



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00245/VRCON

Name and address for correspondence:	Applicant name:
Mr Ian Whitworth Progressive 4 Lewisham Road Slaithwaite Huddersfield HD7 5AL United Kingdom	Mr John Pessagno

Part I - Particulars of Application

Date of Application: 17 April 2023

Proposal:	Section 73 application for amendment to condition 2 of planning permission 20/01325/FUL (Demolition of existing building and construction of 7 no. houses) to include erection of garages for plots 5 and 7, garden office for plot 6 and removal of telecoms mast - Part Retrospective
Location:	Land To The South Side Of William Street, Littleborough, OL15 8JP

Part II - Particulars of decision

The Rochdale Metropolitan 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 submitted plans subject to the following condition(s):

Conditions and Reasons:

1 Amended Condition 1 - Time Limit S73/Variation

The development hereby permitted shall begin no later than three years from the date of planning permission 20/01325/FUL issued 1st December 2021.

Reason: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 Amended Condition 2 - Approved Plans

This permission relates to the following plans:

Drawing No: 04 Rev 01 - Location Plan
Drawing No: 50 Rev 03 - Site Plan with Outbuildings
Drawing No: 51 Rev 01 - Garages
Drawing No: 52 - Garden Office
Drawing No: 102 Rev 01 - Proposed Materials
Drawing No: 103 - Driveway Details
Drawing No: 110 Rev 03 - Block 01 Plans
Drawing No: 111 Rev 03 - Block 04 Plans
Drawing No: 112 Rev 02 - Block 02 & 03 Plans
Drawing No: 113 Rev 02 - Block 05 Plans
Drawing No: 130 Rev 02 - Block 01 & 04 Elevations
Drawing No: 131 Rev 02 - Block 02 & 03 Elevations
Drawing No: 132 Rev 02 - Block 05/Plot7 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 Amended Condition 3 (varied under Condition 2 of 22/00882/VRCON) - Construction Management Plan

The development hereby approved shall not be carried out otherwise than in accordance with the Construction Management Plan Rev A by Progressive Architecture dated 01/01/2022

The approved Construction Management Plan shall be implemented in complete accordance with the approved details in order to comply with the requirement of the condition.

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.

4 Amended Condition 4 (and also varied under condition 3 of 22/00882/VRCON) - Disposal of foul and surface waters

The drainage for the development hereby approved shall be carried out in full accordance with the following plans:

Drawing No: 2132/E06 Rev A - Private Pavement Construction Details by SEA Consulting Engineers, dated 10.06.2022
Drawing No: 00052/E05 Rev A - Drainage Construction Details Sheet 1 of 2) by SEA Consulting Engineers 10.06.2022
Drawing No: 00052/E02 - Proposed Drainage Layout by SEA Consulting Engineers dated 10.6.22

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.

5 Amended Condition 5 (varied under condition 4 of 22/00882/VRCON) - Investigation and risk assessment

The development hereby approved shall be carried out in full accordance with the approved remediation strategy contained within section 6 of the submitted Phase II Geoenvironmental Investigation Report by Geoinvestigations Ltd ref. 591-R-01 and dated March 2022.

No dwelling shall be occupied until such time as a verification report has submitted to and approved in writing by the Local Planning Authority confirming the effectiveness of the remediation measures in addition to confirming that no unexpected contaminants were identified.

In the event that unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated thereafter within strict accordance with the approved remediation strategy and a verification report submitted to and approved in writing prior to the first occupation of any dwelling.

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.

6 Amended Condition 6 (and also varied under condition 5 of 22/00882/VRCON) - Materials

The materials to be used in the construction of the external surfaces of this development shall be as specified on Drawing No: 102 Rev 01 - Proposed Materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

7 Amended Condition 7 (varied under condition 6 of 22/00882/VRCON) - Biodiversity enhancements

Prior to the first occupation of any dwelling hereby approved, the biodiversity measures shall be installed in complete accordance with the details set out in Drawing No: Rev 03 - Site Plan with Outbuildings and shall be retained and maintained 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.

8 Amended Condition 8 (varied under condition 7 of 22/00882/VRCON) - Vehicular access

The details of the access road as shown on Drawing No: 103 - Driveway Details shall be carried out in full prior to the first occupation of the dwellings in order to comply with the requirements of the condition.

Reason: In the interest of highway safety and the free flow of traffic and satisfactory drainage of the site and in accordance with Policies G8, T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9 Amended Condition 9 (varied under condition 8 of 22/00882/VRCON) - Development in accordance with recommendations of section 6 of Noise Impact Assessment

The development hereby approved shall be constructed in complete accordance with the recommendations of sections 6 of the submitted Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme by Nova Acoustics dated 17/05/2021, Project Number 5941JP, Version 01. The units hereby approved shall not be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the following internal and external noise levels have been achieved:

35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;

30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

The necessary measures shall be retained at all times thereafter.

Reason: In the interest of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 Amended Condition 10 (and also varied under condition 9 of 22/00882/VRCON) - Hard and soft landscaping

The landscaping scheme as shown on Drawing No: 50 Rev 03 - Site Plan with Outbuildings shall be carried out no later than within the first planting season of the first occupation of the approved development.

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 Policies P1, P2, P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 Amended Condition 11 (and also varied under condition 10 of 22/00882/VRCON) - Boundary details

No part of the development shall be occupied until boundary treatments have been erected in complete accordance with Drawing No: 50 Rev 03 - Site Plan with Outbuildings. 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.

- 12 Amended Condition 12 - Car Parking

No part of the development shall be occupied until such time as the car parking, garages, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted have been made fully available for use. The arrangements and garages 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 Amended Condition 13 - Obscure glazed windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the amendment, re-enactment or revocation thereof, prior to first occupation of each respective plot (as identified on Drawing No: 50 Rev 03 - Site Plan with Outbuildings - Received 10/03/2023) listed below, the windows facing east and west at upper floor level(s) on plots 1-6 inclusive, the windows facing east on the ground floor on plots 2 and 3, and the windows facing west at ground floor level on plots 4 and 5 hereby approved shall be fitted with textured glass, which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent), and shall be fitted with top-hung windows. The windows shall be retained as such thereafter:

Reason: In the interest of amenity and in compliance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14 Condition 14 - Permitted Development

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

Reason: To prevent the reduction of rear private gardens in the interest of privacy, in accordance with the objectives of Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

15 New Condition 15 - Tree Planting

Prior to first occupation, a scheme for tree planting (with a minimum of two trees) shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall specify species, planting sizes, number of trees (including 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 Policies P1, P2, P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Statement under Article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Date Decision Issued 23 June 2023

Daniela Ripa
Interim 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 a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. 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. Property specific summary information on coal mining can be obtained from The Coal Authority 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.