

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	EoT DATE
23/00727/FUL	Nick Brookman	28 March 2025

Address: Land Bound by Earl Street, Taylor Street and Bethel Street Rochdale
Heywood OL10 1HT

Proposal: Erection of a 4-storey building to consist of 23no. 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
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	Yes
	Pre-commencement conditions agreed (or notification period expired)?	Yes

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
----------------	-----------------------------

CHECKED AND SIGNED OFF BY: RG DATE: 7 March 2025

SITE

The application site consists of a vacant parcel of land in Heywood. The application site is rectangular in shape, bound by Taylor Street to the east, Earl Street to the south and Bethel Street to the west.

To the north are the rear elevations of the commercial buildings on the south side of Market Street. Land to the east comprises more commercial buildings and car parking spaces off Taylor Street. Land to the south comprises Trinity Methodist Church and its associated car parking and further commercial premises are located immediately to the west of the application site.

The application site is currently boarded off, although the boarding is low quality and has collapsed in some sections.

The area surrounding the application site is predominantly developed and consists of a mix of some residential but mostly commercial buildings, with the site close to the centre of Heywood.

PROPOSAL

The application seeks permission for the erection of a four storey building. The building is to contain 23 residential apartments consisting of 7 studio apartments, 8 x 2 bedroom apartments and 8 x 1 bedroom apartments. 19 apartments are to be provided as open market housing with the remaining 4 to be provided as affordable housing.

The building is to be constructed with a flat GRP roof, with facing brick in contrasting light and dark tones/textures. Window frames and doors are to be brass/aluminium. Apartments are to be provided with enclosed balconies/terraces, with brick upstands/surrounds.

Access is to be taken from the ground floor side elevations (1no. pedestrian entrance on Bethel Street and 1no. pedestrian entrance from Taylor Street). The building's bin store is to be accessed from Taylor Street. A bicycle store for residents is located on the ground floor. However, no car parking is provided on site.

RELEVANT PLANNING POLICY

National Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Local

Adopted Rochdale Core Strategy (CS):

SP3/H	The Strategy for Heywood
DM1	General development requirements
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
C4	Providing affordable homes
P1	Improving Image

- P3 Improving design of new development
- G2 Energy and new development
- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity
- T1 Delivering sustainable transport

Unitary Development Plan (UDP):

- G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

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

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-S2 Carbon and Energy
- 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 and 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-P5 Education, Skills and Knowledge
- JP-C1 An Integrated Network
- JP-C2 Digital Connectivity
- JP-C5 Streets for All
- JP-C6 Walking and Cycling
- JP-C8 Transport Requirements of New Development

RELEVANT SITE HISTORY

Application Reference	Description	Decision / Date
06/D48197	Erection of 4 storey building comprising B1 office space at ground floor and 14 apartments at 2 nd , 3 rd and 4 th floor levels.	Approved 23 rd January 2007
09/D51839	Mixed use development – ground floor office units with 17 apartments above junction of Earl Street, Bethel Street Heywood.	Approved 10 th June 2009
12/D55542	Application for a new planning permission to replace extant planning permission D51839 for a five storey building comprising ground floor office units with 17 apartments above.	Approved 23 rd May 2021
15/01480/FUL	Erection of 14 one or two bedroom apartments and associated landscaping.	Approved 28 th September

		2016
17/00250/FUL	Erection of 14 one or two bedroom apartments and associated landscaping and car parking.	N/A
18/00283/FUL	Erection of 14 one or two bedroom apartments and associated landscaping and car parking space.	N/A
20/01437/OUT	Outline application (including access, layout and scale) for the erection of a 4-storey apartment block comprising 23 nos of 1-bed and 2-bed apartments.	Withdrawn 30 th July 2021
21/01213/OUT	Outline application (including access, layout and scale) for the erection of a 3-storey apartments – resubmission of 20/01437/OUT	Approved 24 th June 2022

CONSULTATION RESPONSES

Environment Agency

No comments received.

Transport For Greater Manchester

No objection. TFGM have commented that the application is for 'temporary permission'. However, this is a full planning application and it is understood this comment is a typo.

TFGM make some recommendations that have also been recommended by the local highway authority, including the need for dilapidation survey and making good redundant access points.

