APPLICATION NUMBER: 19/00013/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00013/FUL	Michael Atkinson-Smith	29 March 2019

Address: Land Adjacent To 12 Mary Street Heywood OL10 1EG

Proposal: Erection of four-bedroom detached dwelling - Resubmission of 18/00417/FUL

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	Neighbour letters expired?	Y	**Press Notice expired?**	N/A

DELEGATION	**Significant departure from local plan?**	N	**Contrary to national policy?**	N
	Applicant a Council Member or officer?	N	**Contrary to previous decision?**	N
	Major with 10 or more objections and recommending approval?	N	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	N
	Neighbour comments received?	N

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

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

RECOMMENDATION	GRANT

CHECKED AND SIGNED OFF BY: AT **DATE: 29.03.2019**

SITE

The application relates to a plot of land adjacent to No. 12 Mary Street in Heywood that for some time appears to have been used informally as an extension to the

garden area of that property. The area is predominantly residential in character with No. 20 Mary Street lying to the east and No. 1 Henry Hill Close and the entrance to Henry Hill lying directly facing. The facing development centred around Henry Hill Close is still undergoing construction at the time of determination. An alleyway runs to the rear of the site from Hill street which serves the rear of Nos. 2-20 Mary Street and provides access to a garage site.

PROPOSAL

The application seeks full planning permission for the erection of a two storey 4no. bedroomed dwelling on land presently occupied by the extended side garden area of No. 12 Mary Street. The dwelling would be formed with a stepped front elevation to provide a two storey projecting feature topped with a continuation of the forward roof plane. The width across the front elevation would be 6.065m and the depth of the main two storey section would reach a maximum of 9.6m. An additional single storey outrigger would be appended to the rear measuring 3m x 3.4m. The height of the dwelling would be approximately 6.5m to the eaves and 8.725m to the ridge. The roof space would utilised to provide a habitable bedroom space served by two roof lights in the rear (southern) roof plane.

Construction materials would be facing brickwork and concrete roof tiles to match in appearance those used in the construction of the adjacent terrace, with uPVC windows and doors. A low boundary wall would be provided to the front, also formed from brickwork.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

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**
P3	Improving design of new development
SO4	**Promoting a Greener Environment**
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):
Guidelines and Standards for Residential Development (June 2016).

RELEVANT SITE HISTORY

18/00417/FUL	Erection of three-bedroom detached dwelling. Withdrawn June 2018

CONSULTATION RESPONSES

Highways And Engineering - One dwelling will not have a material detrimental impact upon Traffic in this area. The site will benefit from on street refuse collection adjacent to the property. The area is currently informally used for off street parking for the premises adjacent. This has never officially been recognised as the case. Previously this plot was used for housing on a similar footprint to the proposed. Whilst I would usually object to the lack of off street parking provided this is in keeping with the character of the area and matches the previously existing situation. On street parking is not problematic at this location. We have no sustainable objection to these proposals.

Lead Local Flood Authority/Drainage - The Applicant proposes to discharge foul drainage to UU combined sewer, which UU will accept. The Applicant proposes to directly discharge roof drainage runoff to UU combined sewer, which will require confirmation of acceptance by UU. No evidence of unsuitability of discharging surface water runoff to soakaway in the garden has been provided. National Planning Practice Guidance (NPPG) clearly outlines the hierarchy to be investigated by a developer when considering a surface water drainage strategy. The Applicant should consider the following drainage options in the following order of priority: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker (United Utilities) prior to connection to the public sewer. If discharging surface water to sewer, RBC will want to see a copy of correspondence confirming approval by UU. No above ground works shall take place until a detailed scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. If discharging surface water to sewer, RBC will want to see a copy of correspondence confirming approval by United Utilities.

Public Protection (Environment) - **Summary:** The Phase 1 and its recommendation for a Phase 2 is acceptable. Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be completed in full accordance with the approved recommendations.

The Coal Authority - The application site falls within the defined Development High Risk Area and the Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. The site also lies within a Surface Coal Resource Zone. The Coal Authority is pleased to note that a Walkover Survey and Desk Study (dated December 2018, prepared by Sub Surface North West Ltd) has now been submitted to accompany the application. On the

basis of appropriate and up to date information the report identifies that in view of the anticipated depth of drift, the fact that the first coal seam is anticipated to be 29m below the bedrock, no further consideration needs to be given to coal mining. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

United Utilities - **Summary:** In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way (in accordance with the NPPG hierarchy).

REPRESENTATIONS

Letters of notification were sent to surrounding properties and a site notice posted in the vicinity. No representations have been received.

ANALYSIS

Principle of Development and Contribution to Housing Supply

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside. Annexe 2 of the National Planning Policy Framework defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land in built-up areas, including private residential gardens.

As the site now forms part of a residential garden, the site would therefore be considered to represent an area of previously un-developed, or greenfield, land. Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites and focus only on sustainable Greenfield sites which provide the best access to a range of services, jobs and facilities and have limited impact on green infrastructure and amenity.

In relation to housing supply, Core Strategy policy C1 requires the provision of at least 460 net additional dwellings per year in the period 2012 to 2028 to assist in the creation of successful, inclusive and mixed communities and meet the housing needs. The policy acknowledges that this is a challenging target and whilst it seeks to ensure that the focus is on maximising the use of brownfield sites it states that the development of greenfield sites may be necessary. Whilst the latest published information suggests that the Council can demonstrate a five year supply based on the Core Strategy target; this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs. Therefore, whilst a five year supply can at present be demonstrated, the Council must ensure there is no ongoing deficit in supply. As such, the principle of development of a greenfield site such as this for residential purposes in the urban area is acceptable in principle; however, this factor must be balanced against all other material considerations as outlined below.

Layout, Design and Appearance

Core Strategy policy P3 acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. Policy C3 requires a high standard of development and layout that produces attractive places. Policy DM1 requires that all development proposals are of high quality design and take the opportunity to enhance the quality of the area. In addition, Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

The application site relates to land that for some time has been used as the side garden area of No. 12 Mary Street. This property is an end terrace dwelling in the traditional style. The application site lies between two short terraces that differ in age, design and height and which, due to the curvature of the road, are set at an angle to each other. The immediately surrounding area is predominantly residential in character, with a range of building styles, types and ages being present.

It is considered that the proposed dwelling is well designed and responds appropriately to the local context. The height of the dwelling would be set in between that of the neighbouring terraces that it would site between, which would be acceptable for an infill site. The principal elevation would be stepped which is not a common feature of the area, but would add a level of differentiation which is considered to be acceptable. As it would not be possible or desirable to directly copy the form of the surrounding terraces, the proposed massing and core proportions are considered to be satisfactory. The proposed fenestration detailing would match the general style, if not proportion, of the immediately adjacent terrace. Given the height difference and that the dwelling would be clearly read as a standalone entity, this is considered to be acceptable. The plans indicate that a low brick built front boundary wall would be provided which ensure that the dwelling sits well within the street scene. The design and proportions of the rear of the dwelling are acceptable. Satisfactory provision has been made for the storage of domestic waste bins to the rear of the dwelling.

Subject to the suggested conditions in respect of boundary treatments, landscaping and materials, the proposed dwelling is considered to be compatible with its surroundings in terms of scale, massing, height, position and design detailing and as such would comply with the requirements of Core Strategy policies P3, C3, & DM1 and the NPPF. Amongst other things, these require developments to be sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

Impact upon Residential Amenity

The Council's adopted Supplementary Planning Document '*Guidelines and Standards for Residential Development'* (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

The proposed dwelling would stand in line with the immediately adjacent property at No. 12 Mary Street, albeit at a slight rotation to follow the curvature of the street. The single storey element to the rear would be set away from the boundary and would meet the requirements of the SPD in terms of the projection rule. The side elevation of No. 12 Mary Street is blank and so there would be no undue amenity impacts for the occupants of this dwelling. Due to the separation distance from No. 20 Mary Street, the proposal would also comply with the requirements of the SPD in relation to that property. A small secondary window is present in the first floor side elevation of No. 20 Mary Street but secondary windows are not afforded the same

level of protection as principle habitable room windows and therefore this relationship is considered to be acceptable. It is noted that the habitable room windows in the side elevation of No. 1 Henry Hill Close would be only 16m away which is less than the 21m generally required by the SPD. However this relationship is not uncommon in the immediate vicinity which is characterised by a dense urban grain. On balance, therefore, this relationship is considered to be satisfactory in this location. There are no facing dwellings to the rear which would affected.

The rear garden are of the proposed dwelling would be sufficient in this inner urban location where small rear yards are the norm. The fourth bedroom in the roof space would be served only by roof lights and would therefore have a limited outlook, although he submitted plans demonstrate the position on the roof plane to be satisfactory in providing some degree of outlook which is considered to be acceptable.

Therefore, in light of the above assessment, the proposal is considered to have an acceptable impact on the residential amenity of surrounding occupiers provide a satisfactory standard of amenity for the future occupiers of the dwelling itself. The application therefore accords with the relevant parts of Core Strategy policy DM1, the SPD and the NPPF.

Highways, Parking and Accessibility

Policy DM1 of the Council's adopted Core Strategy requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Policy T2 also seeks to promote a good standard of accessibility. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and that 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 of the road network would be severe.

No dedicated parking spaces would be provided for a four bedroomed dwelling. The SPD requires that developments do not result in a significant increase in on-street parking which can be detrimental to the street scene. However, consultation has been carried out with the Council's Highways Officer who notes that on-street parking is not problematic in this area and has not raised an objection on the grounds of parking provision. The occupants of the adjacent terraces already park on the street and therefore the potential increase in on-street parking is not considered to be to a level that would be detrimental or out of character with the area. It is noted that the facing new development centred on Henry Hill Close has been built with sufficient parking, and the highway in this location is reasonably wide.

The highways and parking impacts of the development are therefore considered to be acceptable and in accordance with Core Strategy policies T2 and DM1 and the NPPF.

Drainage and Flood Risk

A preliminary drainage plan has been submitted with the application. The Council's Drainage Engineer notes that the applicant proposes to discharge foul drainage to United Utilities combined sewer, which United Utilities would accept. However, the applicant proposes to directly discharge roof drainage runoff to United Utilities' combined sewer, which will require confirmation of acceptance by United Utilities. No evidence of unsuitability of discharging surface water runoff to soakaway in the garden has been provided. National Planning Practice Guidance (NPPG) clearly outlines the hierarchy to be investigated by a developer when considering a surface

water drainage strategy. The applicant should consider the following drainage options in the following order of priority: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer. Foul and surface water shall be drained on separate systems. Full details of the proposed drainage strategy, including confirmation of the acceptance of the proposed flow rate to United Utilities' combined sewer, should be secured through condition. Subject to an acceptable drainage scheme in respect of the above being submitted to and approved in writing by the LPA, the requirements of Policy G8 of the Core Strategy, saved policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the requirements of the National Planning Policy Framework will have been met.

Land Contamination and Coal Mining Risk

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.

Consultation has been carried out with the Council's Public Protection Officer who is satisfied with the recommendations of the Preliminary Risk Assessment for Phase II intrusive site investigations. Where the investigation and risk assessment identify potential unacceptable risks, remedial action should be carried out prior to development in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

The application site falls within the defined Development High Risk Area and the Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. The site also lies within a Surface Coal Resource Zone. The Coal Authority has reviewed the submitted Walkover Survey and Desk Study (dated December 2018, prepared by Sub Surface North West Ltd) and considers that the Coal Mining Risk Assessment Report is sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

It is therefore concluded that, subject to an appropriate condition and subsequent actions in respect contaminated land investigations, the requirements of Policy G9 of the Core Strategy and the National Planning Policy Framework in relation to land contamination and land stability will have been satisfied.

Conclusion

As the proposal would make use of a greenfield site located within the Defined Urban Area and close to existing local amenities and public transport routes with no detrimental amenity impacts identified, the application is considered to be acceptable in principle and matters of detail and is therefore recommended for approval.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

2 This permission relates to the following plans:-

- 1857-G&T-Z0-00-DR-A-0002 Site Location Plan
- 1857-GTA-XX-ZZ-DR-A-1001 Proposed Plans and Elevations
- 1857-GTA-XX-ZZ-DR-A-1000 Rev. B Proposed Site Plan (including preliminary drainage plan)
- 1857_0001 Topographical Survey

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 Core Strategy, the Unitary Development Plan and the National Planning Policy Framework.

3 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:
i) a survey of the extent, scale and nature of contamination
ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

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 Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

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

4 No development shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the duly approved details before the dwelling hereby approved is first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of foul and surface water from the site in accordance with the requirements of Saved Unitary Development

Plan policies EM/7 and EM/8, Rochdale Core Strategy Policy G8 and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will be necessary of the detailed drainage arrangements prior to commencement of any development on site.

5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

6 No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

7 (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

(c) 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 Policy P3 of the Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

Report Author Michael Atkinson-Smith