

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01097/FUL	Aimee Bovaird	16 January 2024

Address: Whittle Bungalow Whittle Lane OL10 2RD

Proposal: Erection of a replacement dwelling following demolition of existing bungalow and removal of existing conservatory

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?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Refuse
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CHECKED AND SIGNED OFF BY: TH DATE: 23.07.2024

SITE

The application relates to Whittle Bungalow, a detached property off Whittle Lane. There is a small field adjoining the site that is owned by the applicant.

There are stables, cabin and a garage on the land. The site is within the Green Belt and the surrounding area is semi-urban in character as Birch Service area and Birch

Industrial Estate are in close proximity. The motorway runs adjacent to the south of the site.

The site benefits from an existing prior approval, 23/00235/CAA - Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 5.7m to 7.9m. This permission can be reasonably implemented.

PROPOSAL

The application proposes the erection of a two-storey dwelling following demolition of the existing bungalow. Three dormers are proposed on the north-west elevation. The footprint of the new house will be the same as the existing bungalow

On the ground floor two lounges, a study, bathroom, bedroom, utility room and kitchen are proposed. On the first floor four bedrooms are proposed an en-suite, and bathroom. In the roof space two bedrooms are proposed. No alterations are proposed to the existing access arrangements.

RELEVANT PLANNING POLICY

National

National Planning Policy Framework (NPPF) (December 2023)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

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

JP-P9 Green Belt

JP-P1 Sustainable Places

Local

Adopted Rochdale Core Strategy (CS):

SO2 - To create successful and healthy communities

C1 - Delivering the right amount of housing in the right places

C3 - Delivering the right type of housing

SO3 - To improve design, image and quality of place

P2 - Protecting and enhancing character, landscape and heritage

P3 - Improving design of new development

SO4 - Promoting a greener environment

G6 - Enhancing green infrastructure

G7 - Increasing the value of biodiversity and geodiversity

SO5- To improve accessibility and deliver sustainable transport

T2 - Improving accessibility

DM1 - General development requirements

Unitary Development Plan (UDP):

G/D/2 – Green Belt

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

23/00235/CAA - Prior approval for upwards extension through the addition of one additional storey, increasing maximum height from 5.7m to 7.9m – approved

22/01130/HOUS - Erection of two storey outbuilding ancillary to existing dwelling with front and rear dormers and front porch, alteration to fenestration to front elevation following demolition of existing stables, garage and removal 2No cabins – Refuse

CONSULTATION RESPONSES

Tree Officer

No comments received to date

Lead Local Flood Authority/Drainage

No objections, a condition has been suggested to secure drainage details.

Highways And Engineering

The following comments have been received:

'The proposed development replaces an existing dwelling on an enclosed residential site which has an established vehicular access onto Whittle Lane. Therefore, from a Highways perspective, there should be no change in servicing, access or parking arrangements. Although the proposed dwelling would be substantially larger it would appear that there is adequate internal parking provision within this plot.'

If approved the development should not have any impact on road safety or highways capacity on the wider highway network.

Highways would raise no objection to this application and we request no specific planning conditions.'

Gtr Manchester Ecology Unit

The following comments were received,

'Bats

Given the location of the building to be demolished, we would recommend that a preliminary bat survey be carried out on the building by a suitably qualified ecologist. This type of survey can be carried out at any time of year, the results of which will inform if further survey effort is required.

Other Protected Species

The site has been assessed as having the potential to support hedgehogs. Hedgehogs hibernate between October and March and use wood piles and other materials/vegetation for cover. We would therefore suggest that in the interest of best practice, between October and March any wood piles or other suitable materials and vegetation within the area should be checked for hibernating hedgehogs before disturbance/clearance.

Other working practises should be adopted to ensure no harm comes to hedgehogs on site these should include:

All excavations on site should be covered at night or a ramp should be provided to allow hedgehogs/mammals to exit excavations.

All excavations should be checked for hedgehogs each morning prior to the re-commencement of any works.

All stored building materials that might be used as temporary resting places by hedgehogs should be stored off the ground on pallets or similar.

If any hedgehogs are found then they should be carefully moved to a safe area.

Providing that the above precautions are adopted then would conclude that no harm to hedgehogs will be caused by the development. We would recommend that the Reasonable Avoidance Measures be implemented in full and a condition to this effect placed on any permission.

Biodiversity Enhancement

We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

Bat bricks and/or tubes within the new development

Hedgehog box

Bird box

Hedgerow creation or Hedgehog friendly fencing

We suggest a condition to this effect be placed on any permission.

In conclusion we are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions/informative above.'

Conservation And Design

No objections

United Utilities

No objections

Contamination

No objections, have requested a Preliminary Risk Assessment.

REPRESENTATIONS

Letters of representation have been sent out to surrounding properties and a site notice displayed in the vicinity. No public comments were received.

ANALYSIS

Principle of Development – Green Belt

The site is designated as part of the Green Belt under policy G/D/2 of the Unitary Development Plan. Policy G4 of Rochdale's Adopted Core Strategy seeks to restrict development within the Green Belt in line with national planning policies unless very special circumstances can be demonstrated.

The NPPF sets out the Government's planning policies which includes those relevant to the Green Belt. Paragraph 154 sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions, with paragraph 155 further setting out other forms of development which are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of the including land within it. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering planning applications, the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A Court of Appeal judgement in *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* establishes that 'any other harm' in paragraph 148 of the NPPF includes non-Green Belt harm that is to be taken into account in the weighing exercise of the planning balance as to determining whether or not very special circumstances exist which would clearly outweigh the harm to the Green Belt by inappropriateness and any other harm.

This Court of Appeal judgment is an important reminder that under paragraph 153 of the NPPF, when considering any planning application concerning proposed development in the Green Belt, local planning authorities should continue to ensure that substantial weight is given to harm to the Green Belt and any other harm.

Therefore, the main consideration in assessing the principle of development is whether the proposed scheme constitutes inappropriate development within the Green Belt, the harm to openness, and where harm by inappropriateness, harm to openness or any other harm exists, whether very special circumstances have been demonstrated which may outweigh the presumption against development.

Inappropriate development

Paragraph 154 (d) sets out an exception to inappropriate development as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposed development would replace the existing dwelling with a replacement dwelling. The replacement is considered materially larger than the existing bungalow as the height of the ridge is being increased and a first floor is being added with an additional three dormers. The proposal would therefore not comply with paragraph 154 (d).

Paragraph 154 (g) allows for:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

As set out below, the proposal would have a greater impact on openness than the existing development and would not contribute to meeting an identified affordable housing need and therefore would not comprise a form of development described by paragraph 154 g).

For these reasons, the proposal would comprise an inappropriate form of development in the Green Belt.

Openness

Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

“*Openness*,” for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development. The term “*openness*,” comprises a spatial and visual component which should be assessed in considering whether a proposal preserves the openness of the Green Belt.

There are limited views of the site from public viewpoints due to surrounding topography and boundary vegetation. Nonetheless the existing building is visible from the public highway at the front of the site, and visibility is likely to be greater when deciduous trees at the front are not in leaf. The proposed building would be visibly taller and generally larger than the existing bungalow, and would therefore be harmful to the visual aspect of openness.

In terms of the spatial aspect of openness, the existing dwelling consists of a ground floor with four bedrooms, and the proposal will add a first floor with five bedrooms over both floors. This will lead to a greater level of activity and an increased level of occupation and would therefore result in harm to the spatial aspect of openness.

Very Special Circumstances

For the above reasons, the proposal would be inappropriate development. Paragraphs 152 and 153 of the NPPF state that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The replacement dwelling would result in harm to the Green Belt through inappropriateness and additional harm has been identified to the visual and spatial aspect of openness of the Green Belt.

The application is supported by a statement indicating that there are very special circumstances which should be considered in determining the application.

The site benefits from an extant prior approval for the upwards extension through the addition of one additional storey, increasing maximum height from 5.7m to 7.9m. Within the assessment of this prior approval application, the assessment was limited in the scope of what could be considered, and most pertinent to this assessment, the visual appearance and impact on the openness of the Green Belt could not be considered.

In *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 Sullivan LJ held that in order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice. The Council do hold evidence of Building Regulations approval for the 'fall-back' scheme, and therefore, it is considered that the relatively low threshold of reasonability is met and the fall-back scheme comprises a material consideration.

However, the current proposal would be larger than the fall-back development. Compared to the permitted development fall-back, the current proposal would have a higher roof, add three prominent roof dormers, and would extend a gable end of a ground floor element upwards, replacing a roof hip and therefore increasing the volume of this part of the building. Whilst the differences between the fall-back development and the current proposal are limited, it is considered that the current proposal would be more harmful to the visual aspect of openness. Accordingly, no weight is attributed to this matter.

The VSCs case notes that the current proposal would be much better development than the fall-back development as it would provide additional living accommodation by increasing the ridge height. Noting that the fall-back development also provided additional accommodation at first floor, it is considered that only limited weight can be attributed to this consideration.

It is not considered that there are any other planning considerations to be taken into account in weighing against the harm to the Green Belt.

Substantial weight is attributed to harm through inappropriateness. Additional substantial weight is also attributed to the resulting harm to the openness of the Green Belt.

As only limited weight (in total) is attributed to the other considerations, they do not clearly outweigh the harm identified and therefore very special circumstances do not exist. Approval of the proposal would therefore be contrary to paragraph 152.

