Members of the public are able to speak on planning applications for determination by the Committee. To register to speak on an application please complete the required form which is available from Governance & Committee Services

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<td>MINUTES</td>
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<td>To approve as a correct record, the minutes of the last meeting of</td>
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<td>DECLARATIONS OF INTEREST</td>
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<td>Members are required to declare any disclosable pecuniary, personal or personal and prejudicial interests they may have and the nature of those interests relating to items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.</td>
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<td>(a) Formation of new window openings and erection of canopy to front elevation (Retrospective) - Resubmission of 17/00449/FUL at 31 Lake Bank, Littleborough</td>
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<td>(b) Application to modify the terms of the planning obligations contained within the Section 106 Agreement pursuant to planning permission 08/D51596 at the former Alexander Drew Site, Mellor Street, Rochdale</td>
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7. **PLANNING APPEALS**
   (a) Harwood Fields Farm  21 - 22
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8. **PLANNING APPEALS RECENTLY LODGED**  28

**Site Visits**
Members are also invited to attend site visits as follows:
- 3:45pm Meet at back entrance foyer Number One Riverside
- 4:00pm The Lake Lounge, 31-33 Lake Bank, Littleborough

**Planning and Licensing Committee Members**

<table>
<thead>
<tr>
<th>Councillor Surinder Biant</th>
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<td>Councillor Phil Burke</td>
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<td>Councillor Ann Stott JP</td>
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<td>Councillor Carol Wardle</td>
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<td>Councillor Donna Williams</td>
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For more information about this meeting, please contact
Michael Garraway, Governance and Committee Services Officer
t: 01706 924716
e: michael.garraway@rochdale.gov.uk
PLANNING AND LICENSING COMMITTEE

MINUTES OF MEETING
Monday, 3 July 2017

PRESENT: Councillor Carol Wardle (Chair); Councillors Brett, Burke, Butterworth, Davidson, O'Neill, Rashid, Rush, Stott, Sullivan and West

OFFICERS: J. Holmes (Planning Solicitor), A. Truman (Assistant Development Manager), P. Fletcher (Public Protection Officer – Noise), Alex Whittaker (Highways Officer) and M. Garraway (Governance & Committees).

ALSO IN ATTENDANCE: 12 members of public.

APOLOGETIES FOR ABSENCE: Councillor Surinder Biant, Councillor Susan Emmott, Councillor Hussain and Councillor Williams

APOLOGETIES
1 Apologies were received from Councillors Donna Williams, Susan Emmott and Surinder Biant.

MINUTES
2 Decision: That the minutes of the meetings of the Planning & Licensing Committee held on 28th March and 10th April 2017 be approved as correct records and sign by the Chair.

DECLARATIONS OF INTEREST
3 There were no declarations of interest.

URGENT ITEMS OF BUSINESS
4 There were no urgent items of business.

16/01342/FUL - CHANGE OF USE TO B1(A) (OFFICE), B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE OR DISTRIBUTION). ALTERATIONS TO FRONT ELEVATION TO ACCOMMODATE FOR 2 FULL HEIGHT SHUTTERS, 1 FULL HEIGHT SHUTTER WITH PIT-MOUNTED DOCK LEVELLER AND FORMATION OF RECESSED RAMP TO FRONTAGE OF LOADING DOORS. PROVISION OF EXTERNAL CARDBOARD COMPACTOR AND GAS TANK IN YARD AREA. USE OF PART OF YARD AREA FOR EXTERNAL STORAGE AT HANSON POINT, HANSON CLOSE INDUSTRIAL ESTATE, MIDDLETON
5 The Director of Economy introduced planning application 16/01342/FUL for a change of use to B1(a) (Office), B2 (General Industrial) and B8 (Storage or Distribution). Alterations to front elevation to accommodate for 2 full height shutters, 1 full height shutter with pit-mounted dock leveller and formation of recessed ramp to frontage of loading doors; along with provision of external cardboard compactor and gas tank in yard area; and use of part of yard area for external storage; at Hanson Point Hanson Close Industrial Estate, Hanson Close, Middleton.
In introducing the report the Director of Economy referred to a site visit undertaken by Members of the Committee. The Committee were advised that two further letters of objection had been received since publication of the agenda. The additional objections stated that residents had not been adequately informed that the application would be determined at the meeting, that work had already begun on site, concerns on the noise levels which would be generated at the site and sought clarification as to what ‘occasional’ weekend working would mean in practice.

The Committee considered the views of Mrs C. Morgan, who addressed the Committee on behalf of local residents objecting to the application.

The Committee considered the views of Mr M Hurst, an agent for the applicant, who addressed the Committee in relation to the application.

The Chair sought the views of the Public Protection Officer (Noise) in relation to matters raised by the objectors and applicant.

In considering the application Members sought clarification on conditions relating to noise being contained within the site; and, on the definition of the use of 'occasional weekend' working as detailed within page 15 of the submitted report.

Decision:
That planning permission be approved subject to conditions as detailed within the submitted report, subject to the following amendment and additional condition:
   a) Condition 5 be amended to include boundary treatments for noise mitigation;
   b) An additional condition be incorporated to define ‘occasional’ weekend working, as a maximum of twelve weekends per twelve months from the date of commencement of planning permission, the wording of which be delegated to the Chief Planning Officer.

Reason for decision:
The proposed development comprises an employment use within a designated employment area. The proposed works to the building are acceptable in design terms, and the proposed use is acceptable in terms of the amenity of neighbouring residents, subject to the imposition of appropriate conditions.

16/00202/S106 - APPLICATION TO MODIFY THE TERMS OF THE PLANNING OBLIGATIONS CONTAINED WITHIN THE SECTION 106 AGREEMENT PURSUANT TO PLANNING PERMISSION 08/D51596 AT THE FORMER ALEXANDER DREW SITE, MELLOR STREET, ROCHDALE

Decision:
That the report be deferred to a future meeting of the Committee pending further information on the assessment’s undertaken relating to the financial viability of the scheme and why it fails to meet the planning obligations previously approved.
Reasons for the decision:
The Committee considered that they had not been provided with sufficient information on which to base a decision.

PLANNING APPEALS
7 Decision:
That the planning appeals be noted.
Report to Planning and Licensing Committee

Date of Meeting
7th August 2017

Portfolio
Planning

Report Author
Ben Sandover

Public/Private Document
Public

Application: 17/00739/FUL  Township: Pennines  Ward: Littleborough Lakeside

Site Address: 31 Lake Bank, Littleborough, OL15 0DQ

Applicant: John Howarth  Agent: Malcolm Percy

Proposal: Formation of new window openings and erection of canopy to front elevation (Retrospective) - Resubmission of 17/00449/FUL
1.1 The application is presented to the Planning and Licensing Committee following a call in request from Councillor Ann Stott on the following grounds:
- The alterations are beneficial to the building and surrounding area;
- The alterations do not detract from visual amenity;
- The alterations do not cause imbalance to the building;
- The alterations do not detract from the commercial enterprise of the building.

Proposal Summary

2.1 Planning permission is sought retrospectively for the formation of new window openings and the erection of a canopy to the front/side elevation.

Recommendation

3.1 Refuse planning permission.

Reason for Recommendation

4.1 The alterations comprise large projecting bay windows and a projecting canopy, which is considered to be an insipid and incongruous design with openings that relate poorly to the openings at first floor level directly above. The proposed development fails to take into account the traditional appearance of adjacent frontages. In addition, the proposal fails to sympathise with the character of the host building, which previously included traditional stone surrounds to the window and entrance door with a date stone within the header, which made a positive contribution to the character and appearance of the property and the street scene. The proposal fails to respect the character of the host building and is detrimental to the character and appearance of the street scene, contrary to Policies DM1 and P3 of the adopted Rochdale Core Strategy and the guidance set out in the Council's adopted Supplementary Planning Document 'Shop Fronts and Security Shutters' and the National Planning Policy Framework.
SITE

The application relates to 31 Lake Bank, which is a two storey building previously utilised as a residential cottage. The property adjoins No. 33, which is set back from the frontage of the host building. Both properties are in use as a café/restaurant at ground floor, with B&B accommodation above.

The property is stone built, previously comprising a traditional type frontage, including a main entrance door with traditional stone surround and attractive header, and window at ground floor level with stone header and cill. Unauthorised works have been undertaken to remove the original features to the front elevation of No.31.

PROPOSAL

This application seeks retrospective permission for the formation of new window openings and the erection of canopy to the ground floor of the front/side elevation, removing and replacing the traditional features described above.

The two bay windows measure a width of 2.5m and a height of 1.7m, projecting from the front walls by 0.35m.

The projecting canopy measures a width of 7.1m and a height of 0.8m. This wraps around the build adjoining the existing canopy within the frontage of the adjacent property No. 33.

RELEVANT PLANNING POLICY

National

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

Local

Rochdale Core Strategy (2016):

The following policies of the adopted Rochdale Core Strategy are relevant:-

- SD1 Delivering sustainable development
- P3 Improving design of new development
- DM1 General development requirements

Saved Policies of the Rochdale Unitary Development Plan (UDP):

- G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD): Shopfronts and Security Shutters

RELEVANT SITE HISTORY
16/00497/VRCON - Application to vary conditions 4 and 5 of planning permission 15/01188/FUL to allow increased opening hours to between 09.00 hours and 12 midnight Sunday to Wednesday inclusive and 09.00 hours to 0100 hours Thursday to Saturday and to allow the outside area to be used between the hours of 0900 and 21.00 on any day – Granted subject to conditions.

15/01188/FUL - Two storey side extension, ground floor rear extension, installation of bi-fold door on front elevation, change of use of part of ground floor from bed and breakfast accommodation to restaurant and formation of outside dining areas (Resubmission of 14/01508/FUL) – Granted subject to conditions.

14/01508/FUL - Two storey side extension, ground floor and second floor rear extension, change of use of part of ground floor from bed and breakfast accommodation to cafe and formation of outside dining areas – Granted subject to conditions.

13/00706/FUL - Change of use to restaurant (Use class A3) including the installation of roller shutters to side and rear door openings (Resubmission) – Withdrawn.

13/00300/FUL - Change of use from a café to a café bar including the installation of roller shutters to side and rear – Refused.

12/D55224 - Alterations to the internal layout to form two separate units including change of use of part of ground floor from shop (Use class A1) to café (Use class A3) and formation of additional bed and breakfast accommodation together with the addition of a ground floor window to the side elevation and a door to the rear elevation – Granted subject to conditions.

05/D45232 - Single storey extension and alterations to front elevation, single storey, first floor and second floor extension to rear of premises – Granted subject to conditions.

99/D36089 - Change of use of part of ground floor from living accommodation to coffee lounge and in connection with existing craft shop and bed and breakfast facility, front porch and single and first floor rear extensions – Granted subject to conditions.

93/D28973 - Two storey side and single storey rear extensions to dwellinghouse to form craft shop/workroom, bed and breakfast accommodation and single storey rear extension to form garage – Granted subject to conditions.

**REPRESENTATIONS**

Letters of notification were sent to surrounding p and a site notice displayed. No representations have been received.
ANALYSIS

Procedural Matters

Planning permission was granted the change of use of the ground floor of No. 33 to form an extension to the café/restaurant at No. 31 (ref: 15/01188/FUL). That scheme initially proposed alterations to the front elevation of No.31 and was amended following officer advice to retain the external cottage frontage. The external alterations have since been carried out without the benefit of planning permission despite officer advice that planning permission was required and the alterations would be unsympathetic to the character of No.31.

Visual amenity

One of the core planning principles of the NPPF is to always seek to secure high quality design and this is reflect in Policy P3 of the adopted Rochdale Core Strategy (CS), which requires all new developments to adhere to high standards of design. Policy DM1 of the CS states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

In addition to the above, paragraphs 56 and 58 of the National Planning Policy Framework state that the Government attaches great importance to the design of the built environment and that good design should contribute positively to making places better for people and should be visually attractive as a result of good architecture and appropriate landscaping.

The Council’s Shopfronts and Security Shutters SPD states that ‘…in the past, buildings on the same street (often constructed at different times and in different styles) visually acknowledged each others existence and often shared common features – for example a strong vertical emphasis, a symmetrical façade, similar proportions, a simply detailed upper elevation with a complex base, and varying height and roofline. These principles of visual inter-relationship hold good today, and the Council will expect all proposals for shopfronts and advertisements to reinforce the positive character of their location’.

No. 33 is semi-detached property adjoining No. 31, which together now form the Lake Lounge café/restaurant. The frontage of this building previously boasted significant visual merit, constructed in natural stone and featuring a traditional door opening with stone surround and stone header, including date stone above. A traditional window opening was situated adjacent to the door opening, including a stone header and cill. At first floor level, two traditional window openings were set at consistent positions above the ground floor openings, providing an even and consistent design that is typical of traditional terraced properties.

The external alterations have resulted in the loss of the traditional features and the resulting character of the property is considerably diminished to the detriment of the building and the surrounding area. The two adjacent buildings,
Nos. 27 & 29 are brick built and include traditional cottage frontages. The host building is set flush with those properties and is viewed within the same context. Other surrounding buildings primarily consist of commercial shop fronts at ground floor level, however this is not considered to be an appropriate justification for the loss of the particular features of the host property, especially when the proposed design of the new openings is considered. As noted above, the SPD states that the Council would normally expect the retention and restoration of frontages which contribute to the character of their location. This proposal directly contradicts the Council’s adopted policy.

In addition to the loss of the traditional features, the external alterations that have been carried out are considered in themselves to be detrimental to the character of the building and its surroundings. The works consist of two large bay windows, set centrally within the frontage of No. 31, with a projecting slate canopy above that extends across the entire frontage of the building and then wraps around it to adjoin the existing canopy in front of No.33. The two large bay windows appears at odds with and unsympathetic to the remaining parts of the building, set centrally rather than consistent with the windows at first floor. The openings are significantly larger, creating an unbalanced appearance to this elevation and to the adjacent cottages which are viewed in the same context.

**CONCLUSION**

Overall, it is considered that the proposal comprises an insipid and incongruous frontage design that fails to contribute to the design objectives set out in the Shopfronts and Security Shutters SPD. The proposal does not have regard to the existing residential frontages within which context the building is viewed, nor does it respect the character and appearance of the property and the area. The proposal has significantly harmed the character and appearance of the property and the area. Consequently, the application is considered to conflict with Policies DM1 and P3 of the adopted Core Strategy, along with the NPPF and the Shopfronts and Security Shutters SPD.
Agenda Item 6b

Planning and Licensing

Date of Meeting: 7th August 2017
Portfolio: Planning
Report Author: Paul Ambrose
Public/Private Document: Public

Application: 16/00202/S106  Township: Rochdale  Ward: Spotland and Falinge

Applicant: Amanda Oakden (Seddon Homes)  Agent: N/A

Site Address: Former Alexander Drew Site, Mellor Street, Rochdale

Proposal: Application to modify the terms of the planning obligations contained within the Section 106 Agreement pursuant to planning permission 08/D51596

Site Location
Delegation

1.1 The application is before the Planning and Licensing Committee as the proposal seeks to modify an existing Section 106 agreement.

Proposal Summary

2.1 Planning permission was granted for the construction of 90 dwellings on the site in 2010 (08/D51596). The development is under construction and to date 52 dwellings have been completed. The Section 106 agreement required the provision of on-site open space to be offered to the Council, financial contributions for maintenance of the on-site local open space, off-site local open space and outdoor sports provision and junction improvements at Spotland Bridge.

2.2 The applicant seeks permission to modify the Section 106 agreement to remove the requirement to make financial contributions towards off-site local open space, outdoor sports provision and junction improvement works.

2.3. At the previous Planning and Licensing Committee, members deferred the application in order for further information to be provided by the applicant and officers which clarifies the viability position. Following the deferral, the applicant instructed Indigo Planning (Planning Consultant) to prepare a statement, which is summarised in the main report.

Recommendation

3.1 To authorise a replacement Section 106 agreement to require:
   (i) the on-site open space land to be offered to the Council;
   (ii) a commuted sum payment of £18,259 to be used for the maintenance of the on-site public open space.

Reason for Recommendation

4.1 The application demonstrates that the scheme would not be financially viable with financial contributions towards off-site local open space and outdoor sports provision. It is also accepted that the financial contribution towards junction improvements is no longer necessary due to a decrease in traffic movements since the development was first proposed.
UPDATE

At the previous Planning and Licensing Committee, Members deferred the application in order for further information to be provided by the applicant and officers to clarify the viability position.

Following the deferral, the applicant instructed Indigo Planning to prepare a statement and this is summarised below:

- Seddon Homes purchased the site pursuant to the original grant of permission (2007/D49660), pre-recession, when market values for land and property in this area were significantly higher. Since then, not only have market values generally reduced, the quantum of development has also reduced (as per the 2008 consent 2008/D51596) to provide a better mix of properties.

- Seddon Homes has significant concerns with regards the overall viability of the development which remains an ongoing issue in respect of development of the remaining 28 properties yet to be started on site. It is on this basis that an application was submitted last year (the subject of this application), seeking to vary the current S106 Agreement to remove a number of the financial obligations contained within the agreement, to ensure that the remaining site can be more viably completed.

- A viability assessment has been undertaken on behalf of Seddon Homes and submitted to and considered by the Council in seeking to determine the current application. This confirms that the market value of the site is in the order of £1.54 million which is significantly lower than the original price paid by SHL for the site pre-recession (£2.59 million). However, this ‘loss’ in value (amounting to over £1 million) has not been taken into account when considering the viability of the site today, in line with policy. Furthermore, when the continued development costs are factored against the future sales likely to be derived from the remaining development (yet to be built), the site is making a loss of more than £170,000 and this figure has been verified by the Council. To this end, the scheme is wholly unviable and currently loss making.

- Seddon Homes has taken the commercial decision to continue with the site’s redevelopment but on the basis that the Council is able to support their proposal to remove some of the contributions currently associated with development, in line with the flexibility expressed in the National Planning Policy Framework and accompanying Planning Practice Guidance.

- Notwithstanding information submitted to the Council as part of the original applications for development, in support of this latest application Seddon Homes has commissioned Croft Transport Solutions to undertake new traffic count surveys of the peak hour flows at both of the Spotland Bridge roundabouts. The latest surveys demonstrate that peak hour flows have reduced at these mini-roundabouts, when compared to the survey data submitted in 2006 and taking into account the already occupied 52 properties on the development. Additionally, when the forecast traffic from the balance of the site (38 dwellings) is taken into account, traffic levels are forecast to be lower than previous calculated levels. The Council’s highways department has
critiqued the submitted survey information and is satisfied with the findings. On this basis, it is no longer able to support the request for a financial contribution to improvement works at the Spotland Bridge junctions (regardless of whether payment of such a sum is viable) as it is satisfied that the level of traffic from the site is acceptable.

- In line with planning policy requirements and guidance on consideration of viability matters, there is an evidential need to remove a number of the current obligations currently required by this scheme.

**SITE**

Planning permission (08/D51596) was granted for the construction of 90 dwellings on the site of the former Alexander Drew Site, Mellor Street, Rochdale, which extends to approximately 2 hectares. The development is currently under construction by Seddon Homes and to date 52 dwellings have been completed.

Vehicular access into the site is taken from Bridgefold Road which extends from the Mellor Street and Spotland Bridge roundabout.

Towards the centre of the site lies the planned area of public open space. This area of the site currently forms part of the construction compound.

The site is located to the north west of Rochdale Town Centre in the Spotland ward. To the east of the site lies a large detached warehouse and beyond it lies the River Spodden. To the south lies a modern detached building, occupied by a specialist retail unit and a small business park which is accessed from Bridgefold Road. To the north of the site lies Spotland Bridge Mill (Grade II Listed) while to the north and east lies the Spotland Bridge Conservation Area.

