

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO. CASE OFFICER

24/01006/VRCON

Anna Hayes

DETERMINATION DATE 05.12.2024 **EXT OF TIME** 08.04.2025

Address: Land Off Damson Green/Baytree Lane, Middleton M24 2UL

Proposal: Section 73 application to vary condition 2 (Approved Plans) and 3 (Affordable Housing Statement) of planning permission 24/00306/FUL (Construction of five new three bedrooomed residential dwellings with associated car parking and landscaping works) to amend the approved documents/drawings and make external alterations to the dwellings including alterations to fenestration, removal of recess on the entrance doors, and minor changes to the footprint, position and ridge/ eaves height of the dwellings

PUBLICITY	Weekly list expired?	y	Site notice expired?	y
	Neighbour letters expired?	y	Press Notice expired?	y

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/a
	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: RG

DATE: 8 April 2025

SITE

The application relates to a plot of land at the corner of Damson Green and Baytree Lane in Middleton. The site was formerly a car park historically used by patrons of the adjacent 'The Old Cock' public house, located to the north of the application site.

The site is situated within a predominately residential area with bungalow properties immediately to the west, with more residential uses to the south ranging in height, scale and density. R Tinker Welding Engineers are situated immediately opposite on Baytree Lane to the east.

The site is located some 2km east from the centre of Middleton, around the corner from Mill Hill train station some 0.3km away. The site is within a sustainable urban location and within the defined urban boundary according to the UDP proposals map.

PROPOSAL

In 2024 planning permission was granted for the construction of five, three-bedroom dwellings with associated car parking and landscaping works (24/00306/FUL).

This application seeks to make a minor material amendment to planning permission 24/00306/FUL to vary condition 2 (approved plans) to make external alterations to the dwellings, including:

- Alterations to the fenestration;
- Minor increase to the footprint of each dwelling;
- Removal of recess on the entrance doors and new canopy features; and,
- Minor alterations to the roof ridge/eaves height.

The application also seeks to vary condition 3 (Affordable Housing Statement) by substituting the approved Affordable Housing Statement, with a new replacement Affordable Housing Statement (received 31.03.2025) which makes reference to relevant exemption criteria (previously omitted). The homes would still be provided by First Choice Homes Oldham Limited, as approved.

The approved drawings (24/00306/FUL) are as follows:

- Proposed Site Plan (9320.PL.01 rev A);
- Proposed Floor Plans (9320.PL.02);
- Proposed Elevations Plots 1-2 (9320.PL.03);
- Proposed Elevations Plots 3-5 (9320.PL.04); and,
- Proposed Roof Plans (9320.PL.05).

The proposed amendments are shown on the following plans, to replace those above:

- R-0893-SLP – Site Location Plan
- R-0893-01RevB - Proposed Floor Plans,
- R-0893-05RevD - Proposed Elevations Plot 1 & 2
- R-0893-10RevD - Proposed Elevations Plot 3, 4 & 5
- R-0893-100RevA - Proposed Construction Site Plan

To note: during the course of the application, amendments to the design were secured, including alterations to the design of the porch canopies, and this is reflected in the list above. The variation of condition 3 was also later added to the application for completeness.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places

National Planning Practice Guidance (NPPG)

Development Plan

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The development plan for the proposal consists of the Places for Everyone (PfE) Joint Development Plan, Rochdale Core Strategy (CS), adopted 2016, and saved Unitary Development Plan (UDP) policies. The Council also has an adopted series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

Places for Everyone Joint Development Plan (PfE) (2024)

Sustainable and Resilient Places

JP-S1 Sustainable Development
JP-S2 Carbon and Energy
JP-S3 Heat and Energy Networks
JP-S4 Flood Risk and the Water Environment
JP-S5 Clean Air
JP-S6 Resource Efficiency

Places for Homes

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

Greener Places

JP-G1 Landscape Character
JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Places for People

JP-P1 Sustainable Places

Connected Places

JP-C6 Walking and Cycling
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
C2 Focusing on regeneration areas and economic growth corridors/areas
C3 Delivering the right type of housing

SO3 Improving design, image and quality of place

P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development

SO4 Promoting a Greener Environment

G6 Enhancing Green Infrastructure

G7 Increasing the value of biodiversity and geodiversity

G8 Managing water resources and flood risk

G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

Managing delivery and monitoring progress

DM1 General Development requirements

SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 Defined urban area

Other

The following Supplementary Planning Documents (SPD) are also relevant:

- Guidelines & Standards for Residential Development SPD, June 2016;
- 'Provision of Recreational Open Space in New Housing'; and,
- Residential Design Guide SPD.

