APPLICATION NUMBER: 21/00381/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00381/FUL	Ryan Killeen	5 May 2021

Address: Vacant Site Between 27 And 41A Aspinall Street Heywood OL10 4HL

Proposal: Residential development - erection of 4 bungalows

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	Neighbour letters expired?	Y	**Press Notice expired?**	N/A

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?	N

EIA	**Screening opinion completed and saved to Onbase?**	N/A

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

RECOMMENDATION	

CHECKED AND SIGNED OFF BY: AT **DATE: 07.05.2021**

SITE

The application relates to a vacant parcel of land to the west of Aspinall Street in Heywood measuring 0.9 hectares. The land has been cleared but recently provided an attractive greenspace covered by several large mature trees. A terraced row of bungalows at 32-44 Aspinall Street stands to the east and two storey rows of terraced dwellings run immediately to the south and north of the site on the same side of Aspinall Street with Nos. 27 and 41A being the closest respectively. Immediately to the west of the southern part of the site lies a large yard associated with a civil engineering firm which is used for storage and operations. A parcel of vacant land lies to the west of the northern part of the site.

PROPOSAL

Planning permission is sought for the erection of two pairs of semi-detached single storey dwellings, each comprising two double bedrooms, an open plan lounge/kitchen, bathroom and two parking spaces per dwelling. The dwellings would be designed to be accessible for the more elderly demographic. The dwellings would be formed with a cross-gable roof form, and be constructed from render and brick. Limited landscaping provisions are included to the rear of the properties.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	**Delivering a more prosperous economy**
E2	Increasing jobs and prosperity
SO2	**Creating successful and healthy communities**
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	**Improving design, image and quality of place**
P3	Improving design of new development
SO4	**Promoting a greener environment**
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, contamination and land instability
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	**Defined Urban Area**

EC/3 Mixed Employment Zones *policy to be read in conjunction with Core Strategy Policies E2 and E3 until replaced by Site Allocations or other DPD.*

EM/7 Development and Flood Risk *Policy to be read in conjunction with CS Policy G8*

EM/8 Protection of Surface and Ground Water *Policy to be read in conjunction with CS Policy G8*

Supplementary Planning Documents (SPD):
Guidelines and Standards for Residential Development (June 2016).

RELEVANT SITE HISTORY

18/01421/FUL Residential development - 4 bungalows – Withdrawn May 2019

CONSULTATION RESPONSES

GM Fire Service

Summary: Proposal should fulfil the requirements for Fire Service access. Recommend installation of domestic sprinkler systems.

Highways And Engineering

Summary: A development of this size and nature will not generate a volume of traffic recognisable against the background levels,200% parking is ideal for this site. No objections.

Env Health - Noise/Odours

I have reviewed the submitted noise impact assessment and am satisfied with its findings that no additional mitigation measure are required. As such this section has no objections to the proposals, we would recommend conditioning the site hours to 07:30-18:00 Monday-Friday 08:30-14:30 Saturdays and no work on Sundays or bank holidays.

United Utilities

Summary: Standard response recommending conditions for foul and surface water drainage.

Lead Local Flood Authority/Drainage

Summary: The conclusions of the Drainage Strategy report conclude that the SW discharge rate from the site will be restricted to 5 l/s utilising onsite attenuation storage and vortex flow control to public combined sewer.

An indicative soakaway test (not to BRE365 standards) indicated that the infiltration rate of the soils was suitable for infiltration for driveways and paths within the site.

Conditions recommended relating to surface and foul water drainage.

Public Protection (Environment)

Summary: Standard pre-commencement condition relating to site investigation.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted in the vicinity. No responses were received.

ANALYSIS

Principle of Development

The site lies within the Defined Urban Area under saved policy G/D/1 of the Rochdale Unitary Development Plan (UDP) and the southern half of the site is designated as a Mixed Employment Zone and is therefore covered by policy E2 of the Core Strategy and 'saved' policy EC/3 of the UDP.

New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

Saved UDP Policy EC/3 prohibits residential development, including change of use, in mixed employment zones because it is not employment generating and is likely to conflict with other uses in the area. However, the saved policy should be read in conjunction with Core Strategy policy E2 which allows non-employment uses including housing where there is a proven lack of demand for the site for a suitable employment use and it would not impact on the ability of existing businesses to operate satisfactorily. The site area that lies within the designated Mixed Employment Zone is 0.04 hectares and Policy E2 does not restrict changes of use of employment sites of less than 0.4 hectares.

Annexe 2 of the National Planning Policy Framework defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes, amongst others, land in built-up areas such as private residential gardens. The site would predominantly therefore, be considered to comprise previously un-developed, or greenfield, land. Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites and focus only on sustainable greenfield sites which provide the best access to a range of services, jobs and facilities and have limited impact on green infrastructure and amenity.

The latest published information suggests that the Council can demonstrate more than a five year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs.

As such, the principle of development of a greenfield site such as this for residential purposes need not be un-acceptable; however, this factor must be balanced against all other material considerations, as outlined below. The development of under-used Greenfield and backland sites can help to make more efficient use of land within the urban area, however, proposals involving the development of gardens require careful consideration to ensure there is no loss of amenity for existing residents, that there are proper means of access and parking and that adequate space can be retained between new and existing dwellings. Sensitive design and good landscaping are also key considerations, to ensure that new buildings fit successfully into existing sites.

The proposal would make a valuable contribution to housing supply within the Borough, whilst being in a sustainable location within reasonable proximity to local amenities and public transport facilities. It is considered that the principle of development is therefore acceptable in accordance with saved Policy G/D/1 of the Rochdale Unitary Development Plan, Strategic Policies C1, C3 and SD1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework in respect of housing supply and sustainability.

However, the application is additionally subject to an assessment of matters such as design, impact on trees, ecology and visual appearance, amenity, highway safety and the environment to ensure its acceptability.

Layout, Design and Appearance

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit, and can also improve health, safety and the environment and reduce long-term costs. As such the policy requires all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design. In addition, Core strategy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

The surrounding area is predominantly residential, comprised mainly of linearly arranged rows of Victorian and Edwardian two-storey terraced dwellings with dual-pitched roofs. Terraces are ordinarily arranged in parallel rows, with an alleyway between facing rear elevations which consequently results in small rear garden spaces. It is recognised that alternative forms have come over the past century, with a row of terraced bungalows present immediately east of the application site. The surrounding material palette is principally red brick, although historic intervention has introduced various pockets of painted cementitious, and pebbledash render.

The proposal comprises two pairs of semi-detached dwellings, with slightly differing forms. The proposals are considered to broadly respect the surrounding design vernacular through the inclusion of appropriate roof form and materials. Given the presence of bungalows directly opposite the application site, it is not considered that a deviation from the two-storey form predominantly found in this area would appear conspicuous to the casual observer.

The choice to separate dedicated parking for dwellings is considered a positive design choice, in addition to the provision of a low brick and steel railing wall to the front elevation, which clearly defines an area of defensible space.

Overall, it is considered the proposals are satisfactory in their design, in accordance with policies DM1 and P3 of the adopted Core Strategy, and the National Planning Policy Framework.

Amenity

Core Strategy policy DM1 requires all development proposals, including extensions and alterations, to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Paragraph 127 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 Council's adopted Supplementary Planning Document '*Guidelines and Standards for Residential Development' (2016)* contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Minimum Distance requirements

With regards to surrounding occupiers, section 4.1 of the SPD requires a distance of 21m between direct facing habitable room windows at an upper floor level. Whilst this application includes only single storey dwellings, it is acknowledged that the direct facing dwellings are also of a single storey form. The purpose of this guidance is to ensure a satisfactory standard of privacy between facing bedrooms. All 4 dwellings would include a front facing secondary bedroom, although it is acknowledged that these would face towards the living rooms of the bungalows opposite at a distance of 14m. On balance, given that the direct facing rooms are not both the primary bedrooms of the respective dwellings, the 14m separation is considered to promote a satisfactory standard of privacy.

Section 4.1 of the SPD requires a distance of 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room. The proposed principal bedrooms of the southern pair of dwellings are sited towards the rear of the property. These dwellings would bounded by a substantial circa 2.5m high concrete fence, which would be at a distance of 2.5m from the rear facing bedroom windows. Although the wall is not recognised as a formal 'elevation', it constitutes a monolithic structure and it is considered that this relationship would result in an unacceptable level of light and outlook for the occupiers of plots 1 and 2, and would ultimately fail to satisfy the aims of policy DM1.

Noise Impacts

In assessing the nose impacts of the development, a Noise Impact Assessment has been submitted with the application which identifies site that is principally affected by levels of noise from traffic using Aspinall Street. The report has noted that over the duration that the survey was carried out no undue acoustic impacts were recorded from the adjacent scrapyard. The report concluded that no mitigation considerations were necessary.

Upon a site visit by an Officer during a working day at 11am, a similar acoustic environment was experienced to that described in the NIA. It is acknowledged that nos.23-27 Aspinall Street will have experienced such an environment for a significant duration, suggesting that the uses could be compatible.

The Council's Environmental Health Officer has been consulted on the application, and was satisfied by the report's findings. They have requested construction hours be managed via condition.

Given the findings of the submitted Noise Impact Assessment are to the satisfaction of the Council's EHO, it is considered that there is a satisfactory acoustic environment which can accommodate a suitable standard of residential amenity.

Occupier Amenity

Section 5.4 of the SPD states "An amount of garden area should be retained to meet the reasonable needs of existing and future occupiers." It is recognised that a 2 bedroom bungalow may not comprise a family dwelling, it is nevertheless considered that the private garden areas of the southernmost pair of dwellings and the northernmost dwelling would be unacceptable, as they are insufficient to provide

reasonable space for even drying clothes or sitting out. The harm resulting from such inadequate garden sizes would be compounded through the presence of the concrete panel fence which would be sited along the western boundary, and would create a significant tunnelling effect and restrict direct natural light, particularly in the late afternoon when it is expected that a garden area may be most likely to be in use.

The Nationally Described Space Standards 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 indicates that a two-bedroom dwelling across 1 storey, with room for up to 3 occupants, requires a floor space of $61m^2$, and for two-bedroom dwelling across 1 storey, with room for up to 4 occupants, $70m^2$. The proposed dwellings would exceed the NDSS requirements and are acceptable in this regard.

In light of the assessment above, the application is contrary to Core Strategy policy DM1, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the requirements of the National Planning Policy Framework.

Highways, Parking and Access

Core Strategy policy T2 states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Core Strategy policy DM1 requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Developments are required to provide parking in compliance with the Council's Car Parking Standards as set out in Appendix 5 of the adopted Rochdale Core Strategy. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and 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 of the road network would be severe.

The proposed dwellings each include off-street parking spaces for two-vehicles which would be considered ample for a two-bedroom bungalow. The site presents no concerns over access or refuse collection, nor any road safety concerns. The Council's Highways Engineer has been consulted on the application and has raised no objection, but has requested that an informative be attached in the event of an approval notifying the applicant of their duties to repair and damage to the footway.

The proposal would be considered acceptable in respect of highways, access and parking and the application would accord with Core Strategy policies T2 and DM1, the Residential Development SPD and the NPPF.

Impact on Trees

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. Trees that are removed should be replaced at a ratio of 2:1 to mitigate for the loss of their amenity value and environmental benefits. Core Strategy Policy G7 (Increasing the value of biodiversity and geodiversity) states that the Council will ensure that features of biodiversity and geodiversity importance are given full and appropriate recognition and protection, and no development should result in a net loss of biodiversity or geodiversity interest.

The site had been cleared of trees at the time of application which were not subject to a Tree Preservation Order. As such, it is not possible to compel the applicant to provide replacement trees at the standard 2:1 ratio, although some of the biodiversity loss could be mitigated through the implementation of a satisfactory soft landscaping scheme which could be secured through condition. Subject to such a satisfactory scheme being received, the broad requirements of Core Strategy policies G6 and G7 and the NPPF would have been met.

Drainage and Flood Risk

Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. To that effect the Council will ensure that new development does not lead to any form of increased flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensure prudent use of water resources. The NPPF also establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

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. The site lies within a Critical Drainage Area.

The application includes an outline Drainage Plan and Drainage Strategy which concludes that a soakaway is a viable option on site, and that surface water discharge can be restricted to 5 l/s utilising onsite attenuation storage and vortex flow control to public combined sewer.

The submissions have been reviewed by the Council's Drainage Engineer who has recommended that standard conditions be attached to any approval. United Utilities have also offered standing advice.

Therefore, subject to an acceptable drainage scheme being submitted to and approved by the LPA as required by a suitable condition, the requirements of Policy G8 of the Core Strategy and the requirements of the National Planning Policy Framework would have been met.

Land Contamination

Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

Consultation has been carried out with the Council's Public Protection Officer who suggests that prior to commencement of the development an investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Where the investigation and risk assessment identify potential unacceptable risks, remedial action should be carried out prior to development in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

It is therefore concluded that, subject to an appropriate condition and subsequent actions in respect of the above, the requirements of Policy G9 of the Core Strategy and the National Planning Policy Framework in relation to land contamination and land stability would have been satisfied.

RECOMMENDATION

REFUSE for the following reason:

1 By virtue of its siting and layout, the proposal would fail to provide a satisfactory standard of occupier amenity due to a lack of light and outlook to the rear facing windows of habitable rooms of plots 1 and 2, and the provision of inadequate outdoor amenity space at plots 1, 2 and 4. The proposal therefore fails to accord with the residential amenity aims of policy DM1 of the adopted Rochdale Core Strategy, the Council's 'Standards and Guidelines for Residential Development' SPD and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

In the avoidance of doubt, this decision relates to the following plans:

- C393-001 – Location Plan, Proposed Site Plan, Floor Plans, Elevations and Boundary Treatments

Report Author Ryan Killeen