

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00396/FUL

CASE OFFICER

Sam Yuen

DETERMINATION DATE 12.07.2024 EXT OF TIME

Address: Land Off Ashdene, Rochdale OL12 6DJ

Proposal: Erection of one detached dwelling with associated car parking landscaping and boundary treatment following demolition of existing detached garages

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?	Y

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

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RG

DATE: 12 July 2024

SITE

The application relates to an area of deciduous woodland off Ashdene in a semi-rural context in Healey. The site is accessible via a gated access from Burwell Close to the north-east and comprise three detached garages of timber and asbestos construction that are currently in a state of disrepair. The land forms part of Tree Preservation Order 003 which also includes the curtilages of nos. 2, 4, 6 and 8 Ashdene and surrounding land to the south-west. The group TPO covers a mix of mature Lime, Sycamore, Elm, Beech, Conifer, Birch, Silver Birch and Willow trees.

To the west of the site lies nos. 2-8 Ashdene, a row of Victoria-era redbrick terraced properties with attractive bay windows and stone door surrounds. The properties comprise large open garden space to the south and borders the application site.

Burwell Close is a residential cul-de-sac of large detached redbrick dwellings set within generous plots. The properties along Burwell Close also form part of TPO 003 though the protected trees are limited to individual trees within private curtilage space.

PROPOSAL

Planning permission is sought for the construction of one detached four-bedroom dwelling sited in the centre of the application site, following the demolition of the detached garages.

The proposed dwelling is of redbrick construction and comprises an L-shaped building of 133.65m² footprint and measuring 15.55m in length, 12.53m in depth, and a maximum 6.93m in height. The proposal is made up of a prominent two-storey front gable element, and a single-storey projection with a dual-pitched roof form and a front canopy. The dwelling is somewhat contemporary in design and feature large gable-end windows and substantial glazing on the front elevation.

The submitted landscaping plan indicate the removal of at least 7no. trees (T2, T3, T8, T13, T14, T15, T16, and T19 as indicated by the Tree Survey) with the additional planting works:

- ☐ 14no. half standard trees towards the southern area and near the north-east entrance;
- ☐ 5no. fruit trees to the west of the proposed dwelling;
- ☐ Shrub planting to the north of the proposed dwelling, adjacent to the driveway; and
- ☐ Hedgerows and 1.2m-high timber featheredge fencing along the south-west boundary abutting the front curtilage of nos. 2-8 Ashdene;

Access into the property would utilise an existing access path to the north-west via Burwell Close which would be extended in line with the proposed layout and constructed in PRS-NEOWEB (a geo-cellular system) with ECOGRID gravel

retention system. The submitted plans indicate off-street parking space for a minimum two vehicles.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

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:

Policy JP-S1 Sustainable Development

Policy JP-H3 Type, Size and Design of New Housing

Policy JP-G7 Trees and Woodland

Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Policy JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

- C1** Delivering the right amount of housing in the right areas
- C3** Delivering the right type of housing
- P3** Improving design of new development
- 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
- T2** Improving accessibility
- DM1** General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

19/00376/OUT - Outline application (including access, landscaping, layout and scale) for one detached dwelling - Resubmission of 18/00579/OUT – Refuse

Reasons:

1. The trees within the application site are covered by Tree Preservation Order 005, have high group value and significantly contribute to the character and appearance of the surrounding area, particularly from Ashdene and Burwell Close. The proposed removal and pruning of trees to facilitate the development would significantly erode the group value of the trees within the Tree Preservation Order area and unduly impact on the existing character and appearance of the area. Insufficient mitigation has been offered, for example through a replanting scheme at a ratio of two new trees planted for every tree removed. The proposal is therefore contrary to policies P1, P2, P3, G6 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed development would be subject to overshadowing from retained trees on the site, particularly to the northern and eastern elevations of the property and to the northern and eastern amenity space and driveway/parking area. The proposed scale and layout of the dwelling would also likely result in principal windows being located to the north elevation which would be subject to overshadowing. The overshadowing from the trees would adversely impact on the living environment of future residents and result in future pressure to fell trees, thus further eroding the group value of Tree Preservation Order 005 and the visual amenity and character of the area. The proposal would therefore be contrary to policies P1, P2, G6 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development would not unduly impact on bats at the site, which are a European Protected Species. The submitted bat survey identifies the presence of bat droppings within one of the garages proposed for demolition and evidence of bat activity at dusk around Ashdene has been confirmed. Without the submission of a report based on an emergence survey undertaken during the peak season (May to July) the development fails to meet the three tests as required by the Habitats Directive to establish that there would be a reasonable prospect of a European Protected Species Mitigation Licence being granted. The proposal therefore does not provide appropriate protection to a European Protected Species and is contrary to policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
4. The landscape and biodiversity mitigation proposed, in the form of replacement tree and hedgerow planting, would be unlikely to be successful due to the detrimental impact on growth potential resulting from the overshadowing caused by existing vegetation on the site. The proposal would therefore provide insufficient biodiversity mitigation in respect of habitat and to offset the loss of existing vegetation. The proposal would as such be contrary to policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

CONSULTATION RESPONSES

Greater Manchester Ecology Unit (GMEU)

Potential ecological issues include bats, badgers, nesting birds, invasive species and biodiversity mitigation and enhancement.

