

APPLICATION NUMBER: 24/00833/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00833/FUL	Nick Brookman	11 th July 2025

DETERMINATION DATE (EXTENSION OF TIME)

11th July 2025

Address: Springbank Kennels, Birch Hill Lane, Wardle, Rochdale, OL12 9LX

Proposal: Part demolition, conversion and extension of former kennels and cattery into 5no' dwellings and construction of detached dwelling. Engineering works including excavation of ground levels and depositing of material, construction of retaining wall and diversion of footpath (part retrospective)

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?	Y

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

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RK

DATE: 11/07/2025

SITE

The application site is the site of a former boarding kennels and cattery that is located within the Green Belt off Birch Hill Lane in Wardle. The site area is approximately 0.24 hectares and the kennels were situated within an L-shaped single storey building that is located towards the west side of the site and on which development subject to this application includes, the construction of a new roof, raising the roof ridge and eaves as well as other associated works, which have unlawfully commenced.

The application site has also been developed in the recent past with the erection of a single dwellinghouse that is sited in approximately the same location as a former pigeon cote. It is noted that planning permission for the erection of this single dwelling was approved on this site in 2019 (application 18/00674/FUL). The dwelling on site is however currently unoccupied but its construction is unlawful as it does not comply with the planning permission (further detail provided in this report). The regularisation of this dwelling comprises part of the current planning application.

As a kennels, the land around the site comprised a gravel hardstanding that was on a slight incline sloping up towards the south. The gravel areas provided an unmarked parking area and were also used for the storage of various items including a bronze sculpture of a horse, a construction vehicle and trailers and a traditional style timber caravan. This land has since been cleared and it appears to be now used for the storage of construction materials and machinery. There are also a number of steel storage containers on site.

It is also clear that land around the site has been excavated and levelled significantly and photographs of this are included within this report. The hillside on the south and south east of the site has been excavated, vegetation has been cleared and a stone basket gabion wall has been constructed to act as a retaining wall adjacent to the access road into the site. This development is also unlawful.

The site is surrounded by agricultural grazing land and the nearest residential property to the site is 1-2 Woodend Lane, which is the current residence of the applicant. The site is located approximately 125m from Shaftesbury Drive and the main residential development around the settlement of Wardle.

The site was previously subject to application 21/00984/FUL which was withdrawn before it would have been recommended for refusal.

Applications 23/00103/FUL and 23/00309/FUL have both since been submitted but these were both returned to the applicant owing to the inability to register and validate the applications accordingly.

PROPOSAL

The application which is part retrospective seeks planning permission for the part demolition, conversion and extension of the former kennels and cattery into 5no' dwellings and the construction of a detached sixth dwelling. The application also seeks planning permission for the engineering works including excavation of ground levels and depositing of material, construction of retaining wall and diversion of footpath.

A significant amount of works have already been undertaken and the purpose of this application is an attempt to try and regularise these works and achieve consent to carry out the remaining works before bringing the site into residential use.

Works to the former kennels and cattery building comprise knocking down a large section of the building to facilitate the proposed development which would result in the front, (southern) most resulting becoming 4 dwellinghouses and the rear (northern) most building becoming a detached dwelling. The remaining 6th dwelling (most eastern building) is the building previously subject to application 18/00674/FUL as alluded to above.

The proposed conversion works also propose alterations to the fenestration of the buildings including the addition of new windows and doors and an alteration in the style of a more domesticated design.

For each resulting building a new roof is proposed and this would increase the eaves height from approximately 2.37 to 2.74 and the ridge height from approximately 5.35 to 6.37. There are no obvious increases proposed to the footprint of the buildings to be converted.

The buildings are proposed to be faced in natural coursed stone (most of these works have already taken place) with sawn stone surrounds used for the windows and doors, which are proposed as woodgrain upvc. The roof is proposed to be faced with natural blue slate.

Internally, the proposed dwellings would be set out over two floors. To the ground floor each property would be provided with a lounge and a dining kitchen and a WC. The first floor accommodation would be set in the roof space and each property would be provided with two bedrooms and a family bathroom.

The five dwellings in the converted kennel buildings would each be provided with private gardens and two off street parking spaces.

The sixth dwelling is proposed as the existing detached property. This dwelling is proposed as similar, but not identical to that approved under application 18/00674/FUL. It is noted that element of the application has already been constructed. The differences between the approved scheme and the development constructed is discussed in the succeeding sections.

The dwelling would cover a floor area of 14.26m by 6.04m with a porch to its front elevation which would have a depth of 1.62m and width of 3.0m. The dwelling would have an eaves height of 2.68m and a ridge height of 5.82m. Internally the dwelling would be provided with a lounge, kitchen/diner, hall, WC, porch and store cupboard to the ground floor. First floor accommodation would be provided in the roof space and this would comprise two bedrooms and a bathroom.

Habitable room windows are provided to all four elevations of the property. The first floor bedrooms would be served by roof lights and first floor windows to the gable ends. The buildings are proposed to be faced in natural coursed stone with sawn stone surrounds used for the windows and doors, which are proposed as woodgrain upvc. The roof is proposed to be faced with natural blue slate.

The property would be provided with two off street parking spaces and a private garden.

Overall, the notable difference between this application and the previous submission accompanying application 21/00984/FUL is that the scheme now before the Council

has been reduced from 7 to 6 dwellings in an attempt to address previous openness and volume concerns.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) 2024
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-S2 Carbon and Energy
JP-S4 Flood Risk and the Water Environment
JP-H1 Scale, Distribution and Phasing of New Housing Development
JP-G1 Landscape Character
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-G9 The Green Belt
JP-P1 Sustainable Places

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

SO4 Promoting a greener environment

G1 Tackling and adapting to climate change
G2 Energy and new development
G4 Protecting Green Belt
G7 Increasing the value of biodiversity and geodiversity
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

DM1 General Development Requirements

Unitary Development Plan (UDP):

G/D/2 – Green Belt

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

23/00309/FUL - Part demolition and conversion of former kennels and cattery into 5no' two bedroom dwellings including engineering works comprising excavating and depositing of material and erection of retaining wall (part retrospective) – Application Returned.

23/00103/FUL - Demolition of existing pigeon cote and decking and erection of detached dwellinghouse and engineering works comprising excavating and depositing of material and erection of retaining wall (part retrospective) – Application Returned.

PREAPP/00139/21 - Partial demolition and conversion of the existing kennels and cattery into five dwellings, including removal of existing roofs and construction of new roofs together with the construction of a detached dwelling - part retrospective.

21/00984/FUL - Demolition of existing pigeon cote and decking and erection of detached dwellinghouse and engineering works comprising excavating and depositing of material and erection of retaining wall (part retrospective). Application Withdrawn 14 September 2021.

