

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00280/VRCON	Claire Ringwood	21 st June 2023

Address: Site Of 43 Bamford Way, Rochdale, OL11 5NB

Proposal: Section 73 application for erection of 5 no. detached dwellings, 4 no. detached double garages and associated access road and infrastructure, following demolition of existing dwelling (Resubmission of 19/00593/FUL) without complying with condition 2 of planning permission 20/00253/FUL

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?	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: RG

DATE: 23 June 2023

SITE

The application relates to the site and gardens of 43 Bamford Way. The dwelling is a large bungalow and set to the rear of 41 and 45 Bamford Way between which it gains access to Bamford Way via a private drive. The site comprises 0.63 ha. It is elongated, lying roughly north-south, the access from Bamford Way being at its northern edge. It slopes north to south, with a fall of around 12m from the access with Bamford Way down to the southern extremity of the site.

PROPOSAL

The application seeks to vary condition 2 of planning permission 20/00253/FUL.

This condition is included in full below.

Condition 2 of 20/00253/FUL

This permission relates to the following plans:-

- o Location Plan - Dwg Ref: S440/007, dated May 2019
- o Access Road Details - Dwg Ref: S440/006A, dated 19/05/20
- o Site Layout - Dwg Ref: S440/001/F, dated 19/05/20
- o Plot 1 - Dwg Ref: S440/005, dated November 2019
- o Plot 2 - Dwg Ref: S440/002, dated February 2019
- o Plot 3 - Dwg Ref: S440/003/B, dated 11/05/2020
- o Plot 4 & 5 - Dwg Ref: S440/004/B, dated 11/05/20
- o Proposed Land Survey - Dwg Ref: 010219JC-01, dated 04/02/19
- o Site Sections - Dwg Ref: S440/007/A, dated 11/05/20

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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

The drawings submitted with the current application are:

Drawing No: S440/001/J – Site Layout date: Feb 2019

Drawing No: S440/002-A – Plot 2 date: Feb 2019

Drawing No: S440/005-A – Plot 1 date: Feb 2019

This application seeks to substitute previously approved Drawing No: S440/001/F – Site Layout, Drawing No: S440/002 – Plot 2 and Drawing No: S440/005 – Plot 1.

The amendments include:

1. Changing the design of Plot 1 to match Plot 4 and Plot 5;
2. Switching the layout of Plot 2 including changes to the internal layout and location of windows;
3. Alterations to the road to accommodate the changes to Plot 1 and Plot 2.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
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
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

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

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)
Oldham and Rochdale Urban Design Guide

RELEVANT SITE HISTORY

19/00593/FUL - Erection of 5 no. detached 5-bed dwellings, 3 no. detached double garages and associated access road and infrastructure, following demolition of existing dwelling. Withdrawn 16/09/2019.

20/00253/FUL - Erection of 5 no. detached dwellings, 4 no. detached double garages and associated access road and infrastructure, following demolition of existing dwelling - Resubmission of 19/00593/FUL. Approved 18/06/2020.

22/01241/NMA - Application for non-material amendment to planning permission 20/00253/FUL to change the house type of plots 1 and 3 to match approved house type on plots 4 and 5, slight repositioning of plots 1, 2 and 4 and slight realignment of approved access road. Withdrawn 27/10/2022.

22/01414/VRCON – Section 73 application to vary condition 2 of planning permission 20/00253/FUL to amend the house type on plots 1, 3, 4 and 5. Withdrawn 27/01/2023.

23/00343/DOC - Discharge of conditions 3 (Investigation and Risk Assessment), 4 (Construction Method Statement), 5 (Foul and Surface Water), 7 (External Materials), 8 (Biodiversity Enhancements), 9 (Bird Nesting Season) and 10 (Pre-commencement Badger and Fox Survey) of planning permission 20/00253/FUL. Discharged 05/06/2023.