Also of relevance are:

- National Design Guide (2019) (Ministry of Housing, Communities and Local Government); and,
- Department for Communities and Local Government – Technical housing standards - nationally described space standard

RELEVANT SITE HISTORY

92/D27754

Use Of Land For Sitng Of Temporary Accommodation For Betting Office.

Approved with conditions

11/D54410

Outline Application With All Matters Reserved For The Erection Of Four Dwellings

Withdrawn

11/D54697

Outline Application With All Matters Reserved For The Erection Of Four Dwellings Including Provision Of Six Car Parking Spaces To The West Side Of The Old Cock Inn And Erection Of 2 Metre High Fencing And Gates To Enclose Passageway To The Rear Of Existing Public House (Resubmission Of D54410)

Approved with conditions

24/00306/FUL

Construction of five new three bedroomed residential dwellings with associated car parking and landscaping works

Approved with conditions

24/00848/DOC

Discharge of conditions 4 (tree protection) and 6 (CMS) of planning permission

24/00306/FUL

Request completed

24/00871/DOC

Submission of details to comply with condition 7 (material samples) on planning permission 24/00306/FUL
Request completed

CONSULTATION RESPONSES

Highways and Engineering

Confirms that they have no objections to the request for the variation as the proposed changes to the plans will have no change on highways impact.

Environmental Control (Landfill Gas)

No comments received to date.

United Utilities

No comments received to date

Lead Local Flood Authority/Drainage

Confirms that the variation does not have any drainage related issues and therefore have no further comments to make.

The Coal Authority

Confirms no specific comment to make. The Coal Authority raised no objections as the applicant provided sufficient evidence at that time [24/00306/FUL] (Coal Mining Risk Assessment Report – Intrusive, Feb 2024, prepared by GeoAssist Limited, informed by intrusive site investigations) to demonstrate that the site was safe, stable and suitable for the development proposed (residential development) as no evidence of coal mine workings were encountered beneath the site.

Environmental Control (Landfill Gas)

The application is not accompanied by any contaminated land reports, so an investigation will be required and therefore recommends a condition seeking an investigation and risk assessment to be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was displayed in the vicinity of the site. One letter of objection has been received. The comments are summarised below:

Amenity

- Concerns with the proximity of the new development and how they overlook;
- Concerns with overshadowing;
- Do not want any windows facing property;
- Loss of privacy.

ANALYSIS

Principle of the development

The principle of the development in this location is established by the extant permission (24/00306/FUL) and the development as approved under that application is underway. This application is therefore not to reassess the principle of that development, but rather to consider the alterations proposed to the plans. A full assessment of the relevant considerations including the design of the development and impact on amenity as a result of these proposed changes, and any other material planning considerations, are assessed in more detail below.

Character and Appearance

Policy P1 of the Council's Core Strategy establishes that we require high quality design in all new development and policy P2 requires development to protect and enhance the borough's character, including the qualities of landscape.

The original planning permission comprised of, in brief, 5 dwellings arranged in a terraced block of three and semi-detached pair of 2, fronting onto Damson Green to the south. Off-street parking is located to the front, whilst private rear gardens are located to the north of the plot. In the Officer's delegated report it was found that the overall design of the dwellings were *'contemporary and simple and would enhance the existing built environment and complement existing neighbouring land uses which consist of similarly designed terraces style properties'*.

The current amendments comprise of the following with relevant assessment given below:

Alterations to the fenestration

The amendments include:

- Larger window openings to the front elevation both in width and height creating window openings with a stronger vertical emphasis. This is considered acceptable and is complimentary to the build.
- New 'tax windows' to the north/rear elevations to plot 5. The proposed addition of these blocked up, recessed window openings will break up the mass of the rear elevation and so are considered to be a positive addition since the rear elevation of plot 5 is quite prominent in the street scene, particularly when travelling south down Baytree Lane. This amendment is considered acceptable
- Re-arrangement of the first floor side facing windows to plots 2, 3 and 5. These windows serve the same rooms as previously approved and are of a similar style and opening size. These amendments are considered to be acceptable.
- A new window opening to the gable elevation of plot 1. This window would serve a non-habitable room and visually would help break up the mass of the otherwise blank two storey gable end. This amendment is considered acceptable.

Removal of recess on the entrance doors and new canopy features

As approved the entrance doors were set within a recessed doorway, approx. 1.25m x 0.6m. The proposed plans seek to remove this with the new doorways to be set flush with the existing principal elevation. This increases the internal floor space of the dwellings and creates a larger hallway at the entrance. Visually, although the recessed doorway added some depth to the principal elevation, its loss is not significantly detrimental to the overall character of the dwellings and so is found to be acceptable on balance.