Bats

A previous survey found bat droppings in one of the garage. All subsequent surveys have failed to find any further evidence of bats roosting. The most recent survey has assessed the buildings as have negligible potential but due to the historic evidence recommended precautionary measures during demolition. GMEU does not doubt the consultant's professional opinion, but given the assessment was in winter and garages appear recently swept, any evidence of bat use since the previous application would likely have been removed. One garage was however partially collapsed and therefore clearly has negligible potential and given previous activity surveys failed to find any evidence of bats, with garages rarely having high value roosts, GMEU is inclined to accept that the loss of the garages is very unlikely to have an adverse effect on the conservation status of the local bat population.

However, given the site's history and the possibility that the garages had been recently swept and loss of a low value roost requires a license, GMEU recommends the remaining intact garages are regarded as low risk and one dusk survey carried out prior to determination.

Badger

No evidence of the previously recorded disused sett was found. GMEU has no reason to doubt the findings of the report as a badger sett would be expected to be clearly evident and the consultant was aware of the historic record so unlikely not to have surveyed in-depth. Badgers are likely to be present in the locality and may forage across the site.

Given the historic evidence of a sett on the site and ability of badgers to excavate a new sett relatively quickly, a condition requiring a resurvey for badgers prior to any demolition or earthworks is recommended

Great Crested Newts

As previously GMEU accepts that it is very unlikely that great crested newts are present. No further survey information or measures are required.

Nesting Birds

Trees and shrubs will be lost if the development occurs, that would have provided potential bird nesting habitat. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition for a nesting bird survey method statement prior to tree works is recommended

Invasive Species

As for the previous application the development has moved away from the Japanese knotweed (which was confirmed as still present in the updated survey). In addition it was previously accepted that the rhododendron within the revised plot were primarily if not all ornamental varieties. GMEU therefore still recommend an informative on the Wildlife & Country Act 1981 is applied to any permission.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

The development is subject to mandatory 10% biodiversity net gain. Since the previous application some shrub clearance has occurred, with further tree and shrub removal proposed. Wildlife issues are likely restricted to nesting birds and bats, with possible issues relating to badger.

The applicant claims the development is self-build and therefore falls within one of the exemptions for biodiversity net gain. This is for the LPA to agree and outside GMEU's area of expertise. If however, the development is eligible to be regarded as self-build then it is exempt.

It is not however exempt from the NPPF and therefore should provide mitigation and enhancement for loss of trees and shrubs and this includes the shrubs recently removed based on the guidance of biodiversity net gain that:

"Where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of application, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission." as whilst not subject to biodiversity net gain, the same principle applies with regards the NPPF.

An indicative landscape plan has been provided. This may potentially provide adequate replacement planting but without a detailed planting schedule it is not possible to be sure. A more detailed landscape proposal is recommended prior to determination.

GMEU agree with the ecological consultant recommendations regards the bird and bat box proposals which can be conditioned.

Tree Officer

The Tree Officer advises that the application is refused because of harm to the TPO, and general harm to woodland and landscape.

This application site was subject to extensive tree, shrub and hedgerow clearance in late 2023, which has caused some harm to TPO 003. The Tree Survey provided to inform the current planning application was undertaken after the tree clearances had taken place, and so the survey does not present a fully comprehensive assessment of the value of the site for woodland. The topographical survey provided with the application clearly shows the tree stumps which resulted from the recent site clearance, evidence both of the extent of the clearance and providing an idea of the tree and shrub cover which was present on the site until recently. While the Tree Officer would accept that a part of the overall TPO 003 has been eroded somewhat in the past by other built development, the remaining woodland has high landscape, historical and biodiversity value and still merits the TPO designation and the protection which this offers. Even following the recent clearance, compartment A1 of the TPO (the area included in the current application) has high value for trees and woodland because of the remaining mature tree cover.

Following the clearance works, the Tree Officer advised that restoration of the woodland would be possible through compensatory planting of a new woodland understorey, e.g. Holly, Hawthorn and Hazel. New planting of high-canopy trees was not recommended, because of competition from retained mature trees, but it would be possible to restore the former value of the woodland area by replacement planting. This advice remains relevant.

It is also noted that the construction of the new dwelling within the woodland area would result in further erosion of the woodland cover over time, since the retained woodland would come to be seen as being within the curtilage of the dwelling and managed as a garden setting rather than a woodland. Remaining mature trees would also come under pressure for future removal or pruning because of their proximity to the new dwelling. Even if the recent tree clearances are not taken into account, it is considered the new house would be very intrusive and would have a significant effect on the woodland, particularly in terms of landscape impacts. New planting may serve to mitigate landscape effects, but not to any substantive degree.

Urban Design Summary

The tree/landscape layouts are difficult to read and appear to not correlate with one another. The tree survey does not appear to acknowledge the TPO on the site which is fundamental in determining this application.

The design of the house is lacking interest or depth. The architectural design of the building does not appear to be a priority. The scheme has the potential to enhance the quality of the built environment in the area but is currently doing the opposite. The design generally is to a basic standard, unresolved in parts and ultimately unconvincing in meeting the expectations set out in NPPF Paragraph 135. In its current guise, the Urban Design Officer is unsupportive of this proposal.

Highways and Engineering

The Highways Officer has raised no objections to the proposal, subject to condition requiring details for refuse collection strategy.

The application does not propose any new roads and would not change the existing highways layout. The proposal would provide adequate parking provision and notwithstanding the number of parked vehicles on Burwell Close, it is considered the addition of one dwelling does not constitute intensification of use and will not generate a noticeable volume of traffic on the highway.

Lead Local Flood Authority/Drainage

The Drainage Officer notes the proposed plans have not provided sufficient details regarding roof drainage and the materials of the paving surrounding the proposed dwelling. No details for the sewer connections have been submitted.

It is noted United Utilities would only allow the discharge of roof rainwater to the public sewer system if it has been demonstrated through infiltration testing that the ground is unsuitable for a soakaway. Suitable soakaways must accord with relevant building regulations.

The details indicate the driveway to be GEO-GRID reinforce gravel drive which will be permeable.

The Officer has recommended pre-commencement conditions for a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to and approved in writing by the LPA.

United Utilities

Public Sewer

A public sewer crosses the site and UU will not permit building over it. An access strip for maintenance or replacement is required and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, it is recommended the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Drainage

United Utilities strongly encourage all developments to include sustainable drainage systems to help manage surface water, to avoid surface water entering the public sewer and to offer new opportunities for wildlife to flourish. If new developments can manage flows through sustainable drainage systems that discharge to an alternative

to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

The applicant should consider their drainage plans in accordance with the drainage hierarchy in the NPPF and NPPG. In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that evidence would be requested to demonstrate that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable.

United Utilities' Property, Assets and Infrastructure

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Environmental Control (Landfill Gas)

The Public Protection Officer has not commented on the proposed plans but has advised a pre-commencement condition for a Phase 1 Preliminary Risk Assessment Report to be submitted and approved by the LPA.

REPRESENTATIONS

Objection Reps	141	Support Reps	73	Neutral Reps	1
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Neighbour notifications via letters were sent to surrounding properties and a site notice was posted in the vicinity of the application site. 73 supporting letters and 141 objection letters were received. The representations are summarised below:

Supporting
The proposed dwelling on a land in a state of disrepair would be aesthetically pleasing and improve the appearance of the area.
The proposed scheme has been designed and thought out with the area in mind.
The proposed dwelling would be in keeping with adjacent dwellings and improve outlook.
The existing garages are in poor condition and suffer from asbestos and would benefit from demolition.
The proposed landscaping would be in keeping with the surrounding area and ensure the land is maintained.
The retention of existing trees and proposed landscaping would protect and support local wildlife.

The planting of new trees would improve privacy to neighbouring properties.
The proposal would result in less traffic than when the existing garages were in use.
The proposal would contribute to the housing supply.
The proposal will contribute to local economy by employing local builders and materials.
If left empty, the land will continue to encourage fly-tipping and dog fouling.

