

APPLICATION NUMBER: 23/00145/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00145/VRCON	Aimee Bovaird	8 March 2023

Address: Land To Side Of 73 And 79 Bury Street & Side Of Rose Hill Street, Heywood

Proposal: Section 73 application for minor material amendment to planning permission 19/00739/FUL (Erection of two detached dwellings) to amend house designs to include single storey rear extensions to each dwelling

PUBLICITY Y	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

	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	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: LA

DATE: 27.04.23

SITE

This application relates to land to the side of no.73 and no.79 Bury Street and to the side of no.12 Rose Hill Street.

Surrounding the site is nos. 71-73 Bury Street which stand at the northwest corner of the site are occupied by a hairdressing business with residential accommodation above. To the rear of this building lies the rear garden area for the residential use and a gated off-street parking space. To the south of Bury Street the area is predominantly residential in character with a range of building types, heights and ages. The immediately facing northern side of Bury Street is designated as the Bury Street, Heywood Linear Commercial Area. The site lies in the Defined Urban Area.

The planning permission from 2019, 'Erection of two detached dwellings) to amend house designs to include single storey rear extensions to each dwelling' is now being amended to include a single storey rear extension on both dwellings.

PROPOSAL

The application seeks to vary condition 2 of planning permission reference 19/00739/FUL which would amend approved drawings to include a single storey rear extension to both dwellings.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 - Section 73

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	To deliver a more prosperous economy
SO2	To create successful and healthy communities
SO3	To improve design, image and quality of place
SO4	To promote a greener environment
SO5	To improve accessibility and deliver sustainable transport
SD1	Delivering sustainable development
SP3/R	The Strategy for Rochdale
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
C4	Providing affordable homes
C6	Improving health and well being
P3	Improving design of new development
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk

G9	Reducing the impact of pollution
T2	Improving accessibility
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

89/D22999- Retail Development – Approved

89/D22994 - Residential Development - One Dwelling – Approved

19/00096/FUL- Erection of two 3no' bedroom detached dwellings - Refused

19/00739/FUL - Erection of two detached dwellings - Resubmission of 19/00096/FUL – Approved. It is this permission which is the subject of this variation application.

22/00497/FUL- Erection of two-storey, mixed-use building comprising ground floor commercial unit (Class Use E) with 1no. three-bedroom flat above including rear dormer- Refuse

22/01166/DOC -Submission of details to comply with conditions 3 (Site Investigation), 4 (Drainage), 6 (Materials), 7 (Car parking), 8 (Landscaping) and 9 (Boundary Treatment) of planning permission 19/00739/FUL – Request Completed.

- Condition 3 Approved
- Condition 4 Approved
- Condition 6 Approved
- Condition 7 Approved
- Condition 8 Approved
- Condition 9 Approved

CONSULTATION RESPONSES

Highways And Engineering

The following comments have been received:

'The variation of this condition would not raise any Highway concerns therefore we raise no objection to it.'

Env Health - Noise/Odours

No comments received to date

Lead Local Flood Authority/Drainage

The following comments have been received:

'No detailed drainage proposal was submitted, but a plan shows that the Applicant plans to build over the existing public sewer, which will require approval from United Utilities or may require a diversion.'

In the Drainage Consultation issued in 2019 as part of 19/00739/FUL, the Drainage Officer had suggested, that the applicant must discuss sewer diversions at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk. Discussions and agreement is also required if the applicant plans to build over a sewer.

It seems that the Applicant has ignored the Drainage Officer's advice to consult with United Utilities Developer team on the sewage. Because the Applicant seems to plan to build over a public sewer, the Applicant should establish whether UU Developer Services will accept or reject their proposals.

The existing Drainage Condition does cover the requirement of the Applicant to provide an approved drainage design, it does not need to be changed, but the Planning Officer should at least discuss the above with the Applicant. The Planning Officer could send this consultation to UU to ask them to look at the position of their public sewers so that they can comment specifically on this issue.'

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and one letter of objection was received with concerns the works had caused damage to the pavement.

ANALYSIS

The principle of development was established in the application 19/00739/FUL which granted planning permission for two detached dwellings. Whilst approval of the application would, in effect, result in the issuing of a new permission, consideration only needs to be given to those elements of the scheme which differ from the previous approval, together with any significant change in policy which has occurred in the interim. The key consideration of this application is the visual amenity impact of the proposed amendments to the elevations and privacy and outlook of neighbours.

Amenity

The application proposes to make alterations to the rear elevation of both dwellings by adding a single storey rear extension. Policy DM1 of the Council's adopted Core Strategy states that all development proposals must not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

The SPD sets out spatial standards for Single Storey Rear Extensions in paragraph 5.6, *'The following maximum standard will apply for single storey extensions: • For attached properties, a point 3 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s); • For detached properties, a point 4 metres along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling(s).'*

The single storey rear extension for House 1 will extend 3m from the rear of the house and 4m from the common boundary with no 79. Bury Street, and 3m from the common boundary with no 73 Bury Street. This complies with the SDP and will not

result in any loss of light or privacy from the neighbouring dwellings no.73 Bury Street and no.79 Bury Street.

The single storey rear extension for House 2 will extend 3m from the rear of the house and this will not extend further than the rear of no 23 Rose Hill Street. This will comply with the SPD and will not result in any loss of light or privacy from the neighbouring dwelling no.12 Rose Hill Street.