As originally submitted, the proposals included a glass door canopy above the front doors. This was considered neither sympathetic nor complimentary to the dwellings and so after further discussion the plans were altered to include pitched roof canopies which are more reflective of local design and create more of a distinctive feature to the façade of the buildings.

Changes to footprint and site positioning

Each dwelling has increased in width by approximately 0.3m. Cumulatively this has resulted in a reduction in the distance from plot 5 to eastern site boundary with Baytree Lane by around 1.5m – leaving a 3.5m gap (formerly 5m). However the buildings would still retain the same building line fronting on Damson Road and

Officers are satisfied that a sufficient visual gap would be retained so not to appear overbearing from Baytree Lane.

Changes to ridge/ eaves height

The overall ridge height of the buildings is now lower than approved (previously around 8.4m, now 8.3m) with a very minor increased eaves height of around 5.2m. This amendment is very minor in nature and not likely to be perceivable from street level, but allows for more vertically elongated windows.

Overall, Officers are satisfied that the design proposals are acceptable and would be in accordance with policies DM1, P3 and the Residential Design Guide SPD and the NPPF.

Living conditions

Existing occupiers

The proposed amendments would have no detrimental impact on the amenity of neighbouring residents. The re-adjustment of the side facing windows to the gable ends of plots 2, 3 and 5, will have no material impact when compared with the approved situation. The windows will serve the same room as originally approved (hallway/landing) and so there would be no change when considering matters such as loss of privacy/overlooking. Whilst the eaves height has marginally increased, the overall ridge height is lower. Though the dwellings now extend closer to Baytree Lane, this does not unduly affect the occupiers of the opposite commercial unit.

Officers acknowledge the third party concerns raised during the consultation period, particularly in regards to the creation of a new side facing window to plot 1 and the concerns for a loss of privacy. The new side facing window to plot 1 would serve the landing/hallway at first floor. Since this is a non-habitable room, officers are satisfied that the neighbouring properties to the west of the site would not experience a substantial loss of privacy, however to prevent an unwarranted perceived feeling of being overlooked, Officers sought for this to be obscure glazed. This is indicated on the proposed elevation drawings. Subject to a condition controlling the use of obscure glazing to the side facing windows, the development is found to be acceptable in regards to residential amenity.

Future occupiers

The proposed amendments would result in no significant changes to the living conditions of any future occupiers, other than providing slightly larger window openings and a slightly larger hallway at ground floor level/ overall footprint. A covered canopy area would still be provided at the entrance to each dwelling. Internal habitable room sizes are not lessened by the proposed amendments.

Overall, the proposed amendments are acceptable in regards to residential amenity, compliant with policy DM1 and the NPPF, in particular paragraph 135.

Highways

The proposed amendments have no impact on parking and highway safety, as also confirmed by the absence of an objection from the Local Highway Authority.

Land Contamination

The Council's Contaminated Land officer has been consulted on the proposal and recommends that as the application is not accompanied by any contaminated land reports, an investigation will be required to ensure that the site is suitable for its intended end use. A pre-commencement condition is therefore recommended which seeks an investigation and risk assessment to be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

However the proposed development has not changed significantly since the original approval and the buildings are to be located in the same position, with only minor changes to the elevations.

Planning permission ref. 24/00306/FUL was supported by a Phase I Desk Study and Preliminary Contaminated Land Risk Assessment (ref. 6143/VBL V1.00 PCLRA) and a Phase II Contaminated Land Risk Assessment (ref. 6143/VBL-CLRA v1.00). A review of this supporting information relating to the investigation of prior land contamination for this site with proposed end use of residential purposes had been undertaken by the Council's Environmental Health Officer at that time. It was reasonably concluded that the following condition be attached to the decision notice (24/00306/FUL), in order to ensure the quality of all imported material is to an acceptable standard, in accordance with Policy G8 of the Core Strategy (CS) and the National Planning Policy Framework:

'No part of the development hereby approved shall be occupied until a validation report demonstrating all imported material as suitable for use and documentation demonstrating removed material has been disposed of properly has been submitted to and approved in writing by the Local Planning Authority.'

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 Policy G9 of the adopted Rochdale Core Strategy, saved Policy EM/8 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.'

The above condition is still pending formal discharge. Since the proposed application to vary condition 2 (approved plans) does not materially affect this, it is reasonable to reattach the same condition to any approval notice, in accordance with CS Policy G8.

Other

The application also proposes to vary condition 3 (Affordable housing statement) to reference a new substitute affordable housing statement.