18/00674/FUL - Demolition of existing pigeon cote and decking and erection of detached dwelling house for use in association with existing kennels and cattery. Application Approved 2 April 2019.

Before making a thorough assessment on the application now before the Council to determine it's imperative to set out the planning history of the site in detail.

Firstly, turning to the currently unauthorised development.

Unauthorised Development

It is understood that the kennels and cattery closed in early 2020 following the outbreak of the Covid19 pandemic. No specific dates for the kennels closure have been provided to the Council previously and it is not clear when the decision was made that the closure would be permanent.

The pre-application enquiry submitted in 2021 stated that development of the detached dwelling approved under application 18/00674/FUL commenced in May 2020. At that time, it was stated that the applicant realised that the natural stone and slate external materials requested were visually preferable to the render finish and concrete tiles of the existing kennels and cattery. As such, the applicant decided to use the period of covid lockdown to improve the appearance of the existing buildings by replacing the render with a natural stone outer skin facing. It is stated that it then became apparent that the business would not be able to continue and the applicant decided to proceed with the removal of the roofs in anticipation of the planning application for change of use into dwellings.

Planning enforcement were notified of the unauthorised development in May 2021. Officers visited site and verbally advised the applicant to cease works. The advice to stop work was followed up in an email to the applicant's agent on the 28th May 2021.

A planning application was subsequently submitted and Officers visited the site in July 2021 and further verbally advised the applicant to stop development.

Following this site visit, it was clear that significant unauthorised development had taken place. This comprised, but is not necessarily limited to; change of use of land and engineering operations to extend the area of the site and reduce levels; the depositing of material (taken from the site) to change levels to the east of the site; the erection of a detached dwelling (not yet occupied) that is not in accordance with planning permission 18/00674/FUL; the commencement of works to convert the former kennels/cattery buildings to dwellings including the extending the height of part of the development through the erection of a new roof, alterations to fenestration and facing of the buildings with stone.

The Detached Dwelling

Planning permission for the demolition of a pigeon cote and erection of a detached house for use in association with the kennels and cattery (application 18/00674/FUL) was approved on the 2nd April 2019. This permission was subject to the following occupancy condition:

The occupation of the dwelling house hereby permitted shall be limited to a person solely or primarily employed in the management of the adjacent kennels business (currently known as Springbank Kennels), together with any partner and/or dependent/s of such a person.

Reason: The dwelling house represents inappropriate development in the Green Belt. The dwelling house is justified on the basis that very special circumstances exist for a dwelling house on the site to support the operations of the kennels and it is necessary to restrict the occupation of the dwelling to that purpose in the interests of protecting the Green Belt and in the interests of amenity given the nature of the business, in accordance with policies DM1 and G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

The kennels and cattery are no longer operating and given the unauthorised development that has taken place, it is clear that the former kennels and cattery use could not lawfully recommence. Within this context, the dwelling cannot now be lawfully occupied.

Information submitted with the previous planning application (21/00984/FUL) stated that *“the siting of the detached dwelling was established under the previous planning approval”, and “The erection of the detached dwelling has already been established under the previous planning approval and there will therefore be no greater impact on the openness of the Green Belt in this respect”.*

Planning application 18/00674/FUL was only approved on a case of very special circumstances associated with the kennels. These very special circumstances no longer exist and as such it is considered that the erection of a dwelling on the site has not already been accepted and therefore, this particular element of any future application must be considered on its own merits, that being the erection of a new dwelling in the Green Belt.

It must also be noted that Officers have previously advised the applicant that the dwelling as built on site is not in accordance with the approved plans. The fenestration of the building is different and it is also slightly larger in floor area. Pre-application PREAPP/000139/21 confirmed previously that the width, depth eaves height, ridge height and porch dimensions were all larger than the approved dimensions.

Application 18/00674/FUL	Plans subject to Pre-Application and this application
Width – 13.9m Depth – 5.8m Eaves Height – 2.65m Ridge Height – 4.75m Porch Dimensions – 1.35m x 2.24m Porch Eaves – 2.39m Porch Ridge – 3.22m	Width – 14.26m Depth – 6.04m Eaves Height – 2.68m Ridge Height – 5.82m Porch Dimensions – 1.62m x 3m Porch Eaves – 3.22m Porch Ridge – 4.51m

Other works

In addition to the above, as advised under PREAPP/00139/21, the proposed site layout and appropriate access to it has only been made possible through the unauthorised extension of the southern boundary of the site into the Green Belt which is significant.

As shown by photographs provided further into this report, the southern boundary of the site has been extended by the unlawful excavation of the countryside and creation of banking in this location. Levels have been reduced and a substantial retaining boundary wall has been constructed. The justification for these unauthorised and inappropriate works to facilitate is not understood other than to facilitate what is now before the Council. The encroachment into the Green Belt to facilitate a wider access is visibly shown by the difference between the submitted 'Original Site Plan' drawing and the 'Proposed Site Plan' drawing which are discussed in more detail within the assessment section of this report.

The applicant was made aware under PREAPP/00139/21 that the Council would not support these engineering operations in the Green Belt as they do not preserve its openness.

The above works have also interfered with Definitive Public Right of Way Fp22.

The purpose of this application is to now regularise the above matters.

CONSULTATION RESPONSES

Highways and Engineering

Highways advised that access to the site is along a narrow unadopted highway. Highways would expect significant damage to the unadopted highways and would require a dilapidation survey is undertaken before any construction or demolition works commence. Any additional damage to the highway would need remedial works upon completion. The access is however suitable for this development traffic volume and type.

The parking arrangement is suitable for this proposal.

Although the route is narrow it is low trafficked and emergency services should not struggle with to access this site should they require.

No new highways are proposed as a result of this proposal and the highways department would not adopt the site.

Highways also required confirmation from the council's Waste Services team that they were able to collect refuse from the proposed development site and this confirmation has been provided and is set out below.

Accordingly, Highways have no objection subject to condition.

Waste Services

This location would be serviced by one of our smaller rural vehicles due to the restricted access. It is possibly worth noting that we will not be held responsible for any damage to existing access/egress road surfaces or structures. Previously we have serviced converted properties then received insurance claims for movement of dry stone walls, gate posts, and damage to the road surface etc.

The rural vehicles are 12 and 19 tonne gross weight so significantly heavier than a standard motor vehicle, due to inclement wet weather over time the rear twin axles can create "ruts" if the surface isn't sufficiently load bearing.

Any overhanging vegetation would need to be cut back and maintained to allow for safe passage.

If we experience any of the above or there is a significant deterioration of access to the property which we feel could cause unwanted damage to the vehicle or becomes unsafe for our staff then we would have no other option than to implement a collection point which could result in resident having to present containers at an agreed location on their scheduled day of collection.

