

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01223/FUL	Claire Ringwood	17 th July 2024

Address: Land To Rear Of 19-47 Kenyon Lane, Middleton

Proposal: Erection of 8 dwellings with associated parking and landscaping with access from Rose Street and Lily Street

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?	Y

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

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY:

DATE:

SITE

The application site relates to an area of land to the east of Kenyon Lane in Middleton. The site was previously used as allotments however, the site is not designated as such in the Unitary Development Plan Proposals Map. The site at present is overgrown with scrub although trees seem to have been cut down.

The site is bound to the west by a narrow alleyway which provides access to the rear of the two-storey terraced properties fronting Kenyon Lane. To the north is an adjacent area of allotments which falls outside of the area for development and contains a number of garage structures. To the north east are neighbouring dwellings on Collinge Avenue and to the south east is Portal Court, a sheltered housing complex of 42 flats for the elderly.

The site benefits from two access routes from the adopted highway of Kenyon Lane – Rose Street to the north-west and Lily Street to the south-west corner of the site; neither of the access routes are adopted.

PROPOSAL

Background

The application was submitted on 14th September 2022. The proposal as originally submitted was for 11 dwellings with associated parking and landscaping with access from Rose Street. Due to the number of reports that were requested at validation stage the applicant reduced the proposed development to 9 dwellings. Due to matters surrounding validation, the application was not validated until 5th April 2023.

On 16th August 2023 the agent was provided with the assessment of the application. Due to the number of concerns raised, amended plans were not invited. However, the agent and applicant were unwilling to withdraw the application.

Following a protracted period of amendments and re-consultations a final scheme was submitted however, an Ecological Appraisal and a BNG Appraisal remained outstanding. This information was submitted on 19th April 2024 and following comments from the Council's Ecologist, a S106 agreement was required to secure off-site biodiversity net gain. The applicant agreed to enter into an agreement and the Council's Legal team were instructed.

Amended Scheme

The proposal is now for the construction of 8 two storey terrace dwellings divided into 2 blocks of 4. Vehicle and pedestrian access for Plots 1-4 are from Rose Street and Plots 5-8 from Lily Street.

Two house types are proposed. House Type A relates to Plots 2-4 and 6-8 and House Type B relates to Plots 1 and 5.

Plots 2-4 and 6-8 consist of two storey 3 bedroom terrace properties with a single storey flat roof rear addition and a flat roof front porch. The maximum depth of these properties is approximately 13m and 6m in width. The properties have a pitched roof and measure approximately 5m to eaves level and 7.7m to ridge height.

Plots 1 and 5 consist of two storey 3 bedroom end terrace properties with a single storey flat roof side addition and a flat roof front porch. The maximum depth of these properties is approximately 10m and 8.9m in width. The properties have a pitched roof and measure approximately 5m to eaves level and 7.7m to ridge height.

Each dwellinghouse would be provided with two parking spaces either to the side or the front of each dwelling, and would benefit from private amenity space to the rear. There will also be open landscaped areas around the dwellings.

The plans indicate that the proposed materials for the development would consist of red Cheshire brick, feature brick panel, slate roof, dark grey timber and fascia soffits, dark grey window frames, rainwater goods and clad corner post to the porch (secure by condition).

PLANS AND DOCUMENTS SUBMITTED

Drawing No: 01 Rev A – Site Plans
Drawing No: 03 Rev A – Proposed Landscaping Plan
Drawing No: 04 Rev A – Plots 1, 2 Plans
Drawing No: 05 Rev A – Plots 1, 2 Elevations
Drawing No: 06 Rev A – Plots 3, 8, 9 Floor Plans
Drawing No: 07 Rev A – Plots 3, 8, 9 Elevations
Drawing No: 08 Rev A – Plots 4-7 Plans & Elevations
Drawing No: 12 Rev A – Street Scape Elevations
Design & Access Statement
Received 1st November 2022

Desk Study with Walkover Survey by Sub Surface North West Limited, Report No. 7653, Revision 1, Date March 2023
Received 5th April 2023

The following amended plans were submitted 6th February 2024:

Drawing No: 100 Rev B – Site Plans
Drawing No: 200 Rev B – Proposed Landscaping Plan
Drawing No: 201 Rev B – House Type A – Plans and Elevations
Drawing No: 202 Rev B – House Type B – Plans and Elevations
Drawing No: 24-XXXX-500 Rev P1 – Drainage

The following amended plans were submitted 19th April 2024:

Drawing No: 200 Rev C – Proposed Landscaping Plan
Biodiversity Net Gain Assessment by Rachel Hacking Ecology, Project Ref: RHE.4105, Date: 10/04/2024
Biodiversity Metric Calculation

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
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 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1: Sustainable Development
JP-S4: Flood Risk and the Water Environment

JP-H1: Scale, Distribution and Phasing of New Housing Development
 JP-H2: Affordability of New Housing
 JP-H3: Type, Size and Design of New Housing
 JP-H4: Density of New Housing
 JP-G6: Urban Green Space
 JP-G7: Trees and Woodland
 JP-G8: A Net Enhancement of Biodiversity and Geodiversity
 JP-P1: Sustainable Places
 JP-C8: Transport Requirements of New Development

Adopted Rochdale Core Strategy (CS):

- | | |
|------------|---|
| SO2 | Creating successful and healthy communities |
| C1 | Delivering the right amount of housing in the right places |
| C3 | Delivering the right type of housing |
| SO3 | Improving design, image and quality of place |
| P1 | Improving image |
| P3 | Improving design of new development |
| SO4 | Promoting a Greener Environment |
| 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 |
| SO5 | Improving accessibility and delivering sustainable transport |
| T2 | Improving accessibility |
| DM1 | General development requirements |
| SD1 | Delivering sustainable development |

Unitary Development Plan (UDP):

- | | |
|------|--|
| GD/1 | Defined Urban Area |
| G/7 | Protection of Allotments <i>(This policy should be read in conjunction with Core Strategy Policy G6 until replaced by Site Allocations or other DPD)</i> |

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)
 Oldham and Rochdale Residential Design Guide

RELEVANT SITE HISTORY

15/01319FUL - Erection of five dwellings. Approved 06/12/2016.

CONSULTATION RESPONSES

The Coal Authority

No objection subject to an informative.

Greater Manchester Police – Design for Security

No comments at the time of writing.

Greater Manchester Ecology Unit

Initial comments

Summary

The development will likely result in a net loss of biodiversity. I therefore recommend a preliminary ecological appraisal prior to determination.

Ecological Survey Requirements

Prior to determination an ecological appraisal and biodiversity net gain assessment should be carried out and the findings provided to and agreed by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

This has resulted in net loss of biodiversity of -0.73BU and shortfall of 0.92BU to achieve 10% BNG. The application was however validated well before mandatory 10% BNG, so we are looking at a shortfall of between 0.73BU and 0.92BU dependent on what Rochdale's local policy at the time of application was. The consultant also points out that the trading rules are not being met ie woodland is being lost but none created.

There is net gain of hedge units of 0.06BU as there were no hedges on the baseline but some are being created. Therefore, if they were to find additional measures on or off-site to achieve no net loss of area based habitat, I would accept that the hedge would provide enhancement in terms of the NPPF.

I therefore recommend that prior to determination you request further information on how they intend to achieve net gain, preferably through off-site woodland creation or urban tree planting.

Environmental Health (Noise)

This section has no objection in principle to the proposals, we would recommend the following conditions.

- A construction management plan is conditioned, to cover areas such as noise, vibration, mud and dust suppression.
- Given the close proximity to existing residential properties we would also recommend restricting the site hours to 08:00-18:00 Monday - Friday 09:00-14:00 Saturdays and no work on Sundays or Bank holidays.