Objection	Officer's Response
The site has already been refused planning permission in two previous applications.	Addressed under 'Other Considerations'.
There is no reason for a proposed dwelling in this location.	Addressed under 'Principle of Development'.
The landowner has illegally removed mature trees under TPOs and scrubs on the site prior to submission and would set a precedent for securing planning permission.	The matter is currently dealt as an Enforcement matter independent to this planning application. Addressed under 'Trees'.
The proposal would destroy protected trees that are natural habitats for local protected wildlife, including bats, badgers and deer.	Addressed under 'Ecology' and 'Trees'.
The removal of protected trees would have an ecological impact on local wildlife, increase carbon emissions, reduce air and water quality, and impact people's health.	Addressed under 'Ecology' and 'Trees'.
The natural woodland should be protected and left alone.	Addressed under 'Ecology' and 'Trees'.
The proposal sets a precedent for further encroachment into natural spaces.	Addressed under 'Trees'.
The submitted bat survey was carried out outside of bat season and is not valid.	Addressed under 'Ecology'.
The existing garages and evidence of bat activity appeared to have been cleaned out before the inspection of the bat survey.	Addressed under 'Ecology'.
The applications lacks a comprehensive ecological survey that neglects the significant impact on the protected species.	Addressed under 'Ecology'.
The proposal is not environmentally sustainable.	Addressed under 'Ecology' and 'Trees'.
The proposal would result in the loss of an area of natural beauty.	The application site is not within an Area of Outstanding Natural Beauty.
The proposed dwelling would be built on Green Belt land.	The application site is not located in Green Belt land.

The applications does not set out how the proposal would mitigate climate change or promote energy efficiency.	Addressed under 'Ecology' and 'Trees'.
The application has not provided details in locating and treating Japanese knotweed within the site and the proposal would result in its spread to adjacent properties.	Addressed under 'Ecology'.
The proposal may disturb underground rivers and springs by changing the water table and increasing flooding to neighbouring properties.	Addressed under 'Drainage'.
The proposal may result in surface water flooding to neighbouring buildings.	Addressed under 'Drainage'.
The removal of trees would cause soil erosion and increase surface runoff, polluting nearby waterways.	Addressed under 'Drainage'.
The two-storey dwelling is excessive and intrusive in this location.	Addressed under 'Design and Appearance'.
The proposed dwelling is an eyesore and detract from the appearance of the surrounding dwellings.	Addressed under 'Design and Appearance'.
The proposed windows would directly overlook neighbouring properties and result in loss of privacy.	Addressed under 'Residential Amenity'.
The removal of trees would impact on privacy of neighbouring properties.	Addressed under 'Residential Amenity'.
The proposed dwelling would result in loss of light to the gardens of adjacent properties.	Addressed under 'Residential Amenity'.
The proposal would spoil the view of the woodland from neighbouring properties.	Loss of view is not a material planning consideration. Impact of woodland value is addressed under 'Ecology' and 'Trees'.
The addition of a vehicle access near the convergence of Burwell Close, Ashdene and Whitworth Road would increase risk to pedestrians and road users.	Addressed under 'Highways and Parking'.
The proposal would result in increase in traffic in an already busy junction of Whitworth Road.	Addressed under 'Highways and Parking'.
The proposal would reduce availability of parking spaces.	Addressed under 'Highways and Parking'.
The construction of the development would disturb the surrounding houses and ruin the peaceful setting.	Addressed under 'Other Considerations'.
Construction vehicles may block traffic and parking spaces on Burwell Close.	Addressed under 'Other Considerations'.
The proposal would lead to disruptions to surrounding dwellings in the provision of	This is not a material planning consideration.

utilities.	
The lack of boundaries on site would affect local children and pets during construction.	Addressed under 'Other Considerations'.
The application has incorrectly referred to the site being in Smithy Bridge and within close proximity to Smithy Bridge train station.	The report has assessed the application on its actual location and merits.
The planning permission may be changed to multiple dwellings.	Addressed under 'Other Considerations'.
The proposal would result in the loss of recreational space of the woodland for local residents and walkers.	Addressed under 'Trees'.
The proposed dwelling would affect existing poor internet connection in local area.	This is not a material planning consideration.
The consideration of this application is not a good use of Council's resources and money.	This is not a material planning consideration.

ANALYSIS

Principle of Development

The application site is located within the Defined Urban Area as allocated under saved UDP Policy G/D/1. New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

The proposed development is sited in an area comprising of deciduous woodland and some garages. Whilst the garages would be considered previously developed land the remainder of the site including areas to include new construction are undeveloped and greenfield land. Policy C1 of the adopted Rochdale Core Strategy states the Council will consider the sustainable development of greenfield sites within the urban area where it is demonstrated that the development would have limited adverse impact on green infrastructure or amenity value in and around the site; green infrastructure is, wherever possible, incorporated into the scheme; and where the sites which provide the best access to a range of services, jobs and facilities.

The principle of development for the application site was considered in a previous outline application (ref: 19/00376/OUT), which was accepted by reason of its contribution towards the Borough's five year housing land supply from 2018. The proposed dwelling in the current plans would still represent contribution to the housing supply albeit as a single dwelling this is given limited weight. Nonetheless the proposal for residential use of the site could be acceptable in principle under Policy C1 subject to consideration of the impact on green infrastructure or amenity value in and around the site along with assessment against all other material considerations which are set out in this report.

Ecology

Paragraph 180 of the NPPF seeks to conserve and enhance the natural environment through minimising impacts on and providing net gains for biodiversity. Policy JP-G8 of the PfE aims for a net enhancement of biodiversity through increasing the quality of existing habitats and its management. Policy G7 of the Core Strategy also requires developments to protect existing biodiversity including trees and vegetation and developments should result in a net gain. The application site is an area of deciduous woodland with trees under the protection of TPO 003 which supports local wildlife. The following headings sets out the assessment of the impact on relevant species and biodiversity net gain.

Bats

The submitted Bat Survey has noted the existing garages to have negligible potential for bat roosting. However, considering a previous survey had found bat droppings in one of the garages, precautionary measures during demolition was recommended. In light of this, whilst GMEU has not disputed the findings of the survey, it was noted that the garages appear recently swept and as such, any remaining evidence of bat use from the previous survey would have likely been removed. However, considering that garages do not generally comprise high value roosts, GMEU has assessed the loss of the garages is unlikely to have an adverse impact on the conservation status of the local bat population. Notwithstanding this, taking into account of the historical evidence, the removal of the garages as low value roost would still potentially require a license and GMEU has requested a dusk survey to be carried out prior to determination.

In considering the acceptability of the development within the planning regime, in respect of protected species, specific regard must be given to The Natural Environment and Rural Communities Act 2006 that requires that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” Damage or destruction of a breeding site would be an offence under the Conservation of Habitats and Species Regulations 2010 (the ‘Regulations’) unless a Natural England (NE) European Protected Species (EPS) licence is issued prior to commencement of works or confirmation is received from NE that the development would not require such a licence.

When determining whether or not to grant a licence, Natural England must be satisfied that the following three tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

In the absence of an application for an EPS Licence, the LPA are required by Regulation 9(3) of the Regulations to have regard to the requirements of the Habitats Directive in the determination. The LPA are therefore required to consider whether

there would be a reasonable prospect of a licence being granted by applying the three tests.

In regards the first test the development is not addressing any identified public harm or public safety concerns. In regards the second test the existing buildings comprise dilapidated garages of timber and asbestos construction that no longer have a viable use. The wider site does however comprise an area of TPO which have high group value and provide part of the established character of the area and make a positive contribution. The development of the TPO area does not accord with local and national policy and it is considered that there is an alternative for the site. The application therefore fails the second test. For the third and final test, mitigation details have been submitted with the application through the installation of two bat boxes within the site to increase bat roosting provision, details of which can be secured by planning conditions. As such, subject to conditions, the application may satisfy the third test in terms of maintaining the population of bats at the site.

Giving full consideration to the above and the comments provided by GMEU, and in the absence of a further dusk survey, it is considered that LPA cannot be satisfied at this time that there is a reasonable prospect of European Protected Species Mitigation License being granted by Natural England. The information submitted with the application in regards protected species is therefore unacceptable and is contrary to Policy G7 of the adopted Core Strategy, PfE, and the NPPF.

Badgers

GMEU have noted that whilst the survey recognised the previous recorded disused sett of the site, no active badger setts were found during the survey. However, badgers are considered to be likely to be present in the locality and may forage across the site, excavating a new sett relatively quickly. As such, in the event the application was acceptable, a condition for resurvey prior to demolition would be recommended.

Great Crested Nests

No concerns are had in this respect as it is very unlikely great crested nests are present.

Nested Birds

The application identifies the clearance of trees and shrubs and these can provide potential bird nesting habitat. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Therefore, should the application be acceptable, a condition for a nesting bird survey method statement prior the works to trees would be recommended.

Invasive Species

The proposed development is sited away from the Japanese knotweed identified on site by the survey. Any proposed works would be subject to the provisions of

Schedule 9 Part 2 of the Wildlife and Countryside Act 1981, as amended, where it is an offence to introduce or cause to grow wild any plants listed under this schedule.

Biodiversity Net Gain (BNG)

Policy JP-G7 of the PfE recognises the contribution of trees in enhancing biodiversity and encourages the positive management of woodlands. Where development would result in the loss of existing trees, measures for net enhancement in the character and quality of the treescape and biodiversity value in the local area would be required. The proposal would result in the removal of trees and shrubs and potential loss in bird nesting habitat. There will also be potential impacts on species such as bats in the absence of sufficient survey evidence.

As of 12th February 2024, BNG of 10% is mandatory for development in England under Schedule 7A of the Town and Country Planning Act 1990. In the submitted supporting statement the applicant has claimed the development to be self-build which falls within the exemptions listed under The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

However, in order to meet the self-build exemption, the development must meet the definition provided in the Self-Build and Custom Housebuilding Act (2015) in that such is the case where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In order to comply with the specific requirements to meet the definition of self-build and the requirements in perpetuity, a legal mechanism for controlling this would be necessary were the application proposals to be approved. The applicant has not put forward any such mechanism.

Notwithstanding the above, were the application to be considered exempt under the self-build criteria, the provisions of Paragraph 180 of the NPPF and PfE Policy JP-G8 in respect of providing a net gain to biodiversity would still apply to the proposed development.

The site has been subject to the clearance of trees and shrubs in November 2023, prior the submission of the application. In light of the degradation of the woodland taken place, the relevant BNG guidance apply, where it is stated:

“Where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of application, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission.”

With this in mind, the pre-development biodiversity value of the site would be taken from before the works carried out in November 2023.

In the absence of a biodiversity matrix, it is not possible to conclude the specific impact upon biodiversity that the development would have, however, having regard to the pre-November 2023 baseline, it is clear that the post-development value of the site would appear drastically worse than the pre-development value through the removal of the protected trees. The proposed dwelling would also encourage further degradation of the woodland and result in further harm, which is assessed further in the following heading. With reference to the mitigation hierarchy of Policy JP-G8 of the PfE, the application has not provided consideration of alternative sites with less harmful impacts to biodiversity. The application fails to demonstrate that bats on the site would be appropriately protected with the absence of a dusk survey. The proposed replacement replanting would also be insufficient in compensating for any remaining harm to biodiversity. No assessment to demonstrate quantifiable biodiversity net gain has been set out in the submission. The proposal would therefore fail to comply with Paragraph 180 of the NPPF and Policy JP-G8 of the PfE.

Taken as a whole, the proposed development would not be acceptable and would be contrary to Policies G6 and G7 of the adopted Rochdale Core Strategy, the Places for Everyone Joint Development Plan, and the NPPF.

Trees

The NPPF recognises the important contribution of trees to the character and quality of urban environments, and their role in mitigating and adapting to climate change. Policy JP-G2 of the adopted PfE identifies trees and woodland as vital elements of the green infrastructure network and key features of urban green spaces, which Policy JP-G8 seek to protect and enhance through conserving and managing existing trees of heritage and/or aesthetic value. Policy G6 of the adopted Rochdale Core Strategy sets out provision for enhancing green infrastructure and requires regard to local landscape character and contribute to its conservation or enhancement. Developments should avoid the loss of existing urban greenspace or features e.g. trees unless suitable alternative provision is made, it has limited value and its development or change of use will help meet other sustainability or local regeneration objectives. Additionally, Policy G7 requires developments to protect existing biodiversity including trees and vegetation.

The statement for Tree Preservation Order 003 states the site contain trees which “raise the visual qualities of the area to a very high standard,” and contributes towards the semi-rural and verdant character of the site. The public value of the landscape is enhanced through its siting abutting Burwell Close, where it is most visible and positively appreciated. It also noted within the statement “the visual amenities of the area would be considerably diminished if any new residential development were to take place which would involve the cutting down, topping, lopping or wilful destruction of any trees.” Whilst some evidence of built development exists on the site, such as the detached garages, the mature trees provide considerable tree cover and the woodland still contain high landscape, historical and biodiversity value which forms the basis of the TPO designation.

Prior to submission, the application site was subject to extensive tree, shrub and hedgerow clearance in late 2023. The submitted Tree Survey was undertaken after the tree clearances had taken place and has made no mentions of the protected status of the trees. As such, the survey does not represent a comprehensive assessment of the value of the site as a woodland. It is also not explicitly clear whether the submitted plans indicate the identification of trees prior to or after the clearance works.

The proposal would result in the removal of circa seven protected trees, situated across the site. The effect of this is a noticeable thinning in the tree cover to the site, which would be detrimental to the group value of the TPO and its contribution to the visual amenity of the surrounding locality.

It is acknowledged the proposed plans indicate replacement planting at a ratio of 2:1, in line with Policy G6 of the adopted Core Strategy. Notwithstanding, given the high amenity value of the group TPO, and in the context of existing degradation, it is considered the replacement planting would not adequately mitigate the harm arising from the proposed removals and would not be acceptable.

As noted by the Tree Officer, the construction of a new dwelling in the area would result in the woodland being treated and maintained as residential curtilage space. Given the proximity of the mature trees to the proposed dwelling, the host occupants are likely to be subjected to significant maintenance and overshadowing impacts from the extensive tree cover. The remaining trees would therefore come under pressure for additional removal and/or pruning, resulting in further erosion to the woodland cover over time and contributing to the loss of value to the TPO.

