

APPLICATION NUMBER: 24/01171/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/01171/FUL	Nick Brookman	23 April 2025

DETERMINATION DATE (EXTENSION OF TIME)
30 April 2025

Address: Bentgate House, Newhey Road, Milnrow, Rochdale, OL16 4JY

Proposal: Erection of one detached dwelling with associated car parking and landscaping

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

RECOMMENDATION	GRANT STC
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CHECKED AND SIGNED OFF BY: RK

DATE: 30/04/2025

SITE

The application site relates to Bentgate House which is located on the south side of Newhey Road which links the villages of Milnrow and Shaw and crosses under the M62 Motorway.

Presently the application site comprises Bentgate House which is a large detached house with formal gardens to the north west and south east and a primary driveway that provides access via Newhey Road. A secondary access is provided to the south via Bentgate Close. Overall a large residential curtilage surrounds the existing house and the proposed development is located within the north west garden.

The application site is located approximately 1.3km away from Milnrow village centre which provides a number of amenities.

The surrounding area is almost entirely residential with the exception of Newhey Community Primary School being located to the east of the application site.

The application site is located within the defined Urban Area.



(Photograph of the application site looking south east towards Bentgate House).

PROPOSAL

The planning application proposes the erection of one detached two storey 4 bedroom dwelling with associated car parking and landscaping.

RELEVANT PLANNING POLICY

National Guidance

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

Local

Adopted Rochdale Core Strategy (CS):

DM1 General development requirements

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
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development

SO4 Promoting a greener environment

G1 Tackling and adapting to climate change
G2 Energy and new development
G7 Increasing the value of biodiversity and geodiversity
G8 Managing water resources and flood risk
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving Accessibility

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).

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1 Sustainable Development
JP-S4 Flood Risk and the Water Environment
JP-H1 Scale, Distribution and Phasing of New Housing Development
JP-H3 Type, Size and Design and New Housing
JP-H4 Density of New Housing
JP-P1 Sustainable Places
JP-C6 Walking and Cycling

RELEVANT SITE AND NEIGHBOURING HISTORY

Application Reference	Description	Decision / Date
PREAPP/00065/24	Pre-Application for the erection of a new dwelling on land to the side of Bentgate House	12 August 2024

CONSULTATION RESPONSESHighways and Engineering

No objection.

Environmental Health (Noise)

No objection subject to condition.

Urban Design

No objection subject to condition.

Tree Officer

No comments received.

Greater Manchester Ecology Unit (GMEU)

No objection. The metric shows a small loss for the site, with a proposal to purchase offsite units, which is an acceptable approach. Changing the habitats required at this stage would not fundamentally alter this outcome, therefore this matter can be resolved at condition stage if the application receives planning permission, if that is preferred.

The Biodiversity Gain Plan condition will apply should this planning application receive permission. At that stage sufficient information is required to be submitted to demonstrate how a 10% net gain will be provided. This includes a Biodiversity Gain Plan, final version of the BNG metric and evidence of where BNG units have been purchased from.

United Utilities

No objection subject to condition.

Conservation Officer

No objection.

Lead Local Flood Authority (LLFA)

The LLFA had requested the submission of a sustainable drainage strategy but it is considered by Officers that this can be dealt with by way of a suitably worded condition.

Land Contamination

No objection subject to condition.

REPRESENTATIONS

Letters of notification were sent to the occupiers of surrounding buildings on 10th January 2025. In addition, x1 site notice was displayed adjacent to the application site on 16th January 2025. Two objections were received which raised the comments outlined below:

- ☐ The proposed development would tower and overlook neighbouring property.
- ☐ The proposed development would block natural light for existing properties.
- ☐ There are numerous trees subject to TPO's close to the propose dwelling and substantial excavations will be required to build the house which will inevitably damage the trees roots.
- ☐ Other tree roots will need to be undermined causing potential for them to be weakened.
- ☐ The dwelling would takeaway views of Bentgate House.
- ☐ The application site at Bentgate House is already over developed.
- ☐ The dwelling would be very visibly during winter months given the lack of existing vegetation and type of vegetation around the perimeter of the site.
- ☐ The design of the proposed dwelling isn't in character with Bentgate House or neighbouring dwellings.

The above comments are taken on board and addressed in the below assessment.

ANALYSIS

Principle of Development

The application seeks permission for the erection of a two storey 4 bedroom detached dwelling. The site lies within the defined Urban Area where Policy G/D/1 of the UDP seeks to concentrate development.

