

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00020/FUL

Name and address for correspondence:	Applicant name:
Mr Shah Latif 21 Prospect Road Oldham OL9 6LH	Mr Shah Latif

Part I - Particulars of Application

Date of Application: 27 September 2023

Proposal:	Erection of 2 semi-detached dwellings
Location:	Land adjacent to 27 Brookdale, Healey, Rochdale, OL12 0SS

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans and documents:

Sheet no: 01 Rev A - Proposed Floor Plans
Sheet no: 02 Rev A - Proposed Elevations
Sheet no: 03 Rev A - Proposed Roof Plan
Sheet no: 04 Rev A - Proposed Site Plan
Sheet no: 05 Rev A - Street Elevations
Sheet no: 07 Rev A - Proposed Site Block Plan
Site Location Plan
Received 26th March 2024

and the development shall be carried out in accordance with the approved drawings.

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

- 3 Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

- 4 No dwelling hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.

Reason: In the interests of road safety in accordance with Policies T2 and DM1 of the Rochdale Core Strategy.

- 5 The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with of policies T2 and DM1 of the Core Strategy.

- 6 The dwellings hereby permitted shall not be occupied until the refuse and recycling storage has been provided in accordance with the plans hereby approved. The spaces shall be kept available for refuse and recycling at all times thereafter.

Reason: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with policies T2 and DM1 of the Rochdale Core Strategy.

- 7 No development shall take place (including any demolition) until a Construction Method Statement (CMS), has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures for the protection of the natural environment from accidental spillages, dust and debris including dedicated protection measures (including high visibility fencing) for the retained trees during and after construction;
- vi) a lighting plan designed to direct any temporary lighting away from the retained trees and hedgerow during and after construction.
- vii) hours of construction, including deliveries (which should not take place outside of the hours of 08:00-18:00 Monday to Friday and 09:00-14:00 Saturday, with no work taking place on Sundays or Bank Holidays).

The development shall be carried out in accordance with the approved CMS.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, T2, G7, G8 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents prior to commencement of any building or engineering works on site.

- 8 The definitive footpath shall not be obstructed by any materials or vehicles at any time prior, during and following, the process of development hereby approved. The route shall be segregated from the development with fencing to secure public safety and disturbance of the surface of the right of way will be repaired without delay.

Reason: To avoid any injury to members of the public using the footpath and to ensure the any disturbance to the route is reinstated in accordance with Policies DM1 and T2 of the Core Strategy and the National Planning Policy Framework.

- 9 No development shall take place (including any demolition) until a condition survey, including photographs of the adjoining adopted footway and public right of way have been submitted to, and approved in writing by, the Local Planning Authority. Following construction the footway and the right of way must be returned to their pre-construction condition at the cost of the applicant. A telegraph pole and telecoms cabinet bordering the site within the highway shall be protected during construction.

Reason: To ensure the adopted footway and public right of way not damaged during construction to avoid injury to members of the public in accordance with Policies DM1 and T2 of the Core Strategy and the National Planning Policy Framework.

- 10 No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1400hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policies DM1 and G9 of the Rochdale Core Strategy.

- 11 Notwithstanding the details shown on the approved plans, prior to first occupation of the dwellings hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall specify means of treatment for hard surfaced areas, means of enclosure including mammal gaps where appropriate, specify species (which should include two Whitebeam trees as a replacement species to the removal of one Whitebeam tree), planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees and tree pit specifications where appropriate, and must include a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s) or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Reason: In the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with Policy G6 of the Rochdale Core Strategy.

- 12 Tree protection and mitigation proposals shall be undertaken in accordance with Sections 13-17 of the Tree Survey Update by Guy Smallthwaite, dated May 16 2023, received by the Local Planning Authority on 27th September 2023. These measures shall be undertaken before any equipment, machinery or materials are brought on to the site. Such protection as required by the above condition shall be retained throughout the entire period of construction and until all equipment, machinery and surplus materials have been removed from the site. No materials, soil, rubbish or vehicles shall be deposited or stored in any area fenced in accordance with this condition and no fires shall be lit, and no raising or lowering of ground levels shall take place within this area. No drains, pits, ditches or trenches shall be dug in or run across the area protected by the fencing, at any time before, during and after the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy G6 of the Rochdale Core Strategy.

- 13 No removal of, or works to, any trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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.

- 14 No development shall commence until details of the proposed boundary fencing to all boundaries has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include retained, repaired and replaced fencing, height, materials and any additional measures/specifications. The details shall include 900mm fencing to the first 1.2m adjacent to the public right of way and replacement fencing at a height of 1.8m to the rear boundary.

Reason: To safeguard the amenities of the adjoin neighbouring properties from overlooking and loss of privacy and in the interests of visual amenity and the character of the area in accordance with Policies P3 and DM1 of the Rochdale Core Strategy and the Council's Guidelines and Standards for Residential Development SPD.

Reason for pre-commencement condition: Boundary treatment 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.

- 15 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, bird boxes, mammal gaps, bat bricks and bat boxes to be integrated to the fabric of the buildings and elsewhere within the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.

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.

- 16 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:

- (i) A detailed plan of the drainage connections which should be separated i.e. if the roof isn't going to soakaway it should go to the public SW drain which is different to the foul sewer.
- (ii) Fence post foundation details in proximity to UU foul sewer.

(iii) Construction details for permeable paving including kerb edging and sub-base details i.e. 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.

- 17 In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site and the contamination reported in writing to the Local Planning Authority.

An assessment of the nature, and extent of contamination, shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy G9 of the 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 (or any Order revoking and/or re-enacting that Order) the proposed first floor side windows to the dwellings hereby approved shall not be openable below a height of 1.7 metres when measured from the floor level of the room within which it is located. The window shall be glazed with obscure glass to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before first occupation of the development hereby approved and shall be maintained as such at all times thereafter.

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.

- 19 Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), Class C (other alterations to the roof), Class D (erection or construction of a porch outside any external door) or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

Reason: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main house and the area in general and should therefore be controlled in accordance with Policy DM1 of the 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.

Date Decision Issued 3 May 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility

for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

INFORMATIVE:

The applicant is advised that although The Coal Authority do not object to the development hereby approved they have advised that more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulation application.

The applicant's attention is drawn to the comments received by The Coal Authority who advised that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases. The applicant needs to be aware of this and act appropriately if mine gas is identified.

The applicant is advised that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Council's Highways section should be contacted at Number One Riverside, Smith Street, Rochdale, OL16 1XU, telephone: 0300 303 8879, email: highways@rochdale.gov.uk to agree the access construction details and to grant a licence before any work is carried out within the highway.

The applicant is advised to refer to the advice given by United Utilities dated 11th October 2023.