

APPLICATION NUMBER: 22/01321/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01321/FUL	Jake Powell	20/02/2022

Address: Linkside, Sunny Brow Road, Middleton, M24 4BG

Proposal: Erection of 7 no. dwellings, associated access works, infrastructure and landscaping following demolition of the existing dwelling and buildings.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: AT

DATE: 22.02.2023

SITE

The application relates to the spacious grounds of a large, split-level dwellinghouse occupying a backland location off Sunny Brow Road, Middleton. The site also includes a number of outbuildings. Access to the site is via a private driveway off of Sunny Brow Road. The site is surrounded by residential properties to the east, south and west.

On site is a number of trees, four of which are protected by Tree Preservation Orders.

To the north, the application shares a boundary with a Greenspace Corridor.

PROPOSAL

The application proposes the construction of seven no. dwellings of three varying types on site:

Plots 1 and 2 would consist of Type A. These would be a pair of two-storey semi-detached dwellinghouses with a maximum height of approximately 9.4 metres, width of 6 metres, and depth of approximately 12.3 metres. The dwellinghouses would benefit from a gable fronted two storey element on the front elevation, as well as a single storey rear flat roof extension, with a lantern roof light. The two dwellinghouses would benefit from a lounge, utility room, wash-cabinet and a kitchen/dining area at ground floor level. At first floor level the proposed dwellinghouse would benefit from two double bedrooms, a single bedroom, a bathroom and a study. Finally within the roof space, the properties would benefit from an additional bedroom with en-suite bathroom. Roof lights would be installed on the rear roof slope of the dwellinghouses.

Plots 3 and 4 would consist of Type B. This dwelling type would consist of a two-storey detached dwellinghouse with a maximum height of approximately 9.3 metres, width of approximately 7.4 metres and a maximum depth of approximately 13 metres. On the front elevation the dwellinghouse would benefit from a front facing two storey gable element incorporating a bay window at ground floor level, in addition to a first floor bay window, and a single storey porch extension. The rear elevation would consist of patio doors at ground floor level and two windows at first floor level. The two dwellinghouses would benefit from a lounge, utility room, wash-cabinet and a kitchen/dining area at ground floor level. At first floor level the proposed dwellinghouse would benefit from one master bedroom with an en-suite bathroom, two double bedrooms, a single bedroom, and a bathroom.

Plots 5, 6 and 7 would consist of Type C. This would be of a similar scale, height, footprint and appearance to Type B, however would include rooflights on the rear roofslope of the dwellinghouse. Internally, the dwellinghouse type would benefit from a lounge, utility room, wash-cabinet and a kitchen/dining area at ground floor level. At first floor level the proposed dwellinghouse would benefit from one master bedroom with an en-suite bathroom, two double bedrooms, a bathroom and a study. The roof space would also be habitable, with an additional large bedroom, dressing room and en-suite bathroom.

Each dwellinghouse would be provided with two parking spaces either to the side or front of each unit, and would benefit from a private amenity space to the rear.

The applicant has indicated that the proposed materials for the development would consist of facing brick, and slate roof tiles to the Council's approval, stonework to cills and porch surrounds, as well as black finish UPVC double glazed windows.

Amendments

The application has been amended to include the removal of a group of trees to the south-east corner of the site, as well as to provide additional landscaping and replanting around the site.

Further amendments were made at a later date, which resulted in the removal of the access gate, the inclusion of a 1.8 metre replacement boundary fence on the eastern boundary, and the removal of oak trees from the proposed boundary hedgerow.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

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
P1	Improving image
P3	Improving design of new development
SO4	Promoting a Greener Environment
G6	Enhancing Green Infrastructure
G8	Managing water resources and flood risk
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

GD/1	Defined Urban Area
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Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

79/D09977	Outline Application For Three Bungalows. Withdrawn.
80/D11034	Outline Application For Two Dwellinghouses. Refused.
81/D12504	Residential Development 8 Dwelling Houses. Granted subject to conditions.
82/D14352	Approval Of Reserved Matters Two Dwellinghouses. Granted

subject to conditions.

82/D14355	Private Double Garage. Granted subject to conditions.
84/D16951	Front Porch And Single Storey Extensions To Side And Rear Of Dwellinghouse. Grant subject to conditions.
84/D17178	Front Porch And Single Storey Extension To Rear Of Dwelling And Formation Of Balcony Over.
89/D24065	First Floor Side Extension To Dwelling And Formation Of Pitched Roof Over Attached Garage. Grant Permission subject to condition.
06/D47302	Residential Development - 15 Flats. Refuse.
07/D48697	Residential Development - 13 Flats - Resubmission D47302. Refuse.
08/D50870	Demolition Of Existing Dwelling And Erection Of 11 Dwellings. Refused. Appeal allowed.
12/D55180	Application For A New Planning Permission To Replace Extant Planning Permission D50870 For The Erection Of 11 New, Four-Bedroom Dwellings (Including Demolition Of Existing Dwelling). Grant subject to conditions.

CONSULTATION RESPONSES

GMEU

As you are aware the information submitted with the application includes a Preliminary Ecological Appraisal Report and a Nocturnal Bat Survey Report.

Bats

The surveys found no evidence that the buildings to be demolished are being used by roosting bats. However as bats are highly mobile creatures we would advise that the following informative be attached to any permission, should it be granted:

Whilst the buildings to be demolished have been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting birds

As the proposal will involve the loss of trees and shrubs that may be used by nesting birds, we would recommend that the following condition be attached to any permission, should it be granted:

No removal of or works to any trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Biodiversity Enhancements

The Appraisal makes recommendations for biodiversity enhancement measures, in line with the requirements of the National Planning Policy Framework. As these do not appear to have been included in the submitted plans we would recommend that the following condition be attached to any permission, if granted:

A scheme for the Biodiversity Enhancement Measures, as set out in Section 5.3.2 of the Preliminary Ecological Appraisal Report (dated July 2022) by Collington Winter Environmental Ltd (ref CW20-463 RPT 001), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

United Utilities

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Further detail regarding sustainable drainage systems.

Environmental Health

I've looked at the site on our GIS, have decided to accept the recommendations but will require a Watching Brief with a confirmation nothing was identified during development.

Tree Officer – 13/01/2023

I'm concerned that this application involves the loss of probably the two best trees on the site, a Lime and a Willow marked as T9 and T10 in the tree survey and subject to TPO266, while two Sycamore trees which will in future represent a real hazard to the proposed dwellings are proposed for retention (Trees T12 and T13 in the survey). I would not object to the loss of the two Sycamores but would be concerned about the loss of the Lime and the Willow included in the TPO. I am not as concerned about the loss of T3 (a Birch also included in TPO266), although compensation should still be sought for the loss of this reasonable tree.

To my mind the proposals will lead to over-development of the site which will erode the local tree scape, and if the number of dwellings was reduced this could facilitate the retention of T9 and T10.

However, I'm aware of previous similar applications on this site. If the current development is regarded as acceptable in other planning terms, I would advise –

- ☐ Trees T12 and T13 should also be removed, otherwise they are likely to represent a future risk to property. The Tree Retention and Protection Plan will need to be amended to reflect this change.
- ☐ Compensation should be sought for the tree losses, particularly T3, T9 and T10. The site, once developed, will be too constrained to accommodate

replacement large broadleaved trees, so seeking off-site compensation for tree losses will likely be a more practical approach.

Tree Officer 23/01/2023

I have now had the opportunity to consider further representations made on this application, update myself on previous planning applications and tree comments relevant to the site, and to visit the site accompanied by the planning agent to inspect the trees on the site and the development proposals. It was a useful meeting and as a result I would make the following changes to my initial comments on the development (*note tree numbers are those referred to in the tree survey report provided with the application*)

- ❑ **T10, Willow protected by TPO.** Some Willows do have a natural tendency to be brittle and can crack, but this tree has clearly lost a number of branches relatively recently, is showing other signs of fracture and there are some signs of distress in the crown. Given this overall condition, and taking into account the views of the previous Tree Officer following previous branch fall that the tree did not merit further protection, I would accept that this tree could be removed to facilitate the development. It would need to be removed soon in any case due to poor condition.
- ❑ **T9, Lime on boundary protected by TPO.** This tree is in an overall reasonable condition but it has been poorly pruned a number of times in the past and as a result now exhibits a very dense crown. The tree is not yet fully mature and has some way to go before reaching its full growth potential; it is a high forest tree in a modest rear garden. It is already causing harm to boundary structures and has significant potential to cause further harm to the neighbouring property over time. It will also cause harm to residential amenity because of the dense shade which the tree will be causing, and will cause in the future. The tree will also pose significant issues for new residents of the planned housing development. I have considered whether it would be possible to further prune the tree to mitigate these issues, but this would be a temporary stop-gap measure, would likely add to the mis-shapen crown and further increase shading issues, and it will not prevent root damage to property. I have therefore concluded that I would not consider that the loss of the tree would be particularly egregious, such that the planning application could be refused for this reason.
- ❑ **T12 and T13** are good condition semi-mature trees close to site boundaries. Contrary to my previous comments, it ought to be possible to retain these trees and allow the development, although crown lifting will be required on both trees and root barriers may need to be installed during construction of the closest new houses to prevent future root encroachment.
- ❑ My comments in relation to **T3** remain unchanged – although a this is a reasonable tree it does not greatly contribute to the local tree scape and I would not object to its removal.
- ❑ I note that **T22**, a Sycamore included in the TPO can now be retained (the tree may have been lost in previous iterations of the development layout).
- ❑ The hedgerow marked **G11** in the tree report comprises a poorly pruned row of Leyland Cypress. The trees had grown too large to form a coherent hedgerow and have been recently heavily topped, resulting in an unsightly and poorly functioning boundary feature which is unlikely to recover well from the pruning works. My advice would be to remove this hedgerow and replace

it with a more suitable hedgerow, e.g. *Crataegus* or *Prunus laurocerasus*, as part of any new landscaping scheme.

- Other trees within the plot are essentially garden trees without particularly substantive arboricultural merit.
- It would be possible to introduce new (compensatory) tree and shrub planting into the layout, although with small, more appropriate species (e.g. *Magnolia* or *Amelanchier* sp).

Tree Officer 31/01/2023

I would regard the revised Landscape scheme for the above planning application as acceptable, and would raise no further objections to the proposals.

Greater Manchester Fire and Rescue Service

The above proposal should meet the requirements for Fire Service access. The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.

The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally, if the access road from the main road is more than 20m long, a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250 m. There should be a suitable fire hydrant within 165m of the furthest dwelling

The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

Highways

The application is supported by a Technical Note prepared by SCP which will be the basis of highway comments.

When considering previous residential development for this site Highways raised concerns about the access, however on appeal the Planning Inspectorate consider the access was acceptable.

The access road would not be considered suitable for adoption.

We would not expect that the development would have any impact on highways capacity.

The Technical Note has reviewed accident data in the area around the site and it would appear that there are no inherent road safety issues in the area surrounding the site.

Parking provision for the size of the development is in line with this Councils parking standards.

The Technical Note provides swept path analysis for the internal layout which indicates that there is adequate turning space for a small fire tender and a van. We do have concerns that a standard sized refuse vehicle cannot enter the site therefore

refuse collection would have to take place from Sunny Brow Road. The distance from the collection point to the proposed dwelling exceeds the allowable distance for residents and collectors, this issue will need addressing prior to Highways supporting this application.

Drainage

The Drainage Officer has reviewed the report and agrees with the principles summarised above, which will ensure that sustainable drainage will be provided in accordance with the UK's National Planning Policy Framework. However, regarding the calculation of current Brownfield runoff to be 12.8 l/s, which assesses the impermeable area as 1500 sq.m., the Drainage Officer does not think that all the impermeable area runoff flows are captured and sent to public sewer because some of the hardstanding will shed to surrounding ground. As Drainage Officer, I would set the maximum rate of discharge to public sewer to be 5 l/s; United Utilities should advise on whether they are happy to increase the rate to 6.4 l/s or not.

REPRESENTATIONS

The application was publicised by way of neighbour notification letters. 9 letters of representation were received OBJECTING to the application. The objections are summarised below:

- ❑ Detrimental impact on highway safety and congestion, especially during the construction period. Improper access. Will result in increased parking in the area.
- ❑ Health impact due to demolition/construction.
- ❑ Noise pollution caused by construction would be disruptive to neighbouring properties, as well as vehicles accessing the site.
- ❑ Bin collection seems unsuitable.
- ❑ Danger to children at local nursery due to construction.
- ❑ Separation distances between properties should be reviewed.
- ❑ Proposed development will negatively impact sunlight.
- ❑ Unacceptable loss of trees, some on neighbouring land.
- ❑ Intensification of the use of the site will result in a detrimental impact on privacy.
- ❑ Automated gate will disrupt neighbouring properties.
- ❑ Drainage implications of the development.
- ❑ Proposal would have a detrimental impact on neighbouring properties privacy/overbearing impact.
- ❑ Bats are roosting in the area.

The points raised in relation to the health implications of the proposed development, as well as the potential for danger to children at the local nursery are not material planning considerations, and as such will not be included in the analysis of this recommendation.

However, the points raised in regards to the highway implications of the proposal, potential impact on the amenity of neighbouring properties by way of privacy, outlook, sunlight and noise, in addition to drainage and ecological impact of the proposal are all relevant planning considerations which will be discussed.

Due to the scale of the proposed development in relation to residential properties, Officers may consider it appropriate to attach a condition in the event of an approval of the permission for construction hours to be limited to an acceptable timeframe. Furthermore the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the

surrounding area may be subject to action by the Councils Environmental Health Department.

After amendments were provided, 3 letters of representation were received supporting the application.

ANALYSIS

Principle of Development

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (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.

Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites, seeking to provide 80% of new housing on PDL.

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.

The principle of redevelopment of the site for residential use would be compatible with the surrounding residential area. The site is located in close proximity to Middleton Town Centre. It is therefore considered that the site is well located in terms of access to jobs, shops and services by modes of transport other than the private car. The site is therefore in a sustainable location.

Furthermore, the proposal would make efficient use of land within the Defined Urban Area and would contribute to the supply of housing in a sustainable location within the borough. The principle of the development is therefore acceptable and in accordance with the adopted Core Strategy, saved policies within the Unitary Development Plan and the NPPF.

Visual Amenity

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. This policy requires all new developments to adhere to high quality design and Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

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.

Paragraph 134 of the NPPF states that in determining applications, significant weight should be given to outstanding or innovative designs which promote high levels of

sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The application site is located within the Defined Urban Area and in an area of Rochdale which is characterised by residential development. The area is predominantly defined by two-storey detached dwellinghouses, with average sized private amenity spaces to the rear. The materials used within the surrounding area vary, incorporating both red and grey brick, as well as red and grey roof tiles. The roof form is defined by gable ended properties, although there are some examples of hipped roofs.

The application proposes to construction 7 no. dwellinghouses of three varying types, and whilst differing between semi-detached and detached, all would share similar characteristics. Considering the proposed dwellinghouses would be of a similar scale to the surrounding area, and sharing similar characteristics such the gable elements, and choice of materials, Officers consider that the proposed development would relate well in terms of design to the surrounding area. This view is further compounded as the proposed development would be set back from the highway, and largely un-viewable from the streetscene.

Furthermore, the installation of a replacement boundary treatment to the eastern boundary would be considered an appropriate addition to a residential area, which would not detract from the character and appearance of the area.

Subject to suitably worded conditions for details of the materials used in the proposed development to be submitted to and approved by the LPA in the event of an approval, Officers consider that the proposed development would accord with the adopted Rochdale Core Strategy policies P3 & DM1 as well as the National Planning Policy Framework.

Residential Amenity

Paragraph 131 of the National Planning Policy Framework advises that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

Space Standards & Privacy

Section 4.1 of the SPD sets out minimum distance standards which all new residential developments should adhere to in order to ensure a satisfactory standard of amenity for surrounding, existing and future occupiers.

The proposed dwellinghouses at plots 3-7 would back onto open land to the rear of the site, and would not result in an undue loss of privacy, outlook or light to any neighbouring properties.

With regards to the proposed semi-detached dwellinghouses at plots 1 & 2. Paragraph 4.1 of the *Guidelines and Standards for Residential Development 2016 (SPD)* states "the following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

- i. 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage (Figure 2);
- ii. 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);
- iii. 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room (Figure 4).

The rear of the proposed dwellinghouses at Plot 1 & 2 would back onto the rear boundary of the properties at No. 5 & 7 Lime Gardens. Between first floor windows situated on the rear elevation of the proposed dwellinghouses and the first floor habitable room windows of the properties at No. 5 & 7 Lime Gardens, there is a distance of approximately 23 metres. Furthermore, there is approximately 11.3 metres between the first floor rear windows of the proposed dwellinghouse and the rear boundaries of these neighbouring properties.

Considering the proposed rear building line of the single storey extension of these proposed dwellinghouses is approximately 20.7 metres away, and that the proposal would comply with point i) of paragraph 4.1 of the SPD with regards to properties to the rear, Officers are satisfied that these proposed dwellinghouses will not result in a detrimental impact on the residential amenity of No. 5 & 7 Lime Gardens through a loss of outlook, light or privacy.

The side elevation of the Plot 1 will face the neighbouring property at No. 34 Sunny Brow Road. It is acknowledged that this neighbouring property benefits from a single storey rear extension, which has not been indicated on the provided Site Plan. Nevertheless, the distance between the rear elevation of this existing neighbouring extension and the side elevation of the proposed dwellinghouse at Plot 1 would measure approximately 15 metres. This is in line with paragraph 4.1 ii) of the SPD, and therefore the proposal would not result in an unacceptable level of outlook or overbearing appearance to this neighbouring property. Furthermore, as no window is proposed at first floor level on the side elevation of the dwellinghouse at Plot 1, the proposal would not result in a significant loss of privacy.

The proposal would therefore have an acceptable impact on neighbouring residential amenity.

Occupier Amenity

The application proposes seven substantial dwellinghouses, which would provide adequate floor space, private amenity space, and adequate levels of light and outlook to all habitable rooms.

Conclusion

It is considered that the scheme would have no undue impact on the amenity of adjoining residents through loss of outlook, overshadowing, loss of daylight or loss of privacy and would provide a more than satisfactory standard of occupier amenity and therefore meets the requirements of CS policy DM1 and the NPPF.

Highways

Policy T2 of the Core Strategy sets out that development and infrastructure proposals are required to satisfy the Council's accessibility hierarchy and in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those

travelling through. Developments are required to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the CS.

The application has been reviewed by the Council's Highways Engineer who raised concerns regarding the proposed access for the site. However this has been removed from the proposal.

The application has been supported by a Technical Note which includes a swept path analysis, indicating adequate turning space for small fire service vehicles and a van. For a residential development of this size, it would be expected that access should be adequate for larger service vehicles, such as those used for refuse collection. This therefore raises concerns regarding how refuse collection will work on the site, as refuse collection would have to take place from Sunny Brow Road, which would exceed the recommended distance for residents and collectors in line with highways guidance. This however would not warrant refusal alone, as this could be arranged privately, and in the event of an approval more details on refuse collection would be requested.

Furthermore, parking provision proposed would be in line with the Council's standards and therefore Officers consider that the proposed parking would have an acceptable impact on the highway network.

Drainage and Flooding

Policy G8 of the adopted Rochdale Core Strategy, seeks to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The Policy aims to prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from development sites.

The application has been reviewed by the Council's Lead Drainage Officer who raised no objection to the proposal, on the basis that the principles raised within the submitted Drainage Strategy Report (T J Booth Associates, October 2022) are agreeable. It is noted that the Drainage Officer disagrees with the views provided on impermeable area runoff, however this would not warrant refusal, and further details can be provided by way of a suitably worded condition.

Officers acknowledge that concerns were raised by an objection to the application with regards to the potential impact of the proposed development on local sewers. United Utilities provided comments on the application, requesting further information in the form of a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). This would allow the risk of sewer surcharge to be further assessed. However, this would not be considered a material planning concern and as such Officers did not consider it appropriate to request this further information.

With the condition for the applicant to provide further details of surface and foul water drainage on site prior to development, Officers consider the proposed development would comply with Policy G8 of the adopted Rochdale Core Strategy.

Contamination

Policy G9 requires that any risks associated with contaminated land are identified and addressed prior to development. In addition, the borough has been subjected to past coal mining activity, which has left a legacy. It is therefore important that ground conditions are fully considered by developers as part of new development proposals

and, where necessary, appropriate remedial measures must be set out and implemented to address any issues of unstable land and ensure safety and stability of new development.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application has been supported by a Geo-Environmental Phase 1 Desk Study (*Adeptus Consulting*, August 2022), which concluded on the basis of the available information, that no potentially significant pollutant linkages have been identified and the proposed development is therefore considered to present a low risk to human health and the environment. The application site previously fell within gardens to a large house to the west and was essentially undeveloped prior to construction of the current dwelling, Linkside, and residential use is not considered a potential source of significant contamination.

This supporting information has been reviewed by the Council's Environmental Health Officer, who accepted the conclusions of the provided desk study, on the basis that a suitably worded condition be attached to the permission in the event of an approval for a watching brief to ensure that no contamination risks are identified during development.

With this condition in mind, Officers consider that the proposed development would comply with Policy G9 of the adopted Rochdale Core Strategy, as well as the National Planning Policy Framework.

Arboricultural Impacts

Policy G6 establishes that development should protect and improve green spaces and where trees are to be removed they should be replaced at a ratio of 2:1. Policy G7 of the Core Strategy requires developments to protect existing biodiversity including trees and vegetation. The NPPF also requires the planning system to contribute to and enhance the natural and local environment.

The application has been reviewed by an Ecologist at the Greater Manchester Ecological Unit, who upon reviewing his initial comments and attending a site visit, raised no objection to the proposed development.

The application would result in the loss of a number of trees on site, including TPO trees indicated as T9 and T10 within the provided supporting information. T9 is a lime tree on the boundary with the neighbouring property at No. 13 Lime Gardens. This tree is not fully mature, but is already causing harm to the boundary of this property, and has significant potential to cause further harm to the neighbouring property over time by way of dense shading. Unfortunately it was considered by GMEU that works cannot be done to the tree to improve the impact on neighbouring properties, and as such the loss of this tree would not be considered particularly egregious. T10 is a willow which is in a poor condition, and its removal would therefore be considered acceptable. With these views in mind, the proposed loss of these TPO trees would not be considered to be unacceptable.

However, Officers have concerns with the proposed number of trees removed on site. The application proposes the loss of approximately 32 existing trees on site of varying quality. In replacement of these trees, the application proposes the planting of approximately 20 new trees.

In line with Policy G6, the application would require the planting of 64 trees to accommodate for the loss of the existing 32 trees on site. The application would therefore result in the unacceptable loss of trees in line with this policy. It is acknowledged that due to the scale of the development, and constraints of the site, the planting of these new trees would not be possible on site.

The proposed development would therefore result in the unacceptable loss of trees, in conflict with adopted Rochdale Core Strategy Policy G6, as well as the National Planning Policy Framework.

Ecology

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. 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. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The application is supported by a Preliminary Ecological Appraisal Report, as well as a Nocturnal Bat Survey (*Collington Winter Environmental*, July 2022). This supporting information has been reviewed by the Greater Manchester Ecological Unit (GMEU), who raised no objections to the proposal. The supporting information indicates that there is no evidence of roosting bats in the existing buildings on site. However, as bats are mobile creature, the GMEU has suggested an informative be attached regarding ceasing work should bats be found on site.

In relation to birds, the application would result in a significant loss of trees on site. On the recommendation of the GMEU it is considered appropriate in the event of an approval to attach a suitably worded condition for the protection of habitats on site, by way of limiting the removal of shrubbery and foliage to outside of bird nesting periods.

Finally in regards to biodiversity enhancements, the GMEU has suggested a condition to the ensure that a scheme for the Biodiversity Enhancement Measures outlined in the Preliminary Ecological Appraisal Report are submitted to and approved in writing by the Local Planning Authority, and implemented thereafter.

With these conditions and informative in mind, Officers consider that the proposal would have an acceptable impact on habitats and ecology in line with Policy G6 and G7 of the adopted Rochdale Core Strategy, as well as the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reason(s):

1. The proposed development would result in a significant loss of trees within the site, with insufficient replacement tree planting proposed in mitigation. The proposed development would therefore result in an unacceptable loss of green infrastructure and harm to visual amenity, in conflict with policy G6 of the adopted Rochdale Core Strategy 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:

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

L196-01-C - Site and Location Plans

L196-02-A - House Type A

L196-03 - House Type B

L196-04 - House Type C

L196-06 - Demolition Plan

L196-06 - Existing House

L196-07 - Existing Outbuildings

140722JC-01 - Site survey

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