in writing would be recommended.

Drainage

Indicative drainage proposals have been submitted with the application. It is noted that there is an absence of underground drainage infrastructure in this area and as such it would not be possible to discharge into the combined sewer.

The viability of being able to service a new dwelling depends upon whether private sewage provision can be accommodated within the rules set down in Building Control Part H. Due to the provision of a drainage field at the adjacent plot dwelling

relating to planning application ref. 22/00696/FUL, the applicant should be informed of this issue.

The Council's Drainage Engineer has provided guidance to the applicant in relation to infiltration testing and sewage package treatment plant design, as well as other drainage concerns.

It would be considered suitable, that a pre-commencement condition requiring the submission and written approval of a detailed drainage scheme prior to any development taking place in the event the LPA wish to recommend the application positively.

RECOMMENDATION

GRANTED 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:-

- ⑦ Location Plan
- ⑦ Proposed Site Plan
- ⑦ 2888 – 01 Mixed Plans

and the development shall be carried out in complete 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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. No development shall take place until such time as a scheme for the disposal of foul and surface waters from the site 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.

4. 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.

5. 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 design of the window and door reveals, at a scale of not less than 1:50, 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.

6. Notwithstanding any description of materials in 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.

7. 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.

8. 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, E and of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent overdevelopment in Green Belt in accordance with the objectives of Policy G/D/2 of the adopted Rochdale Unitary Development Plan, Policies G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9. No development shall take place until a Phase I Report (Preliminary Risk Assessment) to assess the actual and/or potential contamination risks at the site has been submitted to and approved in writing by the Local Planning Authority. The report shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies G9 of the Rochdale Core Strategy.

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

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:

The applicant is informed that any damage caused to Ellis Lane as a result of construction must be rectified by the applicant.

Report Author Jake Powell