

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00990/OUT	Rosalind Gralton	23 October 2023

Address: 1018 Edenfield Road Rochdale OL12 7TR

Proposal: Outline application for the erection of 1 x 4 bedroom dwelling (means of access and layout only) on land at 1018 Edenfield Road

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	Y
	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
-----	--	---

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: LA

DATE: 05/12/23

SITE

The site relates to a parcel of land to the west of 1018 Edenfield Road, located within its residential curtilage. The site has a varied topography. The land level raises gently to

the north (rear) of the site. There are a number of large multiple trees located within the site across, particularly along the boundaries of the site. Access into the site is taken from the south west corner of the garden, via a private driveway from Edenfield Road.

The site is located south east of the former Nutters restaurant, to the north of Edenfield Road where there are a handful of traditional terraced cottages, and to the west of 1016 Edenfield Road which is a large detached dwelling.

The site is entirely located within the Green Belt (G/D/2).

PROPOSAL

The proposal relates to an outline permission for the erection of a single detached dwellinghouse, with approval for access and layout only.

The proposals would incorporate an internal garage, with a shared driveway with No 1018, and private parking for the occupant of the new dwelling.

Associated landscaping for private garden is also proposed.

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

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

SO4 Promoting a greener environment

- G4 Protecting Green Belt land
- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity
- G8 Managing water resources and flood risk

SO5 Improving accessibility and delivering sustainable transport

- T2 Improving accessibility

DM1 General development requirements

Unitary Development Plan (UDP):

G/D/2 Green Belt

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

Host Dwelling

85/D17817 – Two storey extension to side of dwellinghouse – grant subject to conditions 18/06/1985

91/D26339 – Two storey side extension to dwellinghouse – grant subject to conditions 18/03/1991

95/D32244 – Two Single Storey Side Extension To Dwelling – Grant subject to conditions 30/08/1995

00/D37247 – Erection of single storey garage and garden storage building (retrospective) – Refused 21/03/2000

00/D37672 – Erection of single storey garage/garden storage building (retrospective) – Refused 27/06/2000

00/D38353 – Demolition of existing detached building and erection of detached garage/store building (retrospective – application) – Grant subject to conditions 20/02/2001

01/D39488 – Detached garage/store without compliance with conditions 03 and 04 of Planning Permission D38353 – Refused 08/01/2002

01/D39305 – Erection of Detached garage/store – part retrospective (repeat of approval D38353) – Prior Approval Not required 18/10/2001

01/D39306 – Erection of Detached Garage/Store – Retrospective application (Repeat of refusal D37672) – Refuse 30/10/2001 – Appeal dismissed 02/09/2002

Adjacent relevant decisions

22/00597/FUL – Erection of extensions to side elevations, alterations to fenestration on existing front elevation at first floor, new raised terrace area to front, formation of overspill car park and other associated works following demolition of existing extensions to front and side elevations – Approved subject to conditions 27/01/2023

CONSULTATION RESPONSES

Highways And Engineering

Access to the proposed dwelling would utilize an existing private driveway onto Edenfield Road which is a classified road.

The current access arrangements are adequate for a private access and the vehicular visibility onto Edenfield Road would meet the required standards.

If approved the proposed development will introduce additional vehicle movements along the driveway which will also increase the potential for vehicle conflicts along the route. Taking into account the length of the driveway we would ask for a centralised passing bay to be provided which would allow vehicles to pass and reduce the potential for vehicles to reverse out onto the classified road.

The submitted plans seem to indicate that there is adequate internal turning space for vehicles which taking into account the classified road status would be a standard requirement.

It would also appear that parking provision is appropriate for both the existing and proposed dwellings.

Any future application would need to identify and appropriate bin storage areas and collection points for both dwellings.

We would not expect that if approved that the development would have any impact on highway capacity or road safety on the wider highway network.

At this stage Highways would raise no objection to this application subject to the minor amendments suggested.

Env Health - Noise/Odours

This section has no objections in principle to the proposals, given the close proximity to existing residential properties we would recommend restricting the site hours to, Monday-Friday 08:00-18:00 Saturday 09:00-14:00 with no work on Sundays or bank holidays.