Greater Manchester Ecology Unit (GMEU)

The application is accompanied by a bat and bird survey report (Echo Calls Bat Surveys, 19/07/2018). Based on the submitted information, GMEU have the following comments:

As you are aware, the bat and bird survey report was produced in July 2018 following the surveys, to inform the planning application to demolish the pigeon cote and replace with one dwelling (18/00674/FUL). The application was granted and works appear to have been carried out. No such assessment appears to have been undertaken on the existing kennel/cattery buildings on the west side of the site.

It is unclear exactly what work has taken place as part of this retrospective application (24/00833/FUL). The design and access statement implies that the rendering on the existing buildings (which were not surveyed for bats/birds prior to works), was replaced and that roofs have also been removed. This could have impacted a bat roost, if present.

GMEU would usually expect a Preliminary Roost Assessment (PRA) to be undertaken on buildings prior to works taking place (particularly involving loft spaces/roofs) to assess their suitability for roosting bats and to inform if further surveys are required. As bats are a protected species, they are a material consideration for planning applications and if there is a reasonable likelihood of them being present and impacted on, then robust assessments must be carried out to identify whether bat roosts might be impacted by the works. Additionally, from a review of GMEU's internal database, there are quite a few bat records within 2km of the site and the site is located in a relatively rural location with suitable bat foraging habitat surrounding the site, so bats may well be present in the locality.

Given that this is a retrospective application, we can only provide advice based on professional judgement and best practice guidance for bats. We cannot recommend that a retrospective bat assessment takes place as a roost may have been impacted already, unless parts of the roofs have not yet been impacted.

Given the comments above, our advice would be that all works going forward are under a Reasonable Avoidance Measures (RAMs) document which should detail bat legislation and what to do if a bat is found (works to cease and an ecologist contacted). Additionally, securing a minimum of four bat boxes onto the dwellings when the development has finished, would provide compensation for any roosting bats which could have been displaced by the works. Soft landscaping including flowering species would also increase the opportunities for invertebrates which in turn may increase availability of prey for bats.

Biodiversity Net Gain (BNG) - as the application is retrospective, a BNG assessment is not required.

Public Rights of Way Officer

The Council's Public Right of Way Officer set out that their main concern relates to the potential damage to definitive footpath WarFp22 which runs through the site.

The Officer has stated that the route of this footpath does not appear to have been accommodated within the development and therefore the applicant has chosen not to acknowledge its existence nor allow the general public to have continued access.

The Officer has requested that they would like the applicant to identify how they intend to protect the right of way and confirm how the rights of the general public are to be provided without difficulty, without permission and as of right.

They also need confirmation whether there are existing structures along the route and whether they intend to provide additional structures (bearing in mind, to comply with the Equality Act, new stiles are no longer acceptable), provide a suitable surface for the right of way with the agreement of the Rights of Way Officer.

The Public Right of Way has also been illegally diverted and needs regularising.

The Coal Authority

The Coal Authority have no objection subject to conditions.

Lead Local Flood Authority

No comments received.

Strategic Planning

No comments received.

REPRESENTATIONS

The application was publicised by sending letters to nearby neighbours on the 17th January 2025 and a general site notice was posted on 16th January 2025. A second notice publicising that the application would affect a Public Right of Way was posted on 19th June 2025.

No objections were received but a comment of support was received.

This comment noted that the site has transitioned from a tardy looking industrial building, being very noisy due to its purpose, to now, a pleasing and rather aesthetic site conducive to the surroundings of the immediate area. As a brownfield site the dwellings will make a pleasant change to the area.

A further letter of support was received with a petition including 120 signatures all of which support the proposed redevelopment of the site.

The Wardle Society also wrote in support of the planning application. The Wardle Society set out that... *"Regarding this planning application we have received no complaints or issues regarding this development. In fact, we have received many voices claiming how nice the site looks and how the buildings blend in with the surrounding environment. Whilst we realise that Mr Bennett has entered this project without the necessary planning permissions, the Society would not normally give their support to a project. However, in this instance we feel that, as we have not received any complaints from the local community only good comments, we feel justified in informing the planning committee of this support. At our meeting held on the 6th of February we discussed the issue and it was agreed that the Society send this letter as a support for Mr Bennetts planning application"*.

The application was originally referred to the Planning and Licensing Committee in accordance with the scheme of delegation, following a call-in request from Councillor Dearnley on behalf of all Wardle Shore and West Littleborough Councillors which includes Councillor Branton and Councillor Taylor. The call-in request was made on the foundation that the site is the re-development of a brownfield site within the Green Belt.

However, the proposed call-in request has been withdrawn on the basis that the application is to be recommended for approval and is therefore returned to be determined under Officer Delegated Powers.

Pennine Planning Panel supports the application.

ANALYSIS

Principle of Development

Policy Position

Inappropriate Development

The majority of the application site is previously developed land located within the Green Belt as allocated under the Rochdale Unitary Development Plan Proposals Map G/D/2. The National Planning Policy Framework, states that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence'*.

At the local level, PfE Policy JP-G9 which has superseded Core Strategy Policy (G4) sets out that *'the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to*

deliver environmental and social benefits for our residents and providing the high-quality green spaces that will support economic growth'.

The southern area of the application site where works to excavate the hillside and retain the banking to facilitate a widened access into the site is greenfield land.

Paragraph 153 of the NPPF requires that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt including harm to its openness. 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.*

The NPPF however was recently revised in December 2024 and was modified with a footnote tied to Paragraph 153 which sets out that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt including harm to its openness'*, (other than in the case of development on previously developed land or grey belt land, where development is not inappropriate).

The application in this instance is retrospective and seeks planning permission for the part demolition, conversion and extension of former kennels and cattery into 5no' dwellings and the construction of a detached dwelling. Permission is also sought for engineering works including the excavation of ground levels and depositing of material, construction of retaining wall and diversion of footpath (part retrospective).

Paragraph 154 of the NPPF sets out that *'Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

- iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

The recent NPPF revision in December 2024 has also introduced additional forms of development that should also not be regarded as inappropriate and these fall under Paragraph 155 of the NPPF which relates to the development of homes, commercial and other development in the Green Belt where:

- ☐ *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- ☐ *There is demonstrable unmet need for the type of development proposed;*
- ☐ *The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this Framework; and*
- ☐ *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

Whilst the development is assessed as a whole, there are different elements of the proposed development that need to be assessed individually before coming to an overall conclusion.

