

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 22/01223/FUL

Name and address for correspondence:	Applicant name:
Mr Jack Cannon WhiteBox Architecture Ltd 8 Church Hill KNUTSFORD WA16 6DH	Secret Garden Developments Ltd

Part I - Particulars of Application

Date of Application: 5 April 2023

Proposal:	Erection of 8 dwellings with associated parking and landscaping with access from Rose Street and Lily Street
Location:	Land To Rear Of 19-47 Kenyon Lane, Middleton,

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans and documents:

Drawing No: 100 Rev B - Site Plans
Drawing No: 201 Rev B - House Type A - Plans and Elevations
Drawing No: 202 Rev B - House Type B - Plans and Elevations
Drawing No: 24-XXXX-500 Rev P1 - Drainage
Received on 6th February 2024

Drawing No: 200 Rev C - Proposed Landscaping Plan
Received on 19th April 2024

and the development shall be carried out in accordance with the approved drawings.

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

- 3 Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

- 4 No development shall commence until construction details of the internal vehicle access points, including drainage, have been submitted to, and approved in writing by, the Local Planning Authority. The details must be of a standard that meets the Council's criteria for residential accesses.

Reason: In the interests of road safety in accordance with Policies T2 and DM1 of the Rochdale Core Strategy and Policy JP-C8 of PfE.

Reason for pre-commencement condition: As insufficient information has been submitted to ensure the internal vehicle access points will be to a standard that meets the Council's criteria for residential accesses.

- 5 No part of the development shall be occupied until a scheme of highways improvements to the proposed accesses at Lily Street and Rose Street, including but not limited to layout, design, surfacing, drainage and construction details have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings hereby approved shall not be occupied prior to the implementation of the approved scheme.

Reason: To ensure the vehicular access to the development hereby approved is in line with Council standards in accordance with Policies T2 and DM1 of the Rochdale Core Strategy and Policy JP-C8 of PfE.

- 6 The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with of policies T2 and DM1 of the Core Strategy.

- 7 Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of refuse and recycling storage sufficient for the intended development has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before first occupation and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.

Reason: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy T2 of the Core Strategy, JP-C8 of PfE and the NPPF.

- 8 No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include details of the following:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding;
 - v. measures for the protection of the natural environment from accidental spillages, dust and debris including dedicated protection measures (including high visibility fencing) for the retained trees during and after construction;
 - vi. a lighting plan designed to direct any temporary lighting away from the retained trees and hedgerow during and after construction;
 - vii. noise and vibration, mud and dust suppression;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix. wheel washing facilities; and
 - x. any external lighting of the site.

The development shall be carried out in complete accordance with the approved CMP.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, T2, G7, G8 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents prior to commencement of any building or engineering works on site.

- 9 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be based upon the preliminary drainage plan by ADS Structural plan dated 06.02.2024 Drawing ref 24-XXXX-500/P1. Details to be submitted shall include:
- i. Sewer plan details with a restricted rate of surface water discharge to public combined sewer of 5l/s. Construction details of the flow control chamber, if this forms part of the sustainable drainage system.
 - ii. Construction details for permeable paving including kerbing and cross-section of open graded sub-base, if this type of paving forms part of the sustainable drainage system.
 - iii. The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same

- 10 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with United Utilities). The sustainable drainage management and maintenance plan shall include as a minimum:

- i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of PfE and the National Planning Policy Framework.

- 11 No development shall commence on site until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Proposed finished ground and floor levels or contours, means of enclosure (including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
- b) Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc);
- c) Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
- d) A maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting;

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Reason: In the interest of ensuring that the landscaping of the development enhances the visual local environment in accordance with Policy G6 of the Rochdale Core Strategy and JP-G6 of PfE.

Reason for pre-commencement condition: These details are required prior to commencement of development because of insufficient information contained within this submission and in the interest of ensuring that the landscaping of the development enhances the visual local environment.

- 12 Prior to first occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate the boundary treatment shall include the provision of mammal gaps. The boundary treatment shall be implemented in accordance with the approved plan before the

development is occupied or otherwise in accordance with a timescale agreed in writing by the Local Planning Authority.

Reason: In order to protect the privacy of adjoining and future occupiers and in the interests of the visual amenity and the character of the area in accordance with Policies P3 and DM1 of the Rochdale Core Strategy and the Council's Guidelines and Standards for Residential Development SPD.

- 13 No tree, shrub or brash clearance shall occur or renovation of the buildings occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the Rochdale Core Strategy and the National Planning Policy Framework.

- 14 No development shall commence on site (including demolition or preparatory works) until, details of a habitat enhancement scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide, but not limited to, bird boxes (house sparrow hotel, swift boxes, standard bird boxes on trees), insect boxes, bat boxes/bricks, holes in fencing for hedgehogs and wildlife friendly planting). The scheme shall also include a programme for implementation and ongoing maintenance. The habitat enhancement scheme shall thereafter be implemented and adhered to in accordance with the agreed programme.

Reason: Details are required prior to commencement as insufficient information was submitted with the application and in order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with the NPPF, Policy G7 of the Rochdale Core Strategy and JP-G8 of PfE.

Reason for pre-commencement condition: As insufficient information has been provided and to ensure adequate habitat enhancement can be provided prior to construction.

- 15 No development shall commence, including any earthworks, vegetation clearance or demolition until, a method statement detailing eradication or avoidance measures for rhododendron, monbretia and Japanese knotweed has been submitted to, and approved in writing by, the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy G7 of the Rochdale Core Strategy, Policy JP-G8 of PfE and to ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

Reason for pre-commencement condition: Construction activity increases the risk of invasive species spreading.

- 16 Prior to first occupation of the development hereby approved, full details of all external lighting to be installed within the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and orientation, any hoods/shades, and an isolux contour map to show light spill levels (down to 2 lux if operating between 23:00 and 07:00, or down to 10 lux if operating only between 07:00 and 23:00) and showing neighbouring buildings. The details shall demonstrate that light levels will not exceed the relevant guidance lux levels specified in the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and shall also demonstrate how glare will be controlled.

The approved scheme shall thereafter be installed before first occupation of the dwellings and the external lighting shall thereafter be maintained and operated in accordance with the approved details.

Reason: In order to protect the privacy and amenity of adjoining and future occupiers and enhance the appearance of the development in accordance with Policy in accordance with Policies DM1 of the Core Strategy and the NPPF.

- 17 No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1400hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 18 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination
- ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii. where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be carried out in accordance with the approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: To prevent pollution of the environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies G8 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows/doors/dormers/openings, other than those shown on the approved plans shall at any time be placed in the dwellings hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM1 of the 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.

Date Decision Issued 8 October 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

INFORMATIVE:

A section 106 Agreement has been completed for this development. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning.