

APPLICATION NUMBER: 23/00960/REM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00960/REM	Rosalind Gralton	9 October 2023 EOT 04/07/2024

Address: Land Opposite, Old Falinge, Falinge Fold Rochdale OL12 6LE

Proposal: Submission of reserved matters pursuant to outline planning permission 22/00335/OUT (Outline application (including access and layout) for erection of 2 dwellings) relating to scale and appearance.

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/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: LA

DATE: 03.07.24

SITE

The application relates to a vacant site which measures approximately 820 sqm. The site lies at the end of Falinge Fold. Falinge Fold extends from its junction with Falinge Road which lies to the northeast of the site. To the west of the site, Falinge Fold continues, however vehicle access ends by the site and only pedestrian access is available when travelling west. Additionally, to the west of the site is open fields identified as Spotland Bridge Playing Fields. To the rear and side (east) of the site is a school.

Falinge Fold contains several groups of dwellings that are of historic value. Along with Old Falinge (Grade II) which is sited directly opposite the applicant site, no's 32, 34 and 36 Falinge Fold are Grade II Listed Buildings. No's 50, 52 and 54, 42 and 44, and 14 and 16 Falinge Fold are non-designated heritage assets.

The site itself contains trees, bushes and other undergrowth. Located along the frontage of the site with Falinge Road is a line of mature trees which are protected by Tree Preservation Order (TPO128).

Outline planning permission 12/D55544 was approved through appeal in April 2013. and prior to that, planning permission (04/D42838) was approved for one dwelling. Prior to the 2004 application expiring the applicant discharged the pre-commencement conditions (09/DC00010) and dug a trench which would contain the foundations of the dwelling. In 2012 it was determined that by undertaking such an operation the applicant had made a lawful start and the 2004 permission is therefore still extant.

The surrounding area is largely residential and Falinge School lies to the south. To the north lies a steep embankment which contains a small wooded area which is known as Foot Wood.

PROPOSAL

The application seeks approval for the reserved matters of scale and appearance pursuant to Outline Planning Permission ref. 22/00335/OUT for the erection of a pair of semi-detached dwellings. Details of access and layout have already been approved on the original outline application.

The proposed details include the full elevation and site plan drawings with all details of materials, as well as details of boundary treatments.

Boundary treatments include an estate style black railing.

Value Added

Following correspondence from the LPA, the scheme was amended to remove the dormers, alterations to the fenestration, and amend the details of the proposed materials and boundary treatment.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

Sub-Regional

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1 Sustainable Development

JP-H1 Scale, Distribution and Phasing of New Housing Development

JP-H3 Type, Size and Design of New Housing

JP-H4 Density of New Housing

JP-P1 Sustainable Places JP-C8 Transport Requirements of New Development

Adopted Rochdale Core Strategy (CS):

C1 Delivering the right amount of housing in the right places

C3 Delivering the right type of housing

P1 Improving image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

G/8 Greenspace Corridors

G/3 Protection of Existing Recreational Open Space

EM/7 Development and Flood Risk

EM/8 Protection of Surface and Ground

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

87/D20540 Residential Development - One Dwellinghouse.
Decision: Grant subject to conditions.

90/D25110 Residential Development - One Dwellinghouse.
Decision: Grant subject to conditions.

94/D30350 Erection Of One Detached Dwelling And Detached Private Garage.
Decision: Grant subject to conditions.

04/D42838 Erection of detached Dwelling.
Decision: Grant subject to conditions.

DC00010 Discharged of condition application for planning permission D42838.

12/D55543 Outline Application For The Erection Of 4 Detached Dwellings (Scale, Appearance And Landscaping reserved for subsequent approval).

Decision: Dismissed at appeal.

- 12/D55544 Outline Application For The Erection Of 2 Dwellings (Scale, Appearance and Landscaping reserved for subsequent approval).
Decision: Allowed at appeal subject to conditions.
- 16/00634/REM Application for approval of reserved matters pursuant to outline permission 12/D55544 (relating to appearance, landscaping, and scale) for the erection of two dwellings.
Decision: Grant subject to conditions.
- 22/00335/OUT Outline application (including access and layout) for erection of 2 dwellings
Decision: Grant subject to conditions.

CONSULTATION RESPONSES

Conservation And Design

As amended, no objection subject to conditions

Tree Officer

No comments received to date

Highways And Engineering

It would appear that the reserved matter applied for have no highways implications therefore highways raise no objection to this application.

REPRESENTATIONS

The application was publicised by way of neighbour notification, press notice and site notice. 13 responses were received objecting to the proposal.

Comments are summarised below:

- New dwellings would be damaging to the historic value of the lane
- Lane benefits character of English heritage
- Over congestion on the lane and it is a public footpath to woodlands and Falinge school
- Planning has a duty of care to heritage as well as exploring sites for development
- Squeezing properties into this space would clash against 150 year old neighbouring properties
- The bad historic planning decision should not validate a future application
- The street is unique and any further new builds would dilute this
- The area is praised as a conservation area in 2013
- Negative impact on aesthetics of the fold. New builds will change this
- Neighbours would be overlooked
- Ecological appraisal is unrealistic and impartial in nature
- *'I have regularly noted the presence of a whole host of nesting birds eg Kingfisher and woodpeckers as well as deer and badgers on and in the immediate vicinity of the proposed development.'*

- *'The assertion that "It is anticipated that none of the adjacent woodland areas will be impacted by the proposed development" is disingenuous - the proposed development is in the immediate vicinity of nesting birds and it is well known that the noise, vibration and general disturbance associated with construction has a negative impact on nesting birds and local animal populations.'*
- The un-adopted track road which already exceeds its original capacity – deterioration of the road at cost to residence – council should accept upkeep of the road
- The junction of Falinge Fold is on a blind corner and poses a risk to pedestrians and road users – increase in vehicles result in unacceptable risk – Council should complete a road safety audit
- Impact of flooding
- Damage during construction
- The proposed development will impact the respectful received privacy of 14, 16, 32, 34, 36, 42, 50, 52 and 54 Falinge Fold, looking into private gardens and windows on ground and upper floors
- Impact on trees and nature
- Alternative, more appropriate sites are available for housing
- Impact on adjacent Grade II listed buildings as a result of construction work
- No connection to the sewers
- Impact on health and safety of residents
- Air pollution of construction and completed development
- Short term profit long term harm
- The design is not in keeping with the dwellings, the adjacent properties are examples of well surviving 17/19thC domestic architecture with distinctive detailing.
- Green corridor to the north

The comments which are relevant to the reserved matters to be considered in this application, are taken into consideration in the assessment below.

ANALYSIS

Outline Permission

The majority of matters including the principle of residential development for the site, the access from Falinge Fold, and layout of the proposal, has been established through the granting of Outline Planning Permission ref. 22/00335/OUT. This reserved matters application therefore only seeks to provide details for consideration for the matters of scale and appearance.

Heritage and design considerations

In considering whether to grant planning permission for a development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or and special features of special architectural or historic interest which it possesses. Section 72 of this Act goes on to state that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

Paragraph 201 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage

asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 203 goes on to state that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Core Strategy policy P2 states that the Council will conserve, promote and enhance key heritage assets and their wider settings, including listed buildings, conservation areas, registered parks and scheduled ancient monuments.

‘Significance’ with regard to heritage assets is defined by the NPPF as ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

Located opposite the applicant site lies a large dwelling which is known as Old Falinge. Old Falinge is listed (Grade II), it was formally called Falinge Hall and it was built in 1721 by James Haslam, a wealthy merchant. The 1851 map illustrates that the subject site as open fields or a garden and it is likely that the land belonged to the owners of Old Falinge. The property is set considerably further back from the lane and has a boundary wall that separates the property from the lane.

To the east of Old Falinge are a terrace of three small residential cottages identified as non-designated heritage assets (no’s 50, 52 and 54). Travelling eastwards along Falinge Fold, on the north side of Falinge Fold there are a pair of semi-detached cottages identified as non-designated heritage assets (no’s.42 and 44), 32,34 and 36 Falinge Fold which are grade II listed buildings and no’s 14 and 16 Falinge Fold which are identified as non-designated heritage assets. The properties have a varied form with an organic layout which follows the bend in the lane. The properties are two storey properties but vary in width. The designated and non-designated heritage assets are key components of the character of the lane and are prominent features.

Proposed plans and elevations have been provided to demonstrate the scale and the appearance of the dwellings. In terms of scale, the plans show a single pair of two storey semi-detached dwellings, and in terms of appearance, are designed in Cromwell Pitched, natural stone walling, with smooth stone window and door surrounds and detailing, timber windows with a cream finish, blue grey natural slate roofing and cast metal rainwater goods. The boundary treatment includes black estate metal railings to the front, and to the rear a 1600mm high timber boarded fence.

The proposed dwellings would be sited within a small plot, but would be set back from the front boundary of the site and retain space around them to remain in keeping with the character of the lane. Considering the designated and non-designated buildings in close vicinity to the site which are stone structures it is considered dwellings constructed of stone and slate would be acceptable.

Following amended plans to omit the dormers and revised materials, the proposed scheme is considered acceptable, subject to conditions.

It is noted that the site has a number of trees protected under a tree preservation order sited on the north side of the border, close to the listed building of Old Falinge. It is a notable element of the character of the lane with trees and foliage running along the boundary. The site plan indicates that these trees would be retained. The

reserved matters to be considered under this application do not include landscaping and a further reserved matters application will be required for the submission of matters relating to landscaping. The plans show the retention of the trees, and would be acceptable in relation to soften the impact of the proposed development on the adjacent heritage assets and retain the character of the lane.

As such it is considered that the proposed scale and appearance of the development would not cause harm to the setting or significance of the adjacent designated and non-designated heritage assets and the application would therefore accord with policies P1 and P2 of the Core Strategy, Policy JP-P2 of PfE, and the NPPF.

Residential amenity

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 135 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

The “Guidelines and Standards for Residential Development” SPD contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Places for Everyone Policy JP-H3 States the Nationally Described space Standards are to be taken into considerations when referring to the size of new dwellings.

In this instance the properties are 4 bedrooms, with a minimum bedroom size of 10sqm. While the smallest bedroom at 10sqm is smaller than the required space standards for a double bedspace (for 2 people), this is smaller than 11.5sqm, on balance, given the large house with ample indoor and outdoor amenity space it is not considered the slightly smaller floorspace for this bedroom would be unacceptable. The size of one dwelling is 146sqm, which would exceed the minimum nationally described space standard for a 3 storey 4 bed 8 person dwelling. Given the consideration above, the occupiers would benefit from an acceptable level of occupier amenity.

The boundary of the proposed dwellings would have a 21m distance to the front facing windows of the nearest property at Old Falinge, this would exceed to 27m when considering the terraced dwellings along Falinge Fold (no54-50). To the east, west and rear of the proposal site is the grounds of the adjacent Falinge Park High School, and would not be considered to overlook or unacceptably impact the residential amenity of the school or the occupiers in this respect.

It is considered that the scale of the proposed residential use and both the scale and appearance of the building, would be considered acceptable in relation to residential amenity, and would not unduly harm the amenity of these properties.

RECOMMENDATION

1. This approval relates to the following plans and documents:-

- Amended Proposed Front Elevation Rev C received by the Council 30/04/2024

- Amended Proposed Rear Elevation Rev D received by the Council 30/04/2024
- Amended Proposed Boundary Plan Rev C – received by the Council 30/04/2024
- Amended Proposed Front Elevation without fencing Rev B – received by the Council 30/04/2024
- Amended Proposed Ground Floor Plan Rev D – received by the Council 30/04/2024
- Material Schedule – Proposed Materials Rev C – received by the Council 25/04/2024
- Proposed Eastern Side Elevation – Rev C – received by the Council 13/04/2024
- Proposed Western Side Elevation – Rev C – received by the Council 13/04/2024
- Proposed First Floor Plan Rev B – received by the Council 13/04/2024
- Proposed Second Floor Plan Rev C – received by the Council 13/04/2024
- Proposed Ground Floor Plan Rev B – received by the Council 13/04/2024
- Proposed Section Rev A – received by the Council 13/04/2024
- Proposed Roof Plan Rev C – received by the Council 13/04/2024
- Location Plan – Rev A – received by the Council 29/09/2023

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

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

2. Notwithstanding any description of materials in the application, no above ground works shall take place until samples (on site) and 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, including:
 - o Elevations in natural stone
 - o Windows to be timber in a cream finish
 - o Doors to be timber
 - o Roof lights to be conservation style (set flush with roof)
 - o Rainwater goods to be cast metal painted black
 - o Roof to be natural slate
 - o Boundary treatment as indicated to be black estate metal railings.

Such details shall include the type, colour and texture of the materials and samples shall be displayed on the site for inspection. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in compliance with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. In accordance with details required in Condition 2, prior to their installation large scale drawings (1:5 or 1:10) shall be submitted to and approved by the local planning authority showing details of the following :-
- (a) Fenestration, including elevations, the setback from face brickwork, sections through the head, jamb and cill, and details of stiles, mullions, meeting rails and glazing bars;
 - (b) Eaves, verges, hips and ridges;
 - (c) Doors, door casings and surrounds;
 - (d) Chimneys and flues;

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

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the surrounding area and the setting of the Listed Building, in the interests of visual amenity and heritage. These are in accordance with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

4. Pursuant to Condition 2, prior to any above ground works taking place, a sample of the stone and details of the mortar shall be displayed on site and submitted to and approved in writing by the local authority. The proposed stone work shall match that of the surrounding buildings precisely in terms of colour, texture, size and the method of coursing and pointing. For the avoidance of doubt, all mortar shall be lime based. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the surrounding area and the setting of the Listed Building, in the interests of visual amenity and heritage. These are in accordance with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

5. 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 vents are to be fixed to the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, all rainwater goods shall be cast metal. 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.

6. No dwelling shall be occupied until the boundary treatments have been erected in accordance with the details shown on 'Amended Proposed Boundary Plan Rev C – received by the Council 30/04/2024'. 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.

7. 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 structure shall be erected within their curtilage under Schedule 2, Part 1, Classes A, AA, B, D, and E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent undue harm to the setting of the adjacent Listed Building, and in the interest of visual amenity and in accordance with Policy DM1, P1, P2 and P3 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:

None

Report Author Rosalind Gralton