Environmental Protection (Land)

The submitted PRA and recommendation for an intrusive investigation is acceptable, subject to a condition for a Site Investigation and Assessment.

Highways

There were a number of highways issues arising throughout the duration of the application in terms of access, parking and internal turning spaces.

Amendments introduced access from Rose Street and Lily Street which meant that the adoption of the proposed accesses would not be required however, improvements to both should be carried out.

Although the proposed layouts may not fully meet access standards Highways are of the opinion that the recently submitted access arrangements can be accepted.

No objection subject to relevant conditions.

Transport for Greater Manchester

It is noted that the quantum of development does not trigger the requirement for a highway impact review by TfGM.

In terms of other comments, TfGM would note the following:

- The Design and Access Statement outlines that the site access will remain unchanged from Rose Street, but will be upgraded with the inclusion of pedestrian pathways and new hardscaping. The upgrading of the access road and pedestrian pathways is very welcome, which should ensure the provision of tactile paving and dropped kerbs.
- It is anticipated that servicing will occur within the site, with bin collection plots within the site plan. If this is the case, it would need to be demonstrated that a servicing vehicle would be able to enter and exit the site in a forward gear, carrying out turning manoeuvres within the proposed turning head.
- According to the site plan, 21 car parking spaces are provided. TfGM would refer to the LHA whether the proposed car parking arrangements are acceptable.
- TfGM would refer to the LHA to confirm whether the quantum of development triggers the requirement for a Travel Plan. If this is not required, TfGM would recommend that a Travel Pack is produced which could include useful details of the nearest public transport services, journey planning etc.

United Utilities

DRAINAGE

No objection subject to a drainage condition.

[A full copy of United Utilities comments have been provided to the applicant].

Drainage & Flooding Officer

The Applicant has provided a Prelim drainage plan, which indicates that foul and surface water (SW) will be separately drained from foul sewerage until the final chamber; in accordance with Building control part H requirements.

Parking is shown, but it's not clear whether this parking will be permeable or drained directly to oversized SW system. Details of the paving can be provided at Discharge of Conditions stage of the Planning Application.

No objection subject to a relevant condition.

REPRESENTATIONS

The application was publicised by way of neighbour notification letters. 3 letters of representation have been received and the comments are summarised below:

1. Overlooking;
2. Loss of privacy;
3. The site is too small;
4. Health and safety issues;
5. Noise and disturbance from building works;
6. Noise and disturbance from traffic;
7. Increase in traffic;
8. Light pollution;
9. Loss of wildlife and trees;
10. The space should be for community allotments and promote biodiversity;
11. Impact on existing services;

Amended plans letters were sent to all those previously consulted on 13th February 2024 giving them until 27th February 2024. 4 letters of representation have been received.

1. The site has been abandoned for some time and debris from old shed and rubbish have fallen into back gardens which is an eyesore and dangerous;
2. There are enough houses in the area;
3. The position of the houses has completely changed from the original plans;
4. Natural light will be affected and refer to the 'Right to Light';
5. Loss of property value;
6. Loss of available parking on Lily Street and Rose Street which is used for overnight parking for a family on Kenyon Lane who rely on this parking due to personal family matters;
7. Implications of the development during school pick up times and implement appropriate measures to mitigate any adverse effects on traffic flow and pedestrian safety

The points raised in relation to the health implications of the proposed development, as well as the safety and property values are not material planning considerations. Officers acknowledge the concerns raised however, planning permission cannot be refused on these grounds and as such will not be included in the analysis of this recommendation.

However, the points raised in regards to the highway implications of the proposal, potential impact on the amenity of neighbouring properties by way of privacy, outlook, sunlight and noise, in addition to the ecological impact of the proposal are all relevant planning considerations which will be discussed.

Officers consider it appropriate to attach a condition in the event of an approval of the permission for construction hours to be limited to an acceptable timeframe. Furthermore the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the surrounding area may be subject to action by the Councils Environmental Health Department.

ANALYSIS

Principle of Development

The application site is allocated as a Defined Urban Area under the Proposals Map of the Unitary Development Plan (UDP). Policy G/D/1 of the UDP aims to locate new development in the urban area in order to support urban regeneration and to protect the countryside. Paragraph 11 of the NPPF sets out the 'presumption in favour of sustainable development' and states that development plans should be approved without delay. Having specific regard to residential developments, paragraph 60 of

the NPPF requires Local Planning Authorities to “support the Government’s objective of significantly boosting the supply of homes”.

Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites, seeking to provide 80% of new housing on previously developed land (PDL) but acknowledges the potential for sustainable residential development on Greenfield land, specifically where it is demonstrated that the development would have limited adverse impact on green infrastructure or amenity value in and around the site and green infrastructure is, wherever possible, incorporated into the scheme.

The latest published information suggests that the Council can demonstrate over 5 years’ worth of deliverable housing sites, as required by national policy however, this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs. The recent adoption of PfE has also increased the housing requirement to 568 per annum through to 2025 and 616 averaged across the plan period.

The site in question, has previously been granted planning permission under application ref: 15/01319FUL which was for the erection of five dwellings. Although the proposal at the time was considered to result in residential development on a Greenfield site, it was considered that the scheme was acceptable in principle given the Government’s desire to provide a more flexible supply of housing land. This permission has never been implemented and the land remains unused. The site is not protected as recreational open space under the UDP Proposals Map and although the UDP contains a saved policy (G/7) which relates to the protection of allotments, it is not considered appropriate in this case to rely on the policy for protection of the site given that the allotments were not registered with the Council and as the site has not functioned properly as an allotment site for some time.

Taking the above into consideration, the principle of the development is considered acceptable and in accordance with the adopted Core Strategy, PfE, saved policies within the Unitary Development Plan and the NPPF.

Design, Layout and Scale

Policy DM1 of the Council’s Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. This policy requires all new developments to adhere to high quality design and enhance the borough’s identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

In addition, Core Strategy Policy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

Policy JP-H3 of Places for Everyone requires development ‘to incorporate a range of dwelling types and sizes’ and a key aim of the Plan is to boost the supply of well designed, adaptable new homes with appropriate access to private space.’

Paragraph 139 of the NPPF states that in determining applications, significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The surrounding residential properties comprise of a number of architectural styles ranging from terraces, semi-detached properties and flatted developments. The proposed dwellings are modern in design but simplistic in appearance and read well together within the same setting as the terraces on Kenyon Lane which are larger and more prominent. Although the proposed dwellings have been angled on the plot to retain adequate separation distances between neighbouring properties, the proposed development would be largely un-viewable from the streetscene due to being set back behind Kenyon Lane and where there are large areas for landscaping and tree planting (secure by condition).

Details of boundary treatments have not been identified however, this matter can be dealt with by way of a condition. Red brick and feature brick panels are proposed which incorporates well into the predominantly brick nature of the surrounding properties with added visual interest by way of brick panels. Although no details of the proposed materials have been submitted, this matter can be dealt with by way of a condition.

The design of the proposed development is therefore acceptable in the context of the character and appearance of the site and immediate area and is in accordance with the Rochdale Core Strategy Policies P3 and DM1, Policy JP-H3 of PfE as well as the National Planning Policy Framework.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. 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."*

Space Standards & Privacy

Section 4.1 of the SPD sets out minimum distance standards which all new residential developments should adhere to in order to ensure a satisfactory standard of amenity for surrounding, existing and future occupiers.

4.1 of the SPD requires:

- (i) 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage;
- (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room; and
- (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.

4.3 of the SPD also states that *'exceptions to these minimum space standards may be acceptable in some circumstances and applications will be considered on their individual merits'*.