Highways and Engineering

No objection, with Highways commenting that the proposed building is in a highly sustainable location. It is acceptable that the scheme is car-free, with cycle parking provision in lieu of car parking accepted. No concerns with regards to highway safety or servicing has been identified.

Highways have requested conditions to ensure disused/redundant vehicular accesses to the application site are made good, with replacement kerbs/footway provided. In addition, a dilapidation survey should be provided. Both conditions have been added.

Environmental Health

Confirmed no objection, subject to condition that noise limits as set out in the submitted Noise Impact Assessment are achieved. A condition has been added requiring this, along with post-completion validation testing.

Lead Local Flood Authority/Drainage

No objection subject to pre-commencement condition. The condition requested is similar to that requested by United Utilities. As such, the conditions have been combined to avoid duplication of conditions.

Environmental Control (Landfill Gas)

No objection subject to pre-commencement condition requiring ground condition investigations.

United Utilities

No objection subject to a pre-commencement condition and advice. Advice contained within the United Utilities objection has been provided to the applicant and will be added as an informative where required.

The Coal Authority

Confirmed that historic coal mining is a material consideration, as the application site falls within the defined Development High Risk area. The Coal Authority goes on to recommended 2 planning conditions, which have been reviewed by the LPA and applicant and accepted.

Strategic Transport Planning Co-Ordinator

No comments received.

GMP - Design For Security

No objection. However, made recommendations that access to the rear of the building from Bethel/Taylor Street should be restricted. Suggested that full height windows adjacent to surrounding streets should be obscure glazed.

Strategic Housing - Affordable Housing

Following a revised proposal to provide **four** affordable dwellings, the Council's Affordable Housing team have confirmed that they support the four properties that will be available for affordable rent (homes let at least 20% below local market rent) and the Council having 100% nomination rights in perpetuity.

Strategic Planning

No comments received.

REPRESENTATIONS

Letters of notification were sent to the occupiers of surrounding buildings on 19 October 2023. In addition, 2x site notices (major application) were displayed adjacent to the application site on 30 October 2023, with an advertisement published in the local press (major development) on 26 October 2023. No representations were received.

ANALYSIS

Principle of Development

The application seeks permission for the erection of a four storey apartment building in the highly accessible and sustainable centre of Heywood, on a piece of brownfield land. The building will provide residential accommodation across 23 units which includes the provision of four affordable dwellings available for affordable rent.

CS Policy SP3/H sets out priorities for Heywood, one of which is to transform inner Heywood, where this development is to be located, through the delivery of new homes in the town centre to widen housing choice. CS Policy C1 goes on to set out

that, inter alia, in the south of Rochdale Borough (which includes the township of Heywood), the opportunity to provide new housing in sustainable locations will be maximised. Housing should be located in key economic growth areas and/or within town centres. This point CS Policy C1 goes on to set out that, inter alia, in the south of Rochdale Borough (which includes the township of Heywood) is repeated in CS Policy C2, which sets out that dwellings will be delivered in central Heywood for sale and/or rent to widen housing choice, with vacant sites being redeveloped to meet this need.

CS Policy C3 goes on to state, amongst other things, that higher density development (residential) should be focused around Rochdale, Middleton and Heywood town centres. Policy C3 recognises that higher density development should be focused in areas that can sustain higher densities, and this includes accessible sites in and around town centres, sites on or close to high frequency bus routes and sites close to railway stations or Metrolink stops. It is further set out in CS Policy C4 that affordable housing will be sought.

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”*. Paragraph 125 (c) of the NPPF advises that *“Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”*. Under sub paragraph (d) of Paragraph 125 of the NPPF, *“Planning policies and decisions should promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing..”*.

Further to those relevant policies as identified in the Rochdale Core Strategy, relevant policies in Places for Everyone (PfE) have been identified. PfE Policy JP-S 1 sets out that development should seek to maximise economic, social and environmental benefits. Preference should be given to previously-developed (brownfield) land. PfE Policy JP-H2 states that there should be a significant increase in the supply of new housing, including, specifically, the supply of low-cost market housing. Furthermore, as set out in PfE Policy JP-H4, new housing should be delivered at a density appropriate for the location and taking into account the site's accessibility.

