

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01270/VRCON	Claire Ringwood	3 rd November 2023

Address: Half Acre House Residential Care Home, Roch Valley Way, Rochdale, OL11 4DB

Proposal: Outline application for erection of five detached dwellings without complying with condition 3 of planning permission 17/01418/OUT (to allow the access point into the site to be retained in its existing location and not repositioned as approved)

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

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: RG

DATE: 12 December 2023

SITE

The application relates to a plot of land to the south east of the Half Acre Nursing Home off Roch Valley Way in Rochdale. The site is currently accessed through the grounds of the nursing home, with part of the application site falling within the curtilage/garden area of the nursing home and the other part a section of undeveloped open greenspace covered in well-established grass/vegetation and self-seeded trees. The site lies within the Defined Urban Area, with the majority forming part of the Roch Valley Greenspace Corridor.

To the west of the application site is the garden area belonging to the nursing home and beyond this is the highway of Roch Valley Way. The area which forms part of the curtilage of the nursing home is made up of a mixture of well-kept gardens, concrete flags/patio area, self-seeded trees and the existing access road.

To the south of the site is a steep embankment which drops down to the river Roch and on the opposite side of the river is a water treatment plant. To the east is an area of semi-mature woodland protected by Tree Preservation Order 090. The land immediately to the south of the proposed development site is a disused tip which has been remediated.

Two large residential dwellings (61 & 63 Half Acre Drive) stand to the north of the site of the proposed dwellings, as does a vacant/gap site. Mature trees growing along the rear boundary of the existing dwellings offer some screening, and two protected trees are growing close to the boundary shared with the gap site. The dwellings to the north are situated approximately 2m higher than the application site.

PROPOSAL

The application seeks to vary condition 3 of planning permission 17/01418/OUT which was referred to the Planning and Licensing Committee as the proposal was considered by officers at the time to represent a departure from the Development Plan. Members however determined that subject to appropriate conditions and a section 106 agreement securing additional tree planting and management, the application would be acceptable and thus was approved at the Planning and Licensing Committee on 6th August 2020.

In regards to the access, the committee report stated:

The residential development would be accessed via a newly created private driveway off Roch Valley Way, with the adjacent existing access to the nursing home closed off. The new access would serve both the existing dwellings and the nursing home. The carriageway of the private driveway would measure 4.5m wide where it serves both the dwellings and the nursing home, and would include a footpath on either side, although after passing the separate turnoff for the nursing home the width of the road serving the dwellings would gradually reduce to 3m wide and include no footpath.

Approximately 26 trees not subject to a TPO would be removed to facilitate the new access road.

Additional parking and a service vehicle turning area would additionally be provided within the grounds of Half Acre House nursing home

Condition 3 is included in full below.

Condition 3 of 17/01418/OUT

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 five dwellings and the development shall be substantially in accordance with the following plans/documents:

- Location Plan (Amended Plan Received 02.04.20)
- 1311.15 Proposed Site Plan Revision D (Amended Plan Received 02.04.20)
- 1131.16 Illustrative Floor Plans & Elevations (Received 02.04.20)

Reason: The submitted layout of the proposed development incorporates a number of key parameters that will guide the detailed reserved matters applications, 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, saved policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

A S106 Agreement relates to the above application which is dated 31st August 2021.

PLANS AND DOCUMENTS SUBMITTED

The drawings submitted with the current application are:

Drawing No: 1311.15 Rev E – Proposed Site Plan
Received 28th September 2022

Drawing No: 1311.15 Rev D – Proposed Site Plan [*Officer Note: as previously approved*]

Drawing No: SSL:7243B:200:1:1 – Topographical Survey
Received 21st November 2022

Drawing No: 1311.15 Rev F – Proposed Site Plan
Received 20th December 2022

Arboricultural Impact Assessment with Arboricultural Method Statement by Godwins Tree Surveys, Project No: AIA.13593.01, dated 2nd February 2023
Received 2nd February 2023

Drawing No: 453/01 Rev B – Landscape Layout
Landscape Management Plan for Compensatory Tree Planting by Penny Bennett Landscape Architects, November 2020, Rev A July 12th 2023
Received 19th July 2023

This application seeks to substitute previously approved Drawing No: 1311.15 Proposed Site Plan Revision D (Amended Plan Received 02.04.20) with Drawing No: 1311.15 Rev E – Proposed Site Plan (received 28/09/2022).

The amendments are to retain the access point in its existing location and not repositioned as previously approved.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – September 2023
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

C1 Delivering the right amount of housing in the right places
C3 Delivering the right type of housing

P1 Improving image
P3 Improving design of new development

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

T2 Improving accessibility

DM1 General development requirements

SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/8	Greenspace Corridors
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (2016)
Provision of Recreational Open Space in New Housing (Updated 2017)

RELEVANT SITE HISTORY

78/D06166 Outline application for two dwelling houses. Granted STC July 1978.

87/D21019 Infilling of land with builders waste and dry industrial waste for reclamation for horticultural use. Refused April 1988.

90/D25719 Relocation of tipped materials and landscaping. Granted STC November 1990.

13/00927/FUL - Outline application (means of access and layout) for the erection of five detached dwelling houses. Refused 21/11/2013.

17/01418/OUT - Outline application for erection of five detached dwellings. Approved 31/08/2021. *[Officer Note: access and layout were approved with scale, design and landscaping as reserved matters]*

CONSULTATION RESPONSES

Highways

Original comments

We have a number of concerns regarding the changes proposed to the previously approved access into the development.

The approved access indicated an adequate width to support two way vehicle movements with a more direct approach to its junction with Roch Valley Way. The submitted plan does not provide adequate detail with regards to width and the alignment is not as direct as the previously approved layout. Our concerns relate to

the potential conflict between vehicles meeting on the access and not being able to pass each other. This will lead to vehicles reversing in our out onto Roch Valley Way which is a busy classified road.

The original layout also included segregated footways to both sides of the access and the submitted plans do not provide this facility. This causes concerns because vehicles may be undertaking difficult manoeuvres as reported above, on a narrow shared use access which causes road safety issue.

At this stage Highways cannot support this application because of its potential impact on road safety.

Updated comments

Further to our previous comments on this application we are now in receipt of an amended access layout plan reference 1311.15f.

Although the access road does not meet the required standard in terms of width and is not up to adoptable standards, it does have the benefit of a segregated footway and would only accommodate a small number of vehicle movements if approved.

Therefore Highways would now support the application if the access road were to be constructed in accordance with the recently received revised site plan.

Greater Manchester Ecology Unit – Trees

Original comments

The revised plans clearly show that the new access layout will require the removal of significantly more mature and semi-mature trees than those required by the original layout – at least 11. In the Arbor report the majority of the trees are classed as category 'C' (that is, trees regarded as low quality and unremarkable). I would not entirely agree with this assessment, the trees are semi-mature and do make a contribution to the local sylvan landscape. They will also have a longer lifespan remaining than trees usually assessed as 'C'.

However, I would not regard the trees as of sufficiently high quality as to merit special protection, **providing** that there is sufficient compensation offered for their loss. Currently the S106 requiring new tree planting is designed to only cover the tree losses anticipated from the original plans, although I do note that the agreement states that a *minimum* of 94 trees are required to be planted (Schedule 4 1(i)) as compensation for tree losses.

The Landscape Management Plan (Penny Bennett, Nov 2020) lists a total of 98 new trees.

For the variation of condition application to be acceptable, further tree planting should be required to off-set the increased tree losses. The Landscape Management Plan should therefore be amended to include more new trees – there would seem to be space available to accommodate the new trees in the S106 land. Given the wording of the S106 agreement, it may not be necessary to amend the current legal agreement as long as the LMP is amended, although this may require a legal view.

No trees should be removed during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Updated comments

I am satisfied with these amended plans, new tree planting will adequately compensate for tree losses.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. No letter of representation have been received.

ANALYSIS

Procedural Matters

The application seeks to vary condition 3 of planning permission 17/01418/OUT which was for an outline application for erection of five detached dwellings.

It is noted that conditions relating to the above permission have not been discharged.

This application seeks to amend the previously approved plans as detailed above.

Trees

The amendments to the access show that the new layout will require the removal of significantly more mature and semi-mature trees than those required by the original layout. However, the Council's Tree Officer has advised that the trees are not of sufficiently high quality as to merit special protection providing there is sufficient compensation offered for their loss.

The original Arboricultural Impact Assessment (submitted with application 17/01418/OUT) showed 11 trees were to be removed. The most recent Arboricultural Impact Assessment shows that 17 trees are to be removed.

An updated Landscape Management Plan was submitted which demonstrated that further tree planting can be provided to off-set the increased tree losses. The Council's Tree Officer has reviewed the updated Landscape Management Plan and advised that they are satisfied that new tree planting adequately compensates for the tree losses.

A S106 Agreement was secured under planning permission 17/014818/OUT which required 94 trees to be provided to cover the tree losses anticipated from the original plans ("Tree Planting Scheme" on page 4 of the S106 Agreement). As further tree losses are now proposed, a Deed of Variation was required to be entered into to ensure the development permitted by the section 73 permission is regulated and tied to the specific planning permission.

Highways

The Proposed Site Plan as originally proposed raised concerns with the Council's Highways Officer as the plan did not provide adequate detail with regards to width and the alignment of the access which was not as direct as the previously approved layout. Highways concerns related to the potential conflict between vehicles meeting on the access and not being able to pass each other which would lead to vehicles reversing in, or out, onto Roch Valley Way which is a busy classified road. The original layout also included segregated footways to both sides of the access and the submitted plans did not provide this facility.