The proposed development is therefore unacceptable in principle.

Character and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraphs 131 and 135 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, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The development proposes to replace the existing dwelling with a new dwelling within the same footprint on the site. The existing dwelling is a single storey bungalow, the site benefits from an extant permission to increase the height of the roof from 5.7m to 7.9m (23/00235/CAA). It is considered that this permission can be reasonably implemented.

The dwelling proposed is of a greater height. The ridge is higher and steeper and three dormers are proposed on the North West Elevation. The proposed dwelling is similar in materials to the existing.

The proposed development includes three dormers on the north-west elevation and they accord with paragraph 5.17 of the Guidelines and Standards for Residential Development SPD.

Overall the appearance is considered acceptable and in accordance with requirements of Policies DM1 and P3 of the adopted Core Strategy and the National Planning Policy Framework and Places for Everyone.

Impact on Surrounding Occupiers

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

The proposed dwelling is part two storey with additional rooms in the roof. The new height of the pitched roof would be approx. 3.4m higher than the original dwelling and approx. 1.2m higher than the approved height of the extension through permission 23/00235/CAA however, it is considered that it would be sited a suitable distance away from nearby dwellings that it would not be unduly overbearing on, or unacceptably overshadow, the habitable room windows and outdoor amenity space of surrounding dwellings.

Furthermore, the positioning of habitable room windows, relative to the windows of surrounding occupiers, is considered to satisfy the minimum distance standards of section 4.1 of the SPD, and would preserve the privacy of surrounding occupiers.

No concerns are had in respect of noise and disturbance where the overall intensity of residential use would be low, and is considered to be compatible with surrounding residential uses.

Each habitable rooms is supplied with adequate light and outlook, with a suitably sized private garden supplied for future occupants.

The proposed development complies with policy DM1 of Rochdale's Core Strategy regarding protecting the amenity of residents, the SPD and the NPPF and PfE.

Highways

The Councils Highways Department has been consulted on the proposal and raised no objections as there is adequate internal parking provisions. The application is acceptable and in accordance with the requirements of policy DM1 of the Core Strategy and the NPPF.

In terms of impacts on highway safety the application is acceptable and in accordance with the requirements of policy DM1 of the Core Strategy.

Drainage

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, subject to appropriate wastewater and surface water disposal to reduce the risks of flooding or aquatic pollution elsewhere.

No drainage details have been provided within the application. The Councils Drainage Officer has been consulted and raised no objections to the proposal,

however if the application is approved has suggested a condition to secure drainage details.

Land Contamination

Paragraph 174 of the NPPF seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Core Strategy Policy G9 similarly seeks to ensure that sensitive new forms of development are not adversely affected by existing sources of pollution.

The Council's Environmental Protection Officer has been consulted and raised no objections to the proposal. They have requested a Preliminary Risk Assessment.

Ecology

Paragraph 180 of the NPPF 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.

GMEU have stated the site has the potential to support hedgehogs and the site should be checked for hibernating hedgehogs between October and March. In order to partially ensure that biodiversity net gain can be delivered, the report recommends that bat boxes or other similar features be attached to the building, in addition to nest boxes and hedgehog boxes around the site.

Overall it is considered that the ecological impacts of the proposed development are acceptable and that any potential harm can be controlled or suitably mitigated through conditions or informatives. Subject to the suggested conditions and informatives, the proposed development would comply with adopted Rochdale Core Strategy policies G6 and G7 and the NPPF.

Conclusion

The proposal would be inappropriate development in the Green Belt. There would also be harm to the openness of the Green Belt. There are not considered to be considerations clearly outweighing this harm, and therefore there are no very special circumstances in this case. Approval of the proposal would therefore be contrary to paragraphs 152 and 153 of the NPPF and PpE policy JP-G10. The proposal would be acceptable in terms of design, residential amenity, effects on highways safety, ecology and flood risk. However, the proposal would be unacceptable in principle and it is therefore recommended that permission be refused.

RECOMMENDATION

REFUSE for the following reason:

1. The proposal would comprise inappropriate development in the Green Belt and would result in harm to the openness of the Green Belt. There are no

considerations clearly outweighing this harm and therefore very special circumstances do not exist. Approval would therefore be contrary to policy JP-G10 of the Places for Everyone joint development plan and paragraphs 152 and 153 of the National Planning Policy Framework.

Informative

The decision relates to the following plans

Location Plan

Proposed Cross Sections Drawing No. 18.3.R.2

Proposed Elevations Drawing No. 18.B.3

Proposed Floor Plan 18.2.R

Proposed First Floor Layout Drawing No. 18.3.R

Proposed Site Plan Drawing No. 18.D.2

Report Author Aimee Bovaird