

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00757/VRCON

CASE OFFICER

Rachel Carney

DETERMINATION DATE 05.11.2024 **EXT OF TIME****Address:** Land Off Mossylea Close, Middleton

Proposal: Section 73 application to vary condition 2 (Plans) of planning permission 22/01177/FUL (Erection 29 dwellings (Use Class C3) with associated access, landscaping and infrastructure) to include the installation of solar PV panels to the roofs of the dwellings.

PUBLICITY	Weekly list expired?	y	Site notice expired?	y
	Neighbour letters expired?	y	Press Notice expired?	y

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

RECOMMENDATION	APPROVE
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CHECKED AND SIGNED OFF BY: LA**DATE:** 05.11.24

SITE

The application relates to a site off Mossylea Close, where planning permission has recently been approved for the development of 29 dwellings. The site was formally a school playing field but has been left vacant since closure of the school.

PROPOSAL

The application seeks to vary condition 2 of planning permission 22/01177/FUL to vary the approved plans to include the provision of solar panels to the roofs of all the properties.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

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-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-G7 Trees and Woodland
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-P1 Sustainable Places
JP-C3 Public Transport
JP-C4 The Strategic Road Network
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development
JP-D2 Developer Contributions

Adopted Rochdale Core Strategy (CS):

SP2	The Spatial Strategy for the borough
SP3	The Spatial Strategy for the townships
SD1	Delivering sustainable development
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

SO2 Creating successful and healthy communities

C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
C4	Providing affordable homes
C6	Improving health and well being
C8	Improving community, sport, leisure and cultural facilities
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
G6	Enhancing green infrastructure
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
T1	Delivering sustainable transport
T2	Improving accessibility

Saved Policies of the Rochdale Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

- Affordable Housing (2008)
- Biodiversity and Development (January 2008 – updated February 2017)
- Climate Change Adaption (June 2012)
- Guidelines & Standards for Residential Development (June 2016)
- Oldham and Rochdale Urban Design Guide (September 2007)
- Oldham and Rochdale Residential Design Guide (September 2007)
- Provision of Recreational Open Space in New Housing (March 2008 – updated January 2017).

RELEVANT SITE HISTORY

22/01177/FUL - Erection 29 dwellings (Use Class C3) with associated access, landscaping and infrastructure – Approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

The application has been publicised with a site notice, press notice and neighbour notification letters. No representations have been received.

ANALYSIS

Principle of development

The principle of development has been accepted under application 22/01177/FUL and development as approved under that application is underway. This application is therefore not to reassess the principle of that development, but rather to consider the alterations proposed to the plans, that being the provision of solar panels to the roofs of all the properties.

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 retain the design and layout of the dwellings as approved but include solar panels to the roofs of each property. The solar panels as proposed are considered an appropriate scale and design for their residential setting, with a depth of 0.007m ensuring that they appear relatively slim lined and not as overly bulky features. A sufficient area of the original roof covering would also remain visible, again ensuring that the solar panels do not dominate the properties and the roofs remain uncluttered. The solar panels are therefore considered to be a visually acceptable change to the approved plans and compliant with design policy in the Core Strategy, PfE and NPPF.

In regards visual amenity, the siting of the solar panels, to the roofs of the properties, would ensure no undue harm to the amenity of existing or future neighbouring residents. As detailed above, the solar panels would appear as a visually acceptable addition to the properties and their provision would result in no harm to residential amenity.

Other matters

In addition to providing a visually acceptable change to the properties, the solar panels would also result in the provision of renewable energy to the scheme, in accordance with the requirements of JP-S1, JPS2 and JP-S3 of PfE, policy G3 of the Core Strategy and the NPPF.

There are no other material considerations in the assessment of the above. Nonetheless, the original conditions need to be reconsidered in light of this application as well as previous discharge of condition approvals.

In light of the above it is recommended that variation of condition 2 be approved to allow the provision of solar panels to the roofs of the previously approved dwellinghouses.

RECOMMENDATION

APPROVE

RECOMMENDATION: Grant subject to the following conditions and subject to the signed s106 legal agreement issued under application 22/01177/FUL.

1. This approval relates to the plans and documents as listed below:

- Location Plan - Drawing no. 00
- Site Location & Existing Site Plan - Drawing no. 001 Rev A
- Planning Layout – Drawing no. 01 Rev N
- PV Site Plan – Drawing no. 26741/SK1
- Illustrative Planning Layout - Drawing no. 02 Rev L
- Boundary Treatment Layout - Drawing no. 03 Rev A
- Illustrative Street Scenes - Drawing no. 05 Rev A
- Landscape Layout - Drawing no. 101 Rev C
- Type D22 – Drawing no. 20042_HT_01 Rev A
- Type D22 – Drawing no. 20042_HT_02 Rev A
- Type D22 – Drawing no. 20042_HT_03 Rev A
- Type D22 – Drawing no. 20042_HT_14
- Type F222 Floor Plans – Drawing no. 20042_HT_04
- Type F222 Elevations – Drawing no. 20042_HT_05 Rev A
- Type F322 Floor Plans – Drawing no. 20042_HT_06
- Type F322 Elevations – Drawing no. 20042_HT_07 Rev A
- House Type BU 1 – Drawing no. 20042_HT_11 Rev A
- House Type BU 2 – Drawing no. 20042_HT_12 Rev A
- House Type C22 – Drawing no. 20042_HT_13 Rev B
- Floor Plans – Drawing no. 20042_HT_15
- Elevations – Drawing no. 20042_HT_16
- Ecological Impact Assessment, prepared by Bowland Ecology and dated July 2022
- Crime Impact Statement, ref: 2022/0305/CIS/01 Version B: 01/08/22
- Clearline fusion Data Sheet v1.7 M10 EN
- Clearline Fusion Brochure

The development shall be carried out in accordance with the drawings/documents 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 saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. The development shall be constructed in full accordance with the materials specification approved under application 24/00052/DOC and be 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.

3. The windows and doors shall be installed in full accordance with the details approved under application 24/00198/DOC and be 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.

4. The development shall be completed in full accordance with the levels approved under application 24/00052/DOC.

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.

5. Notwithstanding the details shown on drawing no. 03 Rev A (Boundary Treatment Layout), the boundary treatment shall be completed in accordance with the details approved under application 24/00198/DOC.

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.

6. 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.

7. No development or works of site preparation shall take place until all trees and hedges to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees and hedges in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that retained trees are protected from all development at the site.

8. 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. 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 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.

9. The biodiversity enhancements identified in section 8 and Appendix F of the submitted Ecological Impact Assessment, prepared by Bowland Ecology and dated July 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.

10. Unless a phasing plan and schedule to demonstrate alternative arrangements is submitted to and approved in writing by the Local Planning Authority, no part of the development shall be occupied until such time as the servicing and vehicular access arrangements shown on the approved plans to serve the development hereby permitted have been made available for use and each property shall not be occupied until its car parking arrangements, as shown on the approved plans, have been fully made available for use. The approved or phased arrangements shall be retained thereafter for their intended purpose.

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

11. No part of the development shall be occupied until details of measures to cover a self-enforcing 20mph zone throughout the site are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the functionality of the wider highway network in accordance with the Core Strategy policy T2 and the National Planning Policy Framework.

12. No part of the development shall be occupied until full details of cycle storage for each dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided to each property prior to their first occupation and be retained thereafter.

Reason: In order to ensure that the development encourages people to travel by sustainable modes of transport in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

13. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
- o Firm measures for promoting a choice of transport modes
 - o A monitoring regime with agreed mode share targets
 - o Monitoring procedures and mechanism to ensure that the plan remains effective and is reviewed within a framework approved by the Local Planning Authority

The approved Travel Plan shall be implemented on first occupation of the development hereby permitted.

Reason: In order to ensure that the development encourages people to travel by sustainable modes of transport in accordance with policies T1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14. The security measures outlined in section 4.1 – 4.4 of the submitted Crime Impact Statement, ref: 2022/0305/CIS/01 Version B: 01/08/22 shall be installed prior to first occupation and retained thereafter.

Reason: In the interests of crime prevention and to accord with policy DM1 of the Rochdale Core Strategy and policy in the National Planning Policy Framework.

15. Prior to first occupation of the proposed development, the drainage scheme approved under application 24/00052/DOC shall be fully implemented and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of 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.

16. The development hereby approved shall be undertaken in full accordance with the Construction Method Statement, prepared by Tempus Design & Build Ltd, Document Title 22nd August 2022: TDB 01/02, dated 22nd August 2022.

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.

17. Prior to first occupation a scheme to show the installation of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved vehicle charging points shall thereafter be installed to each property prior to its occupation and retained thereafter.

Reason: To ensure the provision of environmentally friendly technology to accord with the requirements of policies G1 and G2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any equivalent Order following the amendment, re-enactment or revocation thereof) plots 3 and 29 of dwellings hereby approved shall have no side or rear extensions added under Schedule 2, Part 1, Classes A, of the above Order except with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policies G4, P1, P2 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the dwellings hereby approved shall have no rear extensions added under Schedule 2, Part 1, Class A part g and h of the above Order except with the prior written approval of the Local Planning Authority.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the dwellings hereby approved shall have no additional storeys added under Schedule 2, Part 1, Classes AA Schedule 2 of the above Order except with the prior written approval of the Local Planning Authority.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the dwellings hereby approved shall have no hard surfaces added to their front curtilage under Schedule 2, Part 1, Class F of the above Order except with the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and sustainable drainage in accordance with policies P1, P3, G8 and DM1 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.