Lead Local Flood Authority/Drainage

REDUCING RUNOFF FROM DRIVEWAYS - TO MEET PLANNING REGULATIONS

New hard-standing areas will be created. United Utilities

There are several ways to provide a permeable driveway and the best are:

Directing water from an impermeable surface to a rain garden, or grass, or soakaway.

Using permeable block paving, permeable resin driveway, porous asphalt or porous concrete with permeable sub-base.

A permeable (porous) pavement allows rainwater to drain through the gaps or pores in the paving and into the voids within the sub-base (approx. 30%) where water is temporarily stored until it gradually soaks into the sub-soil.

The sub-base for any permeable drive must use open graded gravels {MOT/ DOT Type 3} with reduced amount of fines (nearly zero fines); when compacted, the gravel sub-base retains 30% voids, which provides storage of infiltrated water before soaking into the soils.

SUGGESTED DRAINAGE CONDITIONS

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include:

Plan details of drainage connections to public sewer.

Construction details for any soakaway for the roof drainage, unless the applicant has been able to demonstrate by infiltration testing that this is not feasible for the new dwelling.

Construction details for any new paving, which shall be permeable. Details shall include cross-sections.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details 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.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

United Utilities

No objections. Letter attached in the appendix of this report.

The Coal Authority

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No development shall commence until;**
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and**
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.**

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the

choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Environmental Control (Landfill Gas)

A Preliminary Risk Assessment would be required prior to commencement.

REPRESENTATIONS

One letter of objection was received. Concerns raised relate to the below:

- The proposal would not be an infill development
- Multiple previous refused planning applications in the area
- The land in question has never been built on and would have no employment or other benefits
- Previous applications have been withdrawn or refused and the Council should be consistent in their approach
- There is a restrictive covenant on the land
- Question the validity of the certificate and accuracy
- Request the Council ask for proof of sale of the land
- Extra impact on drainage system as a result and issues during construction
- Additional load on mains electricity supply

Officer Response:

The Council takes the signed Certificate at face value. No evidence has been submitted, including from within this objection that would suggest the owner is not the applicant. As such, the applicant risks the application being invalid in the instance permission was granted and the certificate is incorrect.

Any restrictive covenants on the land are not a material planning consideration and are not given weight in the planning balance. The Council does not require the applicant to provide evidence on the sale of land, nor is the sale of land a material planning consideration. As a result, this does not have weight in the planning balance.

Concerns raised in relation to drainage, the impact of the proposal on the land and planning history will be considered within the Analysis section of this report.

ANALYSIS

Principle of Development

Green Belt

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

Saved Policy G/D/2 of the Rochdale Borough Unitary Development Plan (UDP) (2006) states that the Green Belt will be protected from inappropriate development in order to satisfy the purposes and objectives for Green Belt set out in PPG 2. Policy G4 of the Rochdale Adopted Core Strategy (Core Strategy) (2016) states that development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.

The NPPF lists the five purposes of the Green Belt:

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

Paragraph 149 states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the listed exceptions. :

- e) limited infilling in villages;

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147).

When considering planning applications, the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 148).

The submitted design and access statement states that the applicant seeks to use exception (e) under Paragraph 150 of the NPPF, which states exceptions to inappropriate development apply in the case of 'limited infilling in villages', on the proviso that no greater impact on the openness of the greenbelt than the existing development, and that the proposal would not cause substantial harm to the openness of the green belt.

The site is not located as within a defined village, and the proposal would not be considered an infill site. The site is not bounded by residential properties on all sides, there is no clear rhythm of development the host dwelling contributes to, and the proposed dwelling would not seek to infill a clear gap within the streetscene. There is a significant gap from the original dwelling to the western side of the plot where the proposed dwelling would be placed, and the proposed dwelling would be fully visible from views when travelling east along Edenfield Road, given the spacious grounds of Wolstenholme Hall (former Nutters restaurant) to the west. As a result, the proposal could not be described as limited infilling and would not meet the exception at Framework paragraph 149 (e).

