

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO. 24/00860/FUL **CASE OFFICER** Anna Hayes

DETERMINATION DATE 11.11.2024 **EXT OF TIME** 13.12.2024

Address: Land Adjacent To 1 Lister Road Middleton M24 4RB

Proposal: Erection of one detached dwelling with associated car parking landscaping and boundary treatment

PUBLICIT Y	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

COMMENT S	Planning Panel comments received?	N/A
	Neighbour comments received?	Y

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

RECOMMENDATION APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 13 December 2024

SITE

The application site relates to the side and rear garden area of No.1 Lister Road in Middleton. No.1 Lister Road is a two storey end of terrace dwelling with a hipped roof and brick/render elevations with a generous garden area to the front, side and rear. The surrounding area is predominately residential and comprises a mix of house types – though the buildings are generally consistent in terms of their scale and massing. Immediately to the east of the site boundary there is an unmade private road leading down to the River Irk, beyond which is the M60 motorway.

The site/garden area has recently been cleared of dense vegetation.

The site is within the urban boundary and unallocated according to the Rochdale Unitary Development Plan proposals map.

PROPOSAL

Planning permission is sought in relation to the erection of a 4no. bedroom detached dwelling within the side/rear garden of No.1 Lister Road in Middleton and the proposed sub-division of the existing plot. The proposed dwelling would stand at two storeys in height under a hipped roof. The proposed ground floor would comprise of an open plan kitchen/dining and living space with an additional separate lounge area and W/C. The first floor would accommodate four double bedrooms, two with en-suites, and one larger family bathroom.

Proposed access to the site would be taken directly from Lister Road. To the front of the plot there would be a driveway large enough to accommodate at least two vehicles. The primary outdoor amenity space is shown to be located to the rear of the plot.

A separate garden area would be retained for the existing property No.1 Lister Road. The plans also include a new shared access passageway in between No.1 and the proposed dwelling for external front to rear access for No.1.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places

National Planning Practice Guidance (NPPG)

Development Plan

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The development plan for the proposal consists of the Places for Everyone (PfE) Joint Development Plan, Rochdale Core Strategy (CS), adopted 2016, and saved Unitary Development Plan (UDP) policies. The Council also has an adopted series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

Places for Everyone Joint Development Plan (PfE) (2024)

Sustainable and Resilient Places

JP-S1 Sustainable Development

JP-S2 Carbon and Energy
JP-S3 Heat and Energy Networks
JP-S4 Flood Risk and the Water Environment
JP-S5 Clean Air
JP-S6 Resource Efficiency

Places for Homes

JP-H1 Scale, Distribution and Phasing of New Housing Development
JP-H2 Affordability of New Housing
JP-H3 Type, Size and Design of New Housing
JP-H4 Density of New Housing

Greener Places

JP-G1 Landscape Character
JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Places for People

JP-P1 Sustainable Places

Connected Places

JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development

Rochdale Core Strategy (CS)

SO2 Creating successful and healthy communities

C1 Delivering the right amount of housing in the right places
C2 Focusing on regeneration areas and economic growth corridors/areas
C3 Delivering the right type of housing
C6 Improving health and well-being

SO3 Improving design, image and quality of place

P1 Improving image
P3 Improving design of new development

SO4 Promoting a Greener Environment

G6 Enhancing Green Infrastructure
G7 Increasing the value of biodiversity and geodiversity
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

Managing delivery and monitoring progress

DM1 General Development requirements
SD1 Delivering sustainable development

Rochdale Unitary Development Plan (UDP) Proposals map allocation

G/D/1 Defined urban area

Other

The following Supplementary Planning Documents (SPD) are also relevant:

- Guidelines & Standards for Residential Development SPD, June 2016; and,
- Residential Design Guide SPD.

Also of relevance are:

- National Design Guide (2019) (Ministry of Housing, Communities and Local Government); and,
- Department for Communities and Local Government – Technical housing standards - nationally described space standard

RELEVANT SITE HISTORY

24/00540/HOUS - Single storey rear extension and re-application of render to all elevations – Approved 07.08.2024

CONSULTATION RESPONSES

Highways and Engineering

No objections to the proposal. Access and Highway Safety is discussed in more detail below.

Tree Officer

No comments received to date. Ecology comments provided by GMEU.