In this instance, it is considered that the proposal would lead to the provision of much-needed and sought after affordable dwellings and affordable market housing in a highly sustainable location. The proposed dwellings created would assist the Borough in meeting its housing requirements. The proposed building would be built to an appropriate density on a brownfield site, with the existing abandoned land having a negative impact on the character of the local area.

As such, the proposal is acceptable in principle and in accordance with adopted Rochdale Core Strategy Policies SP3/H, C1, C2, C3 and C4, Places for Everyone Policies JP-S 1, JPH 2 and JP-H 4, as well as the National Planning Policy Framework.

Affordable Housing Provision

The provisions of Policy C4 of the CS and the Council's Affordable Housing SPD, set out a starting point requirement of 15% of homes to be affordable, or 7.5% of Gross Development Value. At Paragraph 66 of the NPPF it establishes that *“Where major development involving the provision of housing is proposed, planning policies and*

decisions should expect at least 10% of the total number of homes to be available for affordable home ownership”.

In 2015 the Council commissioned a Strategic Housing Market Assessment (SHMA) of the Borough. As previously alluded to, this assessment indicated an annual imbalance of 204 affordable dwellings across Rochdale. The findings of the SHMA indicated a requirement for affordable housing in all townships to address shortfalls across a range of property sizes.

According to PfE, there are over 70,000 households on local authority registers and increasing the delivery of affordable housing across the plan period is a very high priority and it will be essential that new residential developments play a full role in supporting this. Accordingly, Policy JP-H2 of PfE sets out that *“substantial improvements will be sought in the ability of people to access housing at a price they can afford, including through...*

- 1. Significantly increasing the supply of new housing...*
- 2. Maximising the delivery of additional affordable homes...*
- 3. Supporting provision of affordable housing as part of new developments...*
- 4. Working with Government to maximise the amount of public funding being directed towards the provision of new affordable housing”.*

The proposed development will lead to the creation of 23 residential apartments, 19 of which would be made available for market sale with the remaining 4 being made available for affordable rent (homes let at least 20% below local market rent value).

The application is accompanied by a Viability Statement which concludes that the proposed development will have limited viability and there is limited scope for S106 contributions. Despite this, the applicant is prepared to offer nomination rights to the Council or an agreed Social Landlord on four properties comprising two one bed and two, two bed apartments. The Councils Affordable Housing team were consulted on this application and they have commented that they support the four available properties for affordable rent (homes let at least 20% below local market rent) with the Council having 100% nomination rights in perpetuity. The provision of the proposed affordable housing is to be secured via a s106 agreement.

The proposed development would meet the affordable housing requirement and as such it is considered that the development complies with Policy C4 of the Core Strategy and the NPPF.

Design and Appearance

Paragraph 131 of the NPPF states that *“the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve”*. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Additionally, paragraph 139 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The National Design Guide (NDG) states that *“The long-standing, fundamental principles for good design are that is it: fit for purpose; durable; and brings delight”*.

The NDG advises that scale, appearance materiality and detailing of buildings are key components for well-designed places. The Building for a Healthy Life guidance document states that building forms and materials should be used to reflect local character.

The above considerations are largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy which ultimately require development proposals to demonstrate high quality design.

CS Policy P1 sets out that high quality design will be required in all new developments, requiring that under-used land and buildings are re-used and creating people-friendly and safe environments. CS Policy C3 requires new development to adhere to high standards of design, respecting context (scale, density, massing, height, layout) and contributing positively to the townscape. CS Policy DM1 states that all development proposals should be of a high quality design and take the opportunity to enhance the quality of the area.

The application site is within the centre of Heywood, sited on a plot that is currently unoccupied brownfield land in a deteriorated state, detracting from the character of the surrounding area. The proposed building will create active frontages along the surrounding street network, improving sense of safety for pedestrians due to natural surveillance. The proposal will appropriately increase the density of the immediate area and contribute to the diversity of uses in Heywood Town Centre, contributing to urban resilience. The character of the surrounding area is mixed use commercial/light industrial, with buildings varying in height and architectural style/appearance. The height and massing of the building is appropriate, not significantly taller or inappropriately bulkier than surrounding buildings. It is noted that there would not be room for landscaping surrounding the building. However, this is acceptable on balance given the highly urban grain of the surrounding area. A green roof is proposed to the building to mitigate impact upon biodiversity and to contribute to urban greening/biodiversity net gain.

In terms of materiality, the proposed building would be brick built, appropriately consistent with the prevailing materiality of the local area. The proposed building would be built with a flat roof. This is not necessarily in keeping with the surrounding area. However, a balance has to be struck between building height, appearance and viability and providing as many good quality homes as possible. The flat roof is acceptable on balance in this instance and this helps bridge the gap in the street scene. Proposed brickwork is to be high quality, with contrasting and textured brickwork proposed. In addition, high quality full height aluminium glazing is proposed across the development, which will contribute to an improvement in the materiality of the immediate area. Most apartments will also be provided with enclosed balconies/terraces, which contributes to architectural interest and avoids blank or flat elevations. To ensure the highest quality materials are secured, a condition will be imposed requiring full details, specifications and samples of materials before they are applied to the building.

The development is appropriate in terms of its scale and massing, with appropriate external materials and detailing proposed. Subject to a condition requiring further information regarding materials, the proposal is acceptable in terms of design and appearance and consistent with adopted Rochdale Core Strategy policies P1, C3 and DM1 and the National Planning Policy Framework.

Occupier and Neighbour Amenity

Policy DM1 of the adopted Core Strategy requires that all development proposals are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents.

Development should not affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy and development should mitigate against any impacts due to noise, dust, light and odour pollution. Policy G9 also requires that sensitive new development such as housing, are not adversely affected by existing sources of pollution such as roads and certain types of industry.

The SPD – Guidelines and Standards for Residential Development sets out minimum space standards that should be applied to all new residential development and development which affect existing residential properties. These are:

- ❑ 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 a directly facing boundary of the curtilage;
- ❑ 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room; and
- ❑ 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.

The SPD advises that where these separation distances cannot be achieved, proposals should be “compatible with the density and character of surrounding development”.

The existing buildings adjacent to the site, including those on Taylor Street and Bethel Street, are in commercial rather than residential use. The proposed building would result in a loss of natural daylight to the upper floor windows in the rear of the adjacent properties fronting Market Street. However, these windows serve storage and ancillary areas in connection with the ground floor retail uses and it is not considered that any undue loss of amenity will result.

The applicant has submitted a noise impact report to assess the implications of noise on the occupiers of the proposed dwellings, primarily from traffic on the surrounding roads including the A58 Market Street. The report concludes that the habitable rooms to the apartments can generally be fitted with standard double glazing, although some of the proposed bedrooms would need an upgraded glazing type to ensure adequate internal noise levels could be achieved.

To limit disturbance to surrounding occupiers during the construction phase, the Council’s Environmental Health team have suggested a condition limiting the hours of construction, which has been incorporated into the suggested condition requiring submission of a Construction Management Plan.

An initial daylight/sunlight study accompanied the application and linking in with the above, Planning Officers had concerns with the level of daylight/sunlight that future occupiers would have enjoyed. Prior to the most recent design changes, the original daylight and sunlight study concluded that the results revealed a varied compliance status across the development. More specifically, the kitchen/living spaces for flats 1, 6 12 and 23 did not receive adequate natural light toward the rear of the room.

Similarly, the bedrooms for flats 1, 6 12 and 23 fell short of compliance due their relatively deep layout.

The bedrooms serving the north east corner units (flats 11, 17 and 18) also failed to acceptably meet the criteria mainly because of the angle and positioning of the windows.

These concerns were raised with the applicant's agent and significant design changes have since been carried out to amend the brick fenestrations and brick fenestrated balustrades which in turn has now greatly improved natural light levels in the proposed apartments. As concluded within the updated daylight and sunlight study:

'The vast majority of habitable rooms within the proposed development meet or exceed the required lux levels, ensuring bright and comfortable living conditions. Bedrooms and living areas (with the exception of flat 5) meet the stringent criteria set by BRE Guidelines and BS EN 17037:2018, highlighting the success of the design refinements. Additionally all units achieve full compliance with sunlight exposure standards, providing more than the minimum 1.5 hours of sunlight on March 21st

While flat 5 experiences a minor daylight shortfall due to its location and external obstructions, significant improvements have been made, raising its daylight factor from 12% to 38%'. Flat 5 is located on the lowest level and is subject to significant obstruction from the existing built environment but, the daylight factor received by this flat has now tripled since the original design and the flat achieves full compliance with sunlight exposure standards.