Condition 3 of planning permission 24/00306/FUL currently states:

"The development hereby approved shall be implemented in full accordance with the Affordable Housing Statement (Planning Application Statement of Support from First Choice Homes Oldham). The affordable homes shall be retained in such occupation thereafter."

The approved Statement referenced within the planning condition does not take into account exemptions as to when the Statement will no longer apply and so therefore the Statement would apply in perpetuity. The reason for the request to amend the Statement is therefore to allow for the following:

1. The inclusion of a mortgagee protection clause which would be required to protect any funder of First Choice Homes Limited in the event of default. Without the inclusion of this clause, it will affect the valuation obtainable for the units.
2. The inclusion of an exemption to allow for a change of tenure from affordable rent to shared ownership given the implementation of the right to shared ownership for units funded via the Affordable Housing Programme 2021-2026.
3. The inclusion of an exemption to confirm the Statement will no longer apply to any units which have been acquired by the occupier including final staircasing of a shared ownership unit. Without the exemption, any disposal to an occupier as affordable.

The new statement, titled 'Substituted Affordable Housing Statement' received 31.03.2025 is proposed in its replacement. The revised statement makes provisions for the above exemptions but in any case, the homes would be still be owned and managed by First Choice Homes Oldham as originally approved. The exemptions detailed above would still meet the definition of affordable housing as set out within the NPPF but the revised statement would allow for more flexibility (including routes to home ownership), rather than strictly 'affordable rent tenure'.

Overall, the original permission was approved on an affordable basis due to forming part of the development proposals – rather than being required by the LPA due to the number of units etc. Noting that the five properties would still be provided on an affordable basis, meeting the definition of 'Affordable Housing' as set out in Annex 2: Glossary of the NPPF, the proposed variation of condition 3 is therefore deemed acceptable.

RECOMMENDATION

GRANT subject to the following conditions:

That planning permission be granted subject to the following conditions:

1. The development must be begun not later than three years from the 20 August 2024.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise required by the conditions below:

R-0893-SLP – Site Location Plan
R-0893-01RevB - Proposed Floor Plans,
R-0893-05RevD - Proposed Elevations Plot 1 & 2
R-0893-10RevD - Proposed Elevations Plot 3, 4 & 5
R-0893-100RevA - Proposed Construction Site Plan

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 hereby approved shall be implemented in full accordance with the substituted Affordable Housing Statement received 31.03.2025. The affordable homes shall be retained in such occupation thereafter.

Reason: To ensure the provision of affordable housing which has been afforded significant weight in the planning balance and in accordance and in accordance with Policy C4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the Tree Survey and Root Protection Area plans (7425.01 & 02) and the

Arboricultural Impact Assessment & Method Statement (PD/7425/AIA&AMS/APR24), as well as in accordance with drawing No: 9320.PL.01 - Proposed Site Layout, submitted photographs of the tree protection measures and Drawing No: 7425.01 - Tree Survey and Root Protection Area, as approved under application 24/00848/DOC.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. No part of the development hereby approved shall be occupied until a validation report demonstrating all imported material as suitable for use and documentation demonstrating removed material has been disposed of properly has been submitted to and approved in writing by the Local Planning Authority.

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 Policy G9 of the adopted Rochdale Core Strategy, saved Policy EM/8 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

6. The development hereby approved shall be carried out in full accordance with Drawing No: 9320.PL.01 - Proposed Site Layout and the Construction Environmental Management Plan by Walker Homes, dated 22/08/2024, received by the Local Planning Authority on 27th August 2024, as approved under application 24/00848/DOC. The approved method statement shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Unitary Development Plan policies BE/2 and EM/3, and the National Planning Policy Framework.

7. The development hereby approved shall be carried out in full accordance with the submitted materials schedule (Drawing R0893 revision A - External materials schedule dated Sept 2024 received 4 October 2024) as approved under application 24/00871/DOC.

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

8. The development hereby approved shall be carried out in accordance with the approved drainage scheme:

- ☐ Drainage Layouts drg 1332-900/P1 by Build Vision Consulting Eng. dated March 2024
- ☐ Hard Paving Plan & Details drg 1332-901/P1 by Build Vision Consulting Eng. March 2024

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 of the 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.

9. The works shall be undertaken in accordance with the biodiversity enhancement measures for birds, bats, and hedgehogs as identified in the Preliminary Ecological Appraisal (dated February 2024 by Verity Webster). The measures identified shall be installed prior to occupation of the hereby approved dwellings and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. As indicated on drawings R-0893-05RevB and R-0893-10RevB, all windows in the first floor side elevations of plots 1, 2 and 3 hereby permitted shall be fitted with obscure glass and the obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy.

Reason: In the interests of the privacy of occupiers of neighbouring property in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.