An amended Proposed Site Plan was submitted (Drawing No: 1311.15 Rev F). Although the access road does not meet the required standard in terms of width and is not up to adoptable standards, it is now more aligned and does have the benefit of a segregated footway and would only accommodate a small number of vehicle movements. Highways Officers raised no concerns with the amended Site Plan.

Conclusion

Taking the above into consideration, subject to the inclusion of new and amended conditions, the amendments proposed are considered to be acceptable. It is not considered that the application presents any other changes in the overall nature of the development and as such as no bearing on the principle of the development or any other matters beyond those discussed in this report. As such the application proposals are in accordance with Policies DM1, P3, G6, G7, G9 and T2 of the Council's adopted Core Strategy, saved Policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to the following conditions:

Amended Condition 1

- 1 Application for approval of reserved matters must be made not later than 21st August 2024 and the development must be begun not later than whichever is the later of the following dates:

(a) The 21st August 2024; 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: the scale, external appearance and the landscaping of the site.

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.

Amended Condition 3

- 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 five dwellings and the development shall be substantially in accordance with the following plans/documents:

- Location Plan (Amended Plan Received 02.04.20)
- Drawing No: 1311.15 Rev F – Proposed Site Plan (received 28/09/2022)
- 1131.16 Illustrative Floor Plans & Elevations (Received 02.04.20)

Reason: The submitted layout of the proposed development incorporates a number of key parameters that will guide the detailed reserved matters applications, 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, saved policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 4 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

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 and the National Planning Policy Framework.

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

- 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, foul and surface water shall drain on separate systems. 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s. The duly approved scheme shall be implemented prior to first occupation of the development hereby permitted and 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, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 6 No development, including works of site clearance, until a Construction Method Statement (CMS), has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:
- 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;
 - e. hours of construction, including deliveries (which should not take place outside of the hours of 08:00-18:00 Monday to Friday and 09:00-14:00 Saturday, with no work taking place on Sundays or Bank Holidays).

The development shall be carried out in accordance with the approved CMS.

Reason: To minimise detrimental effects to the amenity of surrounding residential occupiers and dangers to highway safety during the construction phase in accordance with Policies DM1, T2, and G9 of the adopted Rochdale 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 prior to commencement of any building or engineering works on site.

- 7 No development or works of site preparation shall take place until a detailed method statement for the removal or long-term management/eradication Himalayan Balsam on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of Himalayan Balsam during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in accordance with the approved method statement.

Reason: In accordance with policy G7 of the adopted Rochdale Core Strategy and to ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread in the wild.

Reason for pre-commencement condition: Construction activity increases the risk of invasive species spreading.

- 8 No development, earthworks or works of site clearance and preparation shall take place until such time as a survey of the site and within 30m for badgers has been undertaken by a suitably qualified person and the findings submitted to and agreed in writing by the Local Planning Authority. Should evidence of badgers in the search area be identified, no development shall take place until a badger protection management plan has been submitted to and approved in writing by the Local Planning Authority. The badger protection management plan shall be adhered to throughout the entirety of the construction works and it shall confirm:

- No use of very heavy machinery (generally tracked vehicles) should take place within 30 metres of any entrance to an active sett;
- No use of lighter machinery (generally wheeled vehicles), particularly for any digging operation, within 20 metres;
- Construction activity should be limited to hand digging or scrub clearance within 10 metres.
- The use of noisy plant and machinery in the vicinity of the protection zone should be minimised one hour before sunset.
- Security lighting should be directed away from setts.
- Chemicals should be stored as far away from the setts and badger paths as possible.
- Where possible, deep trenches must be covered at the end of each working day, or include a means of escape for any animal falling in.
- Any pipe system which is left open for a significant period of time should be capped in such a way as to prevent badgers gaining access.
- Trees should be felled away from setts and must not block badger paths.

Reason: In the interest of species protection, in accordance with the requirements of adopted Rochdale Core Strategy Policies G6 and G7 and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works it is necessary to ensure the protection of any badger setts that may be present.

- 9 No development, other than site clearance, shall take place until details of finished floor levels and external ground levels relative to off-site datum has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwelling and between the development and surrounding buildings in the interests of residential and visual amenity in accordance with adopted Rochdale Core Strategy policies P2 and P3, saved policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: These details are required before ground works take place.

- 10 No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within 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, G6 and G7 of the adopted Rochdale Core Strategy, saved policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Protection measures for retained trees are required to be in place prior to commencement of any works on site to ensure no damage is caused.

- 11 No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, bird boxes, bat bricks and bat boxes to be integrated to the fabric of the buildings and elsewhere within the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings 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 and the National Planning Policy Framework.

- 12 No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (1 March - 31 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. The development shall be carried out in accordance with the approved details.

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.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

NEW INFORMATIVE:

A Deed of Variation / section 106 Agreement has been completed for this development. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning.