

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00085/VRCON	Rosalind Gralton	11 January 2023

Address: Land To Rear Of Langton Terrace Rochdale

Proposal: Section 73 application to vary condition 2 (Plans) and 9 (Landscaping) of planning permission 20/00244/FUL (Residential development - 3 detached dwellings) for alterations to site layout plan, hardstanding, house types 1, 2, 3, and garages.

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/A
	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	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: LA

DATE: 08.02.24

SITE

The application site relates to land accessed off Worcester Street and to the rear of Langton Terrace. To the east of the site is the railway line with car sales garages positioned to the south. Residential properties are located along Worcester Street and Langton Terrace to the north and west.

Work has begun on the site following the grant of planning permission reference 20/00244/FUL for 3 dwellings.

PROPOSAL

This application seeks to vary the approved plans condition (no 2), relating to an amendment of the location of the garages shown on 20/00244/FUL. This application also seeks to vary the landscaping condition (no 9) as a result of the amended layout. The submitted proposed site plan seeks to relocate the location of the detached garage for Plot 2 and Plot 3, with Plot 2's garage relocating towards the eastern boundary of the wider site and Plot 3 relocating to the western side of the property.

VALUE ADDED

The application was originally submitted with an incorrect certificate. The application was subsequently invalidated. Once the correct certificate was provided to the Council the application was revalidated on the 21/11/2023.

Following the objection received on the 27/11/2023, the Council offered the applicant the opportunity to amend the site location plan to reduce the overall size of the red line plan, to remove the area where concern was raised from the objector, regarding the inclusion of their land. The amended plan was received from the agent on 11/01/2024 and the application will be determined on this basis.

Separately, prior to the originally submitted incorrect certificate coming to light by the Council, Network Rail raised the issue the original permission included land which did not belong to the applicant. Given the boundary line where the applicant owned land ran parallel to the land in ownership of network rail, an amended site location plan was requested by the LPA and subsequently received showing the Network Rail land outside of the affected site.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Core Strategy:

SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C2	Focusing on regeneration areas and economic growth corridors/areas
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development

SO4	Promoting a Greener Environment
G6	Enhancing Green Infrastructure
G7	Increasing the value of biodiversity and geodiversity
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'.

Supplementary Planning Document: 'Provision of Recreational Open Space in New Housing'.

RELEVANT SITE HISTORY

83/D15759 - Residential Development: 8 Aged Persons Bungalows – Approved

85/D18610 - Residential Development - 8 No. Bungalows and Relocation of 6 No. Garages -Withdrawn

86/D19312 - Residential Development – Approved

95/D32131 - Residential Development – Refusal

97/D34924 - Change of Use of Vacant Land to Form Car Storage Compound

20/00244/FUL – Residential development - 3 detached dwellings – Approved subject to conditions

21/00244/DOC - Submission of details to comply with conditions 4 (access road/parking), 5 (CMS), 7 (bird nesting boxes), 10 (site investigation) and 11 (boundary treatment) on planning permission 20/00244/FUL – Request completed 01/07/2021

CONSULTATION RESPONSES

Gtr Manchester Ecology Unit

No objections

Highways And Engineering

First Response:

No objections

Second Response (Following submission of the Construction Management Plan):

Having reviewed the amended plans, these proposals would not raise any highway issues so we would raise no objection to this application.

Lead Local Flood Authority/Drainage

Suggestions to modify the existing drainage condition are proposed.

Network Rail

The Council consulted Network Rail on the scheme. Extensive discussions were had between the LPA and Network Rail. Initially, concerns were raised following the positioning of the plots and the site location plan boundary encroaching onto Network Rail land.

Following submission of an amended site plan showing the plots within the boundary of the site

'Plot 3 position has not changed from the previously accepted planning application. In light of this, if we are only referencing the amendment to Plot 2, no further NR attendance is required'

Comments were requested of Network Rail on 12/10/2023 via email to review the Construction Management Plan submitted; however no response was received.

Tree Officer

No comments received to date

REPRESENTATIONS

During the course of the application, three representations from the same representee were received objecting to the scheme. The concerns raised are highlighted below:

- Objections were raised to the site plan.
- Altering the red line to show the slant where 7 Worcester Street adjoins to 4 Langton Terrace would be preferable because
- The site location plan red line would be in line with both properties' legal deeds and neighbours and contractors are clearly aware of both sides boundaries.
- No existing fence is currently there, and therefore contractors will encroach onto the objector's land, by following the current site plan
- Erecting a tree or fence would cause an encroachment
- The occupant of No 7 Worcester is a vulnerable person, I do not want them to be alarmed by any conflict or wrong doing on land to the rear which isn't currently fenced. Adjusting the red line would confirm and clearly prevent encroachment due to no fence being in existence.
- Also, on the current site plan, a tree is located which should be re-evaluated, it currently sits on the rear of the land which is encroachment
- Concerns regarding boundary line
- Privacy concerns as a result of the location of Plot 1's front bedroom window, living room, kitchen and two rear bedrooms directly looking into No 7 Worcester St and outdoor amenity area.

Officer Response: The Case Officer requested an amended plan from the applicant which was received 11/01/2024. No additional neighbour notification was sought following receipt of this. The application's accompanying Certificate B, with the owner of

land at No 7 Worcester Street's name, has been signed, and therefore procedurally, the Council is able to make a determination on this application. Any outstanding matters are considered and addressed within the analysis section of this report.

ANALYSIS

The application seeks to amend the location of the detached garage for Plot 2 and 3 and subsequently amend the approved landscaping plan in turn. The proposed detached garage would be located to the eastern boundary of the site, adjacent to the railway line.

In respect of matters relevant to the assessment of the proposed amendments, comments are as follows:

Character and Appearance

The proposed amendments would relocate the detached garage. It would not alter the design or appearance of the detached garage. The relocation would move Plot 2's garage towards the eastern boundary of the site and Plot 1 relocating to the western side of the property.

The proposals would maintain the appearance of space within the plots and would not conflict with Policy P3 and G6 of the Rochdale CS.

Amenity

The proposed relocation of Plot 2's garage would not result in a harmful impact upon any property to the south of the site.

The relocation of Plot 1's garage would be sited between the proposed Plot 1 and the side garden between the site and No 7 and 5 Worcester Street. The proposed garage would be single storey in design, and would not result in a negative overbearing, overshadowing or overlooking impact to these occupiers. A 27.5m distance from the garage to the rear elevation of No 7 is present, and as such it would not be considered the relocation of the garage would be detrimental in this respect.

Ecology and landscaping

The proposed relocation of Plot 2's garage would not result in a harmful impact to the landscaping plan previously approved on the site. The approval seeks the reduction of trees from the landscaping scheme from 19 to 17. This is still greater than the 2:1 replacement required under Policy G6 of the Core Strategy. Hedging is shown to be proposed along the boundary adjacent to the railway, as per the original approval. The Council has consulted the ecological team on the proposals, and there are no objections to the scheme. Given this, with the existing mitigation measures secured by condition, the amended landscaping scheme is considered to satisfy the requirements of the NPPF and Core Strategy in respect of the developments ecological impacts.

Trees were cleared from the site prior to the original permission approved. A Tree protection condition was implemented to ensure protective fencing was placed adjacent to trees bordering the railway outside of the red line – it is not clear whether the condition has been complied with and the fencing installed, and as such, it is necessary to impose the protective fencing condition again with a 28 day trigger point as opposed to "prior to commencement" as the development is underway.

The amended landscaping plan is acceptable and its implementation will be secured by condition.

Access and Highways

As part of this application, a Construction Management Plan was submitted to the Council for consideration. The Council's Highways Engineer and Network Rail were consulted on the document. No objections were raised. As such the Construction Method Statement has been considered acceptable.

It is noted Network Rail previously responded to discharges of conditions stating an 'asset management plan' was required. During the course of this application changes were made to remove any area of land encroaching Network Rail land.

As such, the Construction Management Plan has been approved and its implementation is secured by condition.

Neighbour representations

Concerns were raised by a neighbour regarding the location plan and the boundary line identified in the site plan. The neighbour and property concerned were included within the Certificate B of the application. To alleviate this issue and in response to neighbour representations, an amendment to the site plan was made to where the site boundary meets the rear of No 7 Worcester Street. The issue regarding the boundary line remains a private matter.

Prior to the amended site plan being submitted concerns were also raised regarding the landscaping proposed. The landscaping arrangement has not been altered in the amended plans. Specifically concerns were raised that the proposed tree species, Fagus Sylvatica Dawyck, would not provide adequate privacy for the property at No 7 Worcester Street, and would be sited on land that is not the applicants. The issue of this being land that is not the applicants, or that within the signed Certificate B is a private matter. In relation to privacy, it is noted the proposed garage would maintain a 27.5m distance to the rear elevation of No 7. And 15m from the proposed side elevation of Plot 1 to the rear boundary of No 7. In accordance with the Council's SPD, these distances alone would consider the property would not be unduly overlooked as a result of the proposed development, irrespective of the level of landscaping proposed.

RECOMMENDATION

GRANT subject to the following conditions:

1. This permission relates to the following plans and documents:-
 - Site Location Plan 1:1250 – received by the Council 11/01/2024
 - Proposed site plan - 20.2181.109E – received by the Council 11/01/2024
 - Proposed Garage Details – Plot 1 – 20.2181.111 – received by the Council 06/09/2023
 - Proposed Garage Details – Plot 2 – 20.2181.112 – received by the Council 06/09/2023
 - Proposed Garage Details – Plot 3 – 20.2181.113 – received by the Council 06/09/2023
 - Plot 1 & 2 – Proposed front and rear elevations – 20.2181.105A – received by the Council 15/06/2023
 - Plot 3 – Proposed front and rear elevations – 20.2181.108A

- Plot 1 & 2 – Proposed side elevations – 20.2181.106
- Plot 3 – Proposed side elevations – 20.2181.107
- Landscape Plan and Detail – Revision B – Feb 2023 – MMA Tree Consultancy
- Plant Palette – 09/07/2020 – MMA Tree Consultancy
- Proposed Drainage Plan – 20.2181.33C received 26/01/2023
- PROPOSED FLOOR PLANS - 20.2181.101
- Proposed second floor plan and section - 20.2181.102
- Plot 3 – Proposed floor plans – 20.2181.103
- Plot 3 - PROPOSED SECOND FLOOR PLAN AND SECTION – 20.2181.104
- Proposed side elevations - handed - 20.2181.11
- Proposed front and rear elevations - handed - 20.2181.12
- Proposed floor plans - 20.2181.3b
- Proposed floor plans - handed - 20.2181.9
- Proposed second floor plan and section - 20.2181.4a
- Existing & proposed street scenes - 20.2181.8
- Insofar as it relates to the approved materials for the surfacing, location of bird boxes, and boundary treatment - PROPOSED SITE PLAN - 20.2181.32B, received by the Council 03/10/2023
- Construction Method Statement (CMS), prepared by James Campbell Architecture, received by the Council 31/08/2023
- Phase 1 and Phase 2 Environmental Report, prepared by TJ Booth Associates, dated Feb 2021

and the development shall be carried out in accordance with these drawings 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 Unitary Development Plan and the National Planning Policy Framework.

- 2 All dwellings and garages (including Plot 3) hereby approved shall be constructed from materials as shown on drawings 'Plot 1 & 2 – Proposed front and rear elevations – 20.2181.105A' and 'Plot 1 & 2 – Proposed side elevations – 20.2181.106'

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 3 The access roads and parking areas (including surface treatment and drainage) of the development shall be constructed in accordance with the submitted details as shown under 'Boundary Detail C - BDC Trespass Acoustic', 'M5 Driveway/ Access Road Surface', 'M4 Driveway/ Parking Details' 'M1 – Buff flagged patios/paths' 'M2 – Lawn/ grassed area' 'M3 – Border chippings' 'BBX – Bird Nesting Box' 'Boundary Detail A' 'Boundary Detail B' and Driveway Permeable Membrane (Groundtex) as shown on drawing number 20.2181.32B (in so far as the plans listed relate to the surface treatment and drainage). Additionally, the development shall be constructed in accordance with the drainage plan, drawing number 20.2181.33B. The access roads and parking areas shall be constructed in accordance with the duly approved details before

the dwelling it serves is first occupied, and retained thereafter at all times for the parking of vehicles.

Reason: In order to ensure there is adequate provision for vehicles to be parked clear of the highway and to achieve an appropriate surface treatment for parking areas in order to comply with the requirements of Policy DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 4 The development shall be carried out in accordance with the submitted Construction Method Statement (CMS), prepared by James Campbell Architecture, received by the Council 31/08/2023. The approved CMS shall be adhered to throughout the construction period.

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

- 5 All bird boxes shall be implemented in accordance with drawing 20.2181.32B prior to substantial completion of the development hereby approved. The birdboxes as approved shall be retained thereafter.

Reason: In order to ensure biodiversity enhancements as part of the development in accordance with the requirements of policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 Within 28 days of the date of this decision, trees to be retained including the trees along the eastern boundary of the site adjacent to the railway have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction'. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees adjacent to the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 The landscaping works shown on the approved plan ref. 'Land at Langton Terrace - Revision B – Feb 2023' by MMA Tree consultancy and document 'Plant Palette dated 09/07/2020' shall be carried out in accordance with the approved details within the first planting season following final occupation of the development hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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 policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 8 No dwelling hereby approved shall be occupied until a verification report to demonstrate the effectiveness of land contamination remediation measures, as detailed in approved Phase 1 & Phase 2 Environmental Report, prepared by TJ Booth Associates, dated Feb 2021, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition has not been discharged. 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 Policy G9 of the adopted Rochdale Core Strategy, saved Policy EM/8 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 9 All boundary treatments shall be constructed in accordance with the details shown on drawing 20.2181.32B. The approved trespass / acoustic fence shall be erected before any dwelling is occupied. The approved boundary details to each plot shall be installed before the dwelling to which it serves is first occupied. All boundary treatment details shall thereafter be retained as approved.

Reason: In the interests of amenity and safety of the future occupiers and in compliance with Policies P3, G7 and DM1 of the adopted Rochdale Core Strategy of the Rochdale Unitary Development Plan and the requirements of the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

None