**APPLICATION NUMBER: 20/01490/OUT**

# DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER | DATE |
|---|---|---|
| 20/01490/OUT | Ryan Killeen | 22 February 2021 |

**Address:** Kingdom Hall Of Jehovahs Witnesses Taylor Street Heywood OL10 1EF

**Proposal:** Outline application (including access, layout and scale) for the erection a three storey block of 10 studio flats following demolition of existing church building

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| **PUBLICITY** | **Weekly list expired?** | Y | **Site notice expired?** | Y |
| | **Neighbour letters expired?** | Y | **Press Notice expired?** | Y |

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|---|---|---|---|---|
| **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 |

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

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| **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 SUBJECT TO CONDITIONS |
|---|---|

**CHECKED AND SIGNED OFF BY: AT** **DATE: 26.03.2021**

## SITE

This application relates to 8A Taylor Street, a late C19, part single-storey, part two-storey detached building which occupies the corner plot between Fox Street and Taylor Street south of Heywood town centre. The property frontage on Taylor Street measures 30m by approximately 18m on Fox Street and is finished in white render. The property faces east towards Taylor Street, opposite Sandon House, a community centre at a distance of 18m. No. 60 Fox Street shares a building line with the north facing elevation of the applicant property, with the rear garden running parallel to, and extending approximately half way along the west facing elevation of no.8A, with the rear garden of no.16 Henry Hill Close in parallel alignment with the remainder of the west facing elevation. Immediately south of the applicant property exists a small cobbled area that appears to have provided historic access from Taylor Street to former uses to the west, with nos. 10-18, a row of mid C20 terraces sited approximately 8m south of the application property. Approximately 65m south, towards the opposite end of Taylor Street, lies St.Josephs RC Church, a Grade II listed church designed by Oswald Hill, listed due to its artistic, architectural and group values.

The building is currently vacant, but has been most recently used as a place of worship for the Kingdom Hall of Jehovas Witness which appears to have ceased approximately 6 years ago. The building was formerly used as public baths up to the mid 1970's.

## PROPOSAL

This application seeks outline planning permission for access, layout and scale, with appearance reserved, for the erection of a 2 storey block of flats comprising 10no. one-bedroom apartments arranged in an 'L' shape block fronting Taylor Street and Fox Street, with 6no. car parking spaces provided at the southern part of the site with a communal garden provided within the space enclosed by the two limbs of the proposed block.

## RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

**SO2 Creating successful and healthy communities**
C1 Delivering the right amount of housing in the right places
C2 Focusing on regeneration areas and economic growth corridors/areas
C3 Delivering the right type of housing
C4 Providing affordable homes
C6 Improving health and well being
C7 Delivering education facilities
C8 Improving community, sport, leisure and cultural facilities

**SO3 Improving design, image and quality of place**
P3 Improving design of new development

**SO4 Promoting a greener environment**
G6 Enhancing green infrastructure
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 |
| DM1 | General development requirements |
| SD1 | Delivering sustainable development |

Unitary Development Plan (UDP):

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|---|---|
| **G/D/1** | **Defined Urban Area** |
| EM/7 | Development and Flood Risk |
| EM/8 | Protection of Surface and Ground |

Supplementary Planning Documents (SPD):
Guidelines and Standards for Residential Development (June 2016)
Oldham and Rochdale Urban Design Guide

## RELEVANT SITE HISTORY

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| 20/00795/OUT | Outline Application (including Access, Appearance, Layout and Scale) for the erection of 7 Dwellinghouses following the demolition of existing church building.<br><br>Withdrawn – November 2020 |
| 77/D04795 | Change of Use of former public baths to place of worship.<br><br>Granted STC – June 1977 |

## CONSULTATION RESPONSES

Environment Agency
No comments received to date

GMP - Design For Security
Thank you for the opportunity to comment on the above application. Having looked at the proposals Greater Manchester Police can confirm that we have no objection to the approval of the outline application, however due to the size and nature of this proposal we would recommend that a full Crime Impact Statement (CIS) report should be submitted when full permission is sought, in order to show how crime has been considered for the proposal and the surrounding area.