23/00616/CPE - Commencement of development as approved under planning permission ref: 20/00253/FUL having discharged the pre-development conditions under approval ref: 23/00343/DOC by the clearance of the site in the area of the detached double garage to plot 2 and the levelling of the ground to formation level and excavation of foundations for said garage. Pending consideration.

CONSULTATION RESPONSES

Highways

When considering the previously approved application Highways at that time found the access road to be appropriate.

The width of the carriageway and the provision of a segregated footway are retained and the proposed amendments would not appear to provide a material change to the previously approved layout.

Highways raise no objection to this application subject to any previously requested planning conditions being applied.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. 4 letters of objection have been received raising concerns over the following matters:

1. Overlooking and loss of privacy;
2. Overshadowing and loss of light;
3. Proximity to boundary is unacceptable;
4. The access road is extremely limited and will have blind spots from traffic on Bamford Way and this will cause a danger to school children's safety;
5. No comments to make about the planning application but still object to the overall development of the site;
6. The site plan depicts a wildlife pond adjacent to a resident's boundary with a suggested outfall to an existing 'drain' on the neighbours land. The neighbour will not agree to surface water being channelled through their land;
7. Unacceptable to have a path and access to the side of a neighbouring property that is very narrow and cannot accommodate passing pedestrians, large vehicles and emergency vehicles;
8. Increased noise and congestion.

Officer Note: Points 1, 2 and 3 will be addressed in the Analysis section below however, the remaining objections do not specifically relate to the amendments that are being proposed in this application. As the principle of the development has been established by the granting of planning permission (application ref: 20/00253/FUL) the remaining comments are not material planning considerations in respect of the current application.

ANALYSIS

Procedural Matters

The application seeks to vary condition 2 of planning permission 20/00253/FUL which was for the erection of 5 detached dwellings, 4 detached double garages and associated access road and infrastructure, following demolition of existing dwelling.

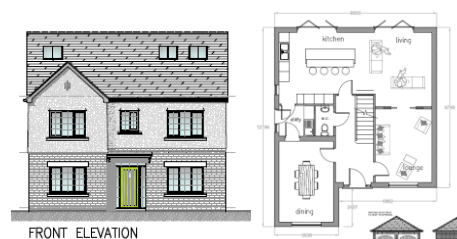
It is noted that a number of conditions relating to the above permission have been discharged (application ref: 23/00343/DOC).

This application seeks to amend the previously approved plans as detailed above.

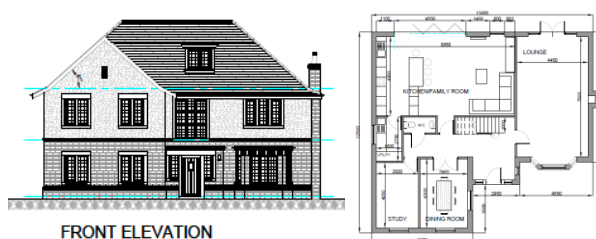
Plot 1

The approved development included a variety of designs with Plot 4 and Plot 5 being the larger of the dwellings. Plot 1 as originally approved was a two storey detached dwelling with a room within the roof space as shown below. The amendment is for Plot 1 to be the same design as Plot 4 and Plot 5.

Plot 1 as approved



Plot 1 as proposed



The design and appearance of the approved dwellings has already been agreed in the granting of the previous permission. The dwellings are set back from Bamford Way and there is not considered to be any impact on the character and appearance of the area by changing the design of Plot 1.

Officers raised a concern with regards to the proximity of Plot 1 to the side boundary as it appeared to encroach into the landscaped boundary alongside the pedestrian footpath. This matter has been addressed and the proposed dwelling has been moved 1m further into the plot. Plot 1 is a distance of 14m from 37 Bamford Way and 39.5m from 41 Bamford Way which is in line with the Council's Guidelines & Standards for Residential Development SPD in terms of ensuring the development does not cause a significant loss of privacy and / or light to existing dwellings.

