

Report to Planning and Licensing Committee



Date of Meeting	9 October 2019
Portfolio	Councillor Wardle Cabinet Member for Planning, Development & Housing
Report Author	Emma Heron
Public/Private Document	Public

Application: 19/00454/AM	Township: Pennines	Ward: Wardle & West Littleborough
Applicant: Hoyle Development Ltd		Agent: A J Cocker Associates
Site Address: Land off Starring Road, Littleborough		
Proposal:	Section 73 application for minor material amendment to planning application 15/00996/FUL relating to alterations to boundary treatments, finished floor levels and landscaping	

SITE LOCATION



DELEGATION

- 1.1 The application falls to be determined by the Planning and Licensing Committee as the Committee resolved to approve the original planning permission (ref. 15/00996/FUL) on 17 January 2017.

PROPOSAL SUMMARY

- 2.1 Minor material amendment application to amend aspects of planning permission 15/00996/FUL (for the erection of seven dwellings). The amendments relate to finished floor and ridge levels, boundary treatments and landscaping.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT planning permission** subject to the recommended conditions.

REASON FOR RECOMMENDATION

- 4.1 This is a minor material amendment application and as such it is important to bear in mind that the development of the land has full planning permission and can be implemented in its approved form. The original planning approval included lower slab levels than those proposed, however the proposed houses were taller with no dividing fence between the site and neighbouring gardens on Starring Lane, and detail in respect of the garden levels was to be provided by condition. It is within this context that this application should be assessed.
- 4.2 The proposed minor material amendments are considered to be acceptable. The raised finished floor levels compared with the original approval is mitigated to an acceptable degree through the lowering of the ridge heights and the provision of close boarded fencing and tree planting between the proposed plots 4-7 and the neighbouring residents gardens. The application also demonstrates to a satisfactory level that the completed development will not increase flood risk elsewhere, and will (subject to conditions) alleviate the drainage problems experienced by residents on Starring Lane since construction began on site.

SITE

The site comprises 0.44 hectares of former greenfield land within the Defined Urban Area. Planning permission was granted to develop the site to provide seven detached dwellings in 2017 (ref: 15/00996/FUL) and that development is under construction.

The site is located on the north eastern side of Rochdale and is accessible from Featherstall Road (A58), via Starring Way and Starring Lane. It borders a long-established residential area to the south and east. To the west of the site lies open space which rises upwards away from the site and which is in the Green Belt. To the north is a cluster of large detached dwellings.

Adjoining the southern boundary are the rear boundaries of several detached dwellings located along Starring Lane. Adjoining the eastern boundary lies the remaining part of this former open field and beyond it are several large modern detached dwellings which are located along Chestnut Way and Elmore Wood.

PROPOSAL

This minor material amendment application is for alterations to finished floor and ridge levels, landscaping and boundary treatments.

By way of background, during early construction of the seven approved dwellings, an enforcement complaint lead to an investigation relating to discrepancies in slab levels as approved (through the discharge of conditions application 18/01070/DOC), compared with the slab levels under construction.

In addition the land levels and contours of the site were being altered and grass/topsoil stripped away as part of the site preparation works. The residents of Starring Lane to the south east began to experience drainage issues and ponding within their rear gardens during periods of heavy rain after that phase of construction had taken place.

An updated topographical survey was carried out during the enforcement investigation in order to obtain an accurate assessment of the on-site situation.

Slab levels: The proposal seeks approval for alterations to the approved slab levels Above Ordnance Datum (AOD) as follows:

Table 1

	APPROVED SLAB LEVEL (AOD)	PROPOSED SLAB LEVEL (AOD)	DIFFERENCE IN SLAB LEVEL
Plot 1	171.500	171.750	+ 250 mm
Plot 2	170.300	171.170	+ 870 mm
Plot 3	169.500	170.150	+ 650 mm
Plot 4	170.500	170.880	+ 380 mm
Plot 5	170.000	169.985	- 015 mm
Plot 6	169.500	169.550	+ 050 mm
Plot 7	168.500	168.170	- 330 mm

Ridge levels: As part of a series of measures to compensate for the raised slab levels, the proposal includes a design alteration to all plots. Overall ridge levels have been lowered, and this has been achieved through a re-design of the houses (the lowering of ceiling heights and shallower roof pitches). The effect of these proposed changes is to reduce the overall heights of houses.