Lead Local Flood Authority/Drainage

Requires the submission of a Drainage Strategy. This is considered in more detail in the 'Drainage' section below.

Greater Manchester Ecology Unit (GMEU)

No objections to the proposal subject to conditions. This is explored in more detail in the 'Ecology' section below.

Environmental Control (Landfill Gas)

No objection to the proposal subject to a condition requiring the submission of a Preliminary Risk Assessment prior to the commencement of any development on site.

United Utilities

No objections to the proposal. Recommends that the developer carries out the scheme in accordance with the drainage hierarchy as set out in the NPPF.

REPRESENTATIONS

One representation has been received. The comments are summarised below:

- Do not object to the building of a house but object to the associated car parking, landscaping and boundary treatment.
- The applicant has already committed gross acts of vandalism following the clearance of the vegetation and wooded area on the site.
- Believe this has been done on land which he doesn't even own.

Officer notes:

- Through the signing of ownership certificate A on the submitted application form the applicant has declared that he owns all the land to which the application relates. The onus is on the applicant to ensure that the correct certificate has been signed.

ANALYSIS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision.

Principle of development

The application site relates to the domestic curtilage of 1 Lister Road within an established residential area. The site is also located within the defined urban area, as designated under the UDP Proposals Map, located in the Manchester fringe area to the south of the borough. In such locations, the Core Strategy (CS) actively encourages new housing development particularly where there is good access to existing facilities and infrastructure (policy SP2). This is echoed in policies C1, C2 and DM1 of the CS.

Whilst Rochdale can presently demonstrate a 5 year housing land supply, this does not preclude the delivery of additional housing. The need for boosting housing in urban areas is clearly set out in National Policy. The opportunity to develop the site for 1 dwelling would offer a small but positive contribution to housing land supply which should be apportioned due weight in the decision making process.

In conclusion, the principle of development is justified as being acceptable having had full regard to local and national policy, subject to all other material considerations being satisfied.

Design, appearance and layout

The proposed dwelling would be of a similar scale to the existing dwellings along Lister Road and Lands End Road. The eaves and ridge height of the new roof would also tie in the adjacent existing property, 1 Lister Road, and so would integrate sympathetically within the existing street scene whilst also maintaining the same building line. The proposed hipped roof style and fenestration with horizontal proportions is also reflective of local design.

Overall, if constructed with materials that are of a similar colour, form and texture to the existing materials (red brick/render, natural slate tiles), Officers are satisfied that the proposed dwelling would integrate sympathetically - being of a similar scale, massing, proportions and architectural style to the established row, in accordance with Policies DM1 and P3 of the Council's adopted Core Strategy

In order to secure this for the future, and in the interests of controlling matters which may be detrimental to the original visual concept and to protect neighbour amenity, it is recommended that permitted development rights are removed for enlargements to the dwelling under class A and hip to gable roof extensions/ dormer roof extensions under Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the Order"). Overall, subject to conditions, the proposal would be considered acceptable in respect of visual amenity and in accordance with paragraph 135 of the National Planning Policy Framework.

Residential Amenity

Although it is expected that most new development will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings.

To help achieve this, the 'Guidelines and Standards for Residential Development' Supplementary Planning Document (SPD) has been produced by the Council to assess the matters relevant to residential amenity. As CS Policy DM1, PfE Policy JP-P1 and the SPD are concerned with high standards of residential amenity in all developments, they are relevant to considerations of this proposal.

Existing Residential Amenities

Officers are satisfied that the proposed dwelling would not result in a poor quality of outlook, loss of light or have an overbearing impact on the existing occupiers of No.1 Lister Road, in accordance with section 5 of the SPD. There are no windows to the side elevation of No.1 which would be affected and the property would still retain an open outlook over their rear garden. A new external passage way is to be provided between both the existing and proposed dwellings for ease of front-to-rear access and discrete bin storage.

When considering the impact of the development on the properties opposite, namely 2 Lister Road and 10 Lands End Road, it is noted that there would be a resultant separation distance of around 22m at an oblique angle which exceeds the minimum space standards requirements as set out in section 4 of the SPD.

No. 25 Lands End Road is situated to the east of the site. Between the gable end of this property and the blank side elevation of the new dwelling there would be an interface distance of around 15.5m at its closest point. This distance exceeds the minimum requirements of the SPD which requires a distance of 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (paragraph 4.1, SPD).

Overall, the proposed dwelling is on an infill site where existing spacing is respected and the scheme has been designed to integrate sympathetically with established building lines. Overall, it is found that the impact of a new dwelling on this site would not be unduly harmful to the living conditions of existing neighbouring occupiers, when considering light, outlook and privacy, in accordance with Core Strategy policy DM1.

Residential Environment Created

The Government's Technical housing standards - nationally described space standard document (THS) sets out the required minimum gross internal floor areas and storage required for new development. For a 4 bedroom, 5 persons, 2 storey dwelling, a minimum gross internal floor area of 97m² is required with 3.0m² of built in storage. The proposed development exceeds this requirement and all rooms have access to natural light and ventilation. The proposed garden area is reflective of the existing outdoor amenity spaces serving existing local properties and there is suitable space for refuse storage and cycle storage within the site, as well as space for clothes drying and seating etc., as shown on the submitted site plan.

Overall, the proposed development would provide a high standard of internal and external accommodation.

Access and Highway Safety

The proposed dwelling is situated within an established residential estate where there is a mix of off-street and on-street parking. The Local Highway Authority have been consulted on the proposed development and offer no objections to the proposal, confirming there will be no notable impacts as a result of the proposals, which can be adequately accessed without issue. The proposal is compliant with the NPPF and Core Strategy policy DM1.

In order to ensure that suitable parking is provided on site, it is recommended that a condition is attached to any approval notice to secure this, and for the parking area to be surfaced in a solid bound permeable material so to allow suitable drainage within the site and to prevent any off spill of material on the public highway.

Ground conditions (contaminated land)

The Council's Public Protection team have been consulted on the proposal and consider it necessary for a Phase 1 Report (Preliminary Risk Assessment) to be submitted to and approved in writing, prior to the commencement of any works on site, with remediation works carried out if required. This in order to ensure that any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use, in accordance with the NPPF.

Ecology

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

An objection letter has been received with concerns to the loss of wildlife on the site following the clearance of the garden prior to the submission of this planning application. The Greater Manchester Ecology Unit (GMEU) have been consulted on the proposal and offer no objections to the proposal subject to conditions, including the statutory biodiversity gain condition and biodiversity enhancements including the provision of hedgehog runs and swift boxes. Conditions are therefore recommended on this basis.

Additional comments raised by GMEU are below following an update to the submitted small site biodiversity metric, which address any concerns in more detail with regards to loss of wildlife:

Protected Species, Nesting Birds and Other Wildlife

The site and habitats within the zone of influence have been surveyed by a very experienced ecologist. One pond was assessed for great crested newts and found to be sub-optimal. Whilst neither a full gcn survey or eDNA survey were carried out I accept the consultant's opinion that the pond is unsuitable for gcn. The pond is also over 100m away from the development and the development site already cleared of vegetation. Therefore even if present reasonable avoidance measures would now suffice.

No habitats are present on site for other protected species... the site is now sub-optimal and the scale of the site such that it would not have been of significant importance for foraging of any such species prior to site clearance. No further information or measures are required.

Nesting Birds

The site would have provided bird nesting opportunities. It is however now cleared. No further information or avoidance measures required.

Other Wildlife

The site would have provided potential cover for wildlife such as hedgehog and amphibians such as common toad both UK Biodiversity Priority Species. Again however the site is now clear of vegetation and therefore no further information or avoidance measures required.

Himalayan balsam (invasive species)

No evidence of himalayan balsam was found during the updated survey, the consultant concluding that owing to the site having been levelled with spoils and fly tipping removed from the site that this species and seed bank is now unlikely to be still present. I have no reason to doubt these conclusion as Himalayan balsam is an

annual. As noted by the consultant reinfestation is possible owing to the sites proximity to the River Irk, where this species found all along the catchment but any plants that appear can be easily hand pulled.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

The metric has been updated, I have no issues with the revised baseline. The 0.00762ha of development I note has not been added in to the habitats created but as previously as this has a nil value it makes no difference to the figures, but explains the red area check box. When added in as developed land and sealed surface the area check turns green.

The result is a loss of 0.02 biodiversity units. As previously noted this is a very small loss and not a reason for refusal. Off-site compensation will however be required. For such a small number of units purchase of off-site credits from an existing habitat bank in theory would be the best option, whilst accepting that at present there is a shortage of local habitat banks. Alternatively, statutory credits could be purchased.

Information on the proposed off-site strategy can be left to discharge of the statutory biodiversity gain condition.

The on-site habitats would not be regarded as significant as defined by BNG (vegetated garden) and therefore does not require control via condition or legal agreement.

With regards wildlife mitigation, I have no issues with the proposals within the revised ecological report. The final proposals can still however be provided via a condition.

Drainage

The application has not been supported by a drainage proposal or strategy. Whilst United Utilities hold no objection to the proposal and recommend only that the developer consider their drainage plans in accordance with the drainage hierarchy set out in the NPPF, the LLFA recommend that a drainage strategy be submitted upfront for consideration.

Noting that the proposed development is minor in nature and is situated within an area which has a 'Very low' chance of yearly flooding due to surface water and rivers and the sea, as categorised by the Environment Agency, it would be considered unreasonable to request this information upfront. However, in noting the objection received from the LLFA at this earlier stage, it is recommended that a condition is attached requiring the submission of a drainage strategy prior to the commencement of any works on site, in order to prevent any increased risk of flooding in accordance with the requirements of Policy G8 of the adopted Rochdale Core Strategy and the NPPF. The agent has agreed to such a condition.

Conclusion

The site is within the defined urban area within an accessible and sustainable location. The proposed dwelling would not unacceptably impact on the visual amenity of the area and the residential amenity of surrounding properties subject to conditions. The traffic generation, access and parking arrangements are also considered to be acceptable, subject to conditions.

In view of the above, the proposal is considered to comply with relevant saved UDP Policies and the adopted Core Strategy. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development.

On this basis in accordance with the requirements of local and national policy the application is recommended for approval, subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:

1. The development must be begun not later than the expiration of 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise required by the conditions below:

Drawing 840-02 revision A (Location Plan)
Drawing 840-03 revision C (Proposed Sketch Layout)
Drawing 840-04 (Proposed Ground Floor Plan)
Drawing 840-05 (Proposed First Floor Plan)
Drawing 840-06 (Proposed Elevations)
Drawing 840-07 (Proposed Elevations)
Drawing 840-08 (Proposed Boundary Treatments)
Extended Preliminary Ecological Assessment V2 updated 05.11.2024, received 12.11.2024.

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. 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 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 order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies DM1 and P3 of the adopted Rochdale Core Strategy, policies JP-G9 and JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

4. Prior to the first occupation of the development hereby approved, the car parking spaces (hardstanding) shall be provided within the site boundary as shown on the approved drawing 840-03 revision C (Proposed Sketch Layout). The parking spaces shall be surfaced in a solid bound permeable material (i.e. not loose chippings) and made available for the parking of motor vehicles prior to the development first being brought into use.

Reason: To ensure adequate car parking arrangements in accordance with policy DM1 of the adopted Rochdale Core Strategy.

5. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B) or any order revoking and re-enacting that Order, with or without modification, no enlargement, improvement or other alteration of the dwelling which would otherwise be permitted by Part 1 of Schedule 2 (Classes A, B) to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To regulate any future alterations/extensions, in the interests of controlling matters which may be detrimental to the original visual concept and to protect neighbour amenity, in accordance with policy P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Policy JP-P1 and the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the boundary treatment as shown on drawing 840-03 revision C and drawing 840-08 shall be installed and completed in accordance with the approved details. The fencing shall include a hedgehog passage to the south and west sides, in accordance with the recommendations of the submitted Extended Preliminary Ecological Assessment V2 updated 05.11.2024, received 12.11.2024.

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 P3, DM1 and G7 of the adopted Rochdale Core Strategy, policies JP-G1, JP-G8 and JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme of biodiversity enhancements for the site including the specification and location of not less than one integrated swift brick to be constructed to the north facing wall, has been

submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall be occupied until such time as the duly approved biodiversity enhancement measures 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, policy JP-G8 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

9. Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report must be submitted to, and approved in writing by, the Local Planning Authority and 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 ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 189 of the National Planning Policy Framework.

Notes for Applicant:

HIMALAYAN BASALM

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Himalayan balsam are included within this schedule.