APPLICATION NUMBER: 18/01358/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01358/VRCON	David Allen	1 March 2019

Address: Land to rear of 91 Norden Road Rochdale OL11 5PN

Proposal: Section 73 application to vary condition 14 of planning permission 17/00889/FUL (as amended by permission 18/00601/ANM) to reduce the extent of obscure glazing

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?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**GRANT subject to conditions**

CHECKED AND SIGNED OFF BY: EH **DATE: 4 March 2019**

SITE

The application relates to a parcel of land in Bamford, Rochdale extending to approximately 0.31ha and located to the west of №s 71 to 91 Norden Road, to the north of the car park associated with The Grapes public house, to the east of Hollin Lane and Hopwood Farm and to the south of the car park serving the 'Top o th Lane' playing fields.

The site slopes gently from east to west and also from north to south, with a difference in levels in the latter direction of circa 3.5m. Mature trees and bramble stretch along the outer boundaries of the site. Surrounding land uses are predominantly residential, in the form of the traditional terrace of dwellings fronting Norden Road to the east and the substantial detached property to the west at Hopwood Farm.

Redevelopment of the site with a three-storey retirement housing complex (as approved under application ref. 17/00889/FUL) is well underway and at the time of a site visit on 14th January 2019 the main bulk of the building was completed to ridge level.

PROPOSAL

The Section 73 application seeks permission for changes to the requirement for obscure glazing on the west elevation of the building (condition 14 of planning permission 17/00889/FUL as amended by condition 2 on permission 18/00601/ANM), as detailed in the relevant analysis section below.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SD1	Delivering sustainable development
DM1	General development requirements
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

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)
Rochdale and Oldham Residential Design Guide (2007)

RELEVANT SITE HISTORY

17/00889/FUL	Demolition of no. 91 Norden Road, relocation of existing electrical substation and erection of retirement living housing

	(comprising of 30 apartments) including access, parking and landscaping – Granted STC
18/00371/DOC	Submission of details to comply with conditions 4 (Site Investigation-Contamination), 5 (Construction Method Statement), 6 (Arboricultural Method Statement), 7 (Site Investigation- Coal) and 8 (Surface Water Drainage) of planning permission 17/00889/FUL – Request Completed
18/00457/DOC	Submission of details to comply with conditions 11 (vehicular access), 12 (landscaping) and 13 (external lighting) of planning permission 17/00889/FUL – Request Completed
18/00601/ANM	Application for non-material amendment to planning permission 17/00889/FUL for revisions to parking layout and hard landscaping, changes to internal layout at ground floor level including change to stairwell floorplate and associated alterations to window arrangement, and change to window arrangement in unit 26 and roof arrangement above – Granted STC
18/00812/DOC	Submission of details to comply with condition 3 (Materials) and 10 (Boundary Treatments) of planning permission 17/00889/FUL – Request Completed

CONSULTATION RESPONSES

None.

REPRESENTATIONS

The application was publicised by way of distribution of letters to neighbouring properties, display of a site notice and publication of a notice within the local press. No representations have been received.

ANALYSIS

In granting planning permission for the development (17/00889/FUL) the Local Planning Authority applied a condition requiring insertion of obscure glazing to ten windows on the west elevation of the building, specifically those nearest to the adjacent dwelling at Hopwood Farm. Construction of the building is at an advanced stage, with the building having been completed to ridge level as of January 2019, and the developer has reviewed the obscure glazing requirements in light of an on-site assessment of the relationship with the adjacent dwelling from the window openings within the building themselves.

The windows proposed to be permitted to be fitted with clear glazing are:

- First floor level
    - Secondary window to bedroom at Unit 19;
    - Secondary window to lounge at Unit 18;
    - Kitchen window at Unit 18;
    - Bedroom window at Unit 18.
- Second floor level
    - Secondary window to bedroom at Unit 30;
    - Secondary window to lounge at Unit 29;
    - Kitchen window at Unit 29;
    - Secondary bedroom window at Unit 29.

Two of the windows to which the obscure glazing requirement was applied are bathroom windows and it is understood that these are to be obscure glazed as a matter of course to ensure privacy of occupants.

Officers of the LPA have undertaken a site visit to the building and reviewed the relationship from each window and from scaffolding attached to the exterior of the building. This has provided the opportunity to directly assess the actual impact of these aspects of the scheme on the neighbouring property.

A high level of screening is provided by the mature, dense, substantial, evergreen hedge to the eastern boundary of Hopwood Farm, which reaches a height above that of the ridge-line of the dwelling itself, and falls within the control of the neighbouring property and not the development site (as shown in Figure 1 below). This hedge screens the view from all affected windows to Hopwood Farm itself. The separation distance from the western elevation of the proposed building to the eastern elevation of Hopwood Farm stands at a minimum of 17m – in excess of the 14m standard, as would be expected for a 2½ storey building. It is noted that there are only two small windows in the eastern elevation of Hopwood Farm, which do not appear to be principal windows.



Figure 1 – View from above second floor level to Hopwood Farm from scaffolding

Some oblique views would be possible across to the garden space at Hopwood Farm (to the south of dwelling) from the southernmost affected windows, however, given the distance between these windows and the boundary, the off-set angle and the screening provided by tree cover in the garden at Hopwood Farm it is not considered that this would be detrimental to the privacy of the occupiers to the extent that would warrant a refusal of permission, and it is noted that a similar relationship will exist from non-obscure glazed windows on the main western elevation range of the building as approved.

Limited (by virtue of the close-boarded timber fence on the shared boundary) views would be afforded from the northern-most windows (within Units 19 and 30) onto the driveway/forecourt area leading from the access gate to the detached garage at Hopwood Farm (as shown in Figure 2 – an image taken from a height several metres above the head-height of a person standing at any second floor window), however, as this does not provide a functional area of amenity space within the adjacent

property it is not considered that this arrangement would unduly prejudice the privacy of adjacent occupiers.



Figure 2 - View from above second floor level to driveway at Hopwood Farm

In light of the on-site inspection and accurate understanding of the relationships afforded by the advanced stage of construction, it is the view of the case officer that the proposed removal of the requirement for obscure glazing would not adversely impact on the amenity of the occupiers of Hopwood Farm and accordingly the proposal does not conflict with the requirements of Policy DM1 of the adopted Rochdale Core Strategy or the National Planning Policy Framework.

Additional Amendments to Conditions

As development has commenced the time limit condition is removed, as has the condition relating to tree and shrub clearance (condition 9). A condition (no. 7) was attached to the original permission requiring submission of a scheme of intrusive site investigations relating to historic coal mining activity and, if necessary, a scheme of remedial works for the site. Appropriate information was submitted under the provisions of application 18/00371/DOC to demonstrate that no special precautions or remedial measures were necessary, which was reviewed and deemed acceptable by The Coal Authority; accordingly this condition is removed.

The majority of the remaining conditions have been updated to reflect reference to details as agreed with the LPA under previous discharge of condition applications.

RECOMMENDATION

Grant, subject to the following conditions:

1 This permission relates to the following plans:
- Location and Context Plan drawing no. NW-2408-01-03-AC-001
- Site Plan drawing no. NW-2355-03-AC-004 rev. A
- Elevations drawing no. NW-2408-01-03-AC-003 rev. D
- Floor Plans & Roof Plan drawing no. NW-2408-01-03-AC-005 rev. B
- Sub-Station Plan & Elevations drawing no. NW-2408-01-03-AC-007

and the development shall be carried out in complete 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.

2 The development shall be carried out in accordance with the materials specification as approved by the Local Planning Authority under the provisions of application 18/00812/DOC prior to first occupation of the development hereby approved.

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

3 The development shall be carried out in accordance with the remediation strategy as approved by the Local Planning Authority under the provisions of application 18/00371/DOC. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4 The development shall be carried out in accordance with the Construction Method Statement as approved by the Local Planning Authority under the provisions of application 18/00371/DOC.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the emerging Core Strategy and the National Planning Policy Framework.

5 The development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan as approved by the Local

Planning Authority under the provisions of application 18/00371/DOC. All trees that are to be retained within or adjacent to the site shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations' throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

6 The development shall be carried out in accordance with the surface water drainage strategy as approved by the Local Planning Authority under the provisions of application 18/00371/DOC. The approved scheme shall be implemented prior to first occupation of the building hereby permitted and retained as such thereafter.

Reason: 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 Rochdale Unitary Development Plan and the National Planning Policy Framework.

7 No part of the development shall be occupied until such time as all boundary treatments, screens and retaining walls have been erected in accordance with the details approved by the Local Planning Authority under the provisions of application 18/00812/DOC. The boundary treatments shall be retained as such thereafter.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8 No part of the development shall be occupied until such time as the access to Norden Road, car parking and other servicing arrangements shown on the approved plans have been constructed in accordance with the specifications approved by the Local Planning Authority under the provisions of application 18/00457/DOC; the access, car parking, and other servicing arrangements shall be retained thereafter for their intended purpose.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9 The hard and soft landscaping works as approved by the Local Planning Authority under the provisions of application 18/00457/DOC shall be carried out no later than the next planting season following final occupation of the development. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance

with policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

10 No external lighting shall be installed on the building or elsewhere on the site except that approved by the Local Planning Authority under the provisions of application 18/00457/DOC; the approved lighting scheme shall be installed and maintained in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

11 The windows labelled as 'Obscure Glass' on the approved plan ref. NW-2408-01-03-AC-003 rev. D shall be glazed with obscure glass (obscuration level no less than Level 3 of the Pilkington Glass scale (or equivalent)) only and fixed with a ventilation stay restricting the opening of the window prior to first occupation of the building hereby permitted and shall be permanently maintained as such at all times thereafter.

Reason: In the interests of amenity and in compliance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12 Each unit of the retirement living accommodation hereby permitted shall be occupied only by: persons of 60 or more years of age; or persons living as part of a single household with such a person or persons; or persons who were living as part of a single household with such a person or persons who have since died.

Reason: The accommodation hereby permitted has been designed for occupation by persons who satisfy the above criteria; without such restriction the level of parking provision would not satisfy the requirements of Policies T2 and DM1 of the adopted Rochdale Core Strategy. Without this restriction the development would also not comply with the requirements for education contributions contained within Policies C7 and DM2 of the adopted Rochdale Core Strategy.

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.

Notes for Applicant:

Report Author David Allen