The report should be completed by a suitably qualified security assessor, and identify, predict, evaluate and mitigate the site-specific crime and disorder effects of a development and should be produced by a professional individual/organisation independent of the design process. The CIS can then be submitted as part of the planning application, indicating that the proposed development has been designed to avoid/reduce the adverse effects of crime and disorder and enabling the planning process to run more smoothly.

Greater Manchester Archaeological Advisory Service

Thank you for consulting GMAAS on this proposal. Having checked our records GMAAS are satisfied that there are no archaeological implications for this scheme.

GM Fire Service
The above proposal should meet the requirements for Fire Service access.
The Fire Service requires vehicular access for a fire appliance to within 45m of **all** points within the dwellings.

The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250m.

There should be a suitable fire hydrant within 165m of the furthest dwelling.

Historic England
No comments received to date

Highways And Engineering
The proposed development is unlikely to generate any great volume of traffic.

Whilst the parking provision for the site is low the location is close to Heywood centre and car ownership may not be necessary.

The applicant has proposed no changes to the highways layout.

We have no road safety concerns nor do we for see any issues with servicing from this location.

Our only concern is that the footway will be destroyed during demolition and construction. It is therefore necessary for the applicant to renew the kerbline and footway upon completion of the development. This should be included as a condition of any planning consent.

Conservation Officer

8 Taylor Street started life as a small Methodist Chapel before being replaced by the public baths which were erected in the late 19th century and presented to Heywood in 1981. Most recently the building has been used as the Kingdom Hall for worship. Given the prominence of the building within the local community in terms of its historical and communal values the building is recognised as a non-designated heritage asset.

As such, the proposed demolition of this building would result in substantial harm being caused to the non-designated heritage asset (NPPF, paragraph 197). This harm must be sufficiently justified, mitigated and outweighed by public benefit to satisfy National Policy and unfortunately, this proposal fails to do this. Subsequently, this application is recommended for refusal.

**Update 17/03/2021:**

In follow up to the previous response the applicant has commissioned and submitted a Heritage Statement to explore the significance of the property. It is evident that the building, whilst altered, does have some historical interest being associated with a notable individual and providing a communal leisure facility. The report clearly

presents how the property has been altered over recent years and demonstrates the degradation taking place within the property since it has fallen vacant.

The Heritage Statement offers the completion of a Level 3 Building Recording Survey, to be submitted to both the LPA and GMAAS along with confirmation that the date stone from the existing building will be retained and reused in any forthcoming scheme.
It is considered that justifications and mitigations offered are now sufficient to outweigh the harm caused through demolition of the non-designated heritage asset.

Subsequently, there are no longer any objections raised in response to this proposal.

Env Health - Noise/Odours

This section has no objection in principle to the proposal, given the close proximity of the site I would recommend the hours of demolition/construction are restricted to 08:00-18:00 Monday – Friday 09:00-14:00 Saturday and no work on Sundays or bank holidays. I would also recommend a robust construction management plan is submitted to cover all other aspects of the works.

Lead Local Flood Authority/Drainage
**Summary:** Drainage conditions similar to those suggested by United Utilities should be applied.

United Utilities
**Summary:** In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Standard conditions and standing advice have been provided.

The Coal Authority
The Coal Authority concurs with the recommendations of the Desk Based Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence (excluding the demolition of existing structures) until;
   a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the

approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Public Protection – Contamination

Summary: Standard condition requiring the submission of a Preliminary Risk Assessment

Gtr Manchester Ecology Unit
No comments received to date

**REPRESENTATIONS**

Letters of notification have been sent to all surrounding properties, a site notice posted in the vicinity of the site and a press notice issued.