Combining the proposed raised slab heights and the reduction in floor to ridge house heights would bring about a change to the overall heights (AOD) of the dwellings as follows:

Table 2

	APPROVED RIDGE LEVEL (AOD)	PROPOSED RIDGE LEVEL (AOD)	DIFFERENCE IN RIDGE LEVEL
Plot 1	181.069	180.784	- 285 mm
Plot 2	179.885	180.355	+ 470 mm
Plot 3	179.085	179.335	+ 250 mm
Plot 4	180.069	179.914	- 155 mm
Plot 5	179.569	179.304	- 265 mm
Plot 6	179.069	178.869	- 200 mm
Plot 7	178.069	177.204	- 865 mm

Hard-standings: In addition to the above, clarification has been provided that the constructed hard-surfaces at the rear of the properties would be lowered to below approved ground levels. The hard-surfaced paths around the houses would be laid to slope with a slight fall towards the property which is to be provided with a 150 mm gravel margin against the perimeter wall. These measures are proposed to assist with alleviating surface water run-off.

Landscaping: The proposed amendment to the landscaping scheme is a scheme of native tree planting in addition to the previously approved native hedge planting at the bottom of the proposed gardens facing the rear of properties on Starring Way. The purpose of which is to provide additional screening and enhance the biodiversity that the development provides. The planting trench, containing more freely draining material is proposed to assist in alleviating the issues adjoining residents are experiencing with surface water run-off from the site, together with other measures outlined below.

Boundary treatments: The proposal includes a fence to be erected to the rear gardens of plots 4-7 abutting the existing dry stone wall. The purpose of this is to provide additional screening between existing residential gardens and the development. The approved scheme is for the planting of a native hedge with no boundary fence.

Garden levels: Details of the grading of the rear gardens of plots 4-7 have been submitted to demonstrate a levelling out at the lower end adjacent to the existing drystone wall forming the boundary between the application site and the rear gardens of Starring Lane. The gardens would be surfaced with a minimum of 150

mm topsoil and grass seed. Gardens would also slope downhill, roughly from south west to north east.

Drainage: Imported materials that have been placed within the incomplete gardens of Plots 5 and 7 will be required to be removed within a timescale required by condition of any planning permission prior to topsoil being placed on the gardens. Additionally the approved drainage strategy is to be reviewed to determine whether any changes are required in light of the amendments to the approved development.

The proposed alterations to the building heights, the tree planting and the boundary fence are intended to reduce the concerns of neighbouring occupiers regarding the impact of the development on their amenity. The garden levels details are intended to demonstrate that privacy of neighbouring occupiers will not be affected by way of garden levels and intended to demonstrate that the indicated garden slopes will alleviate the existing surface water run-off problems that have occurred to gardens on Starring Lane since the start of the construction.

Amendments

The application has been amended by way of the reduction of the slab levels to Plots 4 and 5 by 250 mm and 215 mm respectively, down from the unauthorised formed level on site. These are the highest of the four plots facing the gardens of Starring Lane. Plots 6 and 7 have been built within a reasonable tolerance of the approved heights, as concluded as part of the enforcement investigations.

The second amendment has been a change to the fence proposed as a boundary between the site and the gardens of Starring Lane. Originally the proposal was for a 1.8 m high fence comprising 1.2 m close board fencing topped with 600 mm trellis. It is now proposed to be 2 m high and close boarded.

Other amended plans received during the course of the application process have been to provide clarity over aspects of the proposed development, or to rectify minor discrepancies.