Detached dwelling approved under application 18/00674/FUL – Plot 6

The erection of the detached dwelling is a unique case. It is clear that in the consideration of application 18/00674/FUL, the proposal comprised inappropriate development in the Green Belt, which is harmful by definition. It was also considered that the development would harm the openness of the Green Belt. The NPPF directs LPAs to ensure that substantial weight is afforded to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

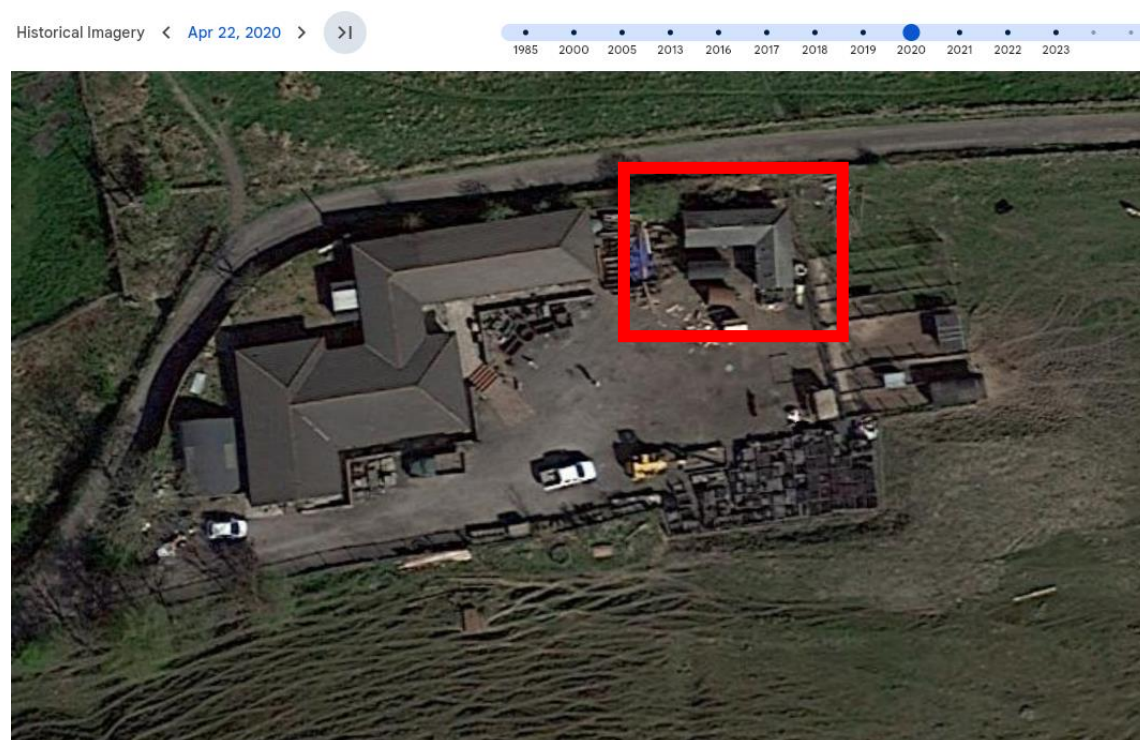
However, it was accepted under the determination of application 18/00674/FUL that very special circumstances existed to outweigh the harm through inappropriateness and loss of openness. These comprised the need for onsite accommodation to provide 24 hour security for the wellbeing and welfare of animals and the benefits of removing the pigeon cote. The application was subsequently approved with a condition that limited the occupation of the dwelling to a person solely or primarily employed in the management of the kennels business. Application 18/00674/FUL was only approved on this basis because of the very special circumstances associated with the kennels. A dwelling has been erected on site but is in breach of planning control for the reasons set out earlier in this report. The current application seeks retrospective planning permission for the detached dwelling as built.

The case for very special circumstances associated with the required security for the kennels no longer exists as the kennels have closed. This position was set out to the applicant within the pre-Application advice letter issued on the 14th December 2021 under PREAPP/00139/21.

The applicant has set out within the supporting statement for this planning application again that *"The erection of the detached dwelling has already been established under the previous planning approval and there will therefore be no greater impact on the openness of the Green Belt in this respect"*. However, the

development has not been constructed in accordance with the approved plans and nor has it been occupied as required through condition. The proposed dwelling falls to be assessed on its own merits and as part of the wider proposed scheme. In this regard, it is accepted that the previous decision is a material consideration.

Furthermore, the applicant's agent advised that the construction of the detached dwelling commenced prior to Covid lockdown which precipitated the closure of the kennels and cattery when it became apparent that the business would not continue. Therefore, the applicants agent is implying that the construction of the dwelling was in effect lawfully implemented with the intention of it being lawfully occupied in accordance with the occupation condition. However, the UK officially entered Covid lockdown on 23rd March 2020 but Google Earth quite clearly demonstrates that construction of the detached dwelling had not taken place by 22 April 2020 a month after lockdown was initiated.



Notwithstanding the above, considering the acceptability of the detached dwelling as proposed, the development does not fall within or benefit from any exceptions as identified in the NPPF under Paragraph 154 and it would therefore be harmful by definition. In addition, the dwelling has unfortunately been built to be slightly larger than previously approved. But, the increase in dimensions is exceptionally minor in their totality. Officers have assessed that this increase would not have a greater impact on the Green Belt openness compared with the as approved dwelling. In this site-specific circumstance, taking this factor into account along with the fact that the development is now built, Officers consider that in any other case, paragraph 154(c) could apply insofar as the development being an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Officers have also considered that if the Kennels and Cattery were still in operation beyond Covid and the business closed down many years after, the occupancy condition attached to application 18/00674/FUL is flawed and any future occupier would be penalised in perpetuity given the wording of the condition insofar as it is materially related to the Kennels and Cattery. By virtue of the wording, the detached dwelling could never be lawfully occupied if the business was closed down. This

condition placed unjustifiable and disproportionate burdens on the applicant and any occupier failing the test of reasonableness as it could have impacted upon the deliverability of the development as a whole. The condition does not conform to the 6 tests in this regard and Officers have now considered that this condition fails to meet the rigorous application of the 6 tests. It should not have been applied to application 18/00674/FUL.

In this very unique and site-specific circumstance, whilst by definition the detached dwelling would be inappropriate development, for reasons explained above and the current position of the existing development and application before the Council, the detached dwelling is now accepted in principle.

Proposed conversion works - Plots 1-5

The application site is previously developed land. Exceptions c) and g) of paragraph 154 of the NPPF set out that redevelopment of existing sites and buildings for residential use can be supported save for any such development, subject to specific limitations. The recent update to the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless (c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and (g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the green belt.

It is noted that the proposal includes the partial demolition of the existing kennel building so as to reduce the footprint of development on the site. However, it is also noted that the proposals include other alterations to the buildings which propose to increase their overall volume and which comprises a reduction in ground levels to the front of the elevations and an increase in the eaves and ridge heights of the buildings. These circumstances are part of the works that have already been undertaken.