With regard to objections received in respect of the amenity value of the site as a recreational area, the application relates to the development of private land, which is clearly fenced off to prevent unrestricted access and is not subject to any established rights of way or access. Thus, whilst the site may have been used informally for the enjoyment of the local community, in the absence of evidence confirming the right for this use to take place, the LPA cannot attribute weight to its recreational use. There is however still weight given to the visual amenity value for residents which the site clearly provided.

The proposed removal of trees protected under TPO 003 would result in undue harm to the group value of the TPO and would not be acceptable. The replacement planting set out would not sufficiently mitigate the harm caused by the removals. The proposal therefore fails to accord with Policy G6, the Places for Everyone Joint Development Plan, and the NPPF.

Design and Visual Appearance

Achieving good design as part of sustainable development is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of the PfE and Policy DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing,

height and materials. In addition, Section 5.1 of the SPD states development proposals should be in keeping with the host property and generally should be subservient to it.

The application site is characterised by a woodland bounded by mature trees which contributes towards the verdant character and appearance of the area. Attractive redbrick dwellings are found along Ashdene to the north-west and detached dwellings along Burwell Close enclose the site to the south-west. The mature trees and landscaping are best enjoyed from Burwell Close, which positively enhances the semi-rural context of this street scene.

The proposed dwelling is not connected to any existing building line and therefore sits in an isolated location within the woodland and between the existing built developments. Notwithstanding, the proposed entryway utilises an existing access to the north-east and the front elevation of the dwelling is oriented towards the south-east, aligning with the path of Burwell Close, which would constitute an appropriate use of layout given the site context.

The proposed dwelling is a part-single, part-two storey detached dwelling, which somewhat corresponds to the built forms of the adjacent two-storey dwellings, as well as the dwellings at the end of Burwell Close which appear single-storey at street level. However the massing of the built form and the approach to fenestration appears unbalanced and fails to enhance the context in which it sits. The proposal as a whole is of limited visual interest or detailing and would fail to improve design quality in the area.

Taken as a whole, the harm caused by the degradation of the woodland setting, alongside a proposed design which fails to address the site context in strong or visually interesting way, results in a development which would not be considered to be well designed in the context of NPPF paragraph 139. The proposal therefore fails to accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD, the PfE and the NPPF.

Residential Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they *“do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.”*

Amenity of Neighbouring Occupiers

The proposed dwelling would be sited in an isolated and enclosed location in the woodland. Notwithstanding the proposed removal of trees, the remaining mature trees and shrubbery would provide some screening from the surrounding properties. Owing to the tree cover, the dwelling is also not expected to cause more overshadowing impacts than the existing trees and landscaping. With regard to the space standards set out in the SPD, the proposed habitable room windows are limited to the south-east front elevation and the south-west side elevation, which would be subject to the amenity assessment. Taking into account of Section 4.1 of

the SPD, the proposed front bedroom does not directly face any windows and would be sited 26.3m and 18.44m from the front elevation and curtilage boundary of no. 2 Burwell Close respectively. The proposed south-west facing bedrooms would be sited at least 19.55m from the front amenity space of no. 2 Ashdene. The distances are all in excess of the space requirements of Section 4.1 and therefore the proposed dwelling is not considered to inflict significant overlooking harm to the neighbouring occupiers.

Amenity of Host Occupiers

As mentioned earlier in the report, the proposed dwelling would be subject to substantial tree cover from the mature trees which enclose the development, and is likely to result in significant loss of natural light to the habitable room windows, to the detriment of the residential amenity impacts of the host occupants. The proposed removal of trees and planting of half standard trees to the south-west corner of the site may reduce the overshadowing impact, though not to a substantive degree to outweigh the impact from the remaining tree cover. Moreover, there are concerns that in the event the proposal is approved, the expected overshadowing impact may give rise to further felling of trees. The high landscape and biodiversity value of the TPO has already been established and the LPA would not support further erosion of the woodland to address residential amenity constraints.

The proposal would unduly impact on the amenity of the host occupants and would fail to accord with Policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Highways and Parking

Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *“provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.”*

The Highways Officer has been consulted to assess the impact on highway safety and has raised no objections. The application does not propose any new roads and would not change the existing highways layout. The volume of traffic associated with one dwelling would not be noticeable and the proposed off-street parking provision is adequate. It is acknowledged, as is raised in a number of objections, that at present a number of vehicles park around the junction of Burwell Close and the site access. However, existing junction measures are in place and this proposal does not represent a considerable intensification in use.

Highways have also noted that a refuse store and collection strategy would be required for the site, which could be secured via condition.

The proposal would not result in any undue harm to highway safety and would accord with Policies T2 and DM1 of the adopted Rochdale Core Strategy.

Drainage

Policy G8 of the adopted Core Strategy requires the Council to manage water resources and flood risk. The application site is not located within a flood zone nor is it within a critical drainage area. Thus the proposal is not considered to increase flood risk to the surrounding area.