One letter of objection was received raising concern over the following matters:

Impact access
Reduce car parking

*Officer's response: Addressed in 'Highways' Section*

Noise
Loss of privacy
Restrict access to outdoor spaces

*Officer's Response: Addressed in 'Amenity' section*

Dust and asbestos

*Officer's Response: Informative attached*

Financial cost of using drier as opposed to drying clothes outdoor
Potential structural damages

*Officer's Response: These are not material planning considerations to which the Local Planning Authority shall have no regard.*

**ANALYSIS**

Principle of Development

The application site is a greenfield site as defined within Annexe 2 of the NPPF and is located within the Defined Urban Area. Policy C1 of the adopted Rochdale Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites and focus only on sustainable greenfield sites which provide the best access to a range of services, jobs and facilities and have limited impact on green infrastructure and amenity. The application site is well located in respect of public transport provision and access to jobs and services and the impacts on green infrastructure are limited. The latest published information suggests that the Council can demonstrate more than a six year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs.

The site is considered to constitute Previously Developed Land (PDL) in accordance with the definition contained within annex 2 of the NPPF and is subsequently considered as 'Brownfield'. Paragraph 118 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, additionally, CS policy C1 seeks to achieve a target of 80% of new housing on PDL.

Therefore on the basis that the proposal would make a valuable contribution to housing supply within the borough, whilst being in a sustainable location within good proximity to local amenities and public transport facilities, it is considered that the principle of development is acceptable in accordance with adopted Rochdale Core Strategy polies C1, C3 and SD1, saved UDP policy G/D/1 and the NPPF.

Impacts on Heritage Assets

Paragraph 197 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application site is considered as a Non-Designated Heritage Asset due to its communal and historic values and is formally recognised on the Council's list of Non-Designated Heritage Assets. The site is also sited approximately 65m north of the Grade II listed St Joseph's RC Church.

With regard to paragraph 197 of the NPPF, the proposal would cause substantial harm to the significance of the NDHA as the proposal would include the complete demolition of the building.

It has been agreed that in order to mitigate the harm, a building record survey is to be completed to Historic England's Level 3 criteria and submitted to the Greater Manchester Archaeologic Advisory Service for inclusion on the Historic Environment Record, to ensure the historic and communal qualities of the building are captured and recorded.

Regard has been given to paragraphs 193-196 of the NPPF and the Listed Buildings and Conservation Areas Act where it is considered that the proposal will have a neutral impact on the character of the nearby Church. The building proposed to be changed into a single dwelling is sited 55m north of the curtilage of the Grade II listed St Joseph's RC Church (the Church hereafter). The listing text of this property reads:

*The Roman Catholic church of St Joseph and associated presbytery, Heywood, of 1913-16 by Henry Oswald Hill, with later additions, is listed at Grade II for the following principal reasons: * Artistic interest: the apsidal sanctuary dominates with an impressive scheme of mosaic designed by Eric Newton of Ludwig Oppenheimer Ltd, a specialist mosaic company, which demonstrate a knowledge and understanding of the use of mosaic in the designs, and high degree of craftsmanship and use of high-quality materials in their construction; * Architectural interest: as an urban Catholic church designed in a Romanesque style representative of the interest in early Christian architecture in the late C19 and early C20 and particularly successful in the harmonious use of internal space; * Architect: Henry Oswald Hill was a promising architect with a clear interest in contemporary church-building trends, as shown by his Byzantine design for the listed St John the Baptist, Rochdale, who was tragically killed in action in the First World War * Group value: the presbytery has functional group value with the church and both were designed by Hill, who achieved a visual unity through the use of the same materials while choosing a more domestic Queen Anne style for the presbytery.*

The Church attributes much of its significance to internal artistic features in addition to its external architecture. The property is best viewed from Mary Street to the west, which leads directly to the front entrance and is possible to experience the main architectural features. The property is certainly appreciated from Taylor Street to the North, where it is possible to experience the full side profile of the Church, in addition to the later addition of the northern transept. Due to the siting of buildings on the eastern side of Taylor Street, such views are only possible up to the southern end of the application site.

Additionally, the proposed building is of a similar form, siting and scale to the existing structure, and is therefore not considered to interfere with views of the listed building, and the applicant building does not contribute to the historic significance of the Church. The view is therefore taken that the proposal would amount to neutral harm to the significance of the designated heritage asset.

Further to this, the Conservation Officer has stated that the harm to the NDHA is suitably mitigated through the aforementioned condition, and raises no objection with regards to the impact to the nearby Church.

In light of the recommended condition for a Building Record Survey, it is considered that the substantial harm caused to the Non-Designated Heritage Asset would be suitably mitigated and therefore in accordance with Policy P2 of the adopted Core Strategy and the National Planning Policy Framework.

Design and Layout

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 124 and 127 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

As the application is outline only, with appearance a reserved matter, it is not appropriate to comment on detailed design matters at this stage. The application

seeks consent for the access, layout and scale of a single, 'L-shape' block fronting both Taylor Street and Fox Street which is of a two-storey height, completed with a dual-pitched roof.

The proposed layout of the site and is considered to respect the existing urban grain and surrounding densities, with the building being of a similar form and proportions to surrounding dwellings. Additionally, the proposed parking layout, which places parking to the south of the site, is considered to be satisfactory and would not result in an unacceptable impact to the character and appearance of the street scene through the proliferation of vehicles within the street scene.

The amended floor plans and site plan have included a front facing entrance to address the significant legibility issues with the original proposal, in addition to setting back the built form on Taylor Street to better respect the existing building line to the south through the inclusion of a buffer. This has also suitably addressed the original concerns that setting the proposal against the public highway would be unduly imposing within the street scene.

The application is supported by a Crime Impact Assessment, which notes the typical crime risks to a development of this nature as access by unauthorised persons, burglary, damage to property, Anti-Social Behaviour and theft during the construction phase. This document sets out counter-measures to design-out potential crime, with layout considerations to promote natural surveillance in addition to engineered solutions comprising a 2.0m high boundary treatment and security rated fenestration finishes.

The proposed measures are considered to be appropriate, and reasonable for the development, and would not present opportunity for crime above what would be typical for a residential dwelling. GMP (Design for Security) have requested that a detailed Crime Impact Assessment is submitted for full consideration at the reserved matters stage.

Overall, the proposed scale, form and layout is considered to be appropriate within the context of the surrounding built environment. As such, the proposals would accord with policies P1, P2 and P3 of the Core Strategy and the National Planning Policy Framework.

Amenity

Policy DM1 of the Core Strategy requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Also, impacts including noise, air, dust, light and odour pollution are required to be mitigated where necessary.

The "Guidelines and Standards for Residential Development" SPD contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

*Space Standards*

Section 4.1 of the Guidelines and Standards for Residential Development SPD sets out minimum distance standards which all new residential developments should adhere to in order to ensure a satisfactory standard of amenity for surrounding, existing and future occupiers.

The indicative floor plans include the siting of a kitchen towards the rear elevation. As such, no concerns are raised with regards to the privacy of surrounding occupiers to the rear on Henry Hill Close or Fox Street. Habitable rooms face both east across Taylor Street and north across Fox Street towards non-residential properties.

*Overshadowing and Overbearing Impact*

The demolition of the existing building, which abuts the rear gardens of no.60 Fox Street and no.16 Henry Hill Close, in addition to the proposed form and layout would result in a positive impact to the light and outlook enjoyed by properties immediately west.

*Noise*

The application would bring to use a vacant site and result in an increase level of noise and disturbance from the associated activity. It is considered that the proposed Class C3(a) residential use and the activities reasonably expected from such use would be compatible with the surrounding land use. Notwithstanding the assessment of impacts to the highway network, associated vehicle movement would be low and would not cause an undue level of disturbance

The Council's Public Protection Officer has been consulted on the application, and has stated no objection in principle to the proposal, but has requested that a condition restricting hours of work, in addition to requiring a construction management plan be attached to any permission.

*Occupier Amenity*

The Nationally Described Space Standards (NDSS) is a technical standards document produced to ensure internal space within new dwellings is suitable for application across all tenures. Table 1 sets out the minimum gross internal floor area requirements for dwellings, and indicates that a single bedroom, single-storey dwelling with one occupant, requires 37$m^2$ of internal floor space, and where two bed spaces are indicated, 50$m^2$ is required.

As the application proposes studio flats, it is considered that they are to be suitable for only a single occupier. The gross internal area (GIA) of each flat is approximately 36$m^2$, and would broadly accord with the space standards required by under NDSS for a single bed space.

It is considered that the amendments secured through the determination process, which set back the built form sited along Taylor Street to include a defensible, 1m buffer between the east facing elevation and public footpath, would ensure that an adequate level of privacy for future occupiers, and would not result in undue levels of disturbance.

Further to this, the minimum distance standards between principal windows and directly facing single-storey, or two-storey elevations which do not contain habitable room windows are satisfied on all accounts.

In light of the above, it is considered that the proposal fails to accord with the requirements of Policy DM1 of the Adopted Core Strategy, the National Planning Policy Framework and the Guidelines and Standards for Residential Development SPD.

Highways

Core Strategy policy T2 seeks to ensure that development is located where there is good access to public transport and where the need to travel by car is minimised. Policy DM1 seeks to ensure there is not an over-dominance of parked cars on residential streets. The proposed development would comprise of 10 flats which would be served by 6 car parking spaces accessed from Taylor Street and Fox Street.

Appendix 5 of the Adopted Core Strategy stipulates a maximum of 1.25 spaces per dwelling at this location, as such included parking spaces represent 48% of the maximum.

The area surrounding the site does not facilitate high volumes of traffic, where there are limited opportunities for through traffic, with the main routes to, and through the town centre 200m north and east.

It is acknowledged that the parking is of a particularly poor layout, with restricted opportunity to manoeuvre vehicles whilst remaining clear of the adopted highway with limited functionality attached to the westernmost spaces. Despite this, the highway and public safety of the proposal is not directly dependant on the provision of off-street spaces and as such, the disincentives of using the spaces identified are not considered to result in an undue impact to highway safety.

The Council's Highways Officer has raised no objection to the proposal, considering parking to be adequate for dwellings of this size in this location, which is near to Heywood Town Centre with suitable access to public transport. The proposal would make use of existing access via Taylor Street and Fox Street and does not propose any changes to the highway layout.

The proposed parking and access arrangements are therefore considered to be acceptable and in accordance with the relevant parts of adopted Rochdale Core Strategy policies T2 and DM1, the SPD and the NPPF.

Drainage and Flood Risk

The NPPF establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). The site is therefore suitable for residential development in this respect. Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. Saved UDP policies EM/7 and R/4(g) are also relevant, with the latter requiring the provisions of the former to be satisfied. In this particular case, it is a requirement that appropriate sustainable drainage systems ae installed to as the site falls within the Heywood Critical Drainage Area.

The application has been accompanied by brief a drainage strategy and Flood Risk Assessment but not with any detailed drainage proposals. The supporting document states that the underlying geology is likely peat, overlaying clay and gravel, and that following the demolition of the building it is the intention of the applicant to perform a percolation test which would drive the detailed drainage design. This document has considered that surface water flooding is unlikely to present an issue to the site.

United Utilities have confirmed no objection to the proposals, and recommended conditions for a detailed drainage scheme and separate systems for the drainage of foul and surface water. The Council's Drainage Officer has been consulted and has recommended conditions for a detailed surface water drainage proposal prior to commencing development, as well as a separate condition for the separate drainage of foul and surface water.

Should the LPA wish to support the application, it would be considered appropriate to recommend a condition that, following demolition of the existing building, and prior to any above ground works details of foul and surface water drainage are to be submitted to and approved in writing by the LPA.