The proposed dwellings will be surrounded by existing residential properties. To overcome issues of overlooking and loss of privacy, the proposed dwellings have been angled on the plot to ensure the proposed dwellings are generally in line with the Council's minimum distances set out above.

Plot 1 and Plot 2 are just below the minimum space standards to the rear boundary of 24 Queen Street however, 24 Queen Street has a much larger than average rear garden compared to other neighbouring properties and the property itself is at least 30m from the rear two storey elevation of Plot 1 (and it is also at an angle).

No side windows are proposed (secure by condition) and bathroom windows will be conditioned to be obscure glazed and non-opening below a height of 1.7m (secure by condition). Due to the constraints of the site and the proximity to residential properties, officers consider removing certain permitted development rights, such as dormer windows, would be appropriate in this instance (secure by condition).

There will be a significant change in outlook for the residents of neighbouring properties however, the distances between the proposed and existing dwellings is sufficient to ensure there would be no overlooking, loss of privacy, loss of light or overbearing effects from the proposal.

Noise and Disturbance

It is considered unlikely that a residential use would result in a significantly increased level of noise and disturbance. A residential use, and the activities reasonably expected from such use, would be compatible with the surrounding residential use and the vehicle movements associated with the use is not considered to result in an undue level of disturbance.

The Council's Environmental Health Officer has reviewed the application and advised that there are no objections in principle however, a condition requiring a construction management plan, to cover areas such as noise, vibration, mud and dust suppression would be required by way of condition and the site hours should be restricted to 08:00-18:00 Monday - Friday 09:00-14:00 Saturdays and no work on Sundays or Bank holidays (secure by condition).

With the above conditions in place, the proposal is considered to have an acceptable impact on neighbouring residential amenity.

Living conditions of future occupiers

Internal layout

The Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for application across all tenures. Whilst not a standard formally adopted by the council it has been used more recently to seek to improve the size and quality of new homes in the borough it has become part of the Council's adopted framework PfE. Table 1 of this document sets out the minimum gross internal floor area requirements for new dwellings, across varying number of bedrooms, occupants and floors.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

The submitted floor plans show the following measurements:

House Type A – 89.9sqm, Bed 1: 11.6sqm, Bed 2: 9.4sqm, Bed 3: 7.5sqm

House Type B – 92.8sqm, Bed 1: 11.6sqm, Bed 2: 9.4sqm, Bed 3: 7.5sqm

Although the number of occupiers has not been provided, the proposed dwellings would be suitable for a maximum of 4 people due to the bedroom sizes and could therefore accommodate families. The internal configuration provides suitable living, kitchen and dining areas to bedroom ratio and all habitable rooms benefit from windows to ensure a suitable level of light and outlook would be achieved to these rooms.

The proposed dwellings are provided with good sized gardens with additional landscaping proposed throughout the overall site which will enhance the living environment for existing and future residents. Plot 1 has a smaller garden area however, it is an end of terrace and would be provided with additional outdoor space to the front and side of the property.

Conclusion

It is considered that the scheme would have no undue impact on the amenity of adjoining residents through loss of outlook, overshadowing, loss of daylight or loss of privacy and would provide a more than satisfactory standard of occupier amenity and therefore meets the requirements of Core Strategy Policy DM1 and the NPPF.

Highways

Policy T2 of the adopted Core Strategy is regarding improved accessibility and parking and requires that developments provide parking in compliance with the Council's Car Parking Standards (CS Appendix C5). Policy JP-C8 of PpE states 'we will require new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments'.

Part 3.13 of the Rochdale Design SPD stipulates that car parking areas should be designed in such a way to prevent parked cars from dominating the street scene and to prevent cars from overhanging the public highway.

Part 'e' of Policy DM1 states that satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements taking into account of the propose use and location should also be required.