For example, the ridge height to the south elevation has increased from approximately 5.3m to 6.4m and the eaves height has increased from approximately 2.5m to 3.0m. The applicant was advised on the impact of the increase in volume under PREAPP/00139/21 insofar as that the proposed increase in height of the buildings is not supported by Green Belt policy given the adverse impact on openness. However, on review, the recent NPPF update has clearly removed reference to the “substantial weight” clause that should be applied to any harm to the Green Belt providing the development is not inappropriate under footnote 55. However, this does not necessarily entirely remove the application of “any weight” at all to such development.

Nevertheless, the increase in height of approximately 1m across the bulk of the existing buildings proposed to be converted is not excessive and would in the opinion of Officers constitute a proportionate addition over and above the size of the original buildings when assessed as a whole. Taking this factor into account, along with the location of the application site in this relatively enclosed setting, the proposed development is not considered to cause substantial harm the openness of the Green

Belt and not would it represent a disproportionate addition over and above the size of the original building.

Accordingly, with specific regards to the proposed conversion works and plots 1-5, the development would benefit from exception (c) and (g) of NPPF Paragraph 154.

Other operational development

The operational development comprising the excavation of the hillside and construction of a gabion basket retaining wall to facilitate a wider access into the site to assist vehicle access, egress and manoeuvring has encroached into the countryside outside the scope of the former Kennels and Cattery site.

In assessing the proposed development against the exceptions referred to above in Paragraph 154 of the NPPF, Officers consider that the proposed development would fall under exception (h) with reference to sub section ii (engineering operations) and v (material changes of use of land) provided that the form of development proposed preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposed development and the impact of it on the openness of the Green Belt in this location is assessed in the succeeding section.

Impact on Openness

Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

“Openness”, for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development. The term “openness”, comprises a spatial and visual component which should be assessed in considering whether a proposal preserves the openness of the Green Belt.

Planning Practice Guidance provides further advice on what factors can be taken into account when considering the potential impact of development on openness. This guidance clarifies that assessing this impact requires a judgment based on the circumstances of the case in question. Furthermore, the guidance gives a number of examples where the courts have identified a number of matters which might need to be taken into account in making the assessment. In summary these include, but are not limited to:

- Openness is capable of having both spatial and visual aspects;
- The duration of the development, and its irremediability;
- The degree of activity likely to be generated, such as traffic generation or use of the land by future occupiers.

As alluded to above, openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for example.

Aside from the proposed conversion works and regularisation of the detached dwelling, the proposal in this instance also seeks retrospective planning permission for the engineering operations that have taken place for the excavation works to the hillside and the construction of the retaining wall adjacent to the sites access road.

The land and application site has always been a relatively unremarkable piece of brownfield and greenfield land which is reasonably concealed being nestled in a small valley, positioned away from the nearby Wardle settlement.



As shown by the photographs above, in the context of how openness and Green Belt Policy should be attributed to development proposals, the application site is not considered to be a site that would be considered to be 'open' given the surrounding enclosed environment, the topography of the site and the predominantly brownfield nature of the application site. In summation, the visual sensitivity of the application site within the landscape and appreciation of the local surrounding environment is significantly limited.

The application site is currently fenced off to the front and is significantly screened from the existing built development and the steep banking of the hillside in the south. Therefore, in this particular instance, it is important to recognise that owing to the existing built environment and hillside immediately adjacent to the application site, it is accepted by Officers that the application site when viewed in conjunction with the surrounding environment would not diminish its impact on the overall landscape.

In assessing the spatial harm caused by the proposed development on the Green Belt openness, it is important to recognise that the absence of any significant visual intrusion does not in itself mean that there is no impact on openness

Both visually and spatially, the removal of earth to level the land for parking and an improved access would improve the openness of the site and lastingly create a more open environment in this location. The addition of the retaining wall is set against an existing banking and hillside and therefore visually and spatially, it does not alter the openness of the Green Belt in this location owing to the existing land levels and topography of the site.

Accordingly, the retaining wall does preserve the openness of the Green Belt and it is now important to consider the impact of the proposal on the purposes that land within the Green Belt should serve.

Paragraph 143 of the NPPF sets out that Green Belt Serves the following five purposes:

- a. To check the unrestricted sprawl of large built-up areas;
- b. To prevent neighbouring towns merging into one another;
- c. To assist in safeguarding the countryside from encroachment;
- d. To reserve the setting and special character of historic towns; and
- e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A) To check the unrestricted sprawl of large built-up areas

The site comprises a small unremarkable area of land which sits in between the existing built development and the adjacent hillside. The site is therefore contained by urbanising development and its natural environment. The site does not have a significant sense of openness about it and the proposed development would not alter the visual or spatial aspects of openness in this location.

The development applied for is not significant enough in size or in context to contribute towards what could be considered to constitute a sprawl of a large built-up area and it would not conflict with this purpose.

B) To prevent neighbouring towns merging into one another.

The development and application site involved with this application serves no purpose in preventing neighbouring towns merging and as such it would not conflict with this purpose.

C) To assist in safeguarding the countryside from encroachment

The application site does not have a strong distinction with the surrounding countryside or Green Belt. It is small, concealed and unremarkable. The development would not result in what could be considered a physical encroachment into the countryside given the surrounding site context and development proposed in this location.

D) To preserve the setting and special character of historic towns

The application site does not abut an identified historic settlement and does not have a physical or visual relationship to the setting or significance of an historic town. The proposed development would not conflict with this purpose.

E) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The application site does not conflict with this purpose as it does not assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Openness Conclusion

The proposed conversion works and construction of the retaining wall are not considered to be inappropriate development within the Green Belt and these elements of the application would benefit from exceptions as identified above.

The principle of the detached dwelling has been established above.

The proposal as a whole would not conflict with any of the five purposes that Green Belts serve.

In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for example. Officers have therefore considered the proposal having regard to its individual merits, including its location, scale and form and the site context and overall the development would preserve the openness of the Green Belt.

Consequently, the development would not compromise either the spatial or visual aspects of the openness.

The development is acceptable in principle and the proposal therefore accords with Policy JP-G9 of the PfE and the National Planning Policy Framework.

Sustainability of the Site's Location

Places for Everyone establishes the need for at least 616 net additional dwellings per year in Rochdale to meet the housing needs of the borough.

The application site lies in a semi-sustainable location to the east of Wardle Village. Core Strategy Policy C1 is focused on ensuring that new housing is provided on sites that are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport. This application site is 0.6km from the village centre of Wardle where there is access to a convenience store, library, take away, dental practice and public house. Public transport links are also available on Birch Road with frequent links into Littleborough where additional public transport systems can be accessed.

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 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 6 residential dwellings in a sustainable location and the proposed dwellings created would assist the Borough in meeting its housing requirements with the proposed development.