The proposed development adheres to the guidance and is considered acceptable and will not result in any loss of amenity for neighbours.

The SPD sets out in paragraph 5.4, *'it is important that sufficient garden space is retained for purposes of sitting out, drying clothes and for children to play. An amount of garden area should be retained to meet the reasonable needs of existing and future occupiers.'* As a result of the extensions proposed, officers are satisfied that there will be sufficient garden space left for current and future occupiers.

Design

Policies DM1 and P3 of the Council's adopted Core Strategy require all development proposals, including extensions and alterations, to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area. In addition to the above, the National Planning Policy Framework (NPPF) states that the Government attaches importance to the design of the built environment. The SPD sets out in paragraph 5.1 that extensions should be designed to be in keeping with the host property and generally subservient to it.

This proposed development is considered subservient to the dwellings as they consist of single storey rear extensions. , They will not be visible from the highway and will not overhaul the appearance of the dwelling or change the characteristic of the surrounding area.

Other matters

Drainage

The drainage officer has been consulted and has highlighted the applicant wants to build over an existing public sewer and should contact United Utilities. Overall no objections have been raised.

Highways

The Highway Engineer has confirmed there are no objections to the proposed rear extensions.

Conclusion

Overall the proposed changes are considered acceptable and permission can be granted subject to the conditions below that have been amended accordingly.

RECOMMENDATION

GRANT subject to the following conditions:-

1. This permission relates to the following plans:-

Location Plan

Proposed Elevations received 08/02/23

Proposed Side and Rear Elevations received 08/02/23
Approved Floor Plans received 09/02/23
Proposed Floor Plans and Site Plans received 09/02/23

and the development shall be carried out in complete 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 Core Strategy, the Unitary Development Plan and the National Planning Policy Framework.

2. The development shall be undertaken in accordance with the recommendations outlined in Phase I Land Contamination Risk Assessment ref. "3148D P1 Noreen - Heywood" and Phase 3 Remediation Strategy and Verification Plan ref. "3194D P3 Noreen - Heywood" by Castledine Environmental

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies G8 and G9 of the Core Strategy and the National Planning Policy Framework.

3. The disposal of foul and surface water scheme shall be carried out in complete accordance with "Proposed Residential Development Drainage Plan" by TJ Booth Associates, as detailed within discharge of condition letter (ref 22/01166/DOC) For the avoidance of doubt, foul and surface water shall be drained on separate systems. The duly approved scheme shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, policy EM/7 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

4. Details of finished floor levels for the associated dwelling relative to agreed off-site datum points must be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision. The development shall be undertaken in accordance with the approved details before the associated dwelling is first occupied.

Reason: The original condition was not discharged prior to the commencement of development, therefore a different trigger point has been used. In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. The materials to be comprising of "Crofters Medley Red Brick," "Marley Modern Grey Roof Tile," "Anthracite Grey UPVC Windows," "Black UPVC Fascia Boards, Soffits and Rainwater Goods," and "Anthracite Grey Composite Door," can be used externally on the building. The development shall be carried out in accordance with the approved details.

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

6. The development shall be carried out in complete accordance with "Proposed Residential Development Drainage Plan" by TJ Booth Associates as with detailed within discharge of condition letter (ref 22/01166/DOC). The access and parking areas shown on the approved plans shall be constructed in accordance with the duly approved details before the associated dwelling is 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 adopted Rochdale Core Strategy saved policy EM/7 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

7. The development shall be carried out in complete accordance with the approved landscaped plan entitled "LAND TO THE SIDE OF 73 & 79 BURY STREET AND 12 ROSE HILL STREET" by Saleem Architects, as detailed within discharge of condition letter (ref 22/01166/DOC).

The landscaping works shall be carried out in the next planting season following occupation of the first dwelling.

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 following occupation of the dwellings 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 Policy P3 of the Rochdale Core Strategy and the National Planning Policy Framework.

8. The boundary treatment should be carried out in complete accordance with the approved plan entitled "LAND TO THE SIDE OF 73 & 79 BURY STREET AND 12 ROSE HILL STREET" by Saleem Architects. The dwellings hereby approved shall not be occupied until the boundary treatment has been constructed and it shall be retained thereafter.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the Rochdale Core Strategy and the National Planning Policy Framework.

9. The dwellings hereby approved shall be constructed in accordance with the following internal ambient noise levels: 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm; 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am; 35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm; and 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

A verification report shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of each dwelling hereby approved, confirming that the dwellings to achieve the required minimum sound insulation performance of any glazing and trickle vent configuration. The noise attenuation measures shall be retained thereafter.

Reason: To safeguard the amenities of future occupiers and to ensure that the development would not impact on the ability of existing businesses to operate satisfactorily in accordance with policies DM1 and G9 of the Rochdale Core Strategy and the National Planning Policy Framework.

10. No clearance of trees and shrubs 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 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.

11. 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 of the above order, insofar as it relates to permitted development rights for two storey rear extensions, 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 adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. 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 B, 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 visual and residential amenity and in compliance with policies P3 and DM1 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:

It is noted that the applicant plans to build over a sewer, this will require the applicant to directly contact United Utilities for permission.

Report Author Aimee Bovaird