Two car parking spaces are proposed to each dwelling although Plot 2 and Plot 6 will have one parking space to the front of the property and another next to a parking space at the end of Plot 1 and Plot 5 to allow additional landscaping to the front gardens. Access from Rose Street is proposed for Plots 1-4 and from Lily Street for Plots 5-8. The Council's Highways Officer has advised that the number of units

proposed from Rose Street and Lily Street would not require the adoption of these roads. Turning heads are provided to each block and the Council's Highways Officer has raised no objection to these.

The Council's Highways Officer has provided numerous comments on various amendments to the site layout to overcome concerns raised which are detailed above. However, the Highways Officers final comments stated that although the proposed layouts may not fully meet access standards they were of the opinion that the access arrangements [as amended] can be accepted subject to conditions relating to vehicle access points achieving a certain standard to meet Council criteria for residential access, improvements to both Lily Street and Rose Street to accommodate the proposed access, details of bin storage areas and a Construction Management Plan.

It is noted that the red line on the Location Plan does not include Rose Street or Lily Street but to ensure improvements are provided to these streets, a Grampian condition will be imposed to ensure the works required to these streets are undertaken and the applicant has agreed to undertake these works.

A concern has been raised over the loss of parking along Rose Street and Lily Street however, these are not adopted roads and as such, this matter cannot be controlled through the planning application however, it is considered prudent that these roads are improved to ensure pedestrian and highway safety.

Bin collection points are located at both of the site entrances although no details have been provided showing the location of the storage for the bins however, this matter can be dealt with by way of a condition.

Officers consider that the proposed parking would have an acceptable impact on the highway network in line with Policy T2 of the Core Strategy, JP-C8 of PfE and the NPPF.

Drainage and Flooding

Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. Policy JP-S4 of PfE states 'an integrated catchment-based approach will be taken to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk, by: 2) Working with natural processes and adopting a natural flood management approach to slow the speed of water drainage and intercept water pollutants'.

The applicant has provided a Prelim drainage plan, which indicates that foul and surface water (SW) will be separately drained from foul sewerage until the final chamber; in accordance with Building control part H requirements. It is not clear whether the parking areas will be permeable or drained directly to oversized SW system. The Council's Drainage & Flooding Officer has reviewed the details submitted and advised there is no objection subject to a condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme be submitted. With this condition in mind, officers consider the proposed development would comply with Policy G8 of the adopted Rochdale Core Strategy and Policy JP-S4 of PfE.

Land Contamination and Stability

The NPPF and Policy G9 of the Rochdale Core Strategy states that the Council will ensure that any risks arising from contaminated land or land instability are identified,

and that any appropriate actions to address these risks are taken, prior to development taking place.

The Council's Environmental Protection officer has been consulted and advised that a Site Investigation and Assessment would be required. Subject to this condition the proposed development is considered to accord with Policy G9 of the Rochdale Core Strategy and the NPPF apply.

Landscaping and Ecology

Policy G6 establishes that development should protect and improve green spaces and where trees are to be removed they should be replaced at a ratio of 2:1. This is reinforced in Policy JP-G7 of PfE which states 'where development would result in the loss of existing trees, requiring replacement on the basis of two new trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area, with a preference for on-site provision'.

Policy G7 states that development proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned, and damage to habitats is minimal and alternative habitat provision is effective in maintaining those species. Policy G7 continues 'no development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain'. Chapter 15 of the NPPF establishes that local authorities should aim to protect and enhance biodiversity. Policy JP-G8 of PfE states that 'through local planning and associated activities a net enhancement of biodiversity resources will be sought'.

Historically the site was used as allotments but this use ceased a number of years ago and the land has been cleared. The proposed development will introduce private rear gardens with the remaining land landscaped. A detailed landscaping scheme will be required to ensure the proposed development integrates into the existing urban environment and to soften the overall impact of the proposed development. To ensure suitable landscaping is provided, this matter will be dealt with by way of a condition.

Other conditions will also include nesting birds, species such a hedgehog and the presence of invasive species such as rhododendron, monbretia and Japanese knotweed.

In light of the above and subject to appropriate conditions, the proposal is in accordance with Policies G6 and G7 of the Core Strategy, Policies JP-G6, JP-G7 and JP-G8 of PfE and the NPPF.

Biodiversity Net Gain

The Council's Ecologist recommended an Ecological Appraisal and a Biodiversity Net Gain Assessment be undertaken prior to the determination of the application. These were submitted on the 19th April 2024. The Council's Ecologist advised that the BNG Assessment resulted in a net loss of biodiversity of -0.73BU and a shortfall of 0.92BU to achieve 10% BNG. However, as the application was validated well before the mandatory 10% BNG came into force, there is a shortfall of between 0.73BU and 0.92BU dependent on what Rochdale's local policy at the time of application was. The consultant also points out that the trading rules are not being met i.e. woodland is being lost but none created.

There is a net gain of hedge units of 0.06BU as there were no hedges on the baseline but some are being created. Therefore, if the applicant were to find additional measures on or off-site to achieve no net loss of area based habitat, the Council's Ecologist would accept that the hedge would provide enhancement in terms of the NPPF. The applicant confirmed they would provide off-site biodiversity net gain to achieve no net loss of area based habitat and this matter is dealt with by way of a S106 legal agreement.

RECOMMENDATION

GRANT subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

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 and documents:

Drawing No: 100 Rev B – Site Plans
Drawing No: 201 Rev B – House Type A – Plans and Elevations
Drawing No: 202 Rev B – House Type B – Plans and Elevations
Drawing No: 24-XXXX-500 Rev P1 – Drainage
Received on 6th February 2024

Drawing No: 200 Rev C – Proposed Landscaping Plan
Received on 19th April 2024

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

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. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. 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 adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

4. No development shall commence until construction details of the internal vehicle access points, including drainage, have been submitted to, and approved in writing by, the Local Planning Authority. The details must be of a standard that meets the Council's criteria for residential accesses.

Reason: In the interests of road safety in accordance with Policies T2 and DM1 of the Rochdale Core Strategy and Policy JP-C8 of PfE.

Reason for pre-commencement condition: As insufficient information has been submitted to ensure the internal vehicle access points will be to a standard that meets the Council's criteria for residential accesses.

5. No part of the development shall be occupied until a scheme of highways improvements to the proposed accesses at Lily Street and Rose Street, including but not limited to layout, design, surfacing, drainage and construction details have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings hereby approved shall not be occupied prior to the implementation of the approved scheme.

Reason: To ensure the vehicular access to the development hereby approved is in line with Council standards in accordance with Policies T2 and DM1 of the Rochdale Core Strategy and Policy JP-C8 of PpE.

6. The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with of policies T2 and DM1 of the Core Strategy.

7. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of refuse and recycling storage sufficient for the intended development has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before first occupation and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.

Reason: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy T2 of the Core Strategy, JP-C8 of PpE and the NPPF.

8. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include details of the following:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures for the protection of the natural environment from accidental spillages, dust and debris including dedicated protection measures (including high visibility fencing) for the retained trees during and after construction;
- vi) a lighting plan designed to direct any temporary lighting away from the retained trees and hedgerow during and after construction;
- vii) noise and vibration, mud and dust suppression;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix) wheel washing facilities; and
- x) any external lighting of the site.

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

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, T2, G7, G8 and G9 of the 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.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be based upon the preliminary drainage plan by ADS Structural plan dated 06.02.2024 Drawing ref 24-XXXX-500/P1. Details to be submitted shall include:

- (i) Sewer plan details with a restricted rate of surface water discharge to public combined sewer of 5l/s. Construction details of the flow control chamber, if this forms part of the sustainable drainage system.
- (ii) Construction details for permeable paving including kerbing and cross-section of open graded sub-base, if this type of paving forms part of the sustainable drainage system.
- (iii) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. 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, saved Policy EM/7 of the adopted 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

10. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with United Utilities). The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of PfE and the National Planning Policy Framework.