DEVELOPMENT PLAN

Rochdale Unitary Development Plan (UDP) 2006:

- G/D/1 Defined Urban Area
- EM/7 Development and flood risk
- EM/8 Protection of surface water and ground water

Rochdale Core Strategy (CS) 2016:

- SO1 To deliver a more prosperous economy
- SO2 To create successful and healthy communities
- SO3 To improve design, image and quality of place
- SO4 To promote a greener environment
- SO5 To improve accessibility and deliver sustainable transport

SD1 Delivering sustainable development

C1 Delivering the right amount of housing in the right places
C2 Focusing on regeneration areas and economic growth corridors/areas
C3 Delivering the right type of houses
C6 Improving health and well being
C7 Delivering education facilities
C8 Improving community sport, leisure and cultural facilities

P1 Improving image
P2 Protecting and Enhancing Character, Landscape and Heritage
P3 Improving design of new development

G6 Enhancing green infrastructure
G7 Increasing the value of biodiversity and geodiversity
G8 Managing water resources and flood risk
G9 Reducing the impact of pollution

E2 Increasing jobs and prosperity

T2 Improving accessibility

DM1 General development requirements
DM2 Delivering planning contributions and infrastructure

Supplementary Planning Documents:
Oldham and Rochdale Residential Design Guide SPD
Guidelines and Standards for Residential Development SPD
Biodiversity and Development SPD

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF) February 2019

National Planning Practice Guidance (NPPG)

RELEVANT HISTORY

15/00996/FUL – Erection of seven detached dwellings. Approved January 2017.

18/01070/DOC - Submission of details to comply with conditions 3 (materials), 4 (windows/doors), 5 (boundary treatments), 6 (levels), 7 (biodiversity and landscaping), 8 (parking/access areas), 10 (contamination), 11 (drainage), 12 (Construction Method Statement) – ongoing.

CONSULTATION RESPONSES

Lead Local Flood Authority

Existing and Historical Issue with Rainfall Runoff from the hillside catchment

As well as rain falling on the Site, the Site receives additional, significant rainfall runoff from the hillside to the west of the site, above Starring Road. This runoff enters the site from Starring Road and heads towards the low-elevation points of the site on the NE corner of the site (but outside the redline development boundary).

Extract from “Starring Way - Environmental Audit by TJ Booth Associates” (planning application):-

Generally the Application Site comprised approximately 250mm of TOPSOIL over firm to stiff CLAY becoming slightly gravelly at depth. There was some grey blue CLAY and a thin horizon of PEAT (nom 100mm) around TH4 but otherwise the strata was relatively uniform.

The ground conditions noted in the paragraph above mean that the site will have poor infiltration; the clay makes infiltration is slow, so ponded areas remain wet for periods of time. These flood-susceptible, low lying areas are in the vicinity of no. 20 Starring Lane and nos.1 & 3 Chestnut Way.

Some rainfall on Starring road passes down the road and enters the highway drainage system on Starring Lane. However, this appears to contribute to overloading the highway drainage system, which is connected to the public combined sewer – evidence of this is the flooding event of Starring Way on 28th July 2019.

1. Land Drainage

Because there is no nearby stream or watercourse, land drainage of the Site is not feasible:- United Utilities do not accept land drainage discharge to their public sewers. This is a long-term issue for existing residents, with no solution available.

2. Temporary increase in runoff from the building site

During the Contractor’s works, the rainfall runoff from the site is increased for the following reasons:-

- some areas have been stripped of topsoil so water runs off immediately rather than being slowed by vegetation and grasses;
- the attenuation tank has not been installed to capture the runoff from the roofs and hardstanding of the new development.

The Contractor wants to install the attenuation tank until a later stage in the works, otherwise it would become filled with sediment and require desilting.

3. Drainage Issue – Does the Development increase flooding of neighbouring gardens, in the long term?

With regard to the slope of the gardens of Plot 4 to Plot 7, the Applicant’s drawings and cross-section indicate that there is minimal change in elevation from ‘before’ to

'after'. The new plots' gardens/ lawn area are shown to have only a gentle slope or be flat.

As long as the Contractor builds '*in accordance*' with the drawings listed above in "Drawings reviewed", the runoff and flood risk will not be increased as a result of the elevations.

4. Imported unsorted materials

In the vicinity of Plot 5 (and 7), the Drainage Officer noted that imported materials had been brought to site. The image below indicates that the material appears to be 'building waste' rather than 'sorted soils'. This material does not appear to conform to the UK's Government's "*Construction Code of Practice for the Sustainable Use of Soils on Construction Site*".

Prior to re-laying topsoil on the garden areas to the east of the new properties nos. 4 to 7, the Applicant should either remove the 'building waste' or demonstrate its suitability in accordance with the Sustainable Use of Soils document, to RBC.

5. Increase in the Proposed Attenuation tank volume is required.

- a) Reduction of runoff as a result of the Development:-_When the housing development is completed, significant areas of the Site within the redline boundary (roofs and access roads) will be drained and directed to a new attenuation tank that will discharge to the public sewer at a restricted flow rate. This means that a proportion of the site's former runoff that would have contributed to the lower elevation flooding will be removed.
- b) Minor increase in runoff as a result of the rear patios

Site Plan rev F revised in July 2019 shows that foundations are being installed to facilitate future extensions, under 'permitted development' rules. As far as the Drainage Officer is aware, these new extended roof areas were not included in the calculation of the Attenuation tank size

Therefore, to account for the additional footprint of hardstanding, a revision of the attenuation volume proposed in the Drainage Design by TJ Booth Associates shall be updated, Reason:- since any extension will reduce hardstanding but will not require a householder to include any additional drainage measures, therefore the volume allowance is required at this stage.

Drainage & Flood Officer Conclusions

With respect to Section 4. (above) I suggest that the Planning Officer / Enforcement Officer discusses the issues on temporary increased in rainfall runoff with the Applicant and obtains a timetable of improvement to mitigate the 'Temporary increase in runoff' so that the 'temporary aspect' is shortened.

With respect to Section 6, I am unable to conclude that the Development overall will not increase rainfall runoff towards the neighbouring gardens. Reason:- unknown soils appear to have been brought to the site and might be left under the new topsoil of the new gardens and might compromise drainage. Page 30 & 31 of the UK Government Guidance on Sustainable Soils illustrate the problems than can arise with poorly managed soils. I have provided a suggested solution in Section 6.

With respect to Section 6, I suggest that the Planning Officer considers the matter in writing any Decision Notice on application 19/00454/AM.

With respect to Section 7, the Applicant should provide evidence that the proposed attenuation tank is correctly sized to accommodate the extended roof areas for the permitted development foundations. A calculation including a CAD drg of areas by the Drainage designer would clarify this matter.

Additional comments from **Lead local Flood Authority:**

This consultation supplements the Drainage Consultation issued 16. Sept 2019

6. Suitability of soils for garden plot areas for Plots 4 &5

On 18.9.19, I made another site visit to re-check the materials that had been overlain on the subsoil in the future garden plot areas of plots 4 & 5.

The Officer agrees with the Contractor that only stone-rubble had been imported, which is permitted. 'Building waste' had not been imported; the presence of items of isolated waste items in the material in the future garden plots were items that had been dropped on the site by the insulation installers. The Officer observed that the soil was not imported, but had been dug from the foundations elsewhere on the site.

The Drainage Officer and the Contractor agreed that the overlain sub-soil has clay content with poor permeability. The Developer's Site Manager agreed that, prior to doing the finishing work of the garden plots, he would remove the overlaid materials shown in Photo A (pg 2) and any miscellaneous plastic / insulation waste. He agreed to bring the future garden levels up to the approved finish levels with top soil, which is already on site. The site manager has a copy of the UK's Government's "*Construction Code of Practice for the Sustainable Use of Soils on Construction Site*" for his reference – during these works.

The agreed resolution means that the infiltration capacity of the final grassed and garden surfaces will not be reduced by the development. Once vegetation has been re-established, rainfall runoff to the adjacent residents gardens will not be increased.

7. Pre-development existing drainage issues of neighbouring properties

The topographical survey of the Site, prior to the development, and the geotechnical report (submitted in the Planning Application) provide evidence that flooding of adjacent properties' gardens would have occurred in the past, before the development commenced.

The existing underlying subsoil of the site (and adjacent gardens) has poor permeability:- rainwater does not infiltrate easily into the ground, leaving large ponds which can run onto other adjacent low lying gardens. As noted on the previous drainage consultations, the redevelopment of this site cannot resolve all of the pre-existing drainage issues of neighbouring properties, nor resolve the issue that United Utilities do not allow land drainage connections.

Highways and Engineering – No objection. The proposals see the wall re-instated with like for like materials and the highways adjacent improved. The proposals will see the site accessible for refuse vehicles.

Greater Manchester Ecology Unit – No objection to the minor material amendment. This appears to result in additional habitat creation. The details of the additional tree planting can be conditioned.

TOWNSHIP PLANNING PANEL

The application was presented to the Pennines Township Planning Panel on 17th July 2019; Members commented that “this application should be refused when brought to committee. This developer has disregarded the previous planning agreement – this is not acceptable. His actions have led to loss of privacy and work has not been carried out according to conditions laid down”.

MEMBER REPRESENTATIONS

No representations have been received from individual Members.

PUBLIC REPRESENTATIONS

Objection Reps	37	Support Reps	0	Neutral Reps	0
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37 representations have been received from eleven households. The points raised in the representations are summarised below, together with Officer comments.

- Gardens will slope towards houses on Starring Lane, and ground levels are much higher resulting in overbearing impact, flooding and privacy issues;

Officer's Response: This is addressed in the Neighbour Amenity and Flood Risk and Drainage sections of the report.

- The drainage problems for residents of Starring Lane have only occurred since the developer imported several tons of hardcore onto the site and changed the contours of the land. Evidence of gardens flooding on Starring

Lane has been submitted. Hedges and trees would take years to mature enough to have any impact on the amount of water flooding garden.

Officer's Response: Removal of topsoil to the base clay together with alterations to levels on the site has caused surface water run-off during periods of heavy rain and this current condition is temporary whilst construction takes place. The proposals are intended to rectify this.

- Why cannot the surface water from the gardens behind Starring Lane not be directed to the hydro-brake and be regulated with other waste water run-off? The hydro-brake has not yet been installed. Core Strategy policy G8 states that the Council will ensure that new development does not lead to any increased form of flooding locally or further downstream.

Officer's Response: The developer has advised that the attenuation tank and hydro-brake is scheduled for installation in September / October 2019. These drainage control features are required, but they are only needed immediately prior to connection of the new hardstanding areas (tarmac access roads & footpaths and house roofs) to the United Utilities sewer. Surface water from the gardens (ie land drainage) cannot be connected to the combined sewer because the right to connect to the public sewer network is restricted to 'premises' i.e. buildings.

- Concern that there will be no land drain put into the development as gardens on Elmore Wood become flooded. Why is this?

Officer's Response: The flooding issues relating to Elmore Wood and Chestnut Way are historic, dating back to when these properties were built. See above comment re. Land Drainage.

- Existing flooding issues affecting Chestnut Way and Elmore Wood caused by installation of a sewer connection in 2008 should have been mitigated as part of the application for the seven houses.

Officer's Response: It is not the developer's responsibility to mitigate for existing problems. The NPPF and Core Strategy Policy G8 can only require that new development does not lead to any form of increased flooding locally or further downstream, and contributes (where possible) to alleviating flood risk.

- As the site is not suitable for drainage soak away solutions due to existing heavy clay ground conditions, then the level/slope of the garden should be reduced and flattened out to prevent any flooding of gardens on Starring Lane.

Officer's Response: The proposal demonstrates that the gardens level out towards the rear and are level with the bottom of the dry stone wall that divides the site from Starring Lane.