Following the necessary design changes, this has resulted in a number of apartments becoming 'Studio' apartments.

The proposed mix now incorporates 8 x 1 bedroom apartments, 8 x 2 bedroom apartments and 7 studios. The proposed development therefore provides a varied mixture of high density dwellings in a location that is defined as being a key district and local centre. In light of the fact of this high density development, whilst not a Core Strategy policy requirement, Policy JP-H3 of PfE sets out that all new dwellings must comply with the Nationally Described Space Standards (NDSS). In terms of occupier amenity, following design amendments after concerns were initially raised by Planning Officers, all apartments when judged as a whole are now compliant with NDSS when assessed against the submitted proposed floor plans. All apartments are also built to the accessible and adaptable standards in Part M4(2) of the Building Regulations.

Accordingly, on balance when the scheme is reviewed as a whole, the proposed design changes have significantly improved the occupier amenity, and measurable improvements have been made.

Subject to condition, it is considered that the proposal would comply with adopted CS policies DM1 and G9 and the NPPF.

Landscaping and Biodiversity Net Gain

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and

building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The proposed development does not propose to incorporate external areas and this application was submitted before Biodiversity Net Gain (BNG) became mandatory on 12 February 2024 and for that reason the proposed development is exempt from BNG.

However, PfE Policy JP-G9 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents.

Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline

In this regard, in compliance with Policy G7, the applicant has proposed to implement a green roof as shown in drawing no 8435/312F. The implementation of this feature IS subject to an appropriately worded condition but its design would inevitably result in a measurable Biodiversity Net Gain for the application site. In addition, for the benefit of local wildlife and to improve and support opportunities for new urban biodiversity in this location, a condition has been recommended requiring the submission of a scheme of biodiversity enhancements which could include the provision of bat and bird boxes, for example.

Accordingly, subject to condition, the scheme is considered to be acceptable in accordance with Core Strategy Policy G7, PfE Policy JP-G9 and the NPPF.

Noise

Whilst the resulting scheme by its very nature would not cause any significant impacts in terms of noise and disturbance, given its location (adjacent to neighbouring commercial businesses) and the type and amount of construction works involved (including the construction phase) Environmental Health have considered that it is necessary to require a Construction Method Statement to ensure the development is carried out having due regard for neighbour amenity and highway safety.

Environmental Health have raised no objection to the principle of the proposed development but have recommended further conditions.

Accordingly, subject to conditions, the scheme is considered acceptable in terms of amenity in accordance with Policy G9 and DM1 and the Council's Guidelines and Standards for Residential Development SPD.

Land Contamination

A Phase I Preliminary Risk Assessment has been provided which recommends the undertaking of a Phase II intrusive site investigation. Subject to the suggested condition and satisfactory subsequent actions, the development would be safe for end users and will protect the water environment in accordance with the requirements of adopted CS policies G8 and G9 and the NPPF.

Coal Mining Risk

The Coal Authority have reviewed the proposals submitted and have confirmed that the application site falls within the Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Specifically, the Coal Authority records indicate that the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Therefore, there is potential for voids and broken ground associated with such workings which can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted a Coal Mining Risk Assessment Report which identifies the likelihood for probable unrecorded coal mine working at shallow depth and recommends that intrusive site investigations should be undertaken to determine their presence or otherwise. It is noted that there could also be potential for mine gasses to be present.

The Coal Authority has therefore recommended a scheme of intrusive investigations to assess the ground conditions on in order to establish the coal-mining legacy present, the risks it may pose to the development and inform any mitigation measures that may be necessary.

Accordingly, subject to the suggested conditions and satisfactory actions in respect of the same, the proposal would comply with the requirements of adopted CS policy G9 and the NPPF.

Drainage

Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk and is itself well protected from flood risk and ensures prudent use of water resources.

Policy JP-S4 (Flood Risk and the Water Environment) of PfE expects developments to manage surface water runoff through sustainable drainage systems and development should achieve greenfield run-off rates unless it is demonstrates to be impracticable.

The site is located within Flood Zone 1, having a less than 1 in 1,000 annual probability of flooding but the site is located within the Heywood Critical Drainage Area.

United Utilities and the Council's Drainage Officer as the Lead Local Flood Authority have raised no objections subject to the imposition of conditions requiring full details of the arrangements for the disposal of foul and surface water on separate systems and submission of a detailed drainage design and ongoing maintenance programme.

Therefore, subject to the suggested conditions, the proposed development would accord with adopted CS policy G8, saved UDP policy EM/7 and the NPPF.

Crime

Policy P3 of the CS requires all new developments to incorporate design measures that design out crime and ensure developments and spaces are safe to use and access. Similarly Policy DM1 requires all development proposals to minimise opportunities for crime against people or property.

The application is supported by a Crime Impact Statement (CIS) which sets out numerous points and considerations for the applicant to consider in order for the development to achieve Secured by Design accreditation.

A condition has been recommended requiring that the development be carried out in accordance with the suggestive measures to prevent crime as set out in the submitted CIS.

Subject to condition, the proposed development complies with Policy DM1 and P3 of the Core Strategy.

Highways

Policy T2 of the Core Strategy requires development to comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

The proposed development is care free and therefore no vehicular access is proposed but pedestrian and cycle access will take place from Bethel Street, Taylor Street and the north section of the site.

The application is accompanied by a Transport Statement and Highway Services have reviewed the application and have offered no objection to the proposed development.

Policy JP-C8 of PfE requires 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. With this in mind, the submitted Transport Statement highlights that the site is well located in terms of access to local amenities and facilities by foot, cycle and public transport allowing residents the option to travel sustainably by non-car travel modes which reduces the overall reliance on the private car.

The Transport Statement determines that the proposed development is anticipated to generate an additional 19 two way vehicle movements during the generic AM peak hour and 17 two way movements during the generic PM peak hour during a typical week day. For that reason, it is recognised that the influence of the proposed development on the existing road network would be imperceptible and would not create additional congestion. Highway Services have confirmed that they do not envisage the proposed development would generate any increase in traffic which could be considered to be significant on the existing local network. They have also commented that they are no new road safety concerns as a result of the proposed development.

Highway Services have confirmed that the site is located in a highly sustainable area located along public transport links and within walking distance of public amenities comprising shopping and healthcare facilities. Access into the site is adequate and Highways have not identified any new road safety issues as a result of the proposed development and for that reason there are no objections subject to conditions.

On the basis of the above, it is considered that the proposed development would make satisfactory arrangements for vehicle access, manoeuvring and parking, and would facilitate safe and convenient pedestrian circulation to and from the site. The scheme is not considered to have an adverse impact on highway safety and would not generate a level of additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. Highways Services have raised no objections and subject to the relevant conditions, the proposals comply with the requirements of CS Policies T1 and T2, Policy JP-C8 of PfE and the NPPF.

Planning Contributions and Viability

CS Policy DM2 requires developers to provide, or contribute towards the cost of physical, environmental and social infrastructure that is needed because of proposed development; and or to mitigate the impact of development, through planning obligations and agreements, if the development would otherwise have a negative impact on the delivery of a strategic objective. However, this policy also requires consideration to be given to the need to ensure that schemes remain viable whilst taking into account the need for contributions or infrastructure required to make the scheme acceptable in planning terms.

Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Viability, Local Open Space and Outdoor Sports Provision

Policy G6 of the Core Strategy requires that residential development should provide or contribute financially towards recreational open space and formal sports provision in accordance with the standards set out in the 'Provision of Recreational Open Space in New Housing' SPD.

The SPD sets out that developments of more than ten dwellings with less than 100 bedrooms in total will not need to make provision for recreational open space on site but will be expected instead to make a financial contribution towards the provision / improvement of an area or areas of recreational open space in the locality.

The applicant initially submitted a viability appraisal in which they highlighted that the scheme is not financially able to make contributions to S106 obligations and for that reason an offer of a unilateral contribution of £5,000 was proposed along with the post submission decision to provide 4 affordable dwellings.

Following ongoing communication and negotiation between the LPA, the Applicant and their Agent through the course of the determination of this application, the Applicant has agreed to pay the full offsite Local Open Space and Outdoor Sports Provision, and this will be secured through a section 106 Agreement.

To set this out in more detail, the total number of bedrooms within the development is 31 (7 studio apartments, 8 x 1 bedroom apartments and 8 x 2 bedroom apartments).

Having regard to Local Open Space and the Council's table of charges, a contribution of £14,738.25 is required and an Outdoor Sports Provision contribution of £16,212.07 is also required.

