

APPLICATION NUMBER: 23/00875/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00875/FUL	Aimee Bovaird	6 November 2023

Address: Land Adj To 70 Kirkway Middleton M24 1EL

Proposal: Erection of 2 no. 3 bedroom detached dormer bungalows

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 24.01.24

SITE

This site is located beside 70 Kirkway, Middleton. This site is currently an unused area of land in between semi - detached bungalows and semi- detached dormer bungalows. There is mature trees on the site. Opposite the site is St Peters Roman Catholic School.

There is an informal pathway that runs behind the bungalows to Farmway Park, this path has no status.

This is within the Defined Urban Area and within a Development High Risk Area.

PROPOSAL

The application proposes the erection of 2 no. 3 bedroom detached dormer bungalows. Parking is to the front of the dwellings, a garden is located at the rear. The properties are set back from the highway and further back than the existing building line.

The materials are brickwork on elevations to match existing neighbours and red concrete hanging tiles on the rear dormers with the roof being concrete tiles to match existing neighbours.

Plot 1 proposes a three bedroom dormer bungalow, including a kitchen/ lounge, shower room and an en suite. The dormer is on the front elevation. Plot 2 is proposed to be the same.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO4	Promoting a greener environment
G6	Enhancing green infrastructure
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

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

N/A

CONSULTATION RESPONSES

United Utilities

No objections

The Coal Authority

The following comments were received, (summary)

The application falls within the Development High Risk Area and the application is of 'Fundamental Concern'

Lead Local Flood Authority/Drainage

The following comments were received:

'The site has a combined 300mm dia. sewer crossing the corner of the site. Typically UU will want a 3m easement either side of the sewer. Furthermore, the building of houses on this site may make it impossible for UU to get to the manhole in the grassed area behind the site.'

Gtr Manchester Ecology Unit

The following comments were received,

'As the proposal will result in the loss of several trees and what appears to be semi-natural habitat, I would advise that an ecology report accompanies this application (A PEA or similar). This should be undertaken by a suitably qualified ecologist following best practice methodology. An additional survey work (such as further bat surveys) or mitigation measures identified within the ecology report should also be provided.)

In addition appropriate information should be submitted to demonstrate gains for biodiversity in line with policies of the NPPF (September, 2023).'

Highways And Engineering

The following comments were received:

'There are a number of highway issues arising from this application that would require consideration.

The site is adjacent to a footpath link between Kirkway and Farmway and we would expect that the proposed development would not impede that access and comments from the Councils Rights of Way Officer would be beneficial.

The access to the site is not adopted and we note that not all of the connecting access route from the development site to Kirkway is included within the site edged red and it should be part of the application considerations. Although the access would not be adopted we would require that the access is constructed to an acceptable standard and that the applicant provides further details on the access for approval.

The submitted plans show two parking spaces per dwelling which would meet Council standards however we do have some concerns about the driveway space available particularly for Plot 2 as it appear the hedge extends across the driveway. We would ask that a minimum driveway width of 5 metres is provided for this plot is provided.

The development site is within an acceptable distance from Kirkway to allow servicing to take place.

We would not expect that the proposed development would have any impact on road safety or highway capacity on the wider highway network.

Subject to the requested clarification on the access and driveway issues Highways would raise no objection to this application.'

Rights of Way Officer

The following comments were received:

'I have considered the associated papers to Planning Application Number 23/00875/FUL and the proposal does not affect any rights of way.'

Environmental Protection

The following comments were received requesting the following condition:

'Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report must be submitted to, and approved in writing by, the Local Planning Authority and shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.'

REPRESENTATIONS

Letters of representation have been sent out to surrounding occupiers and a site notice has been displayed. Five objections have been received and raised the following concerns.

- Loss of green space
- Increase in parking issues
- Overdeveloping the plot
- Mines are a concern

The matters raised are addressed in the following analysis section of this report.

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.

The principle of development is considered acceptable. Further planning considerations are set out below.

Character and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The revisions to the NPPF in September 2023 are clear that development that is not well designed should be refused, and conversely, significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life, the National Model Design Code and the National Design Guide which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding what 'good' and 'bad' design looks like.

The siting of the two dwellings are pushed back to the rear of the plot. This results in a cramped design that does not reflect the established building line. The proposed dwellings will not have a front garden or amenity space at the front of the dwelling.

Parking is proposed at the front of both plots. This does not represent the surrounding dwellings as the bungalows either side have front amenity space. The surrounding dwellings are not cramped to the back of their plots. Overall the design is harmful to the character and appearance of the area because it is not consistent with existing dwellings and the lack of consistency constitutes poor design that is harmful and conflicts with local and national design policy.

The dwellings are proposed to be finished in brickwork to match neighbouring properties and the roof is proposed to be finished in concrete tiles to match neighbouring properties. This is considered acceptable design.

The rear elevation of the dwellings will have a dormer, dormer guidance is set out in the Guidelines and Standards for Residential Development. The SPD sets out, '*Rear dormers should be modest in size and not occupy a disproportionately large portion of the roof*'. The proposed dormers would be modest in size in relation to the roof. The proposed rear dormers are considered acceptable.

It is considered the proposed dwellings by siting and design would be harmful to the character and appearance of the surrounding area. The proposal would have a detrimental impact on the appearance of the street scene and is not in accordance with requirements of CS Policies P2 and P3, and advice contained within the NPPF.

Impact on Amenity and Surrounding Occupiers.

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Council's 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.*"

Section 4.1 of the Guidelines and Standards for Residential Development 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 proposal complies with the space standards.

Plot 2 has a significantly smaller garden than Plot 1 and this does not provide an acceptable standard of amenity for the occupiers and future occupiers for residents on Plot 2. The rear is approx. 8.4m wide and 5m in length this is smaller than existing neighbouring properties no. 70 Kirkway has a garden approx. 9m wide and 19m long, this is more typical of dwelling in the area. It is acknowledged that no.68 has a small rear garden however they also have a front garden which the proposed development does not. Overall this results in a poor standard of amenity. It is not considered the proposal would have an unacceptable impact on neighbouring amenity. However Plot 2 does not achieve an acceptable level of residential amenity and does not accord with policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Coal Mining

The proposed development falls within the defined Development High Risk Area. Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

The Coal Authority have been consulted as part of the application and have an objection, they have stated the report *fails to sufficiently consider the risks posed by the recorded mine entry*'.

Insufficient information has been provided to demonstrate that the proposal considers the risks posed by the recorded mine entry and as a consequence, the proposed development does not comply with Policy G9.

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 proposal will result in the loss of trees and the Council's Ecologist has advised if the application is to be approved a tree report should be submitted and additional information is required to demonstrate gains for biodiversity in line with policies of the NPPF (September 2023). In the absence of such detail, the proposed development cannot be found to comply with the NPPF or Policies G6 and G7.

Highways and refuse collection

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As part of the application process the Council's Highways Officer has been consulted as part of the application process and raised a number of issues such as a minimum driveway width of 5m and clarification of the location of the hedge.. If the application is approved the issues could be addressed via amended plans or condition.

RECOMMENDATION

Refuse for the following reasons:

1. The proposed development, by reason of the siting of the dwellings behind the established building line and cramped plots on the site the development is considered poor design and will have a negative impact on the surrounding character of the area. On this basis the proposed development is contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed development through the size of the rear gardens is considered to provide a poor standard of amenity. This is as rear gardens are small, especially Plot 2 and do not reflect the character of the area. . On this basis the proposed development is contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. Insufficient information has been provided within this submission. The 'Coal Mining Risk Assessment' is not considered acceptable. The report fails to sufficiently consider the risks posed by the recorded mine entry. The proposal will not comply with G9 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 the decision relates to the following plans:

Location Plan
Proposed Block Plan
Proposed Site Plan – 32970-02
Proposed Plot 1 – 3297-03
Proposed Plot 2 – 3297-04

Report Author Aimee Bovaird