The SPD states the following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

- 1) 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage;
- 2) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room;
- 3) 10m between a principal window and any directly facing single storey elevations which does not contain a principal window to a habitable room

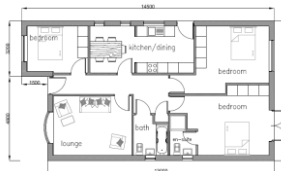
There are no first floor side windows proposed to Plot 1 and therefore the distance of 14m between 37 Bamford Way is acceptable. There is a 20m distance between the front elevation of Plot 1 and the rear boundary of 41 Bamford Way and this is acceptable.

Although there will be a change in outlook for the residents of neighbouring properties the distances between Plot 1 and the neighbouring properties ensures there will be no loss of privacy or overshadowing however, a condition will be included to restrict the insertion of first floor windows to the side elevations of Plot 1.

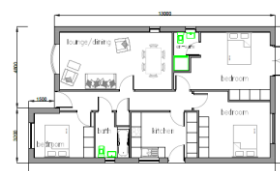
Plot 2

Plot 2 is a detached bungalow on the opposite side of the road from Plot 1. The main change to Plot 2 is to hand the unit and to move it closer to the landscaped boundary with the road.

As approved



As proposed



There was originally a distance of 11m between the side elevation of Plot 2 and the side elevation of 49 Bamford Way however, the proposed amendments have reduced this distance to 10m. The reason for this reduction is that the access road has been amended slightly to accommodate the larger size of Plot 1. As the design and appearance of Plot 2 remains the same as previously approved, other than now being 'handed', there is not considered to be any impact on the character and appearance of the area.

43 Bamford Way is a bungalow and although a kitchen window and door are now proposed to the side elevation of Plot 2 facing this neighbouring property, the separation distance of 10m is in line with point 3 above in the Council's Guidelines & Standards for Residential Development SPD which ensures there will be no loss of privacy or overshadowing to the residents of this neighbouring property.

Highways

The Council's Highways officer has reviewed the proposal and advised that as the width of the carriageway and the provision of a segregated footway are retained the

proposed amendments would not appear to provide a material change to the previously approved layout. Therefore no objection has been raised.

Subject to the inclusion of new and amended conditions, the amendments proposed are considered to be in accordance with Policies DM1, P3, G9 of the Council's adopted Core Strategy, the Council's Guidelines & Standards for Residential Development SPD and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to the following conditions:

Amended Condition 1 - Time Limit S73/Variation

The development hereby permitted shall begin no later than *three years* from the date of planning permission 20/00253/FUL issued 18th June 2020.

Reason: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Amended Condition 2 – Approved Plans

This permission relates to the following plans:

Drawing No: S440/001/J – Site Layout date: Feb 2019

Drawing No: S440/002-A – Plot 2 date: Feb 2019

Drawing No: S440/005-A – Plot 1 date: Feb 2019

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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

Amended Condition 3 – Investigation and risk assessment

The development hereby approved shall be carried out in full accordance with the approved Geo-Environmental Audit, Phase 1 Preliminary Risk Assessment, Phase 2 Site Investigation, Phase 3 Remediation Statement by T J Booth Associates, dated Sept 2022, reference: rep-tjba-sohail-43 bamford way-Phs 1+2+3 Env-200922.docx, received by the Local Planning Authority on 4th April 2023 (under discharge of condition application 23/00343/DOC).

No dwelling shall be occupied until a verification report has been submitted to, and approved in writing by, the Local Planning Authority confirming the effectiveness of the remediation measures in addition to confirming that no unexpected contaminants were identified.

In the event that unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The

site shall be remediated thereafter within strict accordance with the approved remediation strategy and a verification report submitted to and approved in writing prior to the first occupation of any dwelling.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Amended Condition 4 - CMS

The development hereby approved shall not be carried out otherwise than in accordance with the Construction Method Statement, dated March 2023, Ref: S440-CMS-01, received by the Local Planning Authority on 4th April 2023 (under discharge of condition application 23/00343/DOC).

