

APPLICATION NUMBER: 23/01168/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01168/VRCON	Rachel Carney	29 November 2023

Address: Land Off Chestnut Way, Littleborough

Proposal: Section 73 application to vary condition 2 of planning permission 21/00282/FUL (Erection of 9 no. detached dwellings with associated landscaping and access from Chestnut Way) to allow the increase garage size attach to the dwelling on plot 1 and to increase the size of garages on plots 5 and 9 from 1.5 to 2 car size

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/a
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CONDITIONS	Pre-commencement conditions proposed?	y
	Pre-commencement conditions agreed (or notification period expired)?	y

RECOMMENDATION	APPROVE
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CHECKED AND SIGNED OFF BY: LA

DATE: 12/03/24

SITE

The application site is a development site of nine detached dwellings which has been approved under application 21/00282/FUL. Development on site has recently commenced.

PROPOSAL

The application seeks to vary condition 2 (plans condition) of application 21/00282/FUL to allow alterations to the approved garage to plots 1, 5 and 9.

To plot 1 it is proposed that the garage change from a detached, single garage, to an integral, double garage. The garage would be set slightly further back in the plot, increasing the driveway depth from approximately 10.5m to 11.9m.

To plots 5 and 9 it is proposed that the garages remain detached, but be increased from single garages to double garages. This would result in an increase in the width of the garages (excluding the overhanging eaves) from 5.1m to 6.0m. The depth of the garages and their siting (albeit with a greater footprint) would remain as approved.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1 - Improving image

P2 - Protecting and enhancing character, landscape and heritage

P3 - Improving design of new development

G8 – Managing water resources and flood risk

T2 - Improving accessibility

DM1 - General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

21/00282/FUL - Erection of 9 no. detached dwellings with associated landscaping and access from Chestnut Way – Approved

23/00382/ANM - Application for non-material amendment to planning permission 21/00282/FUL reduction in size by 300mm to main external walls – Approved

23/00666/DOC - Submission of details to comply with conditions 3 (Materials), 4 (Windows and Doors), 5 (Dormer Windows), 7 (Levels), 8 (Boundary Treatments), 9 (Tree Protection Measures), 10 (RAMs), 16 (Construction Method Statement), 17

(Drainage), 18 (Coal Mining), 20 (Contamination) of planning permission 21/00282/FUL [Erection of 9 no. detached dwellings with associated landscaping and access from Chestnut Way] for alterations to allow commencement of work - Request completed (acceptable drainage scheme submitted)

23/01150/DOC - Submission of details to comply with conditions 3 (materials), 4 (windows and doors), 5 (dormer windows), 7 (levels), 8 (boundary treatment), 9 (tree protection measures), 10 (RAMS) and 16 (CMS) on planning permission 21/00282/FUL – Request completed

CONSULTATION RESPONSES

Lead Local Flood Authority/Drainage

The Proposed drainage drawing, from app 23/00666/DOC indicates that garages for plot 5 & 9 are quite close to drain pipes. However, the loading from garages is relatively low. Apart from you making a comment in your Decision Notice to 23/01168/VRCON that the developer should be 'mindful' of avoiding damage to the drainage pipework when constructing garages close to existing drains' I do not have any other comment to make.

Second comments – In letter of 10 Aug 2023: they refer to the TJ Booth Associates drainage drg dated 5th May 2023 in which the controlled SW discharge to public sewer is 6.5 l/s. Therefore UU have agreed to this rate. If UU thought this was too high, they would have objected.

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. Two letters of objection have been received and these are summarised below;

- The original layout was cramped and not in keeping with the policy objectives or the semi-rural nature of the site. There is minimal space between the buildings and this application will exacerbate that problem by increasing the width of the buildings, linking the plot 1 house and garage and reducing the open space between phases 1 and 2.
- This is a prime example of what para 135 of the NPPF warns against, reducing the standard of development by chipping away at the features which were used to justify permission.
- There is a shortfall in the drainage scheme that will be increased by this application which reduces the permeable areas of the site, adding to the volume of water that needs attenuation. This will add to the overload of the drainage system and increase flood risk.

ANALYSIS

The application seeks permission to vary the approved plans through an alteration to the garages at plots 1, 5 and 9.

To plot 1 it is proposed that the garage change from a detached, single garage, to an integral, double garage. The garage would be set slightly further back in the plot, increasing the driveway depth from approximately 10.5m to 11.9m.

To plots 5 and 9 it is proposed that the garages remain detached, but be increased from single garages to double garages. This would result in an increase in the width of the garages (excluding the overhanging eaves) from 5.1m to 6.0m. The depth of

the garages and their siting (albeit with a greater footprint) would remain as approved.

Visual amenity and residential amenity

Policy P1 of the Council's Core Strategy establishes that we require high quality design in all new development and policy P2 requires development to protect and enhance the borough's character, including the qualities of landscape.

The proposal would increase the width of the garages but retain their overall design, as dual pitched garages. In the scope of the development as approved it is considered that this increase to the scale of the garages would not unduly impact on the developments layout and appearance and the increased scale garages would sit comfortably within the site.

In regards plot 1, the garage would also become integral to the house and be re-orientated with a side facing gable. While these changes would increase the size of the garage, the space to the neighbouring property at no. 3 would not be unduly decreased and the relationship with Starring Road to the rear would remain acceptable. Additionally, although the garage would now be attached to the property, the plot would not appear overdeveloped or cramped and the integral garage would be in keeping with the general appearance of the site.

It is recognised that objections have been received, stating that the approved development was overly cramped, with insufficient space between buildings and that this proposal would reduce that spacing further and reduce the overall standard of development.

In respect of this, the application for development of the site has been approved as an acceptable development within its locality. The proposal did not represent overdevelopment of the site, nonetheless, there has been a previous amendment to the planning permission (23/00382/ANM) which slightly reduced the size of dwellings. The current application would retain the approved character of the development, with sufficient space within the site to accommodate the increased garage width without compromising layout and appearance. The proposed amendments are therefore considered to be acceptable in respect of visual and residential amenity and in accordance with policies P1, P2 and DM1 of the Core Strategy.

Drainage

Policy G8 of the Core Strategy requires that new development does not lead to increased flooding locally or further downstream.

The application site is within a Critical Drainage Area and the current planning permission requires, through condition, the submission of a foul and surface water drainage scheme. Detail to satisfy the requirements of this condition were submitted and accepted under application 23/00666/DOC.

Under the current application objections from neighbours have been received with concerns that the proposal would reduce the permeable areas of the site, adding to the volume of water that requires attenuation and that there is a shortfall in the drainage scheme.

The Drainage Officer has considered these comments and confirmed that the details approved under the DOC application, which allows for surface water discharge to the public sewer of 6.5 l/s is in accordance with comments made by United Utilities in

their assessment of the application. It is noted that this is detailed in the condition, which states that 6.5 l/s discharge is acceptable if the Starring Road flow control has been installed, as is now the case.

In respect of the garages, the Drainage Officer has stated that the increased size is minor and that details have been submitted by the designer, who has run a microdrainage simulation model. This outlines that for the most extreme storm of 100 yr return period + 45% climate change allowance, there will be some pooling on the road within the site, which is permitted within current regulations. When the model is run for the same period with a 44% climate change allowance, there is no surface water flooding/pooling at all.

The Drainage Officer has no objections to the increased garage sizes and the control of surface water drainage from the site. They have however noted that the garages for plot 5 and 9 are quite close to drain pipes. While the loading from garages is relatively low, they have recommended that the developers be advised of this issue and that they should be mindful of avoiding damage to the drainage pipework. The advice can be included in a footnote to any approval.

Further to the above it is considered that the increased garages would not adversely impact on drainage from the site and that site drainage remains in accordance with planning permission 21/00282/FUL. An advisory footnote, as detailed above, should be included on the decision notice, but the drainage of the site remains acceptable and in accordance with policy G8 of the Core Strategy.

Highway safety

Policy DM1 of the Core Strategy requires that developments provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

Appendix 5 of the NPPF clearly sets maximum parking standards for residential development and establishes that garages are not included within off-site parking provision. Planning permission 21/00282/FUL provides two off street parking spaces (excluding garages) per dwelling. The current application would not adversely interfere with the existing layout and in respect of plot 1, the amended proposal would increase the depth of the driveway from 10.5m to 11.9m.

It is considered that the amendments to the scheme would have no undue impact on highway safety and in this regard the application accords with policy DM1 of the Core Strategy.

Other matters - conditions

Approval of the original scheme was subject to a range of planning conditions relating to a variety of matters considered in determining the application, including a number of pre-commencement conditions. It is noted that work has commenced across the site.

Discharge of condition applications, 23/00666/DOC and 23/01150/DOC, have been submitted and determined and a non-material amendment (23/00382/ANM) has also been approved. The conditions on the application will therefore require amendment to reflect the current position.

RECOMMENDATION**APPROVE**

- 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:

- Site Location Plan - Drawing no. 01 Rev A
- Existing Site Plan - Drawing no. 02L Rev B
- Proposed Site Plan - Drawing no. 14 Rev E
- House Type 11 Plots 06 and 09 – Drawing no. 3586-19 Rev D
- House Type 11h Plot 05 – Drawing no. 3586-20 Rev B
- House Type 11G Plot 02 – Drawing no. 3586-21 Rev B
- House Type 10G Plot 03, 04 and 08 – Drawing no. 3586-22 Rev B
- House Type 10Gh Plot 07 – Drawing no. 3586-24 Rev B
- House Type 12 Drawing no. 17 Rev C
- Garage Plans - Drawing no. 25 Rev A
- Proposed Residential Development Drainage Plan & Details, File Name: dwg-tjba-CRH-Chestnut way-020922, Revision 1, Dated July 2023

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 Except for the materials approved under applications 23/00666/DOC and 23/01150/DOC and 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.

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

- 4 No above ground works shall take place until a scheme for the full specification of the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The specification shall include, at a scale of not less than 1:20 the longitudinal and cross sectional detailing with the depth of the reveal shown, cill and lintel detailing and means of opening together with any finished treatment. The window and doors shall be installed in accordance with the approved specification prior to first occupation and retained thereafter.

Reason: In the interests of visual amenity and in accordance with policies P1, P2 and P3 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

- 5 No above ground works shall take place until details of the appearance, materials, profile and method of opening of the proposed dormer windows have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and in accordance with policies P1, P2 and P3 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) prior to first occupation of the dwellings hereby permitted all first and second floor windows to the side elevations shall be fitted, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interest of amenity and in compliance with policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 Finished floor levels shall be in accordance with the details approved under application 23/00666/DOC and no development shall take place until finished ground levels levels for the proposed buildings relative to agreed off-site datum points 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: The finished floor levels will dictate the ground works and therefore it is important that the levels are considered at an early stage and agreed before development commences on site.

- 8 Notwithstanding the details shown on drawing no. 14 Rev E (Proposed Site Plan) no above ground works shall take place until full details of the boundary treatments of the site have been submitted to any approved in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of visual and residential amenity and to accord with policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

- 9 No development shall take place until a scheme for the protection of the trees beyond the northwest site boundary has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall be in accordance with BS 5837:2012 and shall include a tree protection plan(s) and an arboricultural method statement. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason: To ensure that trees around the site will be retained and will not be damaged during development and the protect the amenities of the area in accordance with policy G6 and DM1 of the Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that any measures required for the protection of trees are in place before work commences so as to ensure no harm to the trees.

- 10 No development shall take place until a Reasonable Avoidance Measures (RAMs) method statement for badgers, small mammals, amphibians and reptiles has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved RAMs.

Reason: To ensure that ecology at and around the site is sufficiently protected during development and to accord with policy G7 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that any measures required for the protection of ecology at the site are prepared before work commences to ensure no harm takes place.

- 11 No clearing of vegetation 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: In order to prevent disturbance to any nesting birds that may be present in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 Notwithstanding the details shown on the approved plans, the buildings hereby approved 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. For the avoidance of doubt, the details shall be in accordance with Biodiversity Enhancement and Management Plan, prepared by Verity Webster and dated May 2022. The details shall include the formation of any banks, terraces, retaining structures 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 and the provision of bird nesting and bat roosting opportunities.

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.

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 10 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 to secure biodiversity mitigation in accordance with Policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 13 The biodiversity enhancements identified in sections 2.3, 2.4 and 2.5 of the submitted Biodiversity Enhancement and Management Plan, prepared by Verity Webster and dated May 2022 shall be fully installed prior to first occupation of development and retained thereafter.

Reason: To ensure that the development would provide suitable species habitat mitigation and to accord with policy G7 of the Rochdale Core Strategy and policy in the National Planning Policy Framework.

- 14 No external lighting shall be installed unless and until a detailed lighting scheme for any external lighting to be installed within all highways, footpaths, open spaces and on the building, has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the position and height and means of lighting to be affixed on the building or site and its luminance, angle of installation and any hoods to be fixed to the lights. Only lighting as approved shall be installed on the site in accordance with the terms of any such approval.

Reason: To avoid disturbance to protected species and in the interests of residential amenity and general amenity in accordance with policies P1, P3, G7, G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 The parking spaces as identified on drawing no. 14 Rev E (Proposed Site Plan) shall be provided and made available for the parking of vehicles prior to first occupation of the development. The parking spaces shall thereafter be retained for the parking of vehicles.

Reason: In the interests of highway safety and to ensure sufficient car parking is made available and in accordance with policy T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 16 The development shall be undertaken in accordance with the Outline Site Traffic Management Plan approved under application 23/00666/DOC and no development shall take place until a Construction Method Statement (CMS) that details the hours of construction has been submitted to and approved in writing by the Local Planning Authority.

The duly approved Construction Management Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development and to ensure dust and dirt are managed during construction works for air quality reasons in accordance with Core Strategy Policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: These measures are required to be in place upon commencement.

- 17 The discharge of foul and surface waters from the site shall be installed in full accordance with the details shown on drawing ref no: proposed Residential Development Drainage Plan & Details, File Name: dwg-tjba-CRH-Chestnut way-020922, Revision 1, Dated July 2023, approved under application 23/00666/DOC.

No dwelling shall be occupied until a verification report documenting the installation of the drainage for that plot, to include photographic evidence, in accordance with the approved scheme has been submitted to and approved in writing by the local planning authority. The verification report for the final dwelling to be occupied shall include evidence of any out of plot drainage installations. The foul and surface water drainage shall thereafter be maintained in accordance with the approved scheme and retained as such thereafter.

Reason: To prevent increased risk of flooding and to ensure satisfactory disposal of foul and surface water from the site 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.

- 20 The development shall be undertaken in accordance with the Geo-Environmental Audit, Phase 1, Phase 2 and Phase 3 (Revision 3 - June 2023), Prepared by TJ Booth Associates, Reference: rep-tjba-CRH-chestnut way-Phs 1+2+3 Env-220922.docx, approved under application 23/00666/DOC.

Following completion of the measures identified in the remediation scheme outlined at section 3.3 of the report a validation report shall be prepared and submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

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 G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

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

Notes for Applicant:

1. The Drainage Officer has advised that whilst the loading from garages is relatively low, they have recommended that the developers be advised that the garages to plots 5 and 9 are in close proximity to drainpipes and therefore should be mindful of avoiding damage to the drainage pipework during construction.

