

APPLICATION NUMBER: 22/01018/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01018/FUL	Jake Powell	22/11/2022

Address: Land To The Rear Of 299 And 301 Grimshaw Lane, Middleton, M24 2AT

Proposal: Single-storey rear extension to provide two bedroom flat including replacement access to rear.

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

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 24.11.2022

SITE

The application relates to two end terrace two-storey properties located on Grimshaw Lane within the Defined Urban Area. The site lies within a block of seven properties, all of which are in use as dwellings.

The site has a large rear garden space, created from the conjoining of the two rear gardens spaces of the properties No. 299 and No. 301 Grimshaw Lane. It is on the rear garden area that the extension is proposed to be constructed. The site is surrounded by a large boundary wall, which appears to have been leftover from attempted construction of a previous development, as seen by the large steel beam sited across the garden space.

PROPOSAL

The application proposes the construction of a single storey rear extension to the two buildings to create a separate living accommodation to provide an additional flat to the site.

The accommodation would provide two double bedrooms, one of which would benefit from an ensuite bathroom. An additional bathroom area would be provided, as well as a kitchen/living room.

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
P3	Improving design of new development
SO4	Promoting a Greener Environment
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).

Other Material Considerations

Nationally Described Space Standards

RELEVANT SITE HISTORY

No relevant site history.

CONSULTATION RESPONSES

Highways

No objection and no specific planning conditions.

Flooding and Drainage

Suggest condition attached to permission in the event of approval for application to provide details of drainage scheme.

The Coal Authority

Proposes planning conditions.

REPRESENTATIONS

The application has been publicised with neighbour notification letters. One letter was received OBJECTING to the application on the grounds that:

- ☐ Antisocial behaviour and noise

Anti-social behaviour by reason of residential development is not a material planning consideration, but rather a police matter and as such will not be considered in the analysis of this recommendation.

Similarly the application proposes residential development, within a residential area, and as such the impact on noise is not expected to be significantly detrimental by the intensification of use of the site.

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.

Annexe 2 of the National Planning Policy Framework defines 'previously developed land' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes, amongst others, land in built-up areas such as private residential gardens. The site would predominantly therefore, be considered to comprise previously un-developed, or Greenfield land.

Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites, 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.

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

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

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.

The application proposes the construction of a single storey extension to accommodate a standalone flat/dwelling. Surrounding the rear garden of the site, where the proposed development will be sited, is a high boundary wall which appears to be left over from a previous unfinished development. The proposed development would utilise this wall as the outer boundary of the proposed flat.

As such, the proposed development would not appear significantly different from the existing view of the rear of the site. Furthermore, the application proposes the installation of a number of windows around the edge of the proposed development, within this existing wall. Officers consider that this would be an improvement on the existing situation, by adding some elements of details and breaking up the visual appearance of what is currently a bare faced and prominent boundary treatment.

In light of the above, it is considered that the design of the proposed is to a satisfactory standard which would improve upon the current situation and would accord with policies DM1 and P3 of the adopted Core Strategy, and 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.

By reason of the siting and nature of the proposed development in conjunction with the other properties on site, Officers consider that the proposal would not result in an undue loss of privacy, outlook or light to any neighbouring properties.

Occupier Amenity

The Nationally Described Space Standards (NDSS) is a technical standards document produced to ensure internal space within new dwellings is suitable for application across all tenures. Table 1 of this document sets out the minimum gross internal floor area requirements for dwellings, and setting out the requirements for dwellings which include a variety of room numbers, bed spaces and storeys.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	Built-in storage
2	3p	61sqm	2.0sqm

In assessing this application, the table below sets out the GIA of each unit. It is noted that no details on the intended number of occupants have been submitted. However due to the sizing of the proposed units, it is likely that each would accommodate four individuals.

Unit	No. of occupiers	Gross Internal Area (M ²)	Required GIA (M ²)	Difference (M ²)
Unit 1	3	67	61	+6

The proposed residential unit would meet the requirements of the Nationally Described Space Standards. Whilst it is noted that no built in storage is provided, adequate additional space is available and Officers therefore consider that the occupier amenity would be satisfactory. On balance, the proposal would provide adequate light and outlook for all habitable rooms.

Additionally, whilst it is also noted that the proposal neglects to provide a suitable outdoor space for the occupiers to enjoy, the site lies in close proximity to parks and areas of open space so as to ensure residents enjoy a reasonable standard of amenity.

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 no objection to the proposed development. It was noted that from a Highways perspective the main issue arising from this application is parking provision.

Council standards would require the provision of some off street parking spaces and the application provides none. There are existing parking restrictions in place on Grimshaw Lane, Castle Street and Collinge Street so this would restrict any overspill parking from the development onto the highways and the junction on which the proposed development stands. It would also appear that the proposed development would not remove any existing parking spaces from existing properties.

Accident data for Grimshaw Lane has also been analysed and there does not appear to be any inherent road safety issues around the junction of Grimshaw Lane and Castle Street. Furthermore, the servicing arrangements for the development would seem to be adequate.

Therefore the proposed development would be considered acceptable in accordance with policies T2 and DM1 of the Adopted Core Strategy, along with the objectives of the National Planning Policy Framework.

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 applicant provides further information regarding proposed drainage schemes, by way of a pre-commencement condition.

With this condition in mind, Officers consider that the proposed development would accord 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 site lies within the Coal Mining High Risk area, as set out by the Coal Authority, and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The application is accompanied by a Coal Mining Risk Assessment dated September 2022 and produced by Geo Investigate Ltd. This is a desktop based report which has been informed by a range of historical, geological and coal mining information.

The report authors acknowledge that a coal outcrop may be present beneath the site, although they note that this will likely be under significant superficial deposits. They conclude however that, based on the information available, there will be insufficient competent bedrock cover above any workings present. The report authors therefore state that, in their professional opinions, there is a risk posed to surface stability and the new development. On this basis they conclude that intrusive site investigations should be carried out on site to establish the exact situation regarding coal mining legacy features and the risks these pose to the development.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. In the event of approval, a condition will be attached to the permission for the applicant to carry out intrusive site investigations to provide a clearer indication of the potential for coal mining related hazards on site. This would be a pre-commencement condition.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Furthermore, it should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. Officers therefore consider it appropriate to attach a condition to the permission in the event of approval for a preliminary risk assessment to be carried out prior to the commencement of development.

Subject to a suitably worded condition requiring intrusive site investigations for the purposes of assessing the risks of coal mining legacy features, as well as contamination risks, the proposal would accord with the requirements of Policy G9 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to the following condition(s):

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:-

003 Rev 2	Proposed Plans
003a	Proposed Plans
004 Rev 2	Existing and Proposed Elevations
005 Rev 1	Site Plan Existing and Proposed

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy 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 specification of materials to be used externally on the building(s) 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 DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features, and the findings have been submitted to and approved in writing by the Local Planning Authority.

Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Reason for Pre-Commencement Condition: Coal Mining Legacy investigation and any required mitigation measures will require investigation before the significant disturbance to ground and removal of material.

5. No development shall take place until such time as a scheme for the disposal of foul and surface waters from the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from foul water. The surface water drainage scheme should be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, and include details of how the scheme shall be managed after completion. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface and foul water from the site in accordance with the requirements of Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works, these details are required prior to commencement of any building or engineering works on site.

6. No development shall take place until a Phase I Report (Preliminary Risk Assessment) to assess the actual and/or potential contamination risks at the site has been submitted to and approved in writing by the Local Planning Authority. The report 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.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies G9 of the Rochdale Core Strategy.

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

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Report Author Jake Powell