



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00280/VRCON

Name and address for correspondence: Nigel Longshaw A.J. Cocker Associates New Century House 176 Drake Street Rochdale OL16 1UP	Applicant name: Mr Mohammed Sohail
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Part I - Particulars of Application

Date of Application: 21 March 2023

Proposal:	Section 73 application for erection of 5 no. detached dwellings, 4 no. detached double garages and associated access road and infrastructure, following demolition of existing dwelling (Resubmission of 19/00593/FUL) without complying with condition 2 of planning permission 20/00253/FUL, , ,
Location:	Site Of 43 Bamford Way, Rochdale, OL11 5NB,

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and submitted plans subject to the following condition(s):

Conditions and Reasons:

1 Amended Condition 1 - Time Limit S73/Variation

The development hereby permitted shall begin no later than three years from the date of planning permission 20/00253/FUL issued 18th June 2020.

Reason: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 Amended Condition 2 - Approved Plans

This permission relates to the following plans:

Drawing No: S440/001/J - Site Layout date: Feb 2019
Drawing No: S440/002-A - Plot 2 date: Feb 2019
Drawing No: S440/005-A - Plot 1 date: Feb 2019

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3 Amended Condition 3 - Investigation and risk assessment

The development hereby approved shall be carried out in full accordance with the approved Geo-Environmental Audit, Phase 1 Preliminary Risk Assessment, Phase 2 Site Investigation, Phase 3 Remediation Statement by T J Booth Associates, dated Sept 2022, reference: rep-tjba-sohail-43 bamford way-Phs 1+2+3 Env-200922.docx, received by the Local Planning Authority on 4th April 2023 (under discharge of condition application 23/00343/DOC).

No dwelling shall be occupied until a verification report has been submitted to, and approved in writing by, the Local Planning Authority confirming the effectiveness of the remediation measures in addition to confirming that no unexpected contaminants were identified.

In the event that unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated thereafter within strict accordance with the approved remediation strategy and a verification report submitted to and approved in writing prior to the first occupation of any dwelling.

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.

4 Amended Condition 4 - CMS

The development hereby approved shall not be carried out otherwise than in accordance with the Construction Method Statement, dated March 2023, Ref: S440-CMS-01, received by the Local Planning Authority on 4th April 2023 (under discharge of condition application 23/00343/DOC).

The approved Construction Method Statement shall be implemented in complete accordance with the approved details in order to comply with the requirement of the condition.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

5 Amended Condition 5 - Discharge of foul and surface water

The drainage for the development hereby approved shall be carried out in full accordance with the following plans (under discharge of condition application 23/00343/DOC):

- Drawing No: dwg-tjba-sohail-43 bamford way-201219 - Proposed Site Drainage Plan
- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 1 year Return Period

- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 30 year Return Period
- Micro Drainage by T J Booth Associates, dated Feb 2023 - rev 0, pages 1-4, Summary of Results for 100 year Return Period (+40%)
- Report by RROTA-ROD LTD, Drain Sewer & Pipe Cleaning Services, dated 13/03/2023
- Drawing No: dwg-tjba-sohail-43 bamford way-201219 - Existing Drainage Plan

The approved plans and documents shall be implemented in complete accordance with the approved details in order to comply with the requirements of the condition.

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.

6 Condition 6 - Tree Protection

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. The Arboricultural Method Statement hereby approved by JCA (Ref: 14813d/PaH Rev 1) shall be adhered to at all times and there must be close arboriculture supervision of all work on the site. Details of Arboricultural site supervision and inspection by a suitably qualified tree specialist and details of reporting of inspection and supervision must be provided.

Reason: In order to protect the existing retained trees on the site, in the interests of the amenities of the area and in accordance with Policies P3, G6 and G7 of the Core Strategy 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.

7 Amended Condition 7 - Materials

The materials to be used in the construction of the external surfaces of this development shall be as specified in the Proposed Materials document, received by the Local Planning Authority on 17th May 2023 (under discharge of condition application 23/00343/DOC) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

8 Amended Condition 8 - Biodiversity Enhancements

Prior to the first occupation of any dwelling hereby approved, the biodiversity measures shall be installed in complete accordance with the details set out in the Biodiversity Enhancement Plan Survey & Report by JCA Limited, Arboricultural & Ecological Consultants, dated 23/01/2020, JCA Ref: 14813f/AmB, received by the Local Planning Authority on 4th April 2023 (under discharge of conditions application 23/00343/DOC).

The approved Biodiversity Enhancement Plan Survey & Report shall be implemented in complete accordance with the approved details in order to comply with the requirements of the condition.

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.

9 Condition 9 - Tree and shrub clearance

No clearance of trees and shrubs or demolition of the existing buildings on site in preparation for (or during the course of) development 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. 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 Core Strategy and the National Planning Policy Framework.

10 Condition 10 - Badgers and foxes

If any badger or fox holes are uncovered when scrub is removed then works should immediately cease and advice sought from a suitably qualified ecologist. No further works shall take place unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to badgers and foxes in accordance with Policy G7 of the Core Strategy and the National Planning Policy Framework.

11 Condition 11 - Parking and site access

No part of the development shall be occupied until a detailed specification for the design and construction of the associated parking areas and site access, including detail of the surface water drainage strategy, surfacing materials, lighting strategy and a scheme for tactile paving and dropped kerbs, has been submitted to and approved in writing by the Local Planning Authority. The access and parking areas shown on the approved plans shall be constructed in accordance with the duly approved details before the associated buildings are first occupied, and shall be retained thereafter for their 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 Core Strategy.

12 Condition 12 - Hard and soft landscaping

(a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting and maintenance specifications, cross-section drawings, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policies P3, DM1 and G7 of the Core Strategy and the National Planning Policy Framework.

13 Condition 13 - Obscure glazing

The bathrooms and en-suite windows of all plots (excluding the roof lights) shall be non-opening, except where the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling is first occupied, and retained as such thereafter.

Reason: In the interest of amenity and in compliance with policy DM1 of the Core Strategy and the National Planning Policy Framework.

14 Condition 14 - PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwellings hereby approved shall not be altered or extended, under Schedule 2, Part 1, Class A, B, C, D and E of the above order, unless planning permission has been granted for such works on application to the Local Planning Authority.

Reason: In the interest of amenity and in compliance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.

15 New Condition 15 - No side windows to Plot 1

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the first floor side elevations of the dwelling known as Plot 1 hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.

Procedural 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.

Date Decision Issued 23 June 2023

Daniela Ripa
Interim Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

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.

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INFORMATIVE:

Bats are mobile in their habits and can be found in the most unlikely places. If bats are found or suspected at any time during the works, work should cease and advice sought from a suitably qualified bat worker.

INFORMATIVE:

The site was considered suitable to support hedgehogs, particularly the dense scrub. 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. If hedgehogs are found at any time during works they should be moved to a safe place outside of the working area where they will be safe from predators.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective

proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>