Places for Everyone establishes the need for at least 616 net additional dwellings per year in Rochdale to meet the housing needs of the borough. Policy C1 of The Core Strategy seeks to focus housing development on previously developed sites within the urban area, setting a target of 80% of new housing on previously developed land.

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses"*. Paragraph 125 of the NPPF advises that *"Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"*. Under sub paragraph (d) of Paragraph 125 of the NPPF, *"Planning policies and decisions should promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing.."*. It is noted however that the NPPF's definition of previously development land excludes land in built up areas such as residential gardens.

Further to those relevant policies as identified in the Rochdale Core Strategy, relevant policies in Places for Everyone (PfE) have been identified. PfE Policy JP-S 1 sets out that development should seek to maximise economic, social and environmental benefits. Preference should be given to previously-developed (brownfield) land. PfE Policy JP-H2 states that there should be a significant increase in the supply of new housing, including, specifically, the supply of low-cost market housing. Furthermore, as set out in PfE Policy JP-H4, new housing should be

delivered at a density appropriate for the location and taking into account the site's accessibility.

In this instance, it is considered that the proposal would lead to the provision of a single detached dwelling in a sustainable location. The proposed dwelling created would assist the Borough in meeting its housing requirements with the proposed development being built to an appropriate density.

As such, the proposal is acceptable in principle and in accordance with adopted Rochdale Core Strategy Policies, C1, C3 and Places for Everyone Policies JP-S 1, JP-H2 and JP-H4, as well as the National Planning Policy Framework.

Heritage

Paragraphs 207 and 208 of the NPPF require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting; and that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance; local planning authorities should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 210 sets out three considerations which local planning authorities should consider when determining applications:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 follows that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

PfE Policy JP-J2 (Heritage) sets out that particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. These include historic town centres, places of worship, historic transport routes including the canal network, industrial buildings and structures including textile mills, farmsteads and other sites, buildings, and areas of identified archaeological, architectural, artistic and/or historic value.

Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy. Development proposals which will help safeguard the significance of and secure a sustainable future for Greater Manchester's heritage at risk will be supported in principle, provided they are not contrary to national policy or other policies in the development plan. Proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process.

Amongst other criteria, Policy P2 of the Core Strategy sets out that the Council will protect the boroughs heritage by conserving, enhancing and promoting key heritage assets both statutory and non-statutory, including consideration of their wider settings.

In this instance, the proposed new dwelling falls within the curtilage of Bentgate House, which as already established, is an attractive stone building in the Georgian Style. Likely dating back to the late 19th Century, and appearing on the 1890s (ed.) OS map, Bentgate House meets the criteria to be considered a 'non-designated heritage asset'. This therefore is a material planning consideration.

A Heritage Statement accompanies this application and this statement has influenced the design of the proposed development which has been carefully considered to minimise its impact on the heritage significance of Bentgate House.

At pre-application stage Officers were concerned that any new dwelling in the site proposed would have the potential to visually compete with and draw attention away from Bentgate House which may cause harm to the significance of the non-designated Heritage Asset. In assessing this particular point, given the location of the proposed dwelling, views of Bentgate House from Bentgate Street would be restricted but views from this vantage point are already considered to be virtually non-existent given the presence of mature vegetation providing a natural screen.

The photograph below taken from New Hey Road along with the proposed site section drawing referenced PL05 demonstrates that the proposed dwelling would appear both subservient to the much larger existing Bentgate House, and when trees and vegetation are in leaf, the entire site would be largely screened.





The proposed development combining the quality of the proposed design and appearance, as well as the retention of surrounding trees and proposed landscaping scheme would mitigate any harm and reduce its impact on the wider setting of Bentgate House.

Overall the proposed development would conserve the significance of the nearby non-designated heritage asset and the Council's Conservation Consultee has not raised any objection.

Accordingly, subject to condition, the proposed development is acceptable and in accordance with Policy P2 of the Rochdale Core Strategy, PfE Policy JP-J2 and the NPPF.

Design and Appearance

Paragraph 131 of the NPPF states that *"the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve"*. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Additionally, paragraph 139 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The National Design Guide (NDG) states that *"The long-standing, fundamental principles for good design are that it: fit for purpose; durable; and brings delight"*. The NDG advises that scale, appearance materiality and detailing of buildings are key components for well-designed places. The Building for a Healthy Life guidance

document states that building forms and materials should be used to reflect local character.

The above considerations are largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy which ultimately require development proposals to demonstrate high quality design.

CS Policy P1 sets out that high quality design will be required in all new developments, requiring that under-used land and buildings are re-used and creating people-friendly and safe environments. CS Policy C3 requires new development to adhere to high standards of design, respecting context (scale, density, massing, height, layout) and contributing positively to the townscape. CS Policy DM1 states that all development proposals should be of a high quality design and take the opportunity to enhance the quality of the area.

The development is of a sympathetic scale that comfortably fits in with the immediately surrounding site context and the development does not compete with Bentgate House. The general form, massing and scale of the proposed development is appropriately designed ensuring that the new dwelling would appear subordinate to the neighbouring Bentgate House.

The Council's Urban Design team were consulted on this application and like the Officer, consider that the proposed development balances traditional elements associated with Bentgate House and less traditional materials through the use of zinc cladding which has the potential to work very well alongside the natural stone. The success of this will come down to detailing and this will be secured through an appropriately worded condition that would ensure the proposed development transitions well from the stonework to the zinc profiling.

In addition, paragraph 136 confirms that *"trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.

As is discussed further below, the proposed development is also subject to a strong landscaping scheme that would effectively introduce natural screening that does not feel contrived and the landscaping would integrate well with the development as a whole.

The development is appropriate in terms of its scale and massing, with appropriate external materials to be subject to condition and detailing which would ensure the development would assimilate well with the existing character of the area. Therefore, the proposal is acceptable in terms of design and appearance and consistent with adopted Rochdale Core Strategy policies P1, C3 and DM1 and the National Planning Policy Framework.

Drainage

Core Strategy Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural

water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk and is itself well protected from flood risk and ensures prudent use of water resources.

Policy JP-S4 (Flood Risk and the Water Environment) of PfE expects developments to manage surface water runoff through sustainable drainage systems and development should achieve greenfield run-off rates unless it is demonstrated to be impracticable.

The site is located within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding.

The LLFA were consulted on this application and they have set out that a sustainable drainage strategy or proposal is required with the aim to discharge surface water runoff as high up the hierarchy of drainage options as reasonably practical. The proposal should explore the use of infiltration SuDS to help better manage surface water onsite. The design feasibility should be based on a 1-in-100-year storm event with a 45% allowance for climate change, which is appropriate for peak rainfall. This climate allowance is appropriate for the 'Irwell Management' Catchment area for 'More Vulnerable' vulnerability class. Any strategy should also seek to mitigate flows and volumes as much as possible.

United Utilities were also consulted on this application and they raised no objection subject to condition.

Subject to the inclusion of an appropriately worded condition, Officers consider that the development accords with Policy G8 of the adopted Rochdale Core Strategy, Policy JP-S4 of PfE and the NPPF.

Occupier and Neighbour Amenity

Paragraph 135 of the NPPF states planning decisions should create places which are 'safe, inclusive, and accessible, promote health and well-being, with a high standard of amenity for existing and future occupiers'. Policy G9 of the Rochdale CS states all development is required to 'not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.'

Neighbour amenity

The Council's Guidelines and Standards for Residential Development SPD refers to Space Standards at Section 4.1, and states the following:

'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).'*

Section 4.3 states exceptions to these minimum standards are acceptable in some circumstances and applications are considered on their own merits.

Given the design of the building, its orientation, the topography of the wider area and distance from existing dwellings, the space standards here are acceptable. To be site specific, the proposed dwelling is approximately 15m away from the rear elevation of No 1 Bentgate Close and 11m away from the two storey rear elevation of No 3 Bentgate Close. It is noted that whilst No.3 Bentgate Close is actually even closer to the shared boundary and proposed development in parts, this part of the neighbouring property is a single storey detached building with no windows our outlook in the direction of the proposed development as shown by the site photograph below.



(Photograph above showing No 1 Bentgate Close (right) and No 3 Bentgate Close (left).

The proposed south west facing elevation of the proposed development looking toward the properties on Bentgate Close as shown above is proposed to be a blank elevation and no windows are proposed.

In terms of loss of light or impacts over an overbearing nature, it is noted that the outdoor amenity space enjoyed by No 3 Bentgate Close is on the other side of the property on the south west side. With regards to No 1 Bentgate Close, the proposed development is sited sufficiently far enough away from the existing property and shared boundary to not generate an overbearing impact on this dwelling or its associated outdoor amenity space.