The proposed dwelling would be inappropriate development in the Green Belt. Such development is, by definition, harmful and would be contrary to Policy G4 of the Core Strategy, Saved Policy G/D/2 of the UDP, and the NPPF, which seeks, amongst other things, to protect the green belt. No very special circumstances have been demonstrated by the applicant to outweigh this harm. The resultant harm should be given substantial weight.

Openness

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Irrespective of this, it is considered the introduction of the building regardless of scale, would have an unacceptable spatial and visual impact on openness of the Green Belt, given the introduction of a new dwelling.

The proposal would have a visual and spatial impact upon the Green Belt because it would result in the erection of a building where there is currently none. It is noted that the development would inevitably be 'cut in' to the hill slope which forms the site. While the appearance of the dwelling is not to be assessed within this application, the siting of the dwelling in this location is still recognised to be prominent and incongruous form of development and is subsequently considered to be harmful to openness in both a spatial and visual sense. The dwelling would be wholly visible from views when travelling east along Edenfield Road, a classified road and key route into the borough from the North West. Additionally, the operational development should be given consideration. The operational development required would change the character of the adjacent dwelling from a spacious property with a large residential, verdant garden, to a pattern of residential development with an increasing density, clearly visible given both the siting, and the prominent 'A' road the site is accessed from.

Furthermore, the cumulative effect of the proposed dwellinghouse, together with any domestic paraphernalia including boundary treatments and parked vehicles would be an undoubtedly urbanising effect and fail to comply with the five purposes of the Green Belt, as set out in paragraph 138 of the Green Belt.

The proposal would therefore increase the level of built development and would result in the erosion of space where there are currently no built form. The development would therefore have an adverse impact on both the spatial and visual openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the NPPF, to keep land permanently open.

Access

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

No parking spaces are directly indicated on the proposed site plan however the internal garage and private driveway would accommodate a minimum of two cars for the proposed dwelling and an appropriate level of parking for the existing dwelling.

The Council's Highways Officer have raised concerns that as a result of the positioning directly access off a classified road, and that the length of the driveway there is potential for vehicle conflict, and a passing bay should be provided to allow for vehicles to pass and reduce potential for any cars to reverse out onto a classified road. Additionally, no proposed bin storage or collection points are indicated on submitted plans.

Given the principle of development (Green Belt) has not been accepted, the Local Planning Authority did not ask the applicant for this additional information. However it is acknowledged in the event that the application was to be approved, such matters could be addressed by planning condition.

Layout

The proposed entrance elevation (eastern) would have a 17m distance to the adjacent property at 1018, which has principal windows on this facing side. The Council's SPD 'Guidelines and Standards for Residential Development' states in Section 4.1 (i) that a minimum distance of 21m is required between directly facing principal windows of habitable rooms at upper floor level, and at part (ii), 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room. While full floor plans and elevations are not provided at this stage and can be considered at reserved matters stage under appearance, the proposals do meet the guidance in this respect.

To the south, a 29m distance to the nearest residential property, with intervening trees would that provide adequate screening. To the north and west, there are no immediate residential properties whom would be affected in residential amenity terms.

Each driveway benefits from space to turn vehicles, and this is considered acceptable. The proposed garden sizes would also be acceptable in relation to residential amenity.

As such, the proposed layout would accord with policy DM1 of the adopted Rochdale Core Strategy, and the relevant requirements of the Residential Development SPD and NPPF.

Officer response to representations

In relation to the outstanding concerns raised by objectors which have not yet been addressed which are a material planning consideration, drainage is a material planning consideration. The Council's Drainage engineer was consulted, and their response is provided within the Consultees section. The Drainage engineer concluded that in the instance the proposed access and layout was approved, details could be secured via pre-commencement planning condition. Additionally, United Utilities were consulted who raised no objections to the scheme.

In relation to concerns regarding additional load on mains electricity supply, this is not normally a material planning consideration and there is no statutory requirement to consult National Grid and / or Electricity North West. In this case, it would be private matter for the applicant to address in the construction of the development.

RECOMMENDATION: Refuse

1. The proposed development would constitute inappropriate development in the Green Belt which is harmful by definition, and would additionally lead to a significant loss of visual and spatial openness of the site. No very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and the additional harm. The proposal is therefore contrary to policy G4 of the adopted Rochdale Core Strategy, saved policy G/D/2 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

None