

APPLICATION NUMBER: 23/00860/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/00860/VRCON

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 01.11.2023 EXT OF TIME 08/11/2024

Address: Higher Moorgate Farm, Gristlehurst Lane Heywood Rochdale OL10 4BJ

Proposal: Section 73 application to vary Condition 1 (Time Limit), Condition 2 (Approved Plans), Condition 6 (Tree Protection), Condition 7 (Stonework), 8 (Materials), Condition 11 (Existing Dwelling Demolition) of planning permission 21/00269/FUL for Erection of detached dwelling following demolition of existing dwelling

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?	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

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

SITE

This application relates to the site of the former Higher Moorgate Farmhouse, a two-storey residential dwelling which previously adjoined Higher Moorgate Cottage.

The site is located approximately 2km northwest of Heywood Town Centre.

The site is bounded by agricultural land to all sides, with the fabric of the surrounding environment distinctively piecemeal; there are several smallholdings to the north, west and east of the site, with rows of terrace to Bury and Rochdale Old Road to the south.

The site lies within the Green Belt as defined under saved Unitary Development Plan Policy G/D/2.

Planning permission for demolition of the former dwelling and erection of a replacement dwellinghouse was granted under 21/00269/FUL, and work has started on the site following this permission.

PROPOSAL

This application seeks to vary conditions on the previously approved permission for 'Erection of a new detached dwelling following demolition of existing dwelling'.

Of the decision notice; a discharge of conditions had been issued - 21/01175/DOC, where details were found acceptable with regard to conditions 3, 4, and 5.

The conditions seeking variation or deletion (where appropriate) include removal of condition 1, variation of condition 2 (Approved plans), condition 6 (Tree Protection), condition 7 (Stonework), condition 8 (Materials), condition 11 (Existing Dwelling Demolition) of planning permission 21/00269/FUL for Erection of detached dwelling following demolition of existing dwelling.

The proposed variation seeks to vary conditions 7 and 8, materials and stonework.

Condition 6, the application seeks to remove as a result of trees being protected already.

Condition 8, details of materials to be submitted.

Condition 11 will be deleted, following demolition of the former dwelling.

Amendments

Following the course of the application, amended plans were submitted to show the varied design of the dwelling. The description of the application was amended, and re-notification of neighbours was carried out. Samples were provided on site to show the proposed materials.

RELEVANT PLANNING POLICY**National Guidance**

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

DM1 General development requirements

SD1 Delivering sustainable development

SO3 Improving design, image and quality of place

P1 Improving image

P3 Improving design of new development

SO4 Promoting a Greener Environment

G4 Protecting Green Belt Land

G6 Enhancing Green Infrastructure

G7 Enhancing 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

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

20/01205/HOUS Two storey extension to front and single storey extension to rear following demolition of existing single storey front extension including renovation works

Refused December 2020

Reason: The proposed extensions would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. No very special circumstances have been identified that would outweigh the harm, and the proposal therefore fails to accord with policy G4 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential

Development' SPD and the National Planning Policy Framework.

21/00269/FUL	Erection of a new detached dwelling following demolition of existing dwelling – Approved subject to conditions
21/01175/DOC	Submission of details to comply with conditions 3 (drainage), 4 (contamination) and 5 (amphibians) on planning permission 21/00269/FUL – Request completed

CONSULTATION RESPONSES

Conservation And Design

No comments to condition 7. No objections on Condition 8.

Tree Officer

No comments received to date

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. No responses were received.

ANALYSIS

Principle of Development

The application is a variation of condition of the approved application reference 21/00269/FUL. As such, this variation of conditions application will assess the changes proposed within this planning application.

Design and Appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design.

Condition 7 relates to the submission of materials; specifically, a panel of stonework to be used within the repair of Higher Moorgate Cottage following demolition of the former dwelling. This has since been constructed and the stonework has been completed. The Council's Conservation Officer, who was not originally consulted on the application, has been consulted following the identification of the proposal affecting a Non-Designated Heritage Asset. The Case Officer concurs with the finding of the Conservation Officer, who states the stonework is acceptable. The condition is therefore satisfied and can be deleted.

Regarding condition 8; the application seeks to submit the details of all materials to be used externally on the building.

The permitted dwelling had a contemporary appearance, with the design and access statement showing the building would be comprised of recessed soldier courses between fenestration, framed with sandstone. Its location with limited visibility from public vantage points were considered, and as such the proposal was approved subject to conditions on this balance. Details were presented on site of ashlar cladding, window frames, and stone copings.

Some alterations were noted on site, including positions of windows, and heights of cills. As such, amended plans were sought and condition 2 is also varied as part of this application.

The amended plans provided on the 21st March 2024, show a reduction in the amount of glazing across the side elevations, a reduction in scale of windows, and alterations to the size of door openings. The main difference is the material use being altered from stone to Imperial Bricks. Concerns were raised initially by the Planning Officer as the contemporary nature of the previously approved scheme centred around the use of high quality materials and design detailing to justify the design and appearance.

Paragraph 140 of the NPPF states '*Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).*' In light of the wording of paragraph 140, details of the materials were requested to be presented on site, and drawings submitted to show the true intention of the varied scheme. The materials were reviewed on site and were considered acceptable for the reason that while the brick choice is not preferable, it was not considered these are out of keeping with the character of the surrounding area, and that the amendments to the scheme still reflect the same quality of design shown in the previously approved plans.

The proposed minor amendments to the proposed dwelling would not result in an unacceptable design or impact upon visual amenity. The proposed scheme would also have no unacceptable impact on the openness of the Green Belt.

The proposal would not materially affect the visual amenity upon adjacent neighbouring properties. The proposed amendments are considered acceptable and compliant with Policy DM1, P1 and P3 of the Core Strategy and relevant policies in the NPPF and PFE.

RECOMMENDATION: APPROVE VARIATION OF CONDITIONS

1. This permission relates to the following list of submitted plans, drawings and documents:-

- 3564/04 - Location Plan
- 3564/02 - Existing Floor Plan
- 3564/03 - Existing Elevations
- 3564/13/F - Existing and Proposed Site Plan
- 3564/15/B - Volume Calculations
- Proposed Elevations - 22.2926.21B – received 21/03/2024
- Proposed Floor Plans - 22.2926.20A – received 21/03/2024

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

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

2. The development shall be carried out in accordance with the drawing BELOW SLAB DRAINAGE & SURFACE WATER LAYOUT ref. 52-XX-02 rev. C by Design 24 Consulting dated 15/05/2022. 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.

3. The development shall be carried out in accordance with the submitted Phase I and II contamination reports by LK Group. The development shall be carried out in accordance with the recommendations of the report.

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.

4. The submitted details of Reasonable Avoidance Measures in relation to amphibians as documented in

- Natural England Letter Reference: 2021-53626-EPS-MIT
- Natural England Letter Date: 27 July 2021 Our Ref: 2021-53626-EPS-MIT
- Modifications Checklist

are accepted and the development shall be carried out in accordance with the approved measures and shall thereafter be fully implemented, in order to comply with the requirements of the condition.

Reason: To safeguard any protected species which may either live or forage within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. The trees that are to be retained within the site shall be enclosed with temporary protective fencing and temporary ground protection has been fully installed in full accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. The fencing and flooring shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place beyond such protective fencing during the construction period. The development shall thereafter be carried out in full accordance with the Arboricultural Impact Assessment received on 20th July 2020.

Reason: In order to protect the existing tree on the site in the interests of the amenities of the area and in accordance with Policies P2, P3, G1, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 The development shall be carried out in accordance with the following materials:

- Ashlar Sandstone Cladding
- Imperial Bricks – Country Blend
- Spitfire Doors
- Anthracite Grey Aluminium window frames
- Cast Stone Copings

The development shall be constructed in accordance with the approved materials and they shall be retained as such thereafter.

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.

- 7 Notwithstanding any description of materials in the application, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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.

- 8 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 size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 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 Core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 9 No clearance of trees and shrubs 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 which provides for the protection of nesting birds during the period of works on site.

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

- 10 No external lighting shall be installed on the dwelling hereby approved unless and until a detailed scheme for the same has been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be duly implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of ensuring the conservation of protected species in accordance with Policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

- 11 The car parking and vehicular access arrangements shown on the approved plan '3564/13/F - Existing and Proposed Site Plan' to serve the development hereby permitted shall be made fully available for use prior to the development being first occupied and shall be retained thereafter for their intended purpose.

Reason: In the interest 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.

- 12 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 dwelling hereby approved shall not be altered or extended, and no buildings or structure shall be erected within their curtilage under Schedule 2, Part 1, Classes A, AA, B, D, E and of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent overdevelopment in Green Belt in accordance with the objectives of Policy G/D/2 of the adopted Rochdale Unitary Development Plan, Policy G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

13. Pursuant to condition 3, and prior to first occupation of any dwelling, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

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

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Report Author Rosalind Gralton