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Meeting of: Planning and Licensing Committee
Date: Thursday, 5th March, 2020
Time: 6.00 pm.
Venue: Training and Conference Suite, First Floor,
Number One Riverside, Smith Street,
Rochdale, OL16 1XU

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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Planning and Licensing Committee Members

Councillor Shakil Ahmed	Councillor Phil Burke
Councillor Irene Davidson	Councillor Susan Emmott
Councillor Rachel Massey	Councillor Amna Mir
Councillor Shaun O'Neill	Councillor Faisal Rana
Councillor Aasim Rashid	Councillor Peter Rush
Councillor John Taylor	Councillor Shah Wazir
Councillor Peter Winkler	Councillor Sameena Zaheer
Councillor Mohammed Zaman	

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Agenda Item 6

Planning and Licensing Committee Update Report – 5th March 2020

AGENDA ITEM 6(b) – 19/00628/OUT – Farrel Ltd, Queensway

UPDATE TO REPORT

Noise impact condition

The applicant has queried draft condition 13, and has supplied the following comments:

“In terms of the noise condition, the internal noise level requirements have been set with a 1 hour or 5 minute time interval for daytime and night-time respectively. This is considered to be onerous, and is not in-line with the wording within current British Standards (ie BS 8233 and ProPG). Hann Tucker’s Noise Assessment assesses based on a 16 hour or 8 hour time period for daytime and night-time and we understood this approach was generally confirmed as acceptable by the EHO within an email.

The wording of the noise within external amenity areas is considered onerous, and somewhat vague as it does not stipulate the time interval the noise level is applicable under. Regarding the onerous nature of this condition, as we have previously noted we feel there is a risk of non-compliance with the “highest” desired noise level of 58 dB given the limitations of the site (ie existing screening already provided by hills/existing buildings). We would expect that across the majority of external amenity areas a noise level of circa $\leq 58-60$ dB LAeq,16hour could be achieved, though potentially not at all locations across the site. As such, we request that this part of the condition be removed”.

These comments have been passed to the Environmental Health Officer for review, and members will be updated at the Committee meeting.

Mechanism for affordable housing provision

The recommendation to members includes a clause 2 within the S106 agreement, requiring a mechanism to ensure any affordable housing is to be provided on site; the details shall first be submitted to and approved in writing by the Local Planning Authority. A further clause requires a commuted sum payment where affordable housing is not secured through a reserved matters submission.

The applicant has resisted clause 2 on the basis that Homes England will not provide grant funding to Registered Providers for affordable housing that has been secured via S106. Instead, they have suggested that a planning condition will suffice as follows:

1. *If affordable housing is to be provided on site, the details shall first be submitted to and approved in writing by the Local Planning Authority.*

Officers are satisfied that the proposed clause 2 is sufficiently flexible in order that Homes England grant funding will not be precluded, whilst allowing the local planning authority to have involvement in the type of affordable homes that are delivered. Homes England, whilst not commenting on the specifics of this application have advised that affordable housing should not be included in a condition in circumstances where it can be within a S106 agreement.

Without robust evidence from the applicant that a condition is the only mechanism to achieve affordable homes, Officers advise that the Heads of Terms remain as per the recommendation.

Electric Vehicle Charging

Condition 14 requires a scheme of ducting to enable electric vehicle charging at each dwelling, to be submitted as part of a reserved matters submission. Whilst the application demonstrates that there are no air quality impacts associated with the proposed scale of development, the future enabling of electric car charging is regarded as a benefit of the scheme and accords with the provisions of Core Strategy policy T2, which seek to secure measures for modal shift and sustainable travel / behavioural change.

UPDATE TO RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT Planning Permission subject to conditions and subject to the prior signing of a S106 legal agreement to include:**

1:

- (i) Financial contributions of £308,000.25 towards Primary education;**
- (ii) Where ‘no net loss’ of biodiversity cannot be demonstrated through the reserved matters submission and mitigation strategy, a payment for a financial contribution towards biodiversity off-setting, shall be triggered, the formula for which shall be based on the DEFRA off-set matrices;**
- (iii) The provision and future maintenance of recreational open space within the site, in accordance with the Council’s policies;**
- (iv) Financial contributions towards off-site highway improvement:**
 - £3,000 – dropped crossings / tactile paving at access points
 - £20,000 – raised tables and extended 20mph zone on Newchurch Street
 - £6,000 – Footway reinstatement at junction with Queensway and lighting
 - £4,000 – TRO review along Newchurch Street

2:

- (v) A mechanism to ensure that where any affordable housing is to be provided on site, the details shall first be submitted to and approved in writing by the Local Planning Authority.**

3: Clause that if the housing site is delivered but there is no investment in Farrel’s:

- (vi) Contributions towards Outdoor Sports Provision, in accordance with the Council policies,**
- (vii) A financial contribution of £154,000.10 towards Secondary education or the investment,**
- (viii) Where affordable housing is not secured through a reserved matters submission, a commuted sum payment made, in accordance with the Council’s policies;**

to be paid.

And that the Head of Planning Services is authorised to GRANT planning permission upon execution of the above S106 agreement subject to the following conditions.

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of three years from the date of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No part of the development hereby permitted shall be commenced on the site until full details of the layout, scale and appearance of the buildings and landscaping (hereinafter called the "reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015, and details of the matters referred to in the conditions have not been submitted for consideration.

- 3 The total number of residential units included in any application(s) for reserved matters submitted pursuant to condition 2 of this permission shall not exceed 100 dwellings, and the development shall accord with the principles established by the amended Parameters Plan dwg.no.2364 - LC04 Rev 1, and the Location Plan dwg.no. 2364 - LC03.

Reason: In order to provide for an acceptable scale and layout of development and high quality environment, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity in accordance with the requirements of Core Strategy policy DM1 and the National Planning Policy Framework.

Reason for pre-commencement: Existing site levels are required to be surveyed and submitted prior to any ground disturbance in order to ensure accurate topographical data.

- 5 As the site characterisation has identified potential unacceptable risks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the

natural and historical environment shall have been submitted to and approved in writing by the Local Planning Authority.

The approved remediation scheme shall thereafter be fully implemented. There shall be no variation of the approved remediation scheme unless otherwise approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme and prior to the commencement of the permitted use/development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared which is subject to the approval in writing of the Local Planning Authority.

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

- 6 No development shall commence until a foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems for foul and surface and only combined at the site's final outfall manhole, if necessary, in accordance with Building Regulations Part H5 (2010).

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 adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 7 No development shall commence until a surface water drainage scheme (including surface water from parking areas where appropriate) has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme must include:

The background calculations or MicroDrainage® model details shall be submitted to the Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) details of the rate of surface water discharge from the site to any soakaway, or watercourse or sewer and shall incorporate measures (including any necessary flow attenuation measures and the use of SUDS where appropriate) to maintain the existing (predevelopment) greenfield runoff rate from the site
- (ii) confirmation of approval by United Utilities of the restricted rate of surface water discharge of surface water to the public sewer;

- (iii) a drainage management and maintenance document – for future maintenance purposes: and
- (iv) An assessment of the risks to controlled waters.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are 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 surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 8 Notwithstanding the requirements of conditions 1 and 2, if demolition of any of the buildings hereby approved for demolition does not commence before 30th April 2021, the building not yet demolished will be reassessed for bat roosting potential. The survey shall include any methodologies for bat roost mitigation measures where necessary. The resultant survey shall be submitted to and approved in writing by the local planning authority prior to any demolition taking place.

Reason: In the interests of species protection in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 9 Upon submission of the first Reserved matters application, a detailed ecological assessment of the pond shall be submitted. The assessment shall include marginal and aquatic plants, amphibians, nesting birds and invertebrates and any methodologies where appropriate. The assessment and methodology shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of species protection in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 10 The submission of the first reserved matters application shall be accompanied by a Method Statement detailing the eradication and/or control and/or avoidance measures for Rhododendron and monbretia. The Method Statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a means of eradicating and/or controlling invasive species in accordance with the adopted Rochdale Core Strategy policy G7 and the National Planning Policy Framework.

- 11 No demolition or clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (1 March – 31 August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 No development shall take place (including any site clearance works) until a Construction Method Statement (CMS), has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) Dust Management Plan which includes mitigation measures that are set out in Appendix E (pages 31-34) of the submitted Air Quality Assessment ;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) noise reduction measures;
 - ix) measures for the protection of the natural environment including the River Beal from accidental spillages, dust and debris;
 - x) hours of construction, including deliveries; and
 - xi) measures for protection of the existing water mains and sewers within the site.
 - xii) post construction restoration of public rights of way.

The approved CMS shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMS during the construction period.

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 adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the development will include site clearance, demolition works, ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of adjacent premises and users, prior to commencement of any works taking place.

- 13 On submission of the reserved matters application for any phase of development a noise report for that phase of development pursuant to condition 2 shall be submitted to and approved in writing by the Local Planning Authority which should ensure that the following internal and external noise levels are achieved:
- o 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm.
 - o 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am.
 - o 35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm.

- o 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
- o Noise in external amenity areas shall not exceed 58 dB(A).

Prior to the first occupation of each dwelling hereby approved, a verification report shall have been first submitted to and approved in writing by the Local Planning Authority, confirming that the internal and external noise levels have been achieved.

Reason: To ensure satisfactory living conditions for future occupiers of the development in accordance with the requirements Core Strategy policies P3 and G9, and the NPPF.

- 14 Upon submission of the reserved matters application pertaining to layout, a scheme for the installation of electric vehicle charging points ducting at all houses within the development shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to first occupation of each dwelling within the development hereby approved.

Reason: In the interests of air quality management in accordance with Core Strategy policies T2 and the National Planning Policy Framework.

- 15 Upon submission of the reserved matters application pertaining to layout, a scheme incorporating a pedestrian connection with the existing lane to the immediate north of the application site shall be submitted to the Local Planning Authority for their approval. The approved scheme shall be fully implemented prior to first occupation of the approved development.

Reason: In the interests of sustainable travel, and encouraging journey on foot, in accordance with Core Strategy policy T2 and the National Planning Policy Framework.

- 16 Upon submission of the first reserved matters application, a scheme of biodiversity mitigation measures, and a timetable for implementation shall be submitted to the Local Planning Authority for their approval. The approved scheme shall be carried out in full accordance with the approved details and timescales.

Reason: To ensure that the development provides biodiversity mitigation measures in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 17 Upon submission of the reserved matters application pertaining to layout, a strategy of traffic calming to achieve a 20 mile per hour zone shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be operational prior to first occupation of any dwellinghouse hereby approved and shall be retained and maintained as such thereafter.

Reason: In the interests of highway safety in accordance with policy T2 of the Rochdale Core Strategy and the National Planning Policy Framework.