The Drainage Officer was consulted on the proposed plans and noted insufficient details have been provided regarding roof drainage arrangements, paving materials and sewer connections. Notwithstanding this, in the event the application is acceptable, further details could be secured through planning conditions or through compliance with Building Regulations where more appropriate.

The proposed plans indicate the proposed driveway to be constructed in the same permeable materials as proposed in the outline application which was accepted by the Drainage Officer.

On this basis the proposal would be acceptable in accordance with Policy G8 of the adopted Core Strategy and the NPPF.

Land Contamination

Policy G9 of the Core Strategy 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 and a condition is recommended to ensure that any potential contamination is identified through the submission of a Phase I Preliminary Risk Assessment, with further intrusive investigations and remediation carried out where necessary. Subject to the suggested condition and the carrying out of any subsequent actions in respect of the outcome of the Phase I investigation, the requirements of Policy G9 of the adopted Core Strategy and the NPPF will have been met.

Other Considerations

Objections raised to the application has referred to the previous refusal of an outline application to the site and that this application may, if approved, set a precedent for further development on the site. Each application must be considered on its own merits and such concerns cannot be used to refuse an application.

With regard to concerns over potential disturbances caused during the construction of the development, such matters cannot be used to refuse an application, but it is noted that if construction impacts including noise was of justified concern, a construction management plan can be secured through condition.

Other non-planning matters have also been raised including the applicant's motivations for the development. Personal circumstances cannot be used in consideration of the application, which is determined on its own merits.

RECOMMENDATION: REFUSE

1. The trees within the application site are covered by Tree Preservation Order 003, have high group value and significantly contribute to the character and appearance of the surrounding area, particularly from Ashdene and Burwell Close. The proposed removal and pruning of trees to facilitate the development would significantly erode the group value of the trees within the Tree Preservation Order area and unduly impact on the existing character and appearance of the area. The proposed replacement tree planting would not be sufficient to overcome the harm identified. The proposal is therefore contrary to Policies P3, G6, G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
2. The proposed dwelling would be subject to undue loss of natural light from retained trees on the site, particularly to the habitable room windows of the south-east and south-west facing elevations. The overshadowing impacts would adversely impact on the residential amenity of the host residents and would result in future pressure to fell trees, thus further eroding the group value of Tree Preservation Order 003 and the visual amenity and character of the area. The proposal would therefore be contrary to Policies G6 and DM1 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development would not unduly impact on bats at the site, which are a European Protected Species. In the absence of a dusk survey, the development fails to meet the three tests as required by the Habitats Directive to establish that there would be a reasonable prospect of a European Protected Species Mitigation Licence being granted. The proposal therefore does not provide appropriate protection to a European Protected Species and is contrary to Policy G7 of the adopted Rochdale Core Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.
4. In the absence of a completed biodiversity matrix and having regard to the site clearance which has already taken place and that which is proposed, the application fails to demonstrate that the proposals would be able to secure an enhancement to biodiversity. The proposed landscaping arrangements, in the form of replacement tree and hedgerow planting, would be unlikely to be successful in compensating the loss of biodiversity value. The proposed dwelling may also encourage further degradation of the woodland and result in further harm. The proposal would as such be contrary to Policies G6 and G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

5. By virtue of its impact on the landscaped context within the site, alongside the design of the building with regards to its built form, massing, and lack of visual interest, the proposed dwelling constitutes an unsatisfactory standard of design. This fails to reflect the local context and would cause undue visual harm to the verdant character of the woodland and the appearance of the surrounding street scene. The proposal is not well-designed and therefore fails to accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development', the adopted Places for Everyone Joint Development Plan, 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:

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ☐ Location Plan – Drawing No. SP/JS/4218 Rev. 00 received 01/05/2024
- ☐ Existing Site Plan – Drawing No. SP/JS/4219 Rev. 00 received 01/05/2024
- ☐ Proposed Site Plan and Fencing Elevation – Drawing No. SP/JS/4230a Rev. 01 received 17/05/2024
- ☐ Proposed Floor Plans and Elevations – Drawing No. SP/JS/4229a Rev. 01 received 17/05/2024
- ☐ Proposed Landscaping Plan – Drawing No. SP/JS/4217 Rev. 00 received 01/05/2024
- ☐ Artist Impression Drawing – received 01/05/2024
- ☐ Tree Identification Plan – Drawing No. CA/01 Rev. 00 received 01/05/2024
- ☐ Tree Constraints Plan – Drawing No. CA/02 Rev. 00 received 01/05/2024
- ☐ Tree Protection Plan – Drawing No. CA/03 Rev. 00 received 01/05/2024