The approved Construction Method Statement shall be implemented in complete accordance with the approved details in order to comply with the requirement of the condition.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Amended Condition 5 – Discharge of foul and surface water

The drainage for the development hereby approved shall be carried out in full accordance with the following plans (under discharge of condition application 23/00343/DOC):

- Drawing No: dwg-tjba-sohail-43 bamford way-201219 - Proposed Site Drainage Plan
- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 1 year Return Period
- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 30 year Return Period
- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 100 year Return Period (+40%)
- Report by RROTA-ROD LTD, Drain Sewer & Pipe Cleaning Services, dated 13/03/2023
- Drawing No: dwg-tjba-sohail-43 bamford way-201219 - Existing Drainage Plan

The approved plans and documents shall be implemented in complete accordance with the approved details in order to comply with the requirements of the condition.

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.

Condition 6 – Tree Protection

No development or works of site preparation shall take place until all trees that are 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. The

Arboricultural Method Statement hereby approved by JCA (Ref: 14813d/PaH Rev 1) shall be adhered to at all times and there must be close arboriculture supervision of all work on the site. Details of Arboricultural site supervision and inspection by a suitably qualified tree specialist and details of reporting of inspection and supervision must be provided.

Reason: In order to protect the existing retained trees on the site, in the interests of the amenities of the area and in accordance with Policies P3, G6 and G7 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Protection measures for retained trees are required to be in place prior to commencement of any works on site to ensure no damage is caused.

Amended Condition 7 – Materials

The materials to be used in the construction of the external surfaces of this development shall be as specified in the Proposed Materials document, received by the Local Planning Authority on 17th May 2023 (under discharge of condition application 23/00343/DOC) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Amended Condition 8 – Biodiversity Enhancements

Prior to the first occupation of any dwelling hereby approved, the biodiversity measures shall be installed in complete accordance with the details set out in the Biodiversity Enhancement Plan Survey & Report by JCA Limited, Arboricultural & Ecological Consultants, dated 23/01/2020, JCA Ref: 14813f/AmB, received by the Local Planning Authority on 4th April 2023 (under discharge of conditions application 23/00343/DOC).

The approved Biodiversity Enhancement Plan Survey & Report shall be implemented in complete accordance with the approved details in order to comply with the requirements of the condition.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 9 – Tree and shrub clearance

No clearance of trees and shrubs or demolition of the existing buildings on site in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the Core Strategy and the National Planning Policy Framework.

Condition 10 – Badgers and foxes

If any badger or fox holes are uncovered when scrub is removed then works should immediately cease and advice sought from a suitably qualified ecologist. No further works shall take place unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to badgers and foxes in accordance with Policy G7 of the Core Strategy and the National Planning Policy Framework.

Condition 11 – Parking and site access

No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking areas and site access, including detail of the surface water drainage strategy, surfacing materials, lighting strategy and a scheme for tactile paving and dropped kerbs, has been submitted to and approved in writing by the Local Planning Authority. The access and parking areas shown on the approved plans shall be constructed in accordance with the duly approved details before the associated buildings are first occupied, and shall be retained thereafter for their intended purpose.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of highway safety and the free flow of traffic and to ensure the suitable disposal of surface water in order to comply with the requirements of policies T2, DM1 and G8 of the Core Strategy.

Condition 12 – Hard and soft landscaping

(a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting and maintenance specifications, cross-section drawings, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policies P3, DM1 and G7 of the Core Strategy and the National Planning Policy Framework.

Condition 13 – Obscure glazing

The bathrooms and en-suite windows of all plots (excluding the roof lights) shall be non-opening, except where the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling is first occupied, and retained as such thereafter.

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

Condition 14 – PD Rights

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 dwellings hereby approved shall not be altered or extended, under Schedule 2, Part 1, Class A, B, C, D and E of the above order, unless planning permission has been granted for such works on application to the Local Planning Authority.

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

New Condition 15 – No side windows to Plot 1

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the first floor side elevations of the dwelling known as Plot 1 hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.