Further to this, the proposal would replace an existing building with a smaller built footprint with areas that can be controlled to be permeable to provide a net decrease in surface runoff at the site. As such it is considered that sustainable drainage solutions can be achieved through condition and therefore the proposal would accord with the requirements of Policy G8 and DM1 of the Adopted Core Strategy, the National Planning Policy Framework.

Biodiversity impacts and gains

Paragraph 170 of the NPPF 2019 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The developer's ecological consultant the structure to hold 'negligible' bat roost potential, recommending no further surveys at this time, however recommended that as a precautionary measure, a program of Risk Avoidance Measures is to be required to provide a suitable scheme of works that mitigates all harm to any potential roosting bats through the demolition phase.

The developer's ecological consultant also considered a selection of suitable bird nesting opportunities to exist at the site and wider area, recommending that operations are to be undertaken outside the bird nesting season unless it can be conclusively demonstrated that nesting birds are absent, notably within the roof structure of the existing building.

Other recommendations related to the installation of appropriately ecologically sensitive lighting schemes.

GMEU has been consulted, but has not commented on the application. It is considered necessary that demolition be restricted to those months outside of nesting season via condition. Informatives are to be attached relating to the protection of Bat and Bird species.

Further to this, it is considered necessary to secure a net gain in biodiversity, which should be provided in the form of a suitable landscaping scheme and artificial nest provision such as a bat or bird box, or swift brick, it is considered that this can be achieved at a reserved matters stage however.

In light of the above, it is considered that the proposals are acceptable and accords with policy G7 of the Core Strategy and the requirements of the NPPF.

Ground Conditions

*Coal Mining*

The planning application is accompanied by a Desk Based Coal Mining Risk Assessment report (December 2020, prepared by LK Group), this report was unable to conclusively discount the absence of unrecorded shallow coal mine working beneath the site which could affect the proposed development, further making recommendations for intrusive ground investigations following the demolition of the existing building to inform any mitigation measures.

The Coal Authority has been presented with the application for consultation, and has welcomed the recommendation of further intrusive ground investigations as detailed within the supplied desk based assessment, requiring a condition for the investigations to be carried out prior to above ground works in addition to a separate condition requiring the submission of a verification report to the LPA to confirm the extent of the works. It is considered that a single, appropriately worded condition could achieve both objectives should the LPA to support the application.

*Contamination*

Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

Given that the application proposes the demolition of an existing building, the footprint of which covers the extent of the site, no preliminary risk assessment has been supplied. The Council's Public Protection Officer has been consulted on the application and has recommended a condition be attached requiring the submission and written approval of a preliminary risk assessment which would inform the next steps to a suitably safe development.

Developer Contributions

Paragraph 92 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, decision takers should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Policy DM2 of the Core Strategy sets out that the Council will require developers to provide, or contribute towards the cost of providing, any physical and social infrastructure that is needed because of proposed development. For residential development, this specifically requires contributions towards affordable housing (Policy C4), open space provision and maintenance (Policy G6) and education facilities (Policy C7), and in some cases towards highways improvements (policy T2).

*Provision of recreational Public Open Space*

Paragraph 96 of the NPPF emphasises the importance of high quality open spaces and opportunities for sport and recreation for the health and well-being of communities. Policy G6 of the Core Strategy requires that residential development should provide or contribute financially towards recreational open space in accordance with the standards set out in the 'Provision of Recreational Open Space in New Housing' SPD. The SPD sets out that developments of more than ten dwellings with less than 100 bedrooms in total will not need to make provision for recreational open space on site, and as such, no contributions are required.

*Affordable housing*

A development of 10 residential units would not meet the threshold as detailed in policy C4 of the adopted Rochdale Core Strategy and the associated Affordable Housing SPD for affordable housing contributions or on-site provision.

*Education*

Core Strategy policy C7 seeks developer contributions for the provision of educational facilities (including new school places). However, at 10 units, the development would not meet the threshold level for contributions in this regard.

