

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01162/FUL

Name and address for correspondence:	Applicant name:
Richard Fletcher Equilibrium Architects Ltd, Bank Chambers, 2A Bank Street, Bury, BL9 0DL	Mr Jon Walker

Part I - Particulars of Application

Date of Application: 4 December 2023

Proposal:	Residential development for the erection of 24 dwellings following demolition of existing outbuildings, ,
Location:	Land Off Greenhill Road / Smethurst Street, , Middleton, M24 2BB,

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:-

Location Plan

R-0836-PL09 Proposed Site Plan 1:200 A1 C

R-0836-PL10 Proposed Street View Elevations 1:100 A1 A

R-0836-PL15 Proposed Plans & Elevations House Plot1 1:50 A1 A

R-0836-PL16 Proposed Plans & Elevations House Plot2 1:50 A1 A

R-0836-PL17 Proposed Plans & Elevations House Plot3 1:50 A1 A

R-0836-PL18 Proposed Plans & Elevations House Plot4 1:50 A1 A

R-0836-PL19 Proposed Plans & Elevations House Plot5 1:50 A1 A

R-0836-PL20 Proposed Plans & Elevations House Plot6 1:50 A1 A
R-0836-PL21 Proposed Plans & Elevations House Plot7 1:50 A1 A
R-0836-PL22 Proposed Plans & Elevations House Plot8 1:50 A1 A
R-0836-PL23 Proposed Plans & Elevations House Plot9 1:50 A1 A
R-0836-PL24 Proposed Plans & Elevations House Plot10 1:50 A1 A
R-0836-PL25 Proposed Plans & Elevations House Plot11 1:50 A1 A
R-0836-PL26 Proposed Plans & Elevations House Plot12 1:50 A1 A
R-0836-PL27 Proposed Plans & Elevations House Plot13 1:50 A1 A
R-0836-PL28 Proposed Plans & Elevations House Plot14 1:50 A1 A
R-0836-PL29 Proposed Plans & Elevations House Plot15 1:50 A1 A
R-0836-PL30 Proposed Plans & Elevations House Plot16 1:50 A1 A
R-0836-PL31 Proposed Plans & Elevations House Plot17 1:50 A1 A
R-0836-PL32 Proposed Plans & Elevations House Plot18 1:50 A1 A
R-0836-PL33 Proposed Plans & Elevations House Plot19 1:50 A1 A
R-0836-PL34 Proposed Plans & Elevations House Plot20 1:50 A1 A
R-0836-PL35 Proposed Plans & Elevations House Plot21 1:50 A1 A
R-0836-PL36 Proposed Plans & Elevations House Plot22 1:50 A1 A
R-0836-PL37 Proposed Plans & Elevations House Plot23 1:50 A1 A
R-0836-PL38 Proposed Plans & Elevations House Plot24 1:50 A1 A
R-0836-PL40 Development Typical Detail 1:50 A4

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 Places for Everyone joint development plan, the Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 No development shall take place until such time as a scheme for the provision of affordable housing on the site, in line with the definition contained in Annex 2 of the National Planning Policy Framework, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall subsequently be provided in accordance with the approved scheme and retained as such thereafter.

For the avoidance of doubt, the scheme shall include the following:

- a) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- b) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing, including the proposed mechanism for the recycling of subsidy to deliver additional affordable housing in the future;
- c) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced;

This condition shall cease to apply (and shall be of no further effect) to any dwelling in respect of which the full equity has been acquired by the individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised.

Reason: For the avoidance of doubt and to ensure the delivery of a 100% fully affordable residential development.

Reason for pre-commencement condition: It needs to be confirmed prior to commencement that the development will be delivered as a 100% affordable housing scheme, as it is currently not subject to any planning obligations on the understanding that it will be developed for transfer to a registered social housing provider.

- 4 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, Policy JP-G9 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 No development shall take place until the trees that are to be retained within the site have been 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' and with the recommendations contained within the approved Arboricultural Impact Assessment and Method Statement ref. MG/7270/AIA&AMS/AUG23 by TBA Landscape Architects, dated August 2023.

The necessary protection measures shall be retained throughout the construction phase of the development and no work, excavation, tipping, or stacking/storage of materials shall take place beyond such protective fencing during the construction period.

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

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 Policies JP-P1, JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 No development shall take place until such time as an invasive non-native species protocol has been submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In accordance with adopted Places for Everyone joint development plan policy JP-G8 and policy G7 of the adopted Rochdale Core Strategy, in respect of ensuring the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

- 7 No development 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 noise, vibration and fugitive dust & debris both during and after the construction phase; and,
- f. measures to prevent the spread of mud including barrier protection and wheel washing facilities;
- g. reasonable avoidance measures for the protection of amphibians and mammals; and

h. Details of construction hours which, for the avoidance of doubt, shall be limited to 08:00-18:00 Monday - Friday, 09:00-14:00 on Saturdays and no work on Sundays or Bank Holidays.