- Disagree that the proposed ridge level of Plot 4 is within 95 mm of the approved level. The increase in slab height has not been taken into account and the property will be 0.725 m higher than approved and Plot 2 will be

1.343 m higher than approved. On some properties ridge heights have been increased as well as an increase in slab heights.

Officer's Response: The floor to ridge heights of all seven dwellings is proposed to be lower than those approved (as shown in the "Proposal" section of this report). However as the slab height is higher than approved, that is where the calculations come into effect.

- Walls beyond the approved footprint are not shown on the plans and we think that this is misleading and should be clearly shown.

Officer's Response: Clarification has been provided that the walls will be taken down to below approved ground level.

- The increased heights of houses should be rectified as soon as possible. The development is at full height and already dominates the skyline and is out of character with existing housing.

Officer's Response: See Design and Visual Impact section of this report.

- The local planning authority sought a reduction in the heights of the original houses by 300mm to reduce the impact from the public right of way. Any increase at all in ridge height would contravene this.

Officer's Response: See Design and Visual Impact section of this report.

- Reasons for raising the slab levels (water pipe positions, level access and rectifying difficult access in inclement weather) are not valid and the approved plans should be followed.

Officer's Response: The reasons behind the raising of slab levels are not material planning considerations. The relevant considerations are outlined in the remainder of this report.

- Object to the close-boarded fence adjacent to the dry stone wall of Starring Lane. Hedging could be removed by future occupiers of the new houses thus negating biodiversity mitigation of biodiversity loss in the field by way of wildlife corridor. The hedge and tree planting should be between the wall and fence.

Officer's Response: Under the approved application the hedging would have been within the gardens of the new houses anyway, so the proposed amendment is not different in that respect. Planting the hedge between the drystone wall and the fence would prohibit access to maintain the landscaping, which is required by condition.

- A more solid fence with no trellis on the top panel would be preferred to protect residential amenity.

Officer's Response: The application has been amended to reflect this.

- The wall adjacent to the highway was removed and used for hardcore. It was historic and formed part of the biodiversity of the area. It is now proposed to build a realigned wall with footpath, destroying grass verges leading to harm to rural character, biodiversity and is not what was originally approved.

Officer's Response: The original planning permission included provision to build a realigned wall and footpath to Highway Authority specifications.

- Discrepancies on plans, and querying the stated ridge heights;

Officer's Response: The discrepancies have been rectified and neighbours re-consulted on the basis of the amended plans. The stated ridge heights are correct. They are based on a combination of the lowering of room heights, and shallower roof pitch to create a lowered ridge height.

- Querying the accuracy of site section drawing (plot 7) and concerns over heights in relation to the garden slope and the level of the garden wall.

Officer's Response: The site section drawing is accurate as it refers to a specific cross-section which is highlighted on the plan. Issues relating to the impact of the height of the building are addressed in the Neighbour Amenity section of the report.

- The images submitted with the application are misleading. They are not to scale and give the impression that the development is a long way from our properties.

Officer's Response: The images are supporting information only whilst the plans form the basis of the planning application. The images will not be included within the approved plans list should planning permission be granted.

ANALYSIS

Principle of a minor material amendment application

1. The application is made under Section 73 of the Town and Country Planning Act 1990. This is the mechanism by which to vary or remove conditions associated with a planning permission. Where there is a relevant condition on the planning permission to be varied (for example, the approved plans list condition) Section 73 can be used to apply for minor material amendments to the approved plans. That is the case here. Whilst approval of this application would, in effect, result in the issuing of a new permission, consideration should only be given to those elements of the scheme that differ from the previous approval, together with any significant change in policy and other material factors that have occurred in the interim.
2. The National Planning Practice Guidance states that "there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved". In this respect

the development proposal is substantially the same as the approved scheme in relation to amount, design, scale, layout, access and parking.