OTHER CONSIDERATIONS

Paragraph 153 of the NPPF requires analysis of other considerations in the planning balance and these are set out below.

Design and visual amenity

The NPPF is unambiguous in its stance on the importance of design.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places 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. Policy P2 states that the Council will protect and enhance the Borough's character, including the quality of its countryside. New development is required to integrate successfully.

The test for development proposals is therefore not whether they avoid bad design, but that they are achieving good design as contained in the National Design Guide (NDG) and National Model Design Code (NMDC) as well as relevant local plan policies.

In terms of design CS Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals 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.

Firstly, in assessing the unauthorised works and operational development to excavate and retain the banking to the south of the driveway, it is recognised that a former site access was already available in this location. The justification for these unauthorised works as provided with the application is that allegedly, the general level of the land originally had quite a steep fall from south to north which resulted on numerous occasions with the kennels and cattery suffering from flooding as the rainfall ran down the hillside. During heavy rainfall soil from the hillside would be washed down onto the site. It was therefore considered beneficial to reduce the gradient of the land to help to overcome the potential flooding to the new houses and to provide a more satisfactory vehicular access. By doing so it required a retaining structure to be constructed, and it was determined that a stone gabion basket wall would require simpler foundations than a traditional stone faced concrete reinforced wall and would also be visually sympathetic in its rural setting. The original boundary comprised a steel palisade fence which had a very industrial appearance. In order to provide the access way with the necessary reversing area behind the car parking spaces and to create a suitable turning head for any larger delivery vans and the like the wall was positioned approximately 1 metre southwards from the original fence line.

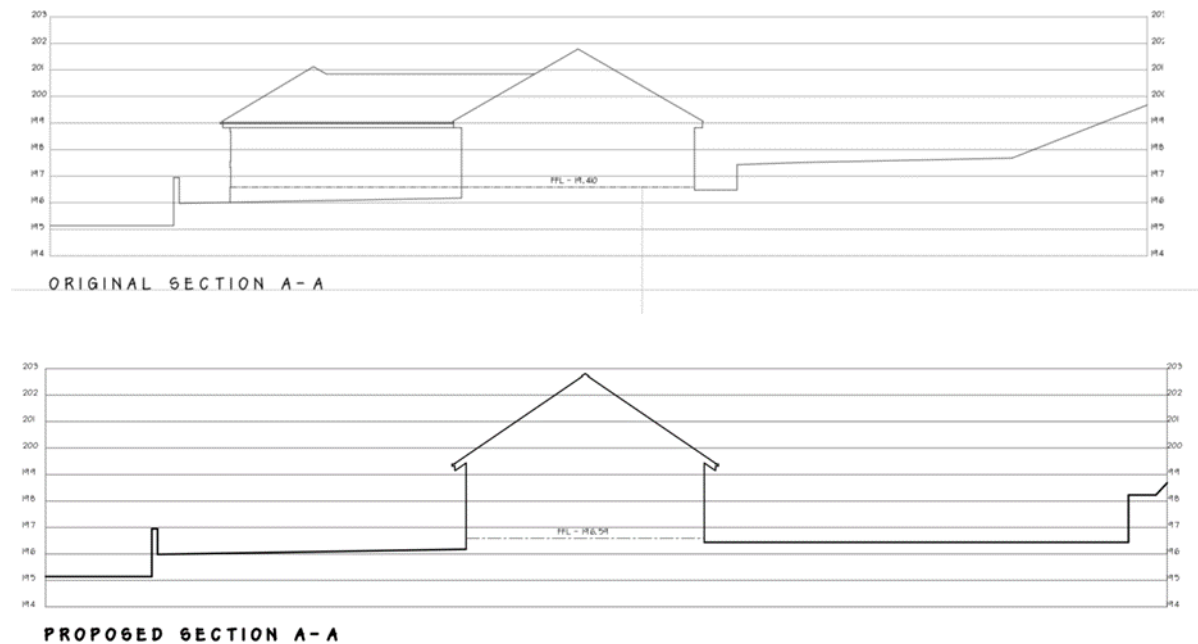
The below photographs illustrate the before and after effects of these unlawful works. The first photograph below was taken in September 2018.







Extracts taken from the submitted site section drawings of the Original Site Plan and Proposed Site Plan are provided below.



In assessing the above photographs and proposed section drawing, it is clear how much of the banking has been excavated and retained to the right hand side of the buildings (south side of the application site) to facilitate the development and the widened access driveway. Whilst no evidence has been provided in support of the applicants claim regarding the alleged flooding, from a design perspective, as shown by the last photograph above, the proposed retaining wall does assimilate acceptably in this location and its design is acceptable.

In terms of plot specific design considerations, the use of natural coursed stone and sawn stone surroundings, woodgrain pvcu windows and natural slate is appropriate

in this location. Ultimately, it is considered that the design of the dwellings has taken inspiration from the more traditional forms of development in this area and this style and form of development would significantly improve the design and overall aesthetics of the site compared to the former appearance of the kennels and pigeon cote development. Significantly, the development proposal will replace an unmanaged and unkempt site which currently does not enhance the significance and setting of the environment. The design approach demonstrates that the proposed development will improve the impact of the site within this Green Belt location.

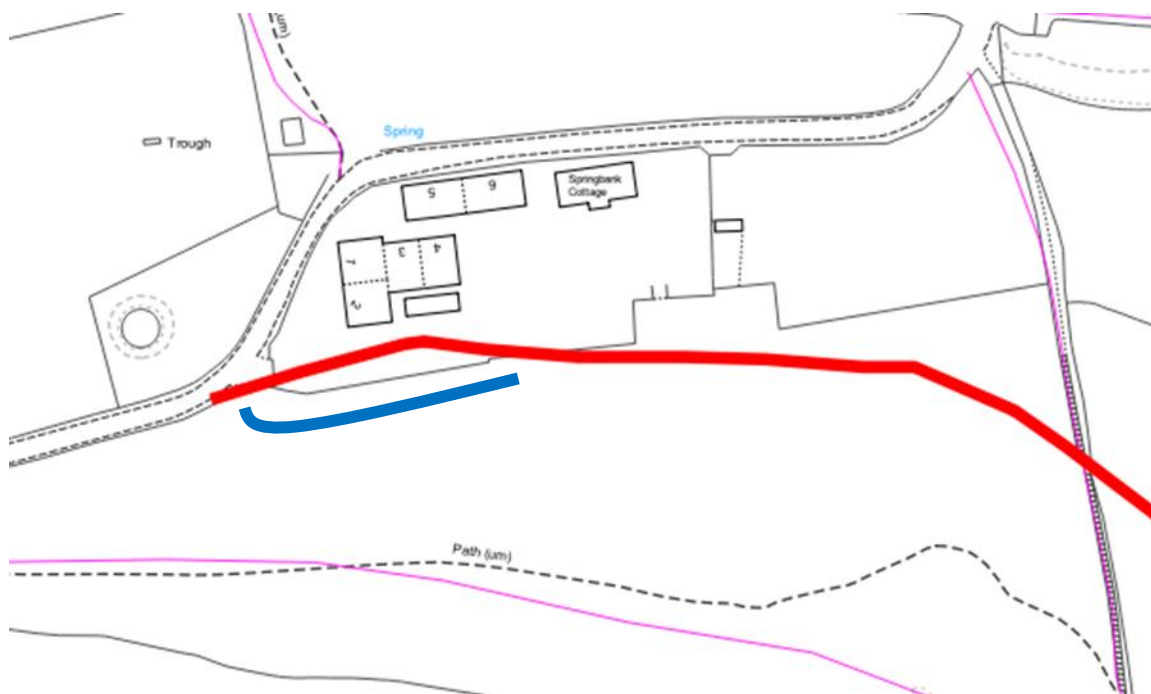
With regards to soft landscaping, the application is accompanied by a significantly detailed landscape plan and associated specification. Given that the site is predominantly a previously developed site and there is little biodiversity value on the site, as well as the fact that the site is exempt from statutory Biodiversity Net Gain in this instance as confirmed by GMEU below, it is considered by Officers that the proposed landscaping is acceptable.