*Highway Improvements*

The level of traffic this development would generate would be accommodated on the existing network and so contributions would not be required.

*Conclusion*
No contributions are required for this development by virtue of the proposed quantum of development, as such, the application accords with the requirements of policies G6 and DM2 of the adopted Rochdale Core Strategy, the Supplementary Planning Document 'Provision of Recreational Open Space in New Housing' (2008, updated January 2017) and the National Planning Policy Framework.

## RECOMMENDATION

**Grant Subject to Conditions**

1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
(a)The expiration of three years from the date of this permission; or

(b)The expiration of two years from the final approval of the reserved matters, or

in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced: external appearance and landscaping.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3 The total number of residential units included in any application(s) for reserved matters submitted pursuant to condition 2 of this permission shall be limited to a maximum of ten studio flats and the development shall be substantially in accordance with the following plans/documents:

- Location Plan
- Existing Floor Plans
- Existing Elevations
- 3418:07/B – Proposed Site Plan – Received 12/03/2021
- 3418:08/B – Proposed Ground and First Floor Plan – Received 12/03/2021
- 3418/09/B – Proposed Site Section – Received 12/03/2021
- 3418/11/A – Street Scenes – Received 12/03/2021

Reason: The submitted layout of the proposed development incorporates a number of key parameters that will guide the detailed reserved matters application, and in order to provide for an acceptable scale and layout of development and high quality environment, in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4 Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:

a. a survey of the extent, scale and nature of contamination
b. an assessment of the potential risks to:
    i. human health,
    ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
    iii. adjoining land,
    iv. groundwaters and surface waters,
    v. ecological systems,

vi. archeological sites and ancient monuments;

c. where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be completed in full accordance with the approved recommendations.

Reason: To protect future occupants from any contamination of the site and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

Reason for pre-commencement condition: Contamination investigation and any required mitigation measures will require investigation before the significant disturbance to ground and removal of material.

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

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

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

6 No soft-strip, demolition or development groundworks shall take place until a Building Record Survey to Historic England Level 3 has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, this shall include:

- an introductory description
- a systematic account of the building's origins, development and use
- an account of the evidence on which the analysis has been based,
- drawn and photographic records that may be required to illustrate the building's appearance and structure and to support a historical analysis

Reason: To record and advance understanding of the significance of the buildings to be demolished and to make this evidence (and any archive generated) publicly accessible, in accordance with the requirements of Core Strategy Policy P2 and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require the demolition of the existing buildings, it is necessary to record and understand the significance of such buildings before the development commences.

7 No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

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

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

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

8 No development shall take place (including any site clearance or preparation works) until a Construction Management Plan (CMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:

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 erection and maintenance of security hoarding including decorative displays;
e) wheel washing facilities (or an adequate demonstration that this is nor required)
f) details of the construction hours (for the avoidance of doubt this shall be within the hours of 08:00-18:00 Monday-Friday, 09:00-16:00 Saturday and no work on Sundays or Bank Holidays); and
g) hours for site deliveries.

The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

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 safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents and the functioning of the highway network prior to commencement of any building or engineering works on site.

9 No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking area, including detail of the surface water drainage strategy and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The parking area shown on the approved plans shall be constructed in accordance with the duly approved details before the building is first occupied, and shall be retained thereafter for its intended purpose.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of highway safety and the free flow of traffic and to ensure the suitable disposal of surface water in order to comply with the requirements of policies T2, DM1 and G8 of the adopted Rochdale Core Strategy.

10 No above ground works shall take place until details of the finished floor and external site levels of the dwellings and their plots have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In order to achieve an acceptable relationship between surrounding buildings in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

11 No demolition shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the adopted Rochdale Core Strategy and 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:

**Ecology**

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

**Highways**

In the event that the surface of the adjacent footway is damaged at any point through the construction phase, the kerbline and footway should be renewed upon completion of the development to an appropriate standard at the expense of the developer.

Report Author Ryan Killeen