For these reasons it is not considered that the proposed development would impact on or create detrimental issues concerning overlooking or privacy. Given the existing circumstances on site including the distances between the developments identified above, it is not considered that the proposed development would result in any undue loss of light for existing neighbouring dwellings. It is acknowledged that the mature

vegetation on the shared boundary would also assist in acting as a natural screen between developments.

Occupier amenity

In terms of occupier amenity, the Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is sufficient for future occupiers. Additionally, in accordance with PfE Policy JP-H3 (Type, Size and Design of New Housing), it is a requirement for all new dwellings to comply with the nationally described space standards and be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. These standards can be found here and any future development must adhere to the space standards: [Technical housing standards – nationally described space standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk/technical-housing-standards)

On assessment of the proposed floor plans, the proposed development does meet NDSS.

With regards to outdoor amenity space for future occupiers, as defined within the Council's Residential Development SPD residential amenity is; *'The benefit enjoyed from physical external space which is part of the private home. The level of enjoyment is dependent on a number of factors, including location, size, orientation, sounds, noise, accessibility and enclosure, and general quality of space.'*

Under paragraph 7.33 of PfE, the provision of appropriate outdoor amenity space is defined as being *'vital in delivering high quality homes that support good health'*.

In addition, the reasonable needs of occupiers would need to be met and these needs are considered to cover both functional and recreational requirements proportionate to the size of the household, taking into account the surrounding context. On reflection of the proposed layout, the proposed residential garden area surrounding the proposed dwelling is exceptional and would clearly provide a significant level of outdoor amenity space.

Accordingly, the development is not considered to impact on neighbouring or occupier amenity and the scheme is considered acceptable in accordance with CS Policies G9 and DM1 and the NPPF.

Noise

Core Strategy Policy G9 sets out the Council's requirements approach to all forms of pollution including the risk of noise, as they relate to new development.

Paragraph 198 of the NPPF also states that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The NPPG states that local planning authorities' decision taking should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.

Paragraph 135 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

Whilst the resulting scheme by its very nature would not cause any significant impacts in terms of noise and disturbance, an Acoustic Report was submitted with the application. Environmental Health were consulted on this application and they have no objection with its findings subject to condition.

Accordingly, subject to conditions, the scheme would be considered acceptable in terms of amenity in accordance with Policy G9 and DM1 and the Council's Guidelines and Standards for Residential Development SPD.

Ecology and Biodiversity Net Gain

Core Strategy Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G8 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 187d and 192 b) to achieve demonstrable net gain for biodiversity.

When determining planning applications paragraph 193 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Opportunities to improve biodiversity in and around developments should also be integrated as part of their design, especially where this can secure measureable.

As of 2nd April 2024, BNG of 10% for minor planning applications is mandatory for development in England under Schedule 7A of the Town and Country Planning Act 1990. In this instance the applicant has claimed the development to be self-build which falls within the exemptions listed under The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

There are no statutory or non-statutory protected sites within the vicinity of the application site that are likely to be influenced by the proposed development.

Birds

The application site provides suitable habitat for nesting and foraging bird species and for this reason, vegetation clearance and construction works should be undertaken outside of nesting season to avoid any impact on breeding birds. However an appropriately worded condition is included to permit such works within bird nesting season subject to a suitably experienced ecologist carrying out a nesting bird check prior to works commencing.

Invasive Species

Rhododendron has been identified within the site. To avoid the spread (complying with the Wildlife and Countryside Act 1981, see Appendix 4) of these species within the site during site clearance, it has been recommended that an invasive species management plan is produced and adhered to during the works. It is recommended that the management plan details suitable management of these species, biosecurity measures and avoidance measures where possible. This will be secured by condition.

Small Mammals

The site provides habitat for small mammals including hedgehog within the amenity grassland, scattered trees and introduced shrub. These habitats are likely to be impacted by the proposals and therefore it will be conditioned that a Hedgehog Reasonable Avoidance Measures Method Statement is implemented during the works to avoid harm to this species. The Method Statement shall be conditioned accordingly.

Biodiversity Enhancements

Ecological enhancements comprising of the provision of one bird box and one bat box to be integrated onto the development.

The application is accompanied by an Ecological Appraisal and Biodiversity Impact Assessment. The GMEU were consulted on this application and they have not raised any objections. There would be very limited impacts on the local ecology as a result of the proposed development.

BNG

To achieve 10% net gain, the proposed development will require off-site units which will need to be purchased from an off-site provider. Given the number of units involved GMEU do not see this as being an issue. With regards to on-site measures, only vegetated gardens are being proposed. Therefore nothing that would be regarded as significant by defra is being created or enhanced. No condition or legal agreement will therefore be required to control the on-site measures, with no HMMP required for on-site measure to discharge the statutory biodiversity gain condition. Just the Biodiversity gain plan and final version of the statutory metric will be required.

The applicant's agent has since confirmed that the applicant will be purchasing the habitat units from an off-site provider such as the Environment Bank. Accordingly, the applicant will now need to provide information on where the units are being purchased and evidence that they have an agreement to purchase them. This will be required as part of the process when the applicant applies to discharge the statutory biodiversity gain condition.

Accordingly, subject to condition, the scheme is considered to be acceptable in accordance with Core Strategy Policy G6 and G7, PfE Policy JP-G8 and the NPPF.

Trees

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

CS Policy G6 requires a replacement planting ratio of at least 2:1 and Policy G7 requires developments to protect existing biodiversity including trees and vegetation.

The application is accompanied by an Arboricultural Impact Assessment and the proposed development in this instance indicates that the development of the site will require the removal of a number of existing small trees and shrubs. This assessment also sets out that in the absence of suitable controls, also has the potential to have an indirect impact on a number of the trees proposed for retention.

In total, 5 individual and three groups of trees were recorded during the Tree Survey and the development of the site as proposed will directly require the removal of one small holly with G1.

With regards to compensation, the applicant has proposed a strong landscaping scheme combining new shrub planting comprising a mix of native species along with the planting of mature red robin trees along the north west boundary of the site. These mitigation measures would comply with CS Policy G6.

The proposed development also lies in close proximity to the neighbouring TPO referenced as T1 in the submitted Arboricultural Impact Assessment. T1 is a mature Beech tree and whilst the proposed development would not result in the removal of T1, the application site would influence and be within the root protection area (RPA) of this specific tree.

However, as recognised within the submitted Arboricultural Impact Assessment, mitigation can be provided for the impact of the development in the form of the following:

- ② The erection of protective fencing in advance of the commencement of the development to safeguard the root systems of retained trees;
- ② The agreement, in advance of the commencement of development, together with the implementation during the construction phase, of an Arboricultural Method Statement; which should provide for:
 - o The use of geotextiles and a no-dig construction methodology where proposed hard surface overlap with root protection areas; and
 - o Arboricultural site supervision where works are proposed within and immediately adjacent to root protection areas.

Accordingly, subject to conditions, the proposed development is considered to acceptable and would comply with G6 and G7 of the Core Strategy, PfE and the NPPF.

Highways

Policy T2 of the CS requires development to comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

Policy JP-C8 of PfE requires new development to be located and designed to enable and encourage walking, cycling and public transport use to reduce the negative effects of car dependency and help deliver high quality, attractive, liveable and sustainable environments.

Paragraph 115 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.

Access to the proposed development will utilise the existing access point from Newhey Road.

The development is not considered to have an adverse impact on highway safety and would not generate a level of additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. Highways Services have raised no objections subject to condition and the development is considered acceptable in accordance with CS Policies T1 and T2, Policy JP-C8 of PfE and the NPPF.

Land Contamination

Core Strategy Policy G9 requires that any risks arising from contaminated land are identified and that any appropriate actions are taken.

A Stage 1 Risk Assessment has been submitted with the application and this has been reviewed by the council's Public Protection Officer.

The assessment identifies that overall, an intrusive ground investigation is not required to assess the ground conditions for contamination unless a significant thickness of made ground is found to be present. Should this be the case, the ground investigation should obtain soil samples for contamination analysis and asbestos detection and, where possible, groundwater and surface water samples for contamination analysis.

The Council's Land Contamination Officer has reviewed the submitted investigation report and agrees with its findings. Accordingly, it has been confirmed through consultation with the Council's Environmental Protection team that this matter can be dealt with by a suitably worded condition.

Therefore, subject to condition, the proposed development is acceptable with regards to CS Policy G9 and the Framework.

Conclusion

In summation, the application site is located within a sustainable location and this application is considered to make a positive albeit minor contribution to the housing supply and local economy within the borough. It is therefore considered that subject to the conditions included below, the development as a whole is acceptable and in accordance with the adopted Rochdale Core Strategy, PfE and the NPPF.

RECOMMENDATION

Grant subject to the following conditions:

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:

- ☐ Location Plan Drawing No PL01 Rev A
- ☐ Site Plans Drawing PL02 Rev A
- ☐ Proposed Floor Plans Drawing No PL03 Rev B
- ☐ Proposed Elevations Drawing PL04 Rev A
- ☐ Site Sections Drawing PL05
- ☐ Proposed Landscaping Plan Drawing PL06
- ☐ Acoustic Planning Report Referenced 1308/APR1
- ☐ Heritage Impact Assessment Referenced 078-C1-HIA V1
- ☐ Design and Access Statement Referenced 078-C1-D&A V1
- ☐ Preliminary Ecological Appraisal and Day Time Building Inspection Referenced P.2075.24
- ☐ Biodiversity Impact Assessment Referenced P.2075.24 Rev A
- ☐ Arboricultural Impact Assessment Referenced P.2075.24 Rev B
- ☐ Site Investigation Desk Study With Walkover Survey Report No. 8044

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

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. 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 schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes 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 of the proposed development, the drainage schemes 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.

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.

4. No above ground works shall commence until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and retained as approved thereafter. For the avoidance of doubt, these details should relate to windows, doors, roof slates and all elevation materials.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

5. No development (including any demolition, site clearance or preparation works) shall take place until such time as a Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Any measures identified within the Plan or Statement shall be installed in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction' prior to any works taking place.

The necessary protection measures shall be retained throughout the construction phase of the development and no work, excavation, tipping, or stacking/storage of materials shall take place beyond such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies P3, G1, G6 and G7 of the adopted Rochdale Core Strategy Policies JP-P1, JP-G6 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: The trees must be protected before any works are carried out.

6. Notwithstanding what is already shown on Proposed Landscaping Plan PL06, no above ground works shall commence until a detailed soft landscaping scheme and full landscaping specification has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the types and numbers of trees, plants and shrubs to be planted, their distribution and arrangement on the site and those areas to be seeded.

All proposed planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the completion of the development. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policy G7 of the adopted Rochdale Core, Policies JP-P1 and JP-G2 of the Places for Everyone Plan and the NPPF.

7. Prior to first occupation of the development hereby approved, full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

8. No site clearance or development shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the Local Planning Authority.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of PfE and the National Planning Policy Framework.

9. No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. Such measure shall include, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') The duly approved scheme shall be implemented in full prior to final occupation of the phase of development to which the measures relate and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

10. Prior to the commencement of any earthworks or vegetation clearance, a method statement detailing eradication or avoidance measures for invasive species identified on site by the submitted Preliminary Ecological Appraisal and Day Time Building Inspection Report Referenced P.2075.24 should be supplied to and agreed in writing to the Local Planning Authority. The method statement shall include measures to prevent the spread of invasive non-native (alien) species of plant during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in accordance with the approved method statement.

Reason: In accordance with policy G7 of the adopted Rochdale Core Strategy and Policy JP-G8 of the adopted Places for Everyone Joint Development Plan 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/clearance works on site have the potential to cause the further spread invasive species, which therefore need to be managed sensitively prior to works starting on site.

11. No development shall take place (including any site clearance, demolition or preparation works) until a reasonable avoidance measures statement for hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement thereafter.

Reason: In order to minimise potential risk to protected species and in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Site clearance poses a potential threat to hedgehogs which are protected under the Wildlife and Countryside Act 1981 and protective measures must therefore be agreed in advance.

12. The proposed development must be constructed in line with the requirements of the submitted and approved Acoustic Report Referenced 1308/APR1 dated 31 October 2024 to achieve the following internal noise levels:
 - ② 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
 - ② 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
 - ② 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
 - ② 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion and prior to occupation of the development hereby permitted, validation testing must be carried out to ensure the required noise

levels have been achieved, the details of which shall be submitted to and approved in writing by the LPA prior to first occupation of the apartment hereby approved.

Reason: To protect the amenity of future occupiers in accordance with Policy G9 of the Rochdale Core Strategy.

13. A watching brief for contamination shall be maintained when carrying out the approved development. If contamination is not suspected, found or caused during development, a completion letter to confirm the absence of contamination shall be submitted to and approved in writing of the Local Planning Authority prior to the first use or occupation of the approved development.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority,
and;
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Borough Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

For the purposes of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, a biodiversity gain plan is a plan which:

- (a) relates to development for which planning permission is granted, and;
- (b) specifies the matters referred to below:

The matters are:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

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 Nick Brookman