

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00845/FUL	Ryan Killeen	6 December 2022

Address: Site Of Tapios, Heywood Old Road, Middleton M24 4QG

Proposal: Erection of a 3-storey block comprising 10.no two-bedroom apartments with associated car parking, alterations to site entrance and landscaping following demolition of existing building

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 20 April 2023

SITE

The application relates to the site of the former Tapios Restaurant on Heywood Old Road in Middleton. The site was damaged by fire in September 2016 shortly after ceasing to operate as a restaurant. Bowlee is characterised by low rise ribbon development of predominantly residential properties along Heywood Old Road, with larger scale leisure and other developments including the David Lloyd Health club to the east of the application site, Bowlee Driving Range to the south east and Bowlee Plant Nursery to the south. Immediately to the north of the site stands a residential dwelling at No. 344 Heywood Old Road. No. 3 Simon Lane lies to the west across Heywood Old Road and Nos. 395-399 Heywood Old Road lie to the southwest. The site is within a wider area allocated as Protected Open Land under the saved Rochdale Unitary Development Plan (2006) Proposals Map.

PROPOSAL

Planning permission is sought for the demolition of the former restaurant building and the erection of a part two-storey, part three-storey apartment block containing 10 no two-bedroom flats, each accompanied by 2 parking spaces (20 total). The apartment block would be sited centrally within the plot with communal outdoor space to the north, and car parking, bin storage and cycle storage would be sited adjacent to the highway at the west of the site.

The apartments would all be sited within a single flat roof building. The building would occupy a rectangular floorplate set broadly parallel to the highway, however the second floor would be set in from the north and south side elevations, and in from the west facing front elevation. Each floor would include a communal patio or balcony set towards the rear. The entrance to the building would be set centrally, and feature glazed curtain walls. The building would be constructed from brick with stone cills and plinth courses.

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
C8	Improving community, sport, leisure and cultural facilities
SO3	Improving design, image and quality of place
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
G5	Managing Protected Open Land
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
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
SD1	Delivering sustainable development
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

Unitary Development Plan (UDP):

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/1	Defined Urban Area
D/10	Protected Open Land
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

20/00073/FUL Erection of apartment block containing 14 no. apartments along with associated external works, car parking and landscaping following demolition of existing building on site (Resubmission of 17/01465/FUL). Refused May 2020 for the following reasons:

- 1 The proposed development would result in a three storey building of significant height, scale and massing that would result in a discordant form of development at odds with the prevailing form of two storey residential development lining Heywood Old Road. The design features incorporated into the most visible elevations of the forward section of the building, namely those fronting Heywood Old Road and the northern side elevation, have failed to adequately reduce the dominance of the building or result in a satisfactory standard of design and visual appearance. On this basis, the scale and design of the building would not be acceptable if it were in the Green Belt. In addition the application proposes the demolition of a non-designated heritage asset and no justification for the demolition has been put forward. Taken as a whole, the development is considered to represent poor design that fails to take account of local context. On this basis the application is contrary to policies G5, P3, P2 and DM1 of the adopted Rochdale Core Strategy, saved policy D/10 of the adopted Rochdale Unitary Development Plan and the requirements of the National Planning Policy Framework.
- 2 The living conditions of the occupiers of the second floor units would be unacceptable on the basis of the main bedroom spaces not being afforded windows with a direct outlook. Therefore the application fails to comply with the requirements of adopted Rochdale Core Strategy policy DM1, the Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) and the National Planning Policy Framework.

- 3 The proposal has failed to provide adequate parking provision and the site is in a location poorly served by alternative means of transport to the car. This would result in additional on street parking and potential inconsiderate parking within the site, compromising the manoeuvrability of vehicles including service vehicles to the detriment of highway safety on A6045 Heywood Old Road. The application therefore fails to comply with adopted Rochdale Core Strategy policies T2 and DM1 and the National Planning Policy Framework.
- 4 The original bat assessment carried out at the site can no longer be considered to be valid on the basis that it was carried out in February 2018 and such reports are generally regarded as requiring an update after 18 months to two years. Given the length of time since the fire on site, the impacts of smoke damage are likely to have dissipated which would represent a material change in circumstances in respect of the potential for the site to be utilised by bats. In the absence of a valid bat assessment it cannot be confirmed that the application would accord with adopted Rochdale Core Strategy G7 or the National Planning Policy Framework.
- 5 In the absence of a legal agreement to secure a policy compliant contribution for public open space / formal sports provision, the proposed development fails to mitigate its impact on local services, amenities and infrastructure. The application therefore fails to meet the requirements of policies G6 and DM2 of the adopted Rochdale Core Strategy, the Supplementary Planning Document 'Provision of Recreational Open Space in New Housing' (2008, updated January 2017) and the National Planning Policy Framework.

17/01465/FUL Erection of an apartment block containing 16no. apartments along with associated external works, car parking and landscaping following the demolition of the existing building on site. Refused March 2019 for the following reasons:

- 1 The proposed development would result in a three storey building of significant height, scale and massing that would result in a discordant form of development at odds with the prevailing form of two storey residential development lining Heywood Old Road. The amalgamation of differing building styles would result in a clumsy arrangement of adjoined building sections and the rear section would dominate in height and appear particularly incongruous given the utilisation of a mansard roof which is not a common feature of the local area. In addition the application proposes the demolition of a non-designated heritage asset and no justification for the demolition has been put forward. Taken as a whole, the development is considered to represent poor design that fails to take account of local context. On this basis the application is contrary to policies G5, P3, P2 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.
- 2 The proposed development would result in an unacceptable degree of overlooking, loss of privacy and overbearing impact for the existing and future occupants of No. 344 Heywood Old Road as a result of the cumulative impact of first and second floor windows facing directly towards the common boundary at a distance of between 8 and 14.5m. At the closest point to the rear garden boundary of that property, the 8m is significantly below the minimum separation distance of 10.5m required by the SPD. In addition, the

separation distance from the first and second floor habitable room windows in the side elevation of the units lining Heywood Old Road is only 1.5m to the boundary and directly overlooking the driveway of No. 344 Heywood Old Road. Whilst a driveway is afforded less protection than private amenity space, the direct overlooking would clearly be intrusive for the occupants of this property and significant loss of privacy would result. Therefore the application fails to comply with the requirements of adopted Rochdale Core Strategy policy DM1, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the National Planning Policy Framework.

- 3 The proposal has failed to provide adequate parking provision and the site is in a location poorly served by alternative means of transport to the car. This would result in additional on street parking and potential inconsiderate parking within the site, compromising the manoeuvrability of vehicles including service vehicles to the detriment of highway safety on A6045 Heywood Old Road. The application therefore fails to comply with adopted Rochdale Core Strategy policies T2 and DM1 and the requirements of the National Planning Policy Framework.
- 4 In the absence of a legal agreement to secure policy compliant contributions including for public open space, formal sports provision and affordable housing provision, the proposed development fails to mitigate its impact on local services, amenities and infrastructure. The application is therefore contrary to the requirements of Policies G4, G6 and DM2 of the adopted Rochdale Core Strategy, the Supplementary Planning Documents 'Provision of Recreational Open Space in New Housing' (2008, updated January 2017) and 'Affordable Housing' (March 2008) and the National Planning Policy Framework.

CONSULTATION RESPONSES

GM Fire Service

Summary: The proposal appears to meet the following requirements for Fire Service access

Highways And Engineering

There are a number of highway matters to consider for this application.

The site has a previous use as a public house/restaurant so traffic generation from the proposed residential use may see some reduction in vehicle movements although arrivals and departures would be in different periods. Therefore we have raised no concerns regarding traffic impact.

There is an established vehicle access point in this location and although this access will be amended to accommodate the development we can accept its position in relation to the classified road. We would however request a detailed drawing showing the proposed visibility splay at the junction as we may ask that to maximise the proposed splay that no planting, landscaping or other obstructions restrict the available visibility.

Car parking provision for the size of the proposed development meets Council standards. We would ask that the car park is SUDs compliant.

The servicing arrangements for the development are acceptable.

Highways raise no objection to this application.

Env Health - Noise/Odours

No comments received to date

Tree Officer

No comments received to date

Conservation And Design

The application site is for the demolition of the former Tapios Restaurant and the construction of a three storey apartment block.

The former Tapios Restaurant dates from the late 19th/early 20th century. It is constructed in red brick with stone quoins. It is an attractive structure, which unfortunately has become derelict following a fire. The building is included on the Council's list of non-designated heritage assets for its architectural and historic interest.

The impact of a proposal on the significance of a non-designated heritage asset is a material planning consideration. A balanced judgement should be had, having regard to the significance of the heritage asset and the scale of any harm or loss.

In this case, the proposed redevelopment would result in substantial harm, as the existing building would be demolished in its entirety (NPPF para. 203).

A previous appeal for the redevelopment of the site was dismissed (20/00073/FUL refers). This concluded that overall the significance of the building was low and as such its demolition it demolition would be justified. These conclusions are not disputed, acknowledging that the building has previously been damaged by fire. The heritage statement includes a reasonably detailed survey of the building's interior (showing that original features have been removed) and exterior and as such a building recording survey is not considered necessary in this case.

That being said, I am not convinced that the current proposal responds to the character and scale of surrounding domestic properties, which are predominately two storey, with dual pitched roofs. The proposed three storey flat roof structure would appear to be at odds with this prevailing character.

United Utilities

Summary: Recommend standard drainage condition similar to LLFA. Guidance provided.

Lead Local Flood Authority/Drainage

Summary: Guidance provided on drainage design. Case Officer can determine if additional information should be provided prior to determination. Otherwise recommend standard condition.

Environmental Control (Landfill Gas)

Summary: Recommend standard condition for pre-commencement risk assessment and investigations.

Gtr Manchester Ecology Unit

Bats

The previous bat survey assessed the building as moderate risk and provide two emergence surveys, no bats were found and I accepted the findings of the report, recommending a resurvey if demolition was delayed beyond April 2022.

A valid updated bat assessment has been provided. This assessed the building as low risk and recommended one dusk survey. I was unable to locate this report among those provided. ***I therefore recommend that prior to determination the findings of a dusk or dawn survey are provided.***

Note the bat survey season is now over, therefore if it did not occur in 2022, the applicant will need to withdraw and resubmit in 2023.

Nesting Birds

Trees and shrubs will be lost and the building appears to be covered in climbing plants all potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Japanese Knotweed

Japanese knotweed was recorded on the site. It is included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. I therefore recommend a condition along the following lines is applied to any permission.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of the majority of trees on the site and associated bird nesting habitat. Bat roosting potential will also be lost.

The proposed landscape plan in my opinion provides adequate and appropriate mitigation for the loss of trees and other soft landscaping on the site and therefore I would have no objection to this plan being conditioned. Mitigation should however be provided for loss of bird nesting and bat roosting potential. This should be relatively easily achieved on site through provision of bird boxes on the retained trees and new build and bat bricks on the new build. ***The details can be conditioned.***

UPDATE 27/03/2023:

I accept that the building is now so severely damaged that it has negligible potential for bats. No further surveys for bats are required.

My previous recommendations regarding nesting bird, Japanese knotweed and ecological mitigation and enhancement still apply

GMP - Design For Security

Thank you for the opportunity to comment on the above application, having looked at the proposal I can see that we undertook a Crime Impact Statement for this development in 2018.

For developments of this size and nature we generally recommend that a CIS is submitted alongside the planning application, in order to show how crime has been considered for the proposal and the surrounding area.

The report should be completed by a suitably qualified security assessor, and identify, predict, evaluate and mitigate the site-specific crime and disorder effects of a development and should be produced by a professional individual/organisation independent of the design process. The CIS can then be submitted as part of the planning application, indicating that the proposed development has been designed to avoid/reduce the adverse effects of crime and disorder and enabling the planning process to run more smoothly

In this instance because four years have surpassed since the original application for the development the crime patterns and trends will have changed significantly and therefore our recommendations set out in the 2018 report will have changed as a result, so it is recommended that an updated report should be submitted to accompany this application.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice displayed in the vicinity and an advertisement placed in the local newspaper. Two letters of objection have been received citing the following concerns:

- ❑ Excessive and uncharacteristic scale and massing of the building within the local context;

The matters that are material planning considerations in respect of this application are addressed below.

ANALYSIS

Principle of Development

The site is designated as Protected Open Land under policy D/10 of the saved 2006 Rochdale Unitary Development Plan which should be read in conjunction with Policy G5 of the adopted Core Strategy. Core Strategy policy G5 states that development on open land outside the urban area and not in the Green Belt will be resisted unless it is limited development that would be acceptable if it were in the Green Belt. Saved UDP policy D/10 states that developments will be permitted in Protected Open land that would be acceptable if it were in the Green Belt or limited infilling within an

established pocket of housing or industry where this is in scale with the area and will not adversely affect its character or surroundings.

It is noted that the site has been previously developed and is not therefore a greenfield site. Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites. The proposed development does not constitute limited infilling and would not be in scale with surrounding residential development. Therefore the main issue is whether the development would be acceptable were it in the Green Belt in respect of its scale and design.

Design, Heritage and Layout

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

The National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The revisions to the NPPF in July 2021 establishes very clearly that development which is not well designed should be refused, and conversely, significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life (BHL) , the National Model Design Code (NMDC) and the National Design Guide (NDG) which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding if development proposals are well-designed.

Policy P2 of the Core Strategy seeks to conserve and enhance the Borough's townscape character, in addition to conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Policy P2 makes a distinction for the boroughs engineering heritage, which includes industrial buildings such as mills being included as key heritage assets, and sets out that such features should be utilised positively and intelligently to strengthen identity and image, particularly in regeneration schemes.

In respect of Non-Designated Heritage Assets, paragraph 203 of the NPPF requires Local Planning Authorities to have a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset in determining applications that directly or indirectly affect non-designated heritage assets.

This section Heywood Old Road comprises a relatively fragmented townscape including dwellings which line the highway, and a number of commercial and industrial uses which are typically set further back.

The property which currently exists on the site dates from the late 19th/early 20th century and is of an attractive brick construction with stone detailing. Early mapping records show the building in use as the *Jolly Butcher Inn*, which due to its communal

and architectural significance, is included in the Council's list of Non-Designated Heritage Assets. The appeal for Planning Application 20/00073/FUL at the site concluded that the building was of low significance and that the demolition is justified on this basis and the extent of the damage which a recent fire has had. Accordingly, despite the substantial harm through total loss of the heritage asset, this would overall accord with the aims of Policy P2 and the NPPF.

The proposed development comprises a single three-storey block containing 10no. two-bedroom apartments. The block would be set back from Heywood Old Road, with the remaining space occupied by a car park with 20 spaces and bin store. The proposed three-storey, flat roof form would generally juxtapose the surrounding residential townscape though its siting and form, however its position set back from the highway would not be unusual especially when considering surrounding commercial and industrial premises, and the recently constructed Edgar Wood Academy which sits to the north.

The general absence of built form adjacent to the site would mean that the proposal would be viewed in isolation, with public vantage points restricted to ones from Heywood Old Road. As such, taking account of the proposed landscaping, which includes trees to the front, the proposed block would have limited prominence from road users along Heywood Old Road, and its impact on the character and appearance of the area in this respect would be minimal. It is not considered that the proposals would result in a greater impact on openness within the green belt. As such as redevelopment of previously developed land would not be inappropriate if it were in Green Belt, thus is accepted under policy G5 of the Core Strategy.

The proposed building also makes good use of contrasting materiality to create visual interest, in addition to depth and glazing to produce a generally well-balanced and contemporary appearance.

Overall, the development would see the regeneration of a long-standing dilapidating site with a good quality building and landscaping, and cumulatively would have a positive impact on the character and appearance of the area. As such, subject to relevant conditions, the proposals would accord with the requirements of Policies DM1, P2 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Crime

Policies DM1 and P3 of the adopted Core Strategy seek to minimise opportunities for crime in new development and incorporate measures to design out crime as to ensure developments and spaces are safe to use and access. Paragraphs 92 and 130 of the NPPF seek to ensure that development is safe and accessible so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.

The application is supported by a Crime Impact Statement which provides an audit of local crime statistics. The report notes that the volume of recorded crime is high within the neighbourhoods <1km from the site, with crime typically less prevalent in the lower density areas adjacent to the site.

The CIS provides an appraisal of the layout of the site noting a number of positive attributes as well as setting out a number of recommendations, which typically relate to boundary treatments and the definition of defensible spaces. A number of physical security measures have also been set out relating to doors, glazing, alarms and boundary treatments.

Whilst it has been noted by Greater Manchester Police that the report is now a number of years old since it was initially published, and have requested that the report be revised, it is noted that there has been very limited change in the built environment within a 1km radius of the site, and therefore it is considered that very few, if any, new factors have been introduced which would influence patterns of crime in the area. The recommendations of the original report are still considered applicable and proportionate to this development, and subject to a condition requiring the implementation of the recommended measures, it is considered that the proposals would comply with the requirements of Policies DM1 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Amenity

Policy DM1 of the Core Strategy requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Also, impacts including noise, air, dust, light and odour pollution are required to be mitigated where necessary.

Policy G9 of the Core Strategy sets out that the Council will require that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Paragraph 185 of the NPPF sets out that planning decisions seek to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

To aid the assessment of these matters, the Council's Guidelines and Standards for Residential Development Supplementary Planning Document provides guidance which all new residential developments should accord with in order to provide a satisfactory standard of amenity for existing and future occupiers in respect of light, outlook and privacy.

In the absence of any other residential properties within the vicinity of the site, the proposals comply with all relevant space standards contained within section 4.1 of the SDP, and no other concerns are had with respect to a loss of light, overbearing impact, or loss of privacy to surrounding occupiers. Further to the above, whilst the proposed use could accommodate upwards of 20 occupants, this is not considered to comprise a level of activity which would give rise to unacceptable impacts in respect of noise and disturbance, particularly given the historic use of the site as a restaurant and public house.

In respect of the potential noise impacts to future occupiers of the proposed development, the applicant has provided a Noise Impact Assessment (NIA) which has assessed the acoustic baseline of the site during the daytime and night time. The main source of noise was road traffic utilising Heywood Old Road, with an ambient noise level of 74dBL_{Aeq} during the day and 72dBL_{Aeq} at night.

The NIA has modelled sound levels at each elevation of the proposed building, and whilst some mitigation is provided through the setback position of the building, the noise levels across all elevations of the building would exceed the noise levels compatible with ventilating rooms via open windows. As such, the NIA goes on to set out a scheme of mitigation measures commensurate with the ambient noise levels. This includes uprated glazing and ventilation sound insulation across the building. Whilst no response has been received from the Council's Environmental Health Service, the report cites the input of the Council's Senior Environmental Health Officer who has also accepted the recommendations of the report under previous applications at the site.

The Nationally Described Space Standards (NDSS) is a technical standards document produced to ensure internal space within new dwellings is suitable for application across all tenures. Table 1 sets out the minimum gross internal floor area requirements for dwellings, and setting out the requirements for dwellings which include a variety of room numbers, bed spaces and storeys.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	Built-in storage
2b	3p	61	2.0
	4p	70	

All units within the proposed development would include two-bedrooms. Units 1-8 (ground and first floor) would have a GIA of approximately 63m² which would comply with the space standard for three persons. Units 9 and 10 would achieve 77m², far exceeding even the four-person standard. The planning system does not benefit from any mechanisms to control the number of occupants in any dwellinghouse, and therefore to refuse planning permission on the basis that units 1-8 do not achieve the four-persons standard would be inappropriate given they exceed the three-person standard. Further to this, each dwelling would benefit from an abundance of light and outlook given the number, size and position of fenestration, all of which enjoy views towards the site's verdant surroundings.

The onsite amenity space provided in addition to private and communal balconies is considered to be appropriate in the absence of formal gardens given that the units do not comprise family dwellings.

Highways, Parking and 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.

Paragraph 112 (d) of the NPPF states that application for development should allow for the efficient delivery of goods, and access by service and emergency vehicles. The *Guidelines and Standards for Residential Development* SPD states that bin storage areas that require excessive movements from the storage area to the street should be avoided and any bin storage areas and access arrangements, including access routes for collection vehicles, should be provided in accordance with all relevant legislation and guidance, such as any relevant local planning documents, Building Regulations and Highways requirements.

In assessing the impact of the proposals, consultation has been carried out with the Highways Authority. The Highways Officer expects the level of traffic generation associated with the development to be comparable with the previous usage and does not consider that the volume of traffic generated would be problematic on the surrounding network. The provision of 200% parking at this location is also welcomed where it would achieve the maximum standard for this location.

The use of the access has been well-established and it is considered inappropriate to raise any concerns in this regard. Servicing and maintenance matters are also well-established with the site clearly capable of serving such vehicles. The location and size of the proposed bin store is considered adequate to accommodate sufficient refuse storage for the number of expected occupants.

On this basis, the application would accord with the requirements of Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

Arboricultural and Ecological Impacts

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

Bats are afforded statutory protection under the Wildlife and Countryside Acts 1981 where it is a criminal offense to intentionally injure, kill or disturb a bat or a roost. The application is supported by an extended Phase I Habitat Survey and Daytime Bat Survey undertaken in February 2022, which concluded that a further survey was required to determine if an active roost is present. A further bat survey was undertaken in March 2023 which notes that the building has materially changed in its condition due to the theft of roof slates.

The report concludes that the dilapidated state of the building, which is largely open to the elements, has a negligible potential to support roosting bats. The Greater Manchester Ecology Unit have reviewed the revised report and have accepted its conclusions and therefore do not require any further surveys. Notwithstanding, the presence of bats in the locality is noted and it is considered prudent to require the affixing of bat boxes to the external fabric of the proposed building via condition.

The site is generally of low ecological value and a suitable soft landscaping scheme could be secured through condition to ensure there is no net loss to biodiversity. A condition limiting site clearance during the bird nesting season would be recommended given the potential for bird nesting activity in the ivy covering part of the main building and surrounding trees.

A total of 13 trees are proposed to be removed, which would require a replacement of 26no. individuals to comply with the 2:1 replacement ratio required by Policy G6. A total of 25 trees are proposed, in addition to a substantial length of hedge which lines the majority of the perimeter of the site, in addition to other smaller landscaping features. Despite falling short of the 2:1 replacement ratio, the landscaping scheme is considered sufficient to deliver the necessary biodiversity net gain required by the NPPF. A scheme of tree-protection measures has also been provided to ensure that the trees to be retained both within and adjacent to the site, remain unaffected by the development.

Subject to the recommended conditions, the proposals would achieve the necessary aims of Policies G6 and G7 of the adopted Core Strategy and the National Planning

Policy Framework relating to the protection of species and the delivery of biodiversity net gain.

Land Contamination

The submitted Preliminary Risk Assessment concludes that it is likely contamination will be present, potentially exceeding appropriate residential thresholds in places. The filled pond is identified as a specific point source of potential contamination, as is the previous fire on site and the extinguishing process. The report recommends intrusive investigations consisting of boreholes, trial holes and tests to confirm the presence/absence and extent of any contamination on site, with targeted analysis on the filled pond. A low risk to controlled waters is expected but should be reviewed following intrusive investigations. A gas testing programme is also recommended due to the presence of a nearby landfill site and filled ponds. The site does not lie within a high risk area for coal mining.

Therefore, any future approval would be subject to a condition requiring Phase II intrusive site investigations, as recommended by the Council's Public Protection Officer, and suitable remediation measures should any contamination or gas risks be encountered. Subject to such a condition, the requirements of Policy G9 of the Core Strategy and the National Planning Policy Framework in relation to land contamination would have been met.

Flood Risk and Drainage

The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). The site is therefore suitable for residential development in this respect, subject to appropriate wastewater and surface water disposal to reduce the risks of flooding or aquatic pollution elsewhere. Full details of the proposed drainage scheme have not been provided with the application and would need to be secured through condition. However, a detailed consultation response from United Utilities and the Lead Local Flood Authority set out a number of requirements in relation to the separation and drainage of foul and surface water taking place in the most sustainable way in accordance with the NPPG hierarchy. Therefore, subject to an acceptable drainage scheme being submitted to and approved by the LPA, as would be required by a suitable condition, the requirements of Policy G8 of the adopted Rochdale Core Strategy, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework would have been met.

Developer Contributions

Paragraph 92 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, decision takers should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Policy DM2 of the Core Strategy sets out that the Council will require developers to provide, or contribute towards the cost of providing, any physical and social infrastructure that is needed because of proposed development. For residential development, this specifically requires contributions towards affordable housing (Policy C4), open space provision and maintenance (Policy G6) and education facilities (Policy C7), and in some cases towards highways improvements (policy T2).

Despite containing 10 units, and the proposals subsequently comprising major development, the overall quantum of development does not meet the thresholds for contributions towards community services and facilities. As such, the proposals

comply with the requirements of Policy DM2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to the following conditions:

- 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:-

- ☐ 63831_TC_1 – Existing and Proposed Site Plans
- ☐ 63831_TC_2 – Proposed Landscaping Plan
- ☐ 63831_TC_3 – Proposed Floor Plans and Elevations

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.

- 3 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.

- 4 No development (including demolition) shall take place until the trees that are to be retained within the site has been enclosed with temporary protective fencing and temporary ground protection has been fully installed in full accordance with the Tree Protection Plan ref. TR-01 rev.V1 and BS:5837:2012 'Trees in relation to design, demolition and construction'. The necessary protection measures shall be retained during the period of construction and throughout the installation of the temporary development hereby approved and no work, excavation, tipping, or stacking/storage of

materials shall take place beyond such protective fencing during the construction period.

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

Reason for pre-commencement condition: The trees must be protected before any works are carried out.

- 5 No development (including demolition) shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding;
- e. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;

The approved method statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved method statement without the prior written permission of the Local Planning Authority.

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.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and to surrounding occupiers and a scheme therefore needs to be agreed in advance of any works taking place.

- 6 No development other than the demolition of the existing building on site shall take place until such time as a scheme for the disposal of foul and surface waters from the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from foul water. The surface water drainage scheme should be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, and include details of how the scheme shall be managed after completion. 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.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

- 7 No development other than the demolition of the existing building on site shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

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.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 8 No development other than the demolition of the existing building on site shall take place until finished floor levels for the proposed buildings and finished ground levels across the site relative to agreed off-site datum point(s) have

been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

Reason for pre-commencement condition: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

- 9 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 building(s) 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, and where brick is proposed, details of the bond used. Development shall be carried out in accordance with the approved details.

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.

- 10 Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

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

- 11 Notwithstanding any description in the application or approved plans, no above ground works shall take place until full details of the design and placement of any pipework, meter boxes or flues (as necessary) to be fixed to the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be duly implemented and retained as such thereafter.

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

- 12 No above ground works shall take place until a detailed design for the vehicular access from Heywood Old Road, including construction level

drawings showing the visibility splay, levels, drainage strategy, lighting and materials (as necessary), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details prior to the first occupation of the approved dwellings and shall be retained thereafter for their intended purpose.

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

- 13 The hard and soft landscaping shall be carried out in accordance with the landscaping scheme ref. 63831_TC_2 either within a timing/phasing of implementation first agreed in writing with the local planning authority or within the next planting season following first occupation of the development hereby permitted, whichever is 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.

- 14 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') 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.

- 15 Notwithstanding any details submitted as part of 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.

- 16 No part of the development shall be occupied until such time as details for the design of refuse/recycling bin store has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved refuse and recycling scheme shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 17 No part of the development shall be occupied until such time as details for the design of the cycle store as shown on the approved site plan has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved refuse and recycling scheme shall be retained as constructed for its intended use thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 18 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment ref. P3429/R1A/PJK by Acoustic & Engineering Consultants Ltd dated 13 December 2017. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter in perpetuity.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 19 Prior to the first occupation of the development hereby approved, the physical security measures as set out in section 4 of the submitted Crime Impact Statement ref. 2018/0077/CIS/01 shall be implemented in full. The necessary measures shall be retained and maintained thereafter.

Reason: In the interests of reducing crime and fear of crime and in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 20 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use 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.

- 21 No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

Reason: In the interests of amenity and the conservation of protected species and in compliance with Policies P3, G9, DM1 and G7 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.

Notes for Applicant:

INFORMATIVE:

Bats and Birds

Bats can be mobile and cryptic in their habits, and can turn up in unexpected places. Under the Wildlife and Countryside Act 1981 it is an offence to capture, injure or kill a bat, deliberately disturb a bat, or damage or destroy a bat roost. Planning consent does not provide a defence against prosecution under this act. If bats are encountered at any time during works, work must cease and advice sought from a suitably qualified person about how best to proceed.

Under Section 1 of the Wildlife and Countryside Act (1981) it is a criminal offence for a person to intentionally kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst that nest is in use or being built. Additional care should be taken through the nesting season which runs from 1st March to 31st August inclusive. If any nesting bird is found or suspected which would be affected by the

development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.