**PROPOSAL**

This is an application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Section 106 Agreement) dated 13th May 2010 relating to planning application 08/D51596 (Planning permission for residential development of 90 dwellings).

The Section 106 Agreement is the main legal agreement associated with the development by Seddon Homes on land to the west of Mellor Street. This Section 106 agreement included the following obligations: -

- To make a financial contribution of £41,958 towards informal local open space provision in three stages on occupation of the 20, 41 and 61 houses;
- To make a financial contribution of £86,971.50 towards outdoor sports provision in three stages on occupation of the 20, 41 and 61 of the houses;
- To layout the on-site local open space before plots 85-87 and 26-29 are occupied, and transfer it to the Council;
- To make a contribution of £18,259 for the maintenance of the on-site local open space when it has been transferred to the Council;
To make a financial contribution of £80,000 towards junction improvements at Spotland Bridge, on occupation of the 27th house.

The applicant seeks to amend the S106 agreement so that there is no requirement to make the contributions towards off-site local open space, outdoor sports provision or highway works. The applicant still proposes to complete the on-site public open space and transfer the land to the Council. The applicant would also make the required payment (£18,259) towards the future maintenance of the local open space within the site.

Section 106A of the Town and County Planning Act enables parties to the agreement to apply for the obligation:-
(a) to have effect subject to such modifications as may be specified in the application; or
(b) to be discharged.

POLICY AND LEGISLATIVE CONTEXT

National

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

The Community Infrastructure Levy Regulations 2010 (as amended)

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

Adopted Rochdale Core Strategy (2016)

SD1 Delivering Sustainable Development
G6 Enhancing green infrastructure
T2 Improving accessibility
DM1 General development requirements
DM2 Delivering planning contributions and infrastructure
C3 Delivering the right type of housing
C8 Improving community, sport, leisure and cultural facilities

Supplementary Planning Document:

Provision of Recreational Open Space in New Housing SPD

SITE HISTORY


2007/D49660 – Outline application for a mixed use re-development of 102 residential units comprising 74 dwellings and 28 apartments, and 2462sqm of B1 commercial
floorspace together with associated access, landscaping and parking - Resubmission D48443. Approved.

2006/D48443 – Outline application for a mixed use re-development of 88 dwellings and 2466sqm of B1 business use floor space together with associated car parking. Withdrawn.

CONSULTATION RESPONSES

Highways and Engineering: Accept the findings of the submitted traffic count study which demonstrates that the development will not have a material impact on the operation of the two roundabouts which lie at Spotland Bridge. Therefore a financial contribution towards junction improvements at Spotland Bridge cannot be justified.

Quantity Surveyor: Agrees with the findings of the submitted Viability Statement which demonstrates that there is a development deficit and therefore it is not viable to make financial contributions towards off-site local open space, outdoor sports provision and the highway works at Spotland Bridge.

PUBLIC CONSULTATION

The application was advertised by way of direct letters, a notice in the local press and display of a site notice. No letters of representation have been received.

ASSESSMENT

Policy background

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for applications to amend planning obligations, including standard forms. The principles for modifying an obligation are that it ‘no longer serves a useful purpose or would continue to serve a useful purpose in a modified way’.

In considering whether a planning obligation can be justified, the NPPF advises that in all cases, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development (paragraph 204). Planning obligations should therefore not be sought unless they are necessary to make the development acceptable in planning terms.

The NPPF also advises that to ensure viability, the costs of any requirement to be applied to a development, such as requirements for affordable housing, standards, infrastructure contributions or other contributions, should, when taking into account the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable (paragraph 173).
The Development

Outline planning permission (07/D49660) for a mixed use re-development of the site, comprising 102 residential units and B1 commercial floorspace, was granted on 7th November 2007. Planning permission (08/D51596) was subsequently granted on 13th May 2010 for a revised residential scheme of 90 dwellings and this scheme is currently being implemented by Seddon Homes, with 52 dwellings completed to date.

Planning permission 08/D51596 included a Section 106 (S106) agreement with the Council which requires them to provide on-site local open space, to make a financial contribution towards the maintenance of it and to provide contributions towards off-site local public open space, towards outdoor sports facilities and towards off-site highway improvements works at Spotland Bridge. An additional requirement of the S106 agreement is that the on-site local public open space is transferred to the Council prior to the occupation of plots 85-87 and 26-29.

The S106 agreement requires Seddon Homes to pay the contributions towards local open space, outdoor sports facilities and off-site highway works prior to the first occupation of certain plots, for instance the contribution towards the off-site highway works was to be paid before the occupation of the 27th house. None of the financial contributions have been paid, and the developer is therefore in breach of the S106.

The contribution towards off-site highway improvements

The application has been supported by a traffic count survey, which was undertaken on behalf of the applicant by Croft Transport Solutions. The traffic counts were undertaken during the peak hour traffic flows on 31st May 2017 at both roundabouts at Spotland Bridge.

The 2017 surveyed traffic flows have been compared against the 2006 surveyed traffic flows that were submitted as part of the Transport Statement to support planning applications 2006/D48443 & 2007/D49660. The 2006 surveyed traffic flows took into account the levels of traffic that were historically associated with the former industrial use, which consisted of number of buildings and a car park of approximately 176 spaces.

When comparing the 2006 and 2017 surveyed traffic flows, peak hour flows have reduced at the mini roundabouts which lie at Spotland Bridge. Overall, traffic has decreased by 6% during the weekday am peak and 5% during the pm peak at the Bridgefold Road/Mellor Street roundabout, and by 6% during the weekday am peak and 7% during the pm peak at the Edenfield Road/Rooley Moor Road roundabout. These reduction in flows are based on the current number of occupied houses within the development, which is 52.

The submitted survey has also assessed the impact of the additional traffic that would occur when the remaining 38 dwellings to be built are occupied. This has been achieved by using the submitted survey levels of traffic that access the 52 occupied dwellings as a proxy for the likely levels of traffic that will occur as a result of the 38 units yet to be built. Overall, it is predicted that traffic will decrease by 6% during the weekday am peak and 3.8% during the pm peak at the Bridgefold Road/Mellor Street roundabout.
roundabout, and by 5.5% during the weekday am peak and 3.8% during the pm peak at the Edenfield Road/Rooley Moor Road roundabout.

The Council as Local Highway Authority do not dispute the findings of the traffic count surveys and accept that the financial contribution towards making improvements to the junctions at Spotland Bridge cannot be justified. Therefore re-imposing the highways contribution into a revised S106 would not meet the relevant tests, as the contribution towards highway improvement works is not necessary to make the development acceptable in planning terms.

**The contribution towards off site local open space and off site sports provision**

With regard to recreational open space, the approved scheme was required to make a contribution towards formal sports provision. Although the proposal does provide on-site local open space, it is not sufficient in size to meet the Council’s adopted recreational open space standards (as set out within the Provision of Recreational Open Space in New Housing SPD) and therefore the scheme was also required to make a contribution towards off site local open space. The level of contribution is calculated on the basis of the number of bedrooms being created by a development and the resulting demand for recreational open space arising from the occupation of the new dwellings.

In February 2016, Seddon Homes submitted a Viability Statement (VS) which concluded that there was a development deficit and therefore it was not viable to make the contributions towards off-site local open space or outdoor sports provision. The VS has been reviewed by the Council’s advisors who agree with its findings.

Taking into account the contents of the VS and the response from the Council’s advisors, the applicant does not propose to provide financial contributions towards off-site local open space or outdoor sports provision. Whilst this scenario results in a reduction in the financial contributions to be made towards off-site local open space and outdoor sports provision, it must be recognised that: (i) the completion of the remaining 38 dwellings in a sustainable location will contribute to the supply of housing in the Borough (ii) the fact that the impact of financial contributions on a scheme’s viability is a material planning consideration and contributions can be removed and/or varied in cases where satisfactory evidence has been provided to demonstrate this.

In addition, the existing and future residents of the development have access to areas of local open space and sports pitches at Denehurst Park to the west of the site and Lenny Barn playing fields (Falinge Park High School) to the north-east of the site, which can be accessed via Cinnamon Street. Both lie within walking distance of less than 10 minutes from the site and are of sufficient quality and quantity to cater for the existing and future residents of the development. On this basis, and given the current viability position in relation to the development, it is considered that the harm caused by the lack of contributions towards off-site local open space and formal sports provision is outweighed by the benefits arising from the completion of the residential development.
CONCLUSION

In considering whether a planning obligation can be justified, in all cases the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development (NPPF paragraph 204). Planning obligations should therefore not be sought unless they are necessary to make the development acceptable in planning terms.

In this instance, it is accepted that the scheme would not be financially viable with contributions towards off-site local open space and outdoor sports provision and the highway evidence demonstrates that the contribution towards highway improvement works at Spotland Bridge is no longer justified as it is not necessary to make the development acceptable in planning terms.
Agenda Item 7a

Report to Planning and Licensing Committee

Date of Meeting 7th August 2017
Portfolio Planning
Report Author David Allen
Public/Private Document Public

Application: 16/01107/HOUS  Township: Rochdale  Ward: Norden

Appeal reference: APP/P4225/D/17/3173627

Site Address: Harwood Fields Farm, Castle Hill Road, BL9 6UL

Applicant: Mr S Robinson  Agent: Mr Steven Hartley

Proposal: Single storey side extension

Decision level: Delegated

Planning Inspectorate Decision: Appeal dismissed 3rd July 2017

- Planning permission was refused on the grounds that the side extension, when considered with the existing extensions, would represent a disproportionate addition over and above the size of the original building and thus comprised inappropriate development in the Green Belt. There were no very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

- The NPPF does not provide a definition of what constitutes a disproportionate addition to a dwelling – the appellant had argued that in setting a prescriptive threshold, the Council’s Residential Development SPD did not accord with the ‘flexibility’ of the NPPF. The Inspector opined, however, that in the absence of specific national guidance, it is reasonable for the Council to have local policies within its specific area.

- The appeal property was already being extended by way of a single-storey front extension following the grant of planning permission ref. 16/01105/HOUS on appeal, and a two-storey extension to the rear of the property (carried out under Permitted Development (PD) rights and subject of Lawful Development Certificate 16/00623/CPL).

- The Council calculated that the proposed side extension, together with these extensions, would represent a 57.6% increase in volume. The Inspector agreed that such an increase in volume can be only considered as a disproportionate addition given it would significantly exceed the 35% limit set out in the SPD.

- The appellant suggested that most Councils do not include the volume of
extensions allowed under PD rights in their calculations (i.e. the volume increase of the front and side extensions alone would meet the 35% limit). However, the Inspector noted that both the NPPF and the SPD are clear that any extension or alteration to the property should not result in a disproportionate addition over and above the size of the original building and not the original dwelling and any extensions allowed by PD rights.

- The Inspector therefore agreed with the Council that the proposal would be inappropriate development and the openness of the Green Belt would be reduced. Although in isolation the loss to openness would be minimal, nonetheless, there would be a degree of harm arising from this, in addition to that arising from the inappropriate development.

- The Inspector agreed with the Council that the simple architectural form of the original farmhouse, and its attached barn, has already been compromised by the extensions currently under construction to the front and rear of the dwelling. Nevertheless, they opined that a lack of harm to the character and appearance of the host property, and the surrounding area, was a neutral factor.

- In concluding, the Inspector set out that despite having regard to all the other considerations put before them; they considered that taken together, the factors cited in favour of the proposal did not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances did not exist and the proposal would conflict with the NPPF, Policy G4 of the Rochdale Core Strategy and Policy G/D/2 of the Rochdale UDP.
## Application: 15/00395/FUL | Township: Rochdale | Ward: Norden

### Appeal references: APB2355/V/15/3139740 & APP/P4225/V/15/3139737

### Site Address: Scout Moor Wind Farm, Rochdale and Rossendale

### Applicant: Scout Moor Wind Farm Expansion Limited | Agent: Turley

### Proposal Summary: Construction and operation of 16 wind turbines with a maximum height to the tip of the blade of 115 metres (above ground level) for a temporary period of 25 years together with ancillary works and related infrastructure

### Decision level: Committee (called in by Secretary of State)

### Secretary of State Decision: Application A (Rossendale) Refused 6th July 2017 Application B (Rochdale) Minded to Grant

- Application A refers to the 14no. turbines proposed to be located in Rossendale and application B refers to the 2no. proposed in Rochdale. The respective applications are referred to as Application A (Rossendale) and Application B (Rochdale) to assist members.
- Rochdale Council resolved to grant planning permission for the development proposed by Application B (Rochdale) in September 2015. Rossendale Council also resolved to grant planning permission for the development proposed by Application A (Rossendale).
- Following the resolutions, the Secretary of State issued a holding direction preventing the Councils from issuing decisions on the applications until he had considered whether to recover the applications for his determination.
- On 30th November 2015, the Secretary of State decided to call-in these applications and directed that the applications be referred to him instead of being dealt with by the Local Planning Authorities. An Inspector was appointed to hold a public inquiry in October 2016.
- There was a high level of public interest in the applications, however the Inspector noted that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons. The applications were therefore determined on their respective planning
merits.

- The Secretary of State agreed with the Inspector’s conclusions and recommendations and decided to refuse planning permission to Application A (Rossendale) and is minded to grant planning permission to Application B (Rochdale), subject to receipt of revised planning conditions that comply with the relevant legal and policy tests.

- The Secretary of State invites comments from the Council and the applicant on the description of development and recommended conditions set out in Annex A of the Secretary of State’s report, specifically conditions 23, 24 and 36, relating to the provisions for the Moorland Restoration and Management Plan (MRMP) and its implementation; and a revised noise condition that provides for limits related only to the noise emissions from PT15 and PT16 in combination with noise from any existing or permitted turbines at that time.

- In respect of Application B (Rochdale) the Secretary of State carefully considered the issues raised by the affected communities and agreed with the Inspector’s conclusions that: very special circumstances exist to outweigh the harm to the Green Belt; there would be a minor impact on the character and appearance of the area as the turbines would be largely contained within the footprint of the existing wind farm, would have a negligible effect on the local landscape, and would integrate well with the existing wind farm and would have a localised visual effect of minor significance; and none of the other issues raised by affected communities were of sufficient substance to bring the proposal into conflict with the Written Ministerial Statement (WMS), which it thus complied with.

- The Secretary of State agreed with the Inspector that the application was in accordance with the relevant development plan policies. While noting that the proposal would not entirely accord with Policy P2 of the Adopted Rochdale Core Strategy, which sets out measures for protecting and enhancing character, landscape and heritage, the Secretary of State noted that National Policy Statement Policy EN-3 recognises that some harm is inevitable from large turbines and concluded that the proposal is therefore in accordance with the development plan overall.

- The Secretary of State recognised that the proposal would make a significant contribution to renewable energy targets and the reduction of greenhouse gas emissions; it would provide additional energy security; and would result in some benefits to the local and wider economy. He found these to be important public benefits which should be given significant weight.

- The Secretary of State considered that the proposal would have a negligible impact on nearby heritage assets, which attracted limited weight, concluding any impact on heritage assets would be far outweighed by the public benefits of the scheme. Taking into account the combined effects on outlook, of shadow flicker and likely noise, the proposal would not have a significant adverse effect on the living conditions of any nearby residents and therefore these impacts attracted limited weight. The harm to the character and appearance of the area would be minor and localised and attracted limited weight.

- The Secretary of State agreed with the Inspector that the development would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. He further agreed that the two proposed turbines and associated infrastructure would have a significant adverse impact on the openness of the Green Belt, and that the resultant intrusion into the countryside...
would be at odds with one of the purposes of the Green Belt. These harms attracted significant weight.

- The Secretary of State concluded that the renewable energy benefits of the scheme weighed heavily in favour of the proposal. The Secretary of State considered that these benefits would be sufficient to clearly outweigh the harm to the Green Belt and any other harm and the very special circumstances necessary to justify the development existed.

- In respect of Application A (Rossendale) the Inspector found two elements of the scheme in particular to attract significant weight against the proposal: significant adverse visual effects and conflict with the WMS.

- In respect of visual effects, the Secretary of State agreed with the Inspector that the proposal includes an area that is a valued landscape because of its openness, tranquillity and attractive views into the lower valleys. He noted that the proposal would extend the footprint of the existing wind farm and would introduce prominent views of turbines where none currently exist of the existing Scout Moor Farm and considered that the proposed layout would not integrate well with the existing turbines. Overall, he agreed with the Inspector that the proposed turbines sited near to the edge of the moor would have a significant adverse effect on the landscape character and visual amenity.

- In addition, the Inspector considered the additive cumulative impact of the turbines would harm the appearance of the area for local receptors to the north and west of Scout Moor. The Inspector did not consider the mitigation proposed would be sufficient to address the concerns of these affected communities and thus concluded that the application did not accord with the transitional arrangement in the WMS.

- Overall, taking all these considerations into account, and weighing the benefits of the scheme against the likely harm, the Secretary of State agreed with the Inspector that the planning balance was against granting planning permission for Application A (Rossendale).
**Application:** 16/00914/FUL  **Township:** Middleton  **Ward:** North Middleton

**Appeal reference:** APP/P4225/W/16/3161678

**Site Address:** 27 Tonge Meadow, Middleton, M24 2UR

**Applicant:** Mr Andrew O Reilly

**Proposal:** Change of use of land as extension to private garden

**Decision level:** Delegated

**Planning Inspectorate Decision:** Appeal dismissed 3rd July 2017

- Permission was refused as the change of use of the land to residential curtilage would have a negative impact on the structural integrity and visual amenity of the wider area as a result of the reduction in the width of the corridor of land that acts as both a physical and visual link between the residential development and the open recreational land to the west.

- In addition, it was considered the proposed height and position of the boundary fence enclosure would be overbearing and result in loss of outlook for the occupants of No. 25.

- The Inspector found the present timber fence to the rear of the appeal site represented an unauthorised closure of the pedestrian access to open recreational land to the west and considered that the proposed enclosure of the appeal site would have an adverse effect on the urban structure of the area. In addition, it would significantly reduce the possibility of the potential reinstatement of the path which was designed to link the estate to the recreational land.

- Furthermore, the Inspector considered that the loss of the open space forming the appeal site would be harmful to the overall character and appearance of the surrounding area, particularly given its prominent and highly visible position.

- The Inspector agreed with the Council that that the effect of the proposal would have an adverse effect on the outlook of the occupants of No. 25 by reason of the proximity of the 1.8m high boundary fence to the principal ground floor habitable room of this dwelling, and that by enclosing the site as a private garden activities undertaken by the occupiers of the appeal property which would be commonly
carried out in private garden space would occur unacceptably close to the front of No. 25 to the detriment of the privacy of the current and future occupiers of this property and the appeal property.

- In concluding, the Inspector dismissed the appeal, setting out that whilst the proposal would provide an increased garden area at No.27, this and any other benefits would be outweighed by the harm identified to the visual amenity and structural integrity of the area and the impact on the living conditions of the current and future occupiers of Nos. 25 and 27.
Report to Planning and Licensing Committee

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Notification that the following appeals have been lodged

1. 16/01165/FUL – 12 Somerset Grove, Rochdale - Proposed change of use of land to rear to domestic garden extension (Spotland and Falinge) – delegated.

2. 17/00163/HOUS – 31 Stonie Heyes Avenue, Rochdale - Front dormer extension (Smallbridge and Firgrove) – delegated.

3. 17/00293/HOUS – 21 Armstrong Hurst Close - Two storey/single storey rear extension and front dormer extension (Smallbridge and Firgrove) – delegated.