3. There have been no changes to the status of the development plan since the grant of full planning permission 15/00996/FUL (approved January 2017). The committee report had taken account of the relevant policies of the Rochdale Core Strategy, which had been adopted in October 2016. There have been revisions to the National Planning Policy Framework (2018 and 2019), but those changes have no material impact on the assessment of the proposal. Accordingly this application will be assessed on the merits of the proposal as submitted and any changes to the application site and surrounding area since the grant of planning permission 15/00996/FUL.
4. The proposed amendments are detailed in the “Proposals” section above, and the key considerations to be assessed relate to design and visual impact, neighbour amenity and drainage.
5. Given the above definition of a minor amendment application, it is important to bear in mind that the development has full planning permission and can be fully implemented in its approved form. The original planning approval includes lower slab levels than those now proposed, however there is also an approval for taller houses, no dividing fence between the site and neighbouring gardens on Starring Lane, and detail in respect of the garden levels was previously reserved by condition. It is within this context that this Section 73 application should be assessed.

Design and Visual Impact

6. Policies DM1 and P3 of the adopted Core Strategy require all development proposals to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area. Principles of good design in housing schemes are also outlined within the Supplementary Planning Document (SPD): Oldham and Rochdale Residential Design Guide.
7. In recommending approval for planning application 15/00996/FUL the officer report acknowledged the contribution that the (formerly) greenfield site made as a transition between the Defined Urban Area and the Green Belt, and negotiated design and layout improvements including “each dwelling being 300mm lower with a stronger edge to Starring Road”. The minor material amendment seeks approval for a change in levels and building heights, and an assessment is required as to whether this has an acceptable visual impact, within the wider landscape context that the officer previously acknowledged.
8. The transition between urban edge and countryside in this location is best appreciated from slightly elevated public vantage points to the east and south east, and the change in character is from an urban estate road (Starring Lane) to a country lane (Starring Road). The wider vantage points look down towards the site, and from these slightly elevated views the levels as proposed will be barely discernible from those approved. Regarding the character of Starring Road as a country lane, it must be noted that the development already has planning approval for a re-aligned (setback) boundary wall plus highway and footpath alterations “to Highway Authority specifications”. From this vantage

point therefore, approval is already in place for an upgraded highway that will alter the appearance of this part of Starring Road to one with more urban characteristics. The slight alteration to levels will not have an appreciable impact from this vantage point. The changes in ridge heights as set out in the 'Proposals' section, comprising a mix of lower and higher than those approved, will not harmfully impact upon views of the housing development from outside of the site.

9. Other elements of the scheme including additional tree planting and fencing would not impact adversely on the wider landscape.
10. The proposed amendments to the planning permission are considered to be acceptable in design and visual impact terms, and would accord with policies DM1 and P3 of the Core Strategy.

Neighbour Amenity

11. Section 4 of the adopted Guidelines and Standards for Residential Amenity SPD advises that “although it is expected that most new development will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings.”
12. The assessment of the impact of the proposed minor material amendment on the amenities of the occupiers of nearby houses must be made in the context of a comparison with the approved development (15/00996/FUL) and having regard to planning policy requirements.
13. Section 4 of the “Guidelines and Standards for Residential Development” SPD (adopted 2016) states that the following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:
 - i. **21m** between directly facing principal windows of habitable rooms, at an upper floor level AND **10.5m** between a principal window at an upper floor level and a directly facing boundary of the curtilage;
 - ii. 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room;
 - iii. 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.
14. The Guidelines also state that where buildings of three or more storeys are proposed, or there is a marked difference in levels, it may be necessary for the minimum distances set out in (ii) and (iii) above to be increased.
15. Taking account of the Council’s adopted space standards, in particular set out at criterion (i) above, it is an important consideration that the distances between the plots and the existing nearest residential properties exceed the adopted space standard, in some cases by a considerable margin, as follows:

Plot 1

- 46m between facing windows; and
- 23m principal windows to directly facing boundary

Plot 2

- 41m between facing windows; and
- 18m principal windows to directly facing boundary