Overall, the high quality design of the proposed dwellings and works undertaken to date results in a scheme that supports and emphasises the local vernacular and the proposed materials palette harmonises with the local built environment ensuring that the proposed development integrates seamlessly into the setting and streetscape.

The proposal is considered to be acceptable, and in accordance with Policy JP-P1 of the PfE Joint Development Plan, policies DM1 and P1 and P3 of the Rochdale Core Strategy and policies contained within the NPPF.

Public Rights of Way

Definitive Public Right of Way WarFp22 passes directly through the site as shown by the bold red line below.



The existing Public Right of Way has been diverted illegally and it is no longer accessible along the red line through the application site above. The Public Right of Way has now been diverted through the introduction of a new stile provided outside

of the application site immediately in front of the access gates. The diverted Public Right of Way follows the blue line above where it is accessed in the west before moving east to join the legally acclaimed location of the Public Right of Way.

The Council's Public Rights of Way team were consulted on this application and they have set out that the Public Right of Way has been illegally diverted and this should be resolved through the appropriate channels.

The granting of this application does not guarantee the acceptability of the diverted Public Right of Way and nor does this decision legally grant its diversion. The applicant is reminded that they will need to resolve this directly through the relevant legislation outside the scope of Planning.

Residential Amenity (Occupier and Neighbouring)

External Amenity

Paragraph 135 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is 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 / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Additionally, Policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

The Council's Guidelines and Standards for Residential Development SPD refers to Space Standards at Section 4.1, and states the following: *'The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:*

- 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 (Figure 2);*
- 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);*
- 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room (Figure 4).'*

The applicant was advised under PREAPP/00139/21 that the proposed layout plans would provide sufficient space around and between the proposed dwellings to ensure that there would be no harmful overlooking between the individual properties by plot to plot.

However, it was also advised under PREAPP/00139/21 that the layout of the proposed curtilages would not be acceptable. Notably, the curtilage of plot 1 would be unacceptably overlooked by plot 2 and the access to plot 2, which would run adjacent to the garden of plot 1, would also not be acceptable. This access would cause further privacy and amenity issues for the residents of plot 1 and would unacceptably isolate the residents of plot 2 from their proposed off street parking provision. It is likely that this could only be resolved through the provision of an appropriate boundary treatment alongside the path leading to plot 2 and bounding

plot 1 that would need to be of a sufficient height to prevent harmful overlooking from neighbouring residents. Furthermore, it was also considered that plots 5 and 6 would not be afforded sufficient privacy to their private amenity space, due to its location to the front of the properties. It is likely that this could only be resolved through the provision of a boundary treatment that would need to be of a sufficient enough height to prevent harmful overlooking from neighbouring residents.

Officers consider that through the implementation of an appropriate hard landscaping boundary treatment plan along with the imposition of suitable soft landscaping, privacy can be maintained whilst also achieving high quality design. Officers have therefore reviewed previous concerns raised at pre-application and now consider that subject to a condition requiring the submission of details of hard landscaping and boundary treatments, privacy between plots could be adequately addressed.

Internal Amenity

The applicant was advised under PREAPP/00139/21 that there were concerns regarding the internal layout of the properties and that the level of internal occupier amenity afforded to the future residents of the dwellings would not be supported. This was because the proposed development purely includes rooflights to most of the bedrooms in Plots 1-5 and there are no true windows providing a degree of outlook for occupiers. This would not provide an adequate outlook and level of amenity and it would create a sub-standard living environment. However, outside of the proposed bedrooms, future occupiers of the dwellings would benefit from an acceptable level of outlook and this in the view of the Officer, is satisfactory overall.

In addition to the provision of an acceptable level of outlook, the Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is sufficient for future occupiers. In accordance with Place for Everyone Policy JP-H3 (Type, Size and Design of New Housing), it is a requirement for all new dwellings to comply with the nationally described space standards and be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. Paragraph 135 f) of the NPPF which seeks to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

The applicant has provided a schedule of the internal floor areas and this confirms that the proposed development would meet NDSS.

Coal Mining / Pollution

The proposed development falls within the defined Development High Risk Area. Core Strategy Policy G9 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 Coal Authority have been consulted as part of the application and they have confirmed that they have no objection subject to condition.

Accordingly, subject to condition, the scheme is considered acceptable in accordance with CS Policies G9 and the NPPF in this regard.

Summary

Whilst the proposed development would not be contrary to CS Policy G9 as the development and its amenity would not be affected by pollution, contamination or

land instability, for the above reasons relating to occupier amenity and in the absence of fundamental information, it is considered that the proposal would not be in accordance with the amenity requirements of CS policies DM1 and PfE Policy JP-H3 and the NPPF.

Highways and Access

Paragraph 115 of the NPPF states 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

Paragraph 116 of the NPPF adds that applications for developments should:

- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy DM1 of the adopted Core Strategy sets out the general development requirements and establishes that proposals should not adversely impact on highway safety. Additionally, it requires all development to provide satisfactory vehicular access with adequate parking and manoeuvring arrangements provided. Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area.

Linking in with NPPF Paragraph 116, Highways originally had reservations as to whether or not the Council's Waste Services team would be able to adequately service the site to collect refuse. Through liaising with the Council's Waste Services team, it has now been concluded that the site could be serviced by one of the Council's smaller rural vehicles.

In summary, Highways were consulted on this application and they have now raised no objection subject to condition requesting the submission of a dilapidation survey of the proposed access road. A dilapidation survey was provided upfront by the applicant. Accordingly, the development is acceptable and would comply with DM1 and T2 of the Core Strategy, PfE and NPPF.

Ecology and Biodiversity

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.

PfE Policy JP-G8 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. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the proposed development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 187d and 192b to achieve demonstrable net gain for biodiversity).

When determining planning applications paragraph 193 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Opportunities to improve biodiversity in and around developments should also be integrated as part of their design, especially where this can secure measurable net gains.

As of 2nd April 2024, BNG of 10% for minor planning applications is mandatory for development in England under Schedule 7A of the Town and Country Planning Act 1990 but as the application is retrospective a BNG assessment is not required as confirmed by GMEU.

GMEU have also advised that they would usually expect a Preliminary Roost Assessment (PRA) to be undertaken on the buildings prior to works taking place to assess their suitability for roosting bats but as the application is essentially retrospective their advice is based on a professional judgement at this stage. They have also requested the provision of four bat boxes as a minimum to provide compensation for any roosting bats which could have been displaced.

Accordingly, subject to the use of planning conditions, the application would accord with the NPPF, PfE and Policy G7 of the Core Strategy.

Trees

The NPPF recognises the important contribution of trees to the character and quality of urban environments, and their role in mitigating and adapting to climate change. Policy JP-G2 of the adopted PfE identifies trees and woodland as vital elements of the green infrastructure network and key features of urban green spaces, which Policy JP-G8 seek to protect and enhance through conserving and managing existing trees of heritage and/or aesthetic value. Policy G6 of the adopted Rochdale Core Strategy sets out provision for enhancing green infrastructure and requires regard to local landscape character and development contribute to its conservation or enhancement.

CS Policy G6 also expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Development proposals are also expected to replace removed trees from a site at a ratio of 2:1. Developments should in short, avoid the loss of existing urban greenspace or features e.g. trees unless suitable alternative provision is made, it has limited value and its development or change of use will help meet other sustainability or local regeneration objectives. Additionally, Policy G7 requires developments to protect existing biodiversity including trees and vegetation.

In this instance, it does appear that over the course of time, a number of trees have been removed from the entrance point to the site to facilitate the development.

However, the application is accompanied by a strong landscaping scheme which accounts for the provision of a replacement ratio much greater than 2:1 and therefore, the proposed development would accord with the requirements of Policies

G6 and G7 of the adopted Core Strategy, JP-G8 of PfE, and the National Planning Policy Framework.

Drainage

CS 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 demonstrated 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 at risk of surface water flooding.

The application is accompanied by a Drainage Strategy provided by TJ Booth Associates. The recommendations of this report set out that the existing site already benefits from a surface water soakaway in the adjacent field to the east side of the site and so it is evident that the site is suitable for soakaway systems. The proposed development would inevitably add to the existing surface water run off and the existing soakaway should be tested for capacity and if necessary a new soakaway system may need to be constructed.

The foul water from the new development can be connected in to the existing FW septic tank as required. The tank is currently de-sludged once per year so the maintenance time between emptying will have to be reduced to suit the new regime.

The LLFA were consulted on this application but they have not provided any comments. To that effect, this application is not a Major application and the LLFA are therefore not a Statutory Consultee.

The proposed development is acceptable and would be in accordance with Policy G8 of the Core Strategy and Policies JP-S4 of PfE and the NPPF.

Concluding Comments

The development would provide 6 high quality homes which would be designed positively against the local character of the area and deliver on the policy aspirations to deliver much needed housing.

The proposed development is acceptable in terms of its impact to neighbour amenity, highways, drainage, land contamination and design. Taking these matters into account and principally, the fact that the proposed development in the main would deliver a sustainable development of 6 high quality dwellings, the proposed development is acceptable in the planning balance.

Policy requirements are met or can be met by way of condition and the proposed development would provide biodiversity enhancements and would adopt a landscape approach to development which would significantly improve the appearance of this site.

Overall the proposals would represent a sustainable development and the application is considered in the planning balance to be acceptable and is therefore recommended for approval.

RECOMMENDATION

Approve subject to the conditions listed below:

1. This permission relates to the following plans and documents:

- ☐ Location Plan Dated 10/03/2024
- ☐ Unit 1-5 Proposed Floor Plans and Elevations Drawing No 1401.14 Rev B
- ☐ Unit 6 Proposed Floor Plans and Elevations Drawing No 1401.15 Rev B
- ☐ Proposed Site Plan and Section Drawing No 1401.17 Rev D
- ☐ Landscape Layout Drawing No 512/P01
- ☐ Landscape Specification Dated April 2025
- ☐ Design and Access Statement
- ☐ Drainage Strategy Report Rev 0 Dated August 2018
- ☐ Coal Mining Risk Assessment Rev 0 Dated August 2018
- ☐ Highway Condition Survey Rev 0 dated March 2025

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

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.

2. No further development shall commence (excluding conversions of existing buildings and any internal works) until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity (shallow coal mining / mine entries) 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. This should include the submission of the approved site layout plan which illustrates the exact location of the mine adit (if found present within the site) and the calculated no build zone (area of instability) to illustrate the areas that are likely to require remedial works and / or mitigation measures.

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

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance

with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. Prior to first occupation of any dwelling hereby approved, 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 that the intrusive site investigations and any necessary remedial works have been carried out acceptably. This is in order to ensure the safety and stability of the development, in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof, no extension to the dwellings, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of controlling matters on a property within the Green Belt and to ensure that no other extensions or outbuildings are erected that would otherwise harm the purposes and objectives of the Green Belt.

5. Prior to first occupation of any dwelling hereby approved, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Notwithstanding the details shown on the approved Landscape Layout Drawing No 512/P01, in combination with a proposed hard landscape boundary treatment plan, a further soft landscaping scheme and specification shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the types and numbers of trees, plants and shrubs to be planted, their distribution and arrangement on the site and those areas to be seeded.

All proposed planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the completion of the development. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and with regards to neighbour amenity and privacy in accordance with Policy G7 and Policy DM1

of the adopted Rochdale Core, Policies JP-P1 and JP-G2 of the Places for Everyone Plan and the NPPF.

6. Prior to first occupation of any dwelling hereby approved, full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

7. No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. Such measure shall include, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') The duly approved scheme shall be implemented in full prior to final occupation of the phase of development to which the measures relate 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, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority,
and;
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because Statutory Biodiversity Net Gain does not apply to retrospective planning applications.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Informative

The applicant's attention is drawn to the Public Right of Way running through the site which is legally required to be diverted. The applicant is advised to contact the Public Rights of Way Officer on 01706 922070 for further advice.

Report Author Nick Brookman