

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00637/VRCON

Name and address for correspondence:	Applicant name:
Mr. Craig Welsh Studio KMA Clarence Arcade Stamford Street Ashton-under-Lyne OL6 7PT United Kingdom	KMM Homes Ltd.

Part I - Particulars of Application

Date of Application: 11 July 2023

Proposal:	Section 73 application for minor material amendments to planning permission 21/01715/VRCON (Residential Development comprising the erection of 16 dwellings together with access, associated infrastructure and landscaping (Affordable Housing)) relating to design changes to the external appearance.
Location:	Land To Rear Of 408 Oldham Road , Oldham Road, Middleton, M24 2FA,

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 The development must be begun not later than 23 November 2024.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans:-

- o Location Plan - MOR-KMA-XX-XX-DR-A-7000 Rev. P2
- o Existing Site Plan - MOR-KMA-XX-XX-DR-A-7001 Rev. P2
- o Proposed Site Plan - MOR-KMA-XX-XX-DR-A-7002 Rev. P4 (Amended plan received 21.07.21)
- o SVH_House Type A (2-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7004 Rev. P1

- o SVH_House Type A (2-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7001 Rev. P3
- o SVH_House Type B (3-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7006 Rev. P1
- o SVH_House Type B (3-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7002 Rev. P3
- o SVH_House Type C (4-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7008 Rev. P1
- o SVH_House Type C (4-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7003 Rev. P3
- o Proposed Site Sections/Elevations - MOR-KMA-XX-XX-DR-A-7010 Rev. P2
- o Topographical Survey - DA025 / T00

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 The development shall not be carried out otherwise than in complete accordance with the details contained within the Construction Management Plan (Construction & Traffic Management Statement) (Revision A, received 23.02.22) by Advent Construction Ltd

Reason: To minimise detrimental effects to the amenity of surrounding residential occupiers and dangers to highway safety during the construction phase in accordance with adopted Places for Everyone Joint Development Plan policies JP-C8, JP-S1 & JP-S5, policies DM1, T2, and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 Notwithstanding the requirements of Condition 5, the development shall not be carried other than in complete accordance with the Phase I Preliminary Risk Assessment ref. 7355, dated November 2021, by Sub Surface North West Ltd.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers and to protect the environment in accordance with adopted Places for Everyone Joint Development Plan policy JP-S1 & JP-G3, policies G8 and G9 of the adopted Rochdale Core Strategy, saved policy EM/8 off the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 5 (a) The development shall be carried out in full accordance with the approved remediation strategy report by Sub Surface ref. 7355B and dated April 2022.

(b) Prior to the first occupation of the buildings hereby approved, a further application will need to be made to the local planning authority to provide a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers and to protect the environment in accordance with adopted Places for

Everyone Joint Development Plan policy JP-S1 & JP-G3, policies G8 and G9 of the adopted Rochdale Core Strategy, saved policy EM/8 off the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 6 (a) The development shall not be carried otherwise than in complete accordance with the recommendations and remediation measures in relation to past coal mining activity as set out in the Ground Investigation Report prepared by Sub Surface (Reference 'Report 7355A' dated April 2022).

(b) The development shall not be occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development is submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development in accordance adopted Places for Everyone Joint Development Plan policies JP-S1 & JP-G3, adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

- 7 The development shall not be carried out other than in complete accordance with the following list of drawings and document that make up the drainage scheme for the site:

- o Drainage GA drg ref GK3219-C-010 Rev. C by GWK Structural Solutions Ltd dated 24.03.22
- o Maintenance & Management Plan - Surface Water Drainage by GWK Structural Solutions Ltd ref. SVH/MMP/001 dated March 2022
- o Proposed Drainage Strategy to Discharge Condition 7 by GWK ref. GK3219 dated 23.03.23

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, provide satisfactory disposal of surface and foul water from the site of the site and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1 & JP-G3, adopted Rochdale Core Strategy policies G8 and G9, saved Rochdale Unitary Development Plan policy EM/8 and the National Planning Policy Framework.

- 8 The development shall not be carried out otherwise than in accordance with the Method Statement / Management Plan ref. IPM 21 1112 dated 25th January 2022 by LK Group.

Reason: In order to protect the natural environment in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1 & JP-G8, policy G7 of the adopted Rochdale Core Strategy, that National Planning Policy Framework and the Wildlife & Countryside Act 1981 (as amended).