11. No development shall commence on site until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a. Proposed finished ground and floor levels or contours, means of enclosure (including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
- b. Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc);
- c. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
- d. A maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting;
- e. routes and details of proposed and existing functional services above and below ground including foul and surface water drainage, soakaways and SUDs details, power, communications cables and water and gas supply pipelines, including access points;

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Reason: In the interest of ensuring that the landscaping of the development enhances the visual local environment in accordance with Policy G6 of the Rochdale Core Strategy and JP-G6 of PfE.

Reason for pre-commencement condition: These details are required prior to commencement of development because of insufficient information contained

within this submission and in the interest of ensuring that the landscaping of the development enhances the visual local environment.

12. Prior to first occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate the boundary treatment shall include the provision of mammal gaps. The boundary treatment shall be implanted in accordance with the approved plan before the development is occupied or otherwise in accordance with a timescale agreed in writing by the Local Planning Authority.

Reason: In order to protect the privacy of adjoining and future occupiers and in the interests of the visual amenity and the character of the area in accordance with Policies P3 and DM1 of the Rochdale Core Strategy and the Council's Guidelines and Standards for Residential Development SPD.

13. No tree, shrub or brash clearance shall occur or renovation of the buildings occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.

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

14. No development shall commence on site (including demolition or preparatory works) until, details of a habitat enhancement scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide, but not limited to, bird boxes (house sparrow hotel, swift boxes, standard bird boxes on trees), insect boxes, bat boxes/bricks, holes in fencing for hedgehogs and wildlife friendly planting). The scheme shall also include a programme for implementation and ongoing maintenance. The habitat enhancement scheme shall thereafter be implemented and adhered to in accordance with the agreed programme.

Reason: Details are required prior to commencement as insufficient information was submitted with the application and in order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with the NPPF, Policy G7 of the Rochdale Core Strategy and JP-G8 of PfE.

Reason for pre-commencement condition: As insufficient information has been provided and to ensure adequate habitat enhancement can be provided prior to construction.

15. No development shall commence, including any earthworks, vegetation clearance or demolition until, a method statement detailing eradication or avoidance measures for rhododendron, monbetia and Japanese knotweed has been submitted to, and approved in writing by, the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy G7 of the Rochdale Core Strategy, Policy JP-G8 of PfE 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.

16. Prior to first occupation of the development hereby approved, full details of all external lighting to be installed within the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and orientation, any hoods/shades, and an isolux contour map to show light spill levels (down to 2 lux if operating between 23:00 and 07:00, or down to 10 lux if operating only between 07:00 and 23:00) and showing neighbouring buildings. The details shall demonstrate that light levels will not exceed the relevant guidance lux levels specified in the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and shall also demonstrate how glare will be controlled.

The approved scheme shall thereafter be installed before first occupation of the dwellings and the external lighting shall thereafter be maintained and operated in accordance with the approved details.

Reason: In order to protect the privacy and amenity of adjoining and future occupiers and enhance the appearance of the development in accordance with Policy in accordance with Policies DM1 of the Core Strategy and the NPPF.

17. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1400hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

18. No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must 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)

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

Reason: To prevent pollution of the 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.

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

19. 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/doors/dormers/openings, other than those shown on the approved plans shall at any time be placed in the dwellings 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.

20. 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) the proposed first floor, front facing bathroom windows shall not be openable below a height of 1.7 metres when measured from the floor level of the room within which it is located. The window shall be glazed with obscure glass before first occupation of the development hereby approved and shall be maintained as such at all times thereafter.

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.

21. Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), Class D (erection or construction of a porch outside any external door) or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

Reason: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main

house and the area in general and should therefore be controlled in accordance with Policy DM1 of the 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:

Informatives:

S106

A 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.

The Coal Authority

The applicant is advised that the proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority