

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/01231/FUL	Nick Brookman	23 May 2025

DETERMINATION DATE (EXTENSION OF TIME)

29 May 2025

Address: 10 Limefield Terrace, Halifax Road, Littleborough, OL15 0LD

Proposal: Change of use of land as an extension to the private curtilage of the dwellinghouse including engineering works comprising both the excavation and reduction in levels, construction of a new retaining wall and the creation of associated car parking (Part Retrospective).

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: TH

DATE: 29.05.2025

SITE

The application site relates to No 10 Limefield Terrace which is an end terraced dwelling located on Halifax Road (A58) to the north east of Littleborough.

The application site is semi-rural in nature being located within the countryside but set amongst a terraced row of houses to the west and The Moorcock Inn to the east. Agricultural fields surround the north and south of the application site and host dwelling.

The topography of the site rises from west to east climbing up Halifax Road meaning The Moorcock Inn and its associated curtilage and shared boundary is sited at a higher ground level as shown below:



The application site is located in the Green Belt.

PROPOSAL

Planning permission is sought for the change of use of the land to the east of No.10 Limefield Terrace to residential curtilage to provide off-street parking.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) 2024

National Planning Practice Guidance (NPPG)

Sub-Regional

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 relevant:

- JP-S1 Sustainable Development
- JP-S4 Flood Risk and the Water Environment
- JP-G1 Landscape Character
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-G9 The Green Belt
- JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

SO3 Improving Design, image and quality of place

- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development

SO4 Promoting a greener environment

- G4 Protecting Green Belt
- G7 Increasing 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
- DM1 General Development Requirements

Unitary Development Plan (UDP):

G/D/2 – Green Belt

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways and Engineering

Highways originally objected to the proposed development as the scheme initially meant that vehicles were not able to access and egress the proposed parking area in forward gear. With the A58 being a motorway diversion route between Littleborough and Ripponden, Highways were concerned that on routes such as this, they do not encourage vehicles leaving or entering the carriage way in reverse gear. As originally proposed there was insufficient space identified within the curtilage of the property for vehicles to turn around.

Accordingly, the scheme was amended to accommodate Highways concerns and Highways have confirmed that their concerns are addressed and they no longer have any objections.

The Greater Manchester Ecology Unit (GMEU)

The GMEU have set out that:

The application is accompanied by a Biodiversity Net Gain (BNG) statutory metric and report (E3P, February 2025). Based on the submitted information, GMEU have the following comments:

No ecological documents such as a Preliminary Ecological Appraisal (PEA) appear to have been submitted however given that the site has already been cleared, it is likely to hold limited ecological value for protected species. The following is therefore recommended:

- ☐ Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.
- ☐ Work that will impact on habitats where nesting birds may be present (for example works to/or removal of grassland), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.
- ☐ Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application, and could include integration of bat or bird boxes and native planting.

Biodiversity Net Gain

- ☐ As per the BNG assessment, the application is currently incurring a loss of 0.1 habitat units (-100%) and the trading rules have not been satisfied. The report suggests that gaining the units onsite is not feasible and that off-site compensation will be required. Provided that the applicant is aware and accepts this approach, GMEU are satisfied with the information provided at this stage.
- ☐ The Biodiversity Gain Plan condition will apply should this planning application receive permission. At that stage sufficient information is required to be submitted to demonstrate how a 10% net gain will be provided offsite. This includes a Biodiversity Gain Plan, final version of the BNG metric and evidence of where BNG units have been purchased from. Please see [Biodiversity net gain - GOV.UK](#) for how this should be dealt with on the decision notice.

In summary, GMEU are satisfied that this application can be forwarded to determination, taking into consideration the comments above.

However, Planning Officers are aware that statutory BNG does not apply to retrospective planning permissions and for that reason the statutory BNG condition will not apply to this permission.

The Lead Local Flood Authority (LLFA)

No comments received.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties and a notice was posted within the vicinity of the host property. No comments were received.

AMENDMENTS

Following the Conservation Officer's comments, amendments were made to the proposed outbuilding:

- ☐ The reduction of overall height by 0.55m and depth by 1.5m;
- ☐ Alteration of the side and rear elevation finish from render to natural stone; and
- ☐ The addition of stone cills and lintels to all windows.

ANALYSIS

Principle of Development

Policy Position

Inappropriate Development

The application site is located within the Green Belt as allocated under the Rochdale Unitary Development Plan Proposals Map G/D/2. The National Planning Policy Framework, states that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence'*.

Paragraph 153 of the NPPF requires that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt including harm to its openness. 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

The application is for the change of use of land to residential curtilage to facilitate an off road parking area for No 10 Limefield Terrace. Paragraph 154 states that development in the Green Belt is inappropriate unless it meets one of the listed exceptions. In this instance the applicant has not presented a Green Belt Statement but the exceptions to inappropriate development are:

- a. *buildings for agriculture and forestry;*
- b. *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d. *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e. *limited infilling in villages;*
- f. *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

- g. *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt*
- h. *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. *mineral extraction;*
 - ii. *engineering operations;*
 - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

At the local level, PfE Policy JP-G9 which has superseded Core Strategy Policy (G4) sets out that *‘the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high-quality green spaces that will support economic growth’.*

In assessing the proposed development against the exceptions referred to above Officers consider that the proposed development would fall under exception (h) with reference to sub section ii (engineering operations) and v (material changes of use of land) provided that the form of development proposed preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposed development and the impact of it on the openness of the Green Belt in this location is assessed in the succeeding section.

In addition to an assessment against the openness of the Green Belt, in accordance with Paragraph 143 of the NPPF, this report will also evaluate the proposed development against the five Green Belt Purposes and those purposes will be assessed against the following weight.

- Neutral;
- Limited;
- Moderate;
- Significant; or
- Substantial.
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Impact on Openness

Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

“Openness”, for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development. The term “openness”, comprises a spatial and visual component which should be assessed in considering whether a proposal preserves the openness of the Green Belt.

Planning Practice Guidance provides further advice on what factors can be taken into account when considering the potential impact of development on openness. This guidance clarifies that assessing this impact requires a judgment based on the circumstances of the case in question. Furthermore, the guidance gives a number of examples where the courts have identified a number of matters which might need to be taken into account in making the assessment. In summary these include, but are not limited to:

- ☐ Openness is capable of having both spatial and visual aspects;
- ☐ The duration of the development, and its irremediability;
- ☐ The degree of activity likely to be generated, such as traffic generation or use of the land by future occupiers.

As alluded to above, openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for example.

The proposal in this instance is for the change of use of land to residential curtilage to create an off road parking area associated with No.10 Limefield Terrace. The application is part retrospective as works have already commenced but the land is an unremarkable piece of greenfield land which is overgrown, small in size and is relatively concealed being nestled in-between the gable elevation of the host dwelling and the shared boundary with The Moorcock Inn which benefits from a large mature hedgerow and a higher topography than the ground level of the application site.

As shown by the photographs below, in the context of how openness and Green Belt Policy should be attributed to development proposals, the application site is not considered to be a site that would be considered to be 'open' given the surrounding enclosed environment. In summation, the visual sensitivity of the application site within the landscape and appreciation of the local surrounding environment is significantly limited.



The application site is currently fenced off to the front and is significantly screened from the gable elevation and mature hedgerow to the east whether you approach the site from the west or east along Halifax Road. Therefore, in this particular instance, it is important to recognise that owing to the existing built environment and bund and

landscaping immediately adjacent to the application site, it is accepted by Officers that the application site when viewed in conjunction with the surrounding environment would not diminish its impact on the overall landscape.

In assessing the spatial harm caused by the proposed development on the Green Belt openness, it is important to recognise that the absence of any significant visual intrusion does not in itself mean that there is no impact on openness

Both visually and spatially, the removal of earth to level the land for parking would improve the openness of the site and lastingly create a more open environment in this location. Whilst the proposed built development comprising of the proposed retaining wall would introduce a fixed built structure, the retaining wall would be set against an existing bund and levels on site would not be increased in height. The addition of the proposed retaining wall would sit against an existing banking and therefore visually and spatially not alter the openness of the Green Belt in this location owing to the existing land levels and topography of the site.

Accordingly, the proposed development preserves the openness of the Green Belt and it is now important to consider the impact of the proposal on the purposes that land within the Green Belt should serve.

Paragraph 143 of the NPPF sets out that Green Belt Serves the following five purposes:

- a. To check the unrestricted sprawl of large built-up areas;
- b. To prevent neighbouring towns merging into one another;
- c. To assist in safeguarding the countryside from encroachment;
- d. To reserve the setting and special character of historic towns; and
- e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A) To check the unrestricted sprawl of large built-up areas

The site comprises a small unremarkable area of land which sits in between an existing end terraced property and earth bund on the boundary with The Moorcock Inn. The site is therefore contained by urbanising development and it's natural environment. The site does not have a significant sense of openness about it and the proposed development would not alter the visual or spatial aspects of openness in this location.

The development applied for is not significant enough in size or in context to contribute towards what could be considered to constitute a sprawl of a large built-up area and it would not conflict with this purpose.

B) To prevent neighbouring towns merging into one another.

The development and application site involved with this application serves no purpose in preventing neighbouring towns merging and as such it would not conflict with this purpose.

C) To assist in safeguarding the countryside from encroachment

The application site does not have a strong distinction with the surrounding countryside or Green Belt. It is small, concealed and unremarkable. The development would not result in what could be considered a physical encroachment

into the countryside given the surrounding site context and development proposed in this location.

D) To preserve the setting and special character of historic towns

The application site does not abut an identified historic settlement and does not have a physical or visual relationship to the setting or significance of an historic town. The proposed development would not conflict with this purpose.

E) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The application site does not conflict with this purpose as it does not assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Openness Conclusion

The development is not considered to be inappropriate development within the Green Belt and it would benefit from an exception as identified above.

The proposal would not conflict with any of the five purposes that Green Belts serve.

In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for example. Officers have therefore considered the proposal having regard to its individual merits, including its location, scale and form and the site context and overall the development would preserve the openness of the Green Belt.

Consequently, the development would not compromise either the spatial or visual aspects of the openness.

The development is acceptable in principle and the proposal therefore accords with Policy JP-G9 of the PfE and the National Planning Policy Framework.

Design and Appearance

Achieving good design to achieve sustainable development is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of the PfE and Policies DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials.

The proposed retaining wall would span the length of the existing shared boundary and bund meaning the wall would run from the highway to the rear of the property. The wall would measure a maximum height of almost 2.1m but it would vary in height rising up from the highway to halfway along the wall before it gradually decreases in height towards the rear.

The existing boundary wall to the front of the property is to be retained and the existing timber ranch fencing is to be removed along with the earth directly behind to facilitate the proposed off road parking area at an accessible ground level. The extent of the remaining area to be excavated is shown by the green shared area on submitted drawing HC-24091-(60)-001 Rev C. The amount of earth to be removed is fairly minimal and would not significantly or detrimentally alter the appearance of the site.

Originally the proposed retaining wall was to be constructed of concrete block and faced with horizontal treated timber battens on a black fabric backing. Whilst the proposed use of timber would offer a naturalistic material set against the banking and hedgerow on the shared boundary, the amount of timber was excessive. Accordingly, Officers requested that the design of the wall be amended and now, the front section of the retaining wall from the highway to the principal elevation of the terraced row of properties is to be constructed of stone to match the construction of the terraced dwellings. This amendment would significantly improve the characteristics of the proposed retaining wall and ensure that it would assimilate well in the wider site. The remainder of the wall is to be constructed as originally proposed and this is considered acceptable given that the remainder of the wall will remain relatively well concealed from public vantage points.

The view of the retaining wall was assessed in coming to this view taking into account potential views from Public Right of Way LitFp353 in the north which is roughly shown by the red line in the extract from Google Earth below:



Officers consider that given the topography of the land in the north by the PRoW and owing to the distance between the PRoW and the application site, any views of the proposed retaining wall will be significantly restricted.

Subject to condition requiring the submission of the proposed retaining wall detailing and materials, the development would integrate well with the existing character of the area. The introduction of an off road parking area at the application site and the design of the development as a whole, would in the opinion of Officers, offer a

betterment to the existing appearance on site which is unappealing and unmaintained.

In addition, whilst the principle of the proposed development in terms of extending the residential curtilage has been accepted in these very site specific circumstances, in the interest of visual amenity and to retain the Green Belt openness in this location, it is considered necessary to remove Permitted Development Rights for Classes A and E under Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed development has been designed to integrate seamlessly into the setting and streetscape and subject to condition, the proposal is considered to be acceptable, and in accordance with Policy JP-P1 of the PfE Joint Development Plan, policies DM1 and P1, P2 and P3 of the Rochdale Core Strategy and policies contained within the NPPF.

Highways and Parking

Policy T2 of the CS requires development to comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

The Council's Guidelines and Standards for Residential Developments SPD sets out that *"It is important that car parking areas are designed in such a way as to prevent parked cars dominating the street scene and to prevent cars overhanging the public highway. On busy roads it will normally be necessary for turning space to be provided within the site to allow cars to enter and leave in a forward gear"*.

Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The primary purpose for the proposed development is to provide off street parking for the current occupiers of the host dwelling. The justification for the proposed development is a combination of the lack of suitable on street parking and the unsafe nature of the available on street parking owing to the speed at which vehicles travel along Halifax Road and how busy the road can be when drivers need to access and egress from parked vehicles.

Highways Officers were consulted on the proposed development and they confirmed that *"the application site is accessed directly from the A58 which is a busy Motorway Diversion route between Littleborough and Ripponden. On routes such as this we do not encourage vehicles leaving or entering the carriageway in a reverse gear. We do not believe sufficient space is identified within the curtilage of this property for vehicles to turn around. This means any user of the proposed driveway space must either reverse from the highway or onto the highway. This is a dangerous manoeuvre which we do not wish to encourage"*.

Owing to the benefit of amended plans which created a turning area within the application site along users to access and egress the proposed parking area at all times in forward gear, Highways Officers removed their objection.

Overall, the development is not considered to have an adverse impact on highway safety and it would improve highway safety in this location. Highways Services have raised no objections and the development is considered acceptable in accordance

with CS Policies T2 and DM1, the Councils Guidelines and Standards for Residential Developments SPD and the NPPF.

Ecology and Biodiversity Net Gain

Core Strategy Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G8 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 187d and 192b) to achieve demonstrable net gain for biodiversity. However, at this present time statutory BNG is not required on retrospective planning applications and for that reason, the statutory BNG condition will not apply in this instance.

When determining planning applications paragraph 193 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Opportunities to improve biodiversity in and around developments should also be integrated as part of their design, especially where this can secure measureable net gain.

In this case, with regards to on-site biodiversity, it is noted that as a result of the proposed development, the existing small but soft landscaped front garden and the unremarkable earth area adjacent to the gable elevation will be removed from the site and permanently replaced by a hard surface. The proposed development would therefore alter the appearance of the application site but it is recognised by Officers that the hedgerow on the shared boundary will be retained and not affected by the proposed development. Nevertheless, in line with PfE Policy JP-G8, a scheme for biodiversity enhancements will be secured by condition.

Accordingly, subject to condition, the scheme is considered to be acceptable in accordance with Core Strategy Policy G6 and G7, PfE Policy JP-G8 and the NPPF.

Drainage

Core Strategy Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk and is itself well protected from flood risk and ensures prudent use of water resources.

Policy JP-S4 (Flood Risk and the Water Environment) of PfE expects developments to manage surface water runoff through sustainable drainage systems and development should achieve greenfield run-off rates unless it is demonstrated to be impracticable.

The site is located within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding.

The aim of any development is to discharge surface water run off as high up the hierarchy of drainage options as reasonably practical. Concerns were raised by the applicant's structural engineer that using porous materials could result in soils beneath becoming saturated and their affecting foundations of the retaining wall. Accordingly, in this instance, surface water will be directed to a new ACO drain channel which is to be installed to direct surface water run off to an existing soakaway and surface water drainage in the rear garden of the application site.

The LLFA were consulted on this application but no comments were received. However, Planning Officers consider that the proposed drainage to support the development accords with Policy G8 of the adopted Rochdale Core Strategy, Policy JP-S4 of PfE and the NPPF.

Residential and Neighbour Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they *"do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy."*

Paragraph 135 of the NPPF states planning decisions should create places which are 'safe, inclusive, and accessible, promote health and well-being, with a high standard of amenity for existing and future occupiers'. Policy G9 of the Rochdale CS states all development is required to 'not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.'

Considering the nature of the development proposed, the proposal would be acceptable in accordance with Policy DM1 of the adopted CS, the SPD and the NPPF.

RECOMMENDATION

GRANT 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. The permission relates to the following plans:

- ☐ Location Plan Drawing No HC-24091-(60)-002 Rev C
- ☐ Existing and Proposed Block Plan Drawing No HC-24091-(60)-003 Rev E
- ☐ Proposed Site Plan and Elevations Drawing No HC-24091-(60)-001 Rev C
- ☐ Proposed Cross Section Drawing No HC-24091-(60)-004

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

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 adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application or as shown on the approved drawings, no works shall commence on the proposed retaining wall until samples and / or full specifications of materials to be used externally on the proposed retaining wall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and to comply with the requirements of Core Strategy Policies P1 and P3 and the National Planning Policy Framework.

4. Prior to first use of the development hereby approved, a scheme of biodiversity enhancements shall first be submitted to and approved in writing by the Local Planning Authority. Such measures shall include, but not be limited to, the provision of bird boxes and bat boxes. The duly approved scheme shall then be implemented in full prior to first use of the development hereby approved and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

5. 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 development and extension of the residential curtilage hereby approved shall not be altered or extended, and no buildings or structure shall be erected within the curtilage under Schedule 2, Part 1, Classes A and E of the above Order.

Reason: To protect the openness of the Green Belt in accordance with Policy JP-G9 of the PfE and the National Planning Policy Framework and in the interest of visual amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority,
- and;

b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Borough Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because statutory BNG is not required on retrospective applications.

Informatives

1. Protected species can turn up in unexpected places and such species are protected under the Wildlife and Countryside Act 1981. Should any evidence of protected species be found during development, works must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement.
2. 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.

Report Author Nick Brookman