- 9 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 tree protection measures 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 development, including works to trees and vegetation, shall be carried out in accordance with the works and mitigation recommendations within the Arboricultural

Impact Assessment (Indigo Surveys Ltd ref. 21115/A2 dated February 2021) and the tree protection plans contained within it (drawing ref. 21115/A1TPP/01)

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with adopted Places for Everyone Joint Development Plan policy JP-G7, policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 10 The development shall not be carried out otherwise than in complete accordance with the proposed finished floor levels as shown on 'Levels GA' - drawing ref: GK3219-C001-Rev C.

Reason: In the interests of amenity and in compliance with adopted Places for Everyone Joint Development Plan policies JP-S1, JP-P1 & JP-H3, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 The development shall be constructed in accordance with the materials described to in the following plans as referred to in Condition 2:

- o House Type A (2-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7001 Rev. P3
- o House Type B (3-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7002 Rev. P3
- o House Type C (4-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7003 Rev. P3

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1, JP-P1 & JP-H3, policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 12 The development shall not be carried out otherwise than in complete accordance with the Biodiversity Enhancements Report prepared by Whitcher Wildlife Ltd (Reference 220271/BEP Revision 1 dated 24 March 2022)

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1, JP-P1, JP-G7 & JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 13 The development hereby permitted shall not be occupied until such time as the landscaping scheme approved under application ref. 24/00025/DOC, namely drawing nos. R/2570/1A and R/2570/2 by FDA Landscape, has been implemented in full.

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 adopted Places for Everyone Joint Development Plan policies JP-S1, JP-P1, JP-G7 & JP-G8, policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 14 No part of the development shall be occupied until such time as the development has been carried out in complete accordance with the scheme of boundary treatments approved under application ref. 24/00025/DOC. The structures shall thereafter be retained.

Reason: In the interests of visual appearance, amenity, highway safety and ecology in accordance with adopted Places for Everyone Joint Development Plan policy JP-P1, adopted Rochdale Core Strategy policies DM1, P3, T2 and G7 and the National Planning Policy Framework.

- 15 No part of the development shall be occupied until such time as the car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted have been made fully available for use. The arrangements shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with adopted Places for Everyone Joint Development Plan policies JP-P1 & JP-C8, policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 16 The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations of the submitted Energy Statement (Element Sustainability, ref. 2021.007 dated February 2021).

Reason: To ensure that appropriate sustainability and climate change adaptation and reduction measures are incorporated into the scheme in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1, JP-S2 & JP-P1, adopted Rochdale Core Strategy policy G1, the Climate Change Adaption (2012) SPD and the National Planning Policy Framework.

- 17 Piling shall be not be carried otherwise than in complete accordance with those details specified in the 'Continuous Flight Auger (CFA) Piling Report'.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with adopted Places for Everyone Joint Development Plan policies JP-S1 & JP-G3 adopted Rochdale Core Strategy policies G8 and G9, saved Rochdale Unitary Development Plan policy EM/8 and the National Planning Policy Framework.

- 18 The development shall operate in accordance with the agreed waste collection strategy that has been approved under associated application ref. 24/00025/DOC.

Reason: In the interests of ensuring safe and efficient collection of household waste in accordance with Policies adopted Places for Everyone Joint Development Plan policy JP-S1, policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, the dwellings hereby approved at Plots 14, 15 and 16 shall not be extended under Schedule 2, Part 1, Class A of the above Order insofar as it relates to two-storey rear extensions except with the express permission of the Local Planning Authority.

Reason: To ensure an adequate standard of amenity in accordance with adopted Places for Everyone Joint Development Plan and policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, the dwellings hereby approved shall not be extended under Schedule 2, Part 1, Classes B (additions to the roof of a dwellinghouse) and D (porches) of the above Order except with the express permission of the Local Planning Authority.

Reason: To ensure a satisfactory standard of visual appearance, parking space functionality and prevent harm to the setting of the Grade II* listed building in

accordance with adopted Places for Everyone Joint Development Plan policies JP-S1 & JP-P3, policies DM1, P2, P3 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

21 Internal noise levels within the habitable rooms of Plots 1, 2 and 14 shall not exceed the following levels:

- o 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 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;
- o 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

No part of the development shall be occupied until such time as a report providing details of the implemented acoustic mitigation measures, and demonstrating that internal noise levels within habitable rooms meet the levels set out above, has been submitted to and approved in writing by the Local Planning Authority. The duly installed mitigation measures shall be retained thereafter.

Reason: In the interests of ensuring a satisfactory standard of residential amenity for future occupiers in accordance with adopted Places for Everyone Joint Development Plan policy JP-S1, adopted Rochdale Core Strategy policies DM1 and G9 and the National Planning Policy Framework.

Article 35 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 3 May 2024

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.