Therefore, based on the table of charges valid from 1st February 2020, the total expected contribution for total Offsite Local Open Space and Outdoor Sports Provision would be £30,950.32.

Following correspondence with the Council's Environmental Management team, they have requested that funding for Local Open Space contributions in respect of this development proposal would be directed towards Queen's Park Play Area to improve play provision as identified within the Environmental Management Play Area Strategy. Funding for Outdoor Sports Provision from this development would be allocated to the AGP project at Heywood Sports Village or Playzones multi use games area at project in Heywood.

In this regard, given the confirmation by the Applicant, the proposed development is compliant with the requirements of policies G6 and DM2 of the adopted Rochdale Core Strategy, the Supplementary Planning Document 'Provision of Recreational Open Space in New Housing' (2008, updated January 2017) or the NPPF.

Conclusion

The application relates to a previously developed brownfield site.

The proposal itself would provide 23 no. apartments (4 of which would be available for affordable rent) in a highly sustainable location which is accessible via non-car travel modes of transport such as walking, cycling and public transport links. The provision of affordable housing in this location would assist in broadening the mix of house tenures within this sustainable urban location. Therefore, as a matter of principle, a development of this type and nature is acceptable and accords with the planning framework and wider strategies for the borough.

The proposed development would support a viable redevelopment to provide much needed affordable housing and affordable market housing provision to Heywood. It is considered that any perceived harm arising from the loss of this vacant space in this instance is outweighed by bringing the site into a residential use including through diversification of housing choice, job creation and benefits to the local economy via increased expenditure at local businesses. There is a strong link between economic growth, regeneration, and the provision of a range of residential accommodation and it is believed that the proposed development would fulfil that objective without any material harm to the character and function of the area.

As set out in this report, the form and design of the development is considered acceptable for the site given its specific context and character. Careful consideration has been given to the siting, scale and appearance of the development together with potential impacts through the construction phase on nearby residents and businesses to ensure it is high quality, sustainable and minimises any impacts.

With all of the above in mind, the proposed development is recommended for approval.

RECOMMENDATION

It is recommended that permission is **Granted** subject to a Section 106 Legal Agreement to include:

- a) £14,738.25 towards Local Open Space provision at Queens Park Play Area to improve play provision;
- b) £16,212.07 towards Outdoor Sport Provision at the AGP project at Heywood Sports Village;
- c) The submission and approval of an Affordable Housing Scheme relating to the provision of the Affordable Dwellings on site.

And upon execution of the above S106 Legal Agreement, to grant planning permission 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:

- o Location Plan, Existing and Proposed Site plans Drawing No 8435/301 Rev G
- o Proposed G/F and typical 1/F and 2/F Plans Drawing No 8435/311 Rev K
- o Proposed 3/F and Roof Plans Drawing No 8435/312 Rev M
- o Proposed Elevations Drawing No 8435/321 Rev M
- o Existing and Proposed Earl Street-scenes Drawing No 8435/322 Rev G
- o Existing and proposed Bethel Street and Taylor Street Street-scenes Drawing No 8435/323 Rev J
- o Proposed Floor Area Schedule (8 x 1B1P, 8 x 2B3P and 7 Studios)
- o Internal Daylight and Sunlight Study Dated 18.10.24 Rev 2
- o Phase 1 Preliminary Risk Assessment Reference LKC 20 2021 issued March 2021
- o Design and Access Statement Dated November 2024
- o Crime Impact Statement Reference 2006/1308/CIS/03 Version A Dated 9th April 2021
- o Residential Acoustic Survey Report no 10428 Dated 25 April 2016
- o Transport Statement Reference LB/200158/TS/01 Rev 01
- o Flood Risk Assessment and Outline Drainage Strategy Reference FRA 20 1269 dated April 2021
- o Coal Mining Risk Assessment Dated March 2021

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. 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. United Utilities may request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. The drainage scheme shall include:

- i) A restricted rate of discharge to public combined sewer of 5 l/s.
- ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in mAOD. Foul and surface water shall drain on separate systems at least to the point of discharge from the site, in accordance with Building Control Part H Drainage requirements.
- iii) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design.
- iv) Construction details for permeable paving including kerb edging and sub-base details i.e. cross-sections, if this type of paving forms part of the sustainable drainage system.

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.

4. No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;

and

- (b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: to ensure the safety and stability of the development in accordance adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to ground conditions and coal mining legacy is

available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site.

5. Prior to the occupation of the development 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 shall be submitted to the Local Planning Authority for approval in writing. 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 Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site.

6. Prior to the commencement of the development, a detailed construction management plan outlining working practices during construction shall be submitted for approval in writing by the Council, as local planning authority, which for the avoidance of doubt should include:
 - o Display of an emergency contact number;
 - o Details of Wheel Washing; - Dust Management Plan;
 - o Compound locations where relevant;
 - o Location, removal and recycling of waste;
 - o Routing strategy, vehicular access point, vehicular activity associated with construction and swept path analysis; and,
 - o Parking of construction vehicles and staff.

The development shall be carried out in accordance with the approved construction management plan.

Reason: To safeguard the amenities of nearby residents and businesses, highway safety and air quality, pursuant to policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to construction methods and details and their potential impacts on residential amenity can be considered prior to works commencing on site.

7. No development shall take place until a Phase II Intrusive site investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall 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) to form a remediation strategy for the site.

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

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

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

8. No above ground construction works shall take place until samples and/or full specification of materials to be used externally on the buildings, including detailed design of windows, doors and reveals at a scale of not less than 1:50, 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 prior to the first occupation of the development.

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

9. The development shall not be occupied until such time that the existing 'bellmouth' vehicular access to the site from Taylor Street, which will be made redundant by virtue of the proposed development, is reinstated to a full width pedestrian footway.

Reason: In the interests of highway safety, including pedestrian safety, and in accordance with Policies T2, DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10. Prior to the commencement of development, a highway and footway dilapidation survey shall be submitted to and approved in writing by the Council as Local Planning Authority which for the avoidance of doubt, should include photographs and commentary on the condition of the local highways and footways on construction vehicle routes surrounding the site.

Reason: In the interests of highway safety and to ensure the functionality of the wider highway network in accordance with the Core Strategy policy T2 and the National Planning Policy Framework.

11. The development shall not be occupied until such time that the cycle parking and refuse store as shown on approved plans is provided and made fully operational for the use of residents of the proposed development. The arrangements shall be retained thereafter in good working order for the life time for the development and the space retained for its intended purpose.

Reason: In the interests of residential amenity and highway safety and in accordance with Policies T2, DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. The development shall not be occupied until full details of the proposed green roof, have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the maintenance and management strategy of the proposed green roof, including access arrangements, as well as planting plans (including planting size, species and numbers/densities).

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

Any landscaping, including the proposed green roof that is removed, destroyed, dies or becomes severely damaged or diseased within 5 years of planting shall be replaced within the next planting season with species of a similar type to those originally planted.

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

13. The development shall not be occupied until a scheme of biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and be in place prior to the first occupation of the development hereby approved and shall thereafter be retained and maintained in situ for the lifetime of the development hereby approved.

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

14. The apartments hereby approved shall be constructed in accordance with the requirements of the submitted and approved noise impact assessment to ensure the following internal and external noise levels are achieved

- o 35dB(A) Leg (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leg 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 35dB(A) Leg (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7am and 11pm;
- o 40dB (A) Leg (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion of the development and prior to the first occupation of the apartments hereby approved, internal noise testing shall be carried out internally and the results of the tests shall be submitted to the Local Planning Authority for approval to demonstrate that the required noise limits are met.

Reason: In the interest of the amenity of the future occupiers of the apartment scheme and in accordance with DM1 of the adopted Rochdale Core Strategy.

15. No piling or any other foundation designs using penetrative methods shall take place unless a scheme for such works, that demonstrate that there is no resultant unacceptable risk to groundwater or land stability, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm land stability or groundwater resources and in the interest of the amenity of surrounding occupiers with regards to noise generation in accordance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

16. No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

Reason: In the interests of amenity and the conservation of protected species and in compliance with Policies P3, G9, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall be constructed in accordance with the recommendations contained within section 4 of the submitted Crime Impact Statement ref. 2006/1308/CIA/03 version A.

Any approved site security measures shall be retained thereafter.

Reason: In order to ensure that the development is appropriately secured from crime in the interests of providing a safe, secure and accessible community in accordance with policy DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.