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, Policies JP-P1 and JP-G9 of the adopted Places for Everyone Joint Development Plan 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.

- 8 Prior to commencement of the development and where the site characterisation has identified unacceptable risks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, the remediation scheme shall consider the protection of controlled waters alongside any human health protection measures.

The approved remediation scheme shall thereafter be fully implemented. There shall be no variation of the approved remediation scheme unless otherwise approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme and prior to the commencement of the permitted use/development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared which is subject to the approval in writing of 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, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan 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.

- 9 The development shall be carried out in full accordance with the Ground Gas Risk Assessment prepared by GeoAssist Limited dated October 2023 (ref. 6127/VGH-GRA v.100) 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, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 10 No development shall take place until such time as details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
The drainage scheme shall include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge to public sewer of 5 l/s (if it is agreed that infiltration is discounted by the investigations); the rate shall be a reduction in the

existing brownfield runoff rate of 50% of Qbar (average annual peak flow, 1 in 2.3 year storm return period).

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD.

(iv) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.

(v) Mitigation measures to manage the risk of sewer surcharge where applicable.

(vi) Construction details for permeable paving including kerb edging and sub-base details i.e. cross-sections, if this type of paving forms part of the sustainable drainage system.

(vii) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

For the avoidance of doubt, foul and surface water shall drain on separate systems at least to the point of discharge from the site, in accordance with Building Control Part H Drainage requirements

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 and 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.

- 11 No development (other than works of site preparation) 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.

- 12 No above ground works shall take place until such time as a detailed specification of materials to be used externally in the construction of the development have first 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 shall include large scale drawings of brickwork detailing where it is proposed at a scale not less than 1:20. The development shall be carried out in accordance with the duly approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 13 No Solar Photo-Voltaic Panels shall be installed in the dwellings hereby approved unless full details and specifications including large scale drawings at a scale of not less than 1:50 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 14 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 ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 15 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 ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 16 a) 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.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with adopted Rochdale Core Strategy Policies G6 and G7, Policies JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 17 No above ground works shall take place until a scheme of biodiversity enhancements for the site as set out in Section 9.8 of the Preliminary Ecological Appraisal by Verity Webster Ltd dated August 2023 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 adopted Rochdale Core Strategy Policies G6 and G7, Policies JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 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. The development shall be carried out in accordance with the duly approved details prior to the first occupation of the development to which the submission relates and 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, Policy JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 19 No dwellings shall be occupied upon completion until such time a Management and maintenance plan for area for communal areas including the communal portions of the courtyard parking area and areas of planting that lie out of curtilage. For the avoidance of doubt, notwithstanding the provisions of Condition 2, this includes the areas identified as 1 and 6 on the approved proposed site plan ref. R0836-PL09 Rev. C that lie to the west and southwest of Plots 2 and 3 that must be made communal rather than private.

Reason: To ensure a ensure a satisfactory standard of visual amenity and repair for the lifetime of the development in accordance with CS policies DM1 and P3, PFE policy JP-P1 and the National Planning Policy Framework.

- 20 The dwellings hereby approved shall not be constructed otherwise than in accordance with the requirements of the submitted noise impact assessment to achieve the following internal and external noise levels:

- o 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
- o Noise in external amenity areas shall not exceed 56 dB(A).

Upon completion and prior to occupation verification testing must be carried out to ensure the internal and external noise levels have been achieved and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of residential amenity with Policies DM1 and G9 of the Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwellings hereby approved at Plots 1, 2, 3, 4, 12, 22 and 23 shall not be altered or extended, under Schedule 2, Part 1 Class A of the above order, insofar as it relates to permitted development rights for two storey rear extensions, unless planning permission has been granted for such works on application to the Local Planning Authority.

Reason: In the interests of residential and visual amenity in compliance with PFE policy JP-P1, policies DM1 and P3 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development SPD (2016) and the National Planning Policy Framework.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwellings hereby approved at Plots 1, 2, 3, 4, 12, 22 and 23 shall not be altered or extended, under Schedule 2, Part 1 Class B, of the above Order, insofar as it relates to rear dormers, unless planning permission

has been granted for such works on application to the Local Planning Authority.

Reason: In the interests of residential and visual amenity in compliance with PpE policy JP-P1, policies DM1 and P3 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development SPD (2016) and the National Planning Policy Framework.

Procedure Statement:

Date Decision Issued 27 September 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 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 proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

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

If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority