

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00965/FUL	Hamish Rigg	12/12/2024

Address: Land between 137 Boarshaw Road and Boarshaw Working Men's Club, Middleton

Proposal: Erection of two storey building comprising 7no' 1 bedroom apartments with associated 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
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	Grant subject to conditions
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CHECKED AND SIGNED OFF BY: RK

DATE: 17/01/2025

SITE

The application relates to a vacant plot of green space fronting Boarshaw Road in Middleton. The local area is predominantly residential with isolated areas of leisure, retail, education and industrial use. Boarshaw Road is a category C road, connecting Boarshaw to the east with Middleton town centre to the west, and is part of the local bus network.

The site's immediate vicinity has an abundance of vegetation, particularly along Whit Brook to the east, and includes a line of mature trees extending northwards along Boarshaw Road. The site itself is a flat grassed area with three individual trees and one cluster of shrubs/trees.

The site is bound by terraced houses on Boarshaw Road to the south-west, semi-detached houses on Brassey Street to the north-west, and Boarshaw Working Mens Club to the north-east. The site is accessible from Boarshaw Road and Brassey Street.

PROPOSAL

The proposal is for a two-storey building containing seven one-bedroom apartments with associated parking and landscaping. The apartments would front Boarshaw Road, following the same building line as the adjacent terraced houses on Boarshaw Road, nos. 137-125. The building comprises: an 'L shaped' layout with a rear outrigger; a central access archway; a pitched roof; and front and rear fenestration with two front access doors. Proposed materials include: red brick, grey roof tiles, anthracite grey UPVC fenestration, composite panelled doors, and stone cills and lintels. The materials and design are intended to reflect the rhythm and appearance of the adjoining terraced row.

Three apartments would be situated on the ground-floor and four on the first-floor. Two of the ground floor apartments would be accessed directly off Boarshaw Road, and the remaining five via a communal entrance within the central archway.

To the rear, the proposal includes a tarmacked car parking area with seven spaces, a timber bin store, and a retained area of green space.

The development will involve the removal of 2no. individual trees adjacent to Boarshaw Road, and the retention of 1no. individual tree and 1no. group of trees adjacent to Brassey Street.

All seven dwellings are proposed as Affordable Rent Dwellings.

RELEVANT PLANNING POLICY

National guidance:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional policy:

Places for Everyone Joint Development Plan – March 2024

JP-S1- Sustainable development

JP-G8- A net enhancement of biodiversity and geodiversity
JP-P1- Sustainable places

Local policy:

Adopted Rochdale Core Strategy (CS)

SO3 - Design
SO4 - To promote a greener environment
SO5 - To improve accessibility and deliver sustainable transport
P3 - Improving design of new development
G1 - Tackling and adapting to climate change
G7- Increasing the value of biodiversity and geodiversity
DM1- General Development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD): Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016).

RELEVANT SITE HISTORY

22/01440/FUL – withdrawn

Erection of three storey building with 12no. one bedroom apartments with associated parking and boundary treatments.

CONSULTATION RESPONSES

Greater Manchester Ecology Unit 22/11/2024

BNG – no objection:

22/11/2024

Further information and/or clarification is necessary within the BNG metric and Aboricultural Impact Assessment (AIA), in relation to the following points, as this will determine the necessary BNG requirements:

- *Clarification and/or reconsideration of all trees within the conditions assessment being determined as in 'poor condition'. Initial computer-based investigations would suggest that some, if not all, would be considered in 'moderate condition'.*
- *5no. trees have been plotted on the UKHab Plan yet only 4 have been included in the BNG metric.*
- *The BNG report and Proposed Site Plan include the retention of three baseline trees (T1, G2 T4), whilst the AIA suggests the removal of all four baseline trees. The status of the trees post-development would be clarified, bearing in mind the feasible retention of any existing trees.*

Updated response: 19/12/2024

- *Initial concerns regarding baseline tree data have been resolved.*
- *Discrepancy over existing and proposed condition of grass. Notwithstanding, there would be opportunity to enhance the existing grassland from poor to moderate condition.*
- *Satisfied that the CEMP included within the update PEA is sufficient to protect nearby SBIs. This should be secured via a condition.*

Ecological:

No objections from an ecological perspective, subject to completion of a Construction Environmental Management Plan to be approved in writing from the Local Planning Authority.

Highways 20/11/2024

This section has **no objections** based on highways safety and servicing arrangements. The proposal will not generate a problematic volume of traffic and provides satisfactory servicing and car parking arrangements. In addition there would be no changes to the existing highways arrangement. Emergency Service and refuse collection vehicles can easily access the site.

Environmental Health 19/11/2024

This section has **no objection** in principle to the proposals. We would recommend the following conditions.

1. The homes are constructed in line with the requirements of the submitted noise impact assessment to achieve the following internal and external noise levels
 - 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
 - 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
 - 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;
 - 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
2. Upon completion and prior to occupation validation testing is carried out to ensure the internal and external noise levels have been achieved
 - construction management plan , to cover areas such as noise, vibration, mud and dust suppression, and given the close proximity to existing homes we would look to restrict the site hours to 08:00-18:00 Monday - Friday 09:00-14:00 Saturdays and no work on Sundays or Bank holidays.

The Coal Authority 21/11/2024

The application site falls within the Coal Authority's defined Development High Risk Area, which contains recorded coal mining features present at surface or shallow depths. The risk these features pose should be a material planning consideration.

The Coal Authority considers that the content and conclusions of Phase II Geoenvironmental Site Assessment Report (16-124-R2-1, 08 December 2022) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of E3P Ltd) that the application site is safe and stable for the proposed development (NPPF paras. 189 and 190). The Coal Authority has **no objection** to the proposed development.

Land contamination 24/11/2024

No objection subject to the following condition:

Following completion of measures identified in the approved remediation scheme a validation report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Transport for Greater Manchester 27/11/2024

No objection as the quantum of development is below TfGM's threshold for assessment and there is no TfGM apparatus in the vicinity.

Strategic Housing 18/11/2024

This section has **no objections** to the proposal and is strongly supportive of the provision of new affordable homes within Middleton, in line with the Rochdale Core Strategy.

Greater Manchester Police 11/11/2024

This section has **no objections** in principle to the proposal, subject to the inclusion of a condition requiring the developer to prepare a Crime Prevention Plan to be submitted in writing for approval from the Local Planning Authority. Full details of what is required in the CPP are listed in the full consultation response.

REPRESENTATIONS

Letters of notification were sent to surrounding properties 07/11/2024 and a site notice was displayed on site. Three letters of objection and one letter of support were received, in relation to the following:

Objections

1. Increase in traffic congestion on Brassey Street, posing a potential risk to pedestrians and drivers, and restricting access for emergency vehicles and deliveries.

2. Added pressure to parking availability on Brassey Street, the car park of the Boarshaw Working Men's Club, and the surrounding streets.
3. Adverse impact on the character of the area.
4. Potential harm to privacy of existing neighbouring occupiers.
5. Loss of green space and amenity space for local residents.
6. Impact on the amenity of Boarshaw Men's Social Club.

Support

1. Provision of additional housing.

ANALYSIS

Principle for development:

Places for Everyone (PfE) establishes the need for at least 616 net additional dwellings per year in Rochdale to meet the housing needs of the borough. Furthermore, PfE states that the Greater Manchester Housing Strategy aims to deliver at least 50,000 additional affordable homes across GM as a whole by 2037. Policy JP-P2 therefore aims to maximise the delivery of additional affordable homes for sale and rent, including as part of new developments.

The NPPF encourages the use of previously developed land, and sites which are physically well-related to existing settlements, in the provision of new homes. As such, policy C1 of The Core Strategy has set a target of 80% of new housing to be located on previously developed land. However, the NPPF's definition of 'previously developed' land does not include land in built-up areas such as residential gardens and recreational spaces.

Notwithstanding the above, policy C1 of the Core Strategy states that suitable development of greenfield sites within the urban area will be considered, where it is demonstrated that it would have limited adverse impact on green infrastructure or amenity value in and around the site, and that green infrastructure is, wherever possible, incorporated into the scheme.

The proposal is for 7no. one bedroom apartments, all of which would be available for affordable rent. The site is located in the defined urban area, as per UDP policy G/D/1, and has good access to the existing road network, local bus routes, and public amenities. As such, the principle for development is established in the interests of meeting housing targets across the borough and affordable housing targets across the Greater Manchester region, as well as making use of an existing settlement with suitable transport links and infrastructure.

Design and visual amenity: NPPF, DM1, P3, JP-P1

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning decisions should ensure that new developments are visually attractive as a result of good architecture, materiality, layout, and landscaping and are sympathetic to local character and history, including the surrounding built environment. On the contrary, Paragraph 139 reads that development that is not well designed should be refused.

In order to assist LPAs in considering if development is 'well-designed' the National Design Guide has been produced to establish the 10-characteristics of well-designed places.

Furthermore, PfE policy JP-P1 requires all new development to respect and acknowledge the character and identity of the locality in terms of design, siting, scale and materials used. Policies P3 and DM1 of the Council's adopted Core Strategy requires development proposals 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.

The proposal is for the erection of a two-storey apartment building fronting the highway on Boarshaw Road, together with associated parking and landscaping to the rear. The building has a pitched roof and a central access archway and would follow the building line of the adjacent terraced houses on Boarshaw Road.

Building design:

The adjacent terraced houses on Boarshaw Road follow a corresponding design pattern, consisting of matching materials, a repeat window arrangement, and brick and stone detailing. The design, layout and materials of the proposed building have deliberately been chosen to reflect the character and appearance of the adjacent terrace. The proposed building continues the existing rhythm and design of the adjacent terrace by matching the building line and ridge height, as well as maintaining similar window arrangements and brick detailing, through the inclusion of sash windows, stone lintels and brick soldier courses. The proposed building design is considered to respond well to the character and appearance of the street scene, providing a similar aesthetic to the adjacent terrace and having regard to the scale and position of the surrounding houses.

Loss of green space and trees:

The existing trees and grass space contribute positively to the surrounding aesthetic, providing a sense of openness and greenery in an urban setting. Furthermore, they integrate with the established corridor of vegetation and mature trees which line Whit Brook to the east, and Boarshaw Road to the north. As such, the loss of grass space and trees would be unfortunate, and the impact of their loss on visual amenity is a material planning consideration.

Notwithstanding the aesthetic contribution of the existing grass space and trees, their removal is considered to cause a minor level of harm to the character and appearance of the street scene. The site is separate from the green corridor along Whit Brook, whilst the trees being removed stand isolated from the established tree line along Broadshaw Road. Whilst the loss of greenery is regretful, the predominant areas of trees, vegetation, and grass space along Broadshaw Road and Whit Brook would remain, thus the area would retain its verdant character.

Similarly, whilst it is acknowledged that the proposal would increase the concentration of buildings and reduce the sense of openness, this would result in a minor degree of harm to the character and appearance of the street. The building would be viewed as a continuation of the adjacent terraced houses, and would retain sufficient space to the rear, therefore integrating with the existing urban grain. As such, whilst it would increase the concentration of development, it would not appear out of keeping with the existing building density, and would not harm the character of the street scene.

Overall, the design of the proposal is therefore acceptable in accordance with Policies P3 and DM1 of the adopted Core Strategy, PfE Policy JP-P1 and the National Planning Policy Framework.

Ecology, Biodiversity and Trees:

Paragraph 192 of the NPPF states that planning policies should minimise impacts on, and provide net gains for biodiversity. PfE policy JP-P8 aims towards a net enhancement of biodiversity, by enhancing the restoration of existing habitats or adequately mitigating or compensating for any harm to biodiversity. Policy G7 of the Core Strategy states that no development should result in a net loss of biodiversity or geodiversity, and that overall development in the borough should result in a net gain.

In addition to the above, as of 2nd April 2024, a net gain of 10% is mandatory for all development in England under Schedule 7A of the Town and Country Planning Act 1990. As such, the applicant has provided a Biodiversity Net Gain Assessment (Pennine Ecological: December 2024) and associated BNG Metric. The assessment found that the proposed development would result in a net loss of 0.57 Habitat Units, equivalent to -86.86%, following the removal of 2no. individual trees and hardscaping of an area of modified grassland.

The BNG assessment concludes that there is very limited opportunity, on site, to mitigate against the net loss of habitat units. The report therefore suggests the delivery of BNG through off-site measures, potentially in the form of financial contributions.

The ecologist from Greater Manchester Ecology Unit has confirmed that they are satisfied with the BNG assessment, in terms of the overall number of units lost, and the existing and proposed ecological condition of the site. As such, the permission will be subject to the standard BNG condition as per Schedule 7a of the 1990 Act, which will require the applicant to submit a biodiversity gain plan to the LPA for approval.

In respect of trees, Core Strategy policy G6 and PfE policy JP-G7 require replacement planting at a ratio of 2:1. The plans indicate the removal of 2no. individual trees adjacent to Boarshaw Road and 1no. group of trees/shrubs adjacent to Brassey Street. The group of trees/shrubs would be replaced at a ratio of 1:1. As such, there would be an overall loss of 2no. individual trees. However, replanting at a ratio of 2:1 would not be possible on site without restricting the proposed development, in terms of prejudicing outlook, access to natural light, and parking requirements. As such, it is considered that the loss of trees should be mitigated through statutory BNG requirements, which will require the applicant to submit a biodiversity gain plan to the LPA for approval.

It should be noted that the application includes an Arboricultural Impact Assessment (Godwins Arboricultural Ltd: AIA. 13258. 01) which recommends the removal of all 3no. individual trees. However, the proposed site plan and BNG assessment indicate the retention of 1 no. individual tree (T1) towards the rear of the site. For the avoidance of doubt, the applicant will be required to submit a tree protection plan to the LPA for approval, which confirms the retention of T1, and includes details of how it will be protected and retained during construction.

Whilst opportunity to implement on-site BNG of 10% is limited, there is scope to enhance and protect species habitats, as per the recommendations of the submitted 'Preliminary Ecological Appraisal' (Pennine Ecological, August 2024). As such, the applicant will be required to demonstrate adherence to the recommendations laid in Chapter 4 – Ecological Evaluation and Recommendations of 'Preliminary Ecological Appraisal' (Pennine Ecological, August 2024), through a suitably worded condition.

Subject to the recommended conditions, the application is considered to accord with the requirements of CS Policy G6 and G7, PfE Policy JP-G7 and JP-G9 and the National Planning Policy Framework.

Residential amenity:

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of internal amenity for all existing and future occupants of land and buildings.

In view of the above, paragraph 4.1 of the SPD establishes minimum space standards between new residential development and existing residential properties, in terms of distances between habitable room windows and elevations. There would be a minimum separation distance of 28m between the existing properties on Brassey Street and the rear elevation of the proposed apartment building. The development therefore complies with the minimum distance of 21m established under paragraph 4.1.

By virtue of its compliance, the development would therefore have an acceptable impact on privacy for future residents and existing neighbours. In addition, whilst it is accepted that all new development will contribute towards some additional overshadowing, reduced outlook, and overbearing impact, due to the prospective separation distances, the impact on residential amenity, towards occupants on Brassey Street, is not considered to be adverse or unacceptable, and would be similar to the relationship with the existing terraced houses on Boarshaw Road.

Regarding the potential impact on the amenity of occupants in the adjacent terrace, paragraph 5.9 of the SPD is relevant. Paragraph 5.9 establishes a maximum standard for two-storey rear extensions, based on a recognition that two-storey rear extensions will impact on the amenity of neighbouring residents. Paragraph 5.9 states that Planning permission will not normally be granted for two storey extensions that project beyond a 30 degree line drawn from a point 2.4m along the common boundary from the rear elevation of the adjoining or adjacent dwelling. Whilst the application does not seek permission for an extension to a dwellinghouse, the impact of the proposals is comparable with that of one, and therefore paragraph 5.9 is relevant. All three units of the proposed development would not project beyond the recommended 30 degree line, and therefore comply with the SPD. By virtue of its compliance, the proposed development would have an acceptable impact on the amenity of neighbouring residents.

Policy DM1 also requires all new development to mitigate against any negative impacts due to noise pollution. The application includes a Noise Impact Assessment (e3p: 50-655-R1-1) dated September 2022. The Council's Environmental Health Officer has been consulted and raised no objections to the proposal, subject to the requirements of the submitted NIA, in order to achieve the necessary internal and external noise levels. The Officer also recommended that a construction management plan is required, by condition, to be submitted to and approved in writing by the LPA.

Overall, the proposed scheme is acceptable in accordance with policies SM1, the SPD and the NPPF.

Highways:

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 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.

Several objections were raised in relation to a potential increase in traffic congestion on Brassey Street and added pressure to parking availability in the area. However, the Council's Highways Officer has been consulted and raised no objections to the development. The officer concluded that: the proposal will not generate any problematic volume of traffic; the provision of 7 on-site parking spaces is sufficient for a building of this scale and size; access to the site is acceptable; there would be no road safety issues; emergency vehicles and refuse vehicles can access the site.

Regarding the objections raised by local residents, in relation to traffic congestion and increased parking demand, it is acknowledged that the proposed development will attract more cars to the area. However, access to the site is not via Brassey Street, and the plan includes 7 on-site parking spaces. As such, the highways impact on Brassey Street is likely to be minimal. Furthermore, traffic congestion and parking demand are considered to be reasons for refusal only if they pose a risk to highways safety. Whilst the proposed development could theoretically increase traffic congestion and parking demand, it is unlikely to be to the extent whereby it would threaten highway safety. The development is therefore acceptable in accordance with the NPPF, and policies DM1 and T2 of the Core Strategy.

Other matters (coal, crime, land contamination, drainage):

Drainage:

Rochdale Core Strategy policy G8 and saved UDP policies EM/7 and EM/8 are relevant policies relating to drainage and flood risk. Policy G8 requires that new development does not lead to any form of increased flooding or impeded natural water and flood risk management.

As part of the application process both United Utilities and Lead Local Flood Authority were consulted. United Utilities raised no objection to the proposal, subject to the inclusion of a condition requiring details of a sustainable surface water drainage scheme, to be approved in writing by the LPA, prior to the commencement of development. The LLFA did not provide a response, although it was considered that, due to the nature of the development, matters relating to surface water run-off and foul sewage could be dealt with by condition, in the event of an approval, and therefore the LPA raises no objections on these grounds.

Land contamination:

As part of the application process, the Council's Contaminated Land Officer was consulted. The officer raised no objections in response to the submitted Phase 1 and Phase 2 Geoenvironmental Site Assessments, but recommended that a final validation report is submitted for approval by the LPA.

Coal:

As part of the application process, the Coal Authority were consulted as the application site falls within the CA's defined Development High Risk Area. The Coal Authority considers that the content and conclusions of Phase II Geoenvironmental Site Assessment Report (16-124-R2-1, 08 December 2022) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of E3P Ltd) that the application site is safe and stable for the proposed development (NPPF paras. 189 and 190). The Coal Authority has no objection to the proposed development.

Crime management:

As part of the application process, Greater Manchester Police – Design for Security were consulted. They raised no objection to the proposal, subject to the inclusion of a condition requiring the developer to prepare a Crime Prevention Plan, to be submitted to and approved by the LPA, and to adhere to the contents of the agreed plan in perpetuity. However, such details are not considered to be necessary in order to make the development permissible. Nonetheless, the applicant should be mindful of the recommendations made by Greater Manchester Police, full details of which are attached as an informative to this decision.

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. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Proposed street scene: 2024_001_010

Location plan: 2024_001_008

Topographical survey: 22065/01

Block plan

Typical bay elevation: 2024_001_006

Proposed site plan: 2024_001_004

Proposed sections: 2024_001_003

Proposed elevations: 2024_001_002

Proposed floor/site plan: 2024_001_001

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, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. No development (including any demolition, site clearance or preparation works) shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include details of the following matters:
 - a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. the placement and appearance, and details of the maintenance of security hoarding;
 - e. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase; and,
 - f. the provision of wheel washing facilities.

The approved method statement shall be adhered to throughout the construction period of the development thereafter.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G9 and T2 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the amenity of nearby residents and to highways and pedestrian safety and a scheme therefore needs to be agreed in advance of any works taking place.

4. No development (including any demolition, site clearance or preparation works) shall take place until the trees that are to be retained within the site has been enclosed with temporary protective fencing and temporary ground protection has been fully installed in full accordance with BS:5837:2012 'Trees in relation to design, demolition and construction'.

The necessary protection measures shall be retained throughout the construction phase of the development and no works, 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 JPP1, 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.

5. No development (other than demolition or works of site preparation) shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, foul and surface water shall drain on separate systems and any submission include:

- a) An investigation of the hierarchy of drainage options in the National Planning Policy Framework (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water.
- b) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.
- c) Construction details for permeable paving including sub-base details e.g. cross-section, if this type of paving forms part of the sustainable drainage system.

The duly approved scheme shall be implemented prior to the first occupation of any part of the development, and shall be 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. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

6. Notwithstanding any details provided within the application, no above ground works shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. 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 and in accordance with policies DM1, P1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

7. Notwithstanding any description in the application, no above ground works shall take place until full product specifications for the windows, external doors, roof lights, and detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied until the recommended remediation measures outlined in 'Phase II Geoenvironmental Site Assessment' (E3P: 16-124-R2-1, 08 December 2022) have been carried

out in full and a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy thereafter. Prior to the first use or occupation of the approved development, a verification report 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.

9. The development hereby approved shall not be brought into use until the refuse and recycling storage facilities indicated on the 'Proposed site plan', drawing no. 2024_001_004, have been fully implemented and made available for use. These facilities shall thereafter be retained for their intended purpose at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. The development hereby approved shall not be brought into use until such time as the parking arrangements as shown on the 'Proposed site plan', drawing no. 2024_001_004, have been made fully available. The parking arrangements shall be retained as such thereafter.

Reason: In the interest of highways and pedestrian safety and in order to comply with the requirements of Policies T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

11. The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within 'Noise Impact Assessment (e3p: 50-655-R1-1)', dated September 2022. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

12. No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements pursuant to that phase of development 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.

Statutory 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 the development of land in England is deemed to have been granted subject to the condition "(the 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 Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

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 listed below are considered to apply.

Please see informatives and notes for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

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:

Biodiversity Net Gain

Irreplaceable Habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and,
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Nesting Season

Nesting Birds are protected under the Wildlife and Countryside Act (1981) where it is an offence to deliberately kill or injure a bird, or damage or destroy the nest of any wild bird. The applicant is strongly advised to avoid works of tree and shrub clearance during the bird nesting season (March-August inclusive) unless an ecological appraisal has been carried out by a suitably qualified professional to

discount the presence of any nesting species and inform any necessary mitigation.

Report Author Hamish Rigg