Plot 3

- 36m between facing windows; and
- 13m principal windows to directly facing boundary

Plot 4

- 30m+ between facing windows (measured at closest point); and
- 15.5m principal windows to directly facing boundary

Plot 5

- 28.5m+ between facing windows (measured at closest point); and
- 14.5m principal windows to directly facing boundary

Plot 6

- 27.5m+ between facing windows (measured at closest point); and
- 14.5m principal windows to directly facing boundary

Plot 7

- 27m+ between facing windows (measured at closest point); and
- 13.5m principal windows to directly facing boundary

16. The above measurements demonstrate that in all cases there is a significant distance between principal windows of each plot, and the windows in existing residential properties – distances which exceed the requirements of the SPD. In the case of Plots 1 to 3 there is also a considerable distance between the plot and shared garden boundary with Middle Starring. The boundary with Middle Starring also benefits from significant and dense tree planting. To this (North West) side of the development therefore, it can be clearly demonstrated that the proposed amendments to the approved development will have no material impact on neighbour amenity.
17. The measurements set out above demonstrate that the distance between the plots and the garden boundaries to Starring Lane also exceed the adopted space standard, by 5 metres (plot 4), 4.5 metres (plot 5 and 6) and 3 metres (plot 7). There is also a difference in levels from the bottom of the proposed gardens to the slab heights of the plots, and the adopted SPD requires this to be taken into account (see paragraph 13 above).

18. It is noted that the houses are higher, however the gardens would slope down to become level with the neighbouring gardens, and the approved houses are further away from the boundaries and houses of Starring Lane than the SPD minimum standards. The installation of a two metre high fence at the boundary is therefore considered to be sufficient to mitigate any concerns around privacy relating to overlooking of gardens and ground floor rooms. This would over time, be supplemented by the proposed tree planting once it becomes established. The retention and maintenance of the fence would be required by condition, together with the standard five year maintenance programme for landscaping.
19. Whilst assessing the impact of the development on neighbour amenity, it is important to take into account the existing planning permission and relationship between gardens. At present there is clear intervisibility between the Starring Lane gardens and the application site, and this is particularly acute within the garden of 26 Starring Lane where there is no landscaping at all adjacent to the rear boundary. The existing planning permission does not incorporate any requirement for fencing, only hedge planting, and so the visibility between gardens would remain as existing, until the hedge were to reach maturity. The current proposal incorporates a fence and trees along this boundary, which would provide an immediate privacy screen.
20. The proposal is therefore considered to have an acceptable impact on neighbouring amenity taking into account the exceedance of the adopted space standards set out in the SPD, the proposal to install a fence and additional tree planting and also the minimal difference between approved and as-built slab levels set out in Table 1 for Plots 4-7 and including the reduction in ridge heights. This is in accordance with policy DM1 of the core Strategy, Guidelines and Standards for Residential Development SPD, and paragraph 127 of the NPPF which requires that developments create a high standard of amenity for existing and future users.

Drainage and flood risk

21. Paragraph 155 of the NPPF 2019 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 163 of the NPPF 2019 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
22. Core Strategy policy G8 seeks to ensure that new development does not lead to any form of increased flooding locally or further downstream, and contributes (where possible) to alleviating flood risk.

23. Whilst bearing in mind that this application is for a minor material amendment to an already approved scheme and therefore only the amendments and any other material changes in circumstance should be taken into account, it is considered important to set out the background to drainage and flood risk issues relating to the site and surrounding area, and the existing planning permission.
24. The site is in Flood Zone 1, which means that it is assessed as having a low (1 in 1,000) annual probability of flooding. The site is also within a much wider Critical Drainage Area (CDA) encompassing much of Littleborough. CDAs are identified in the Strategic Flood Risk Assessment as areas where surface water risk was established as most widespread and significant, and where particular care was needed in assessing the impact of development on surface water flood risk. As well as rain falling on the site, it receives additional significant rainfall runoff from the hillside to the west. This runoff enters the site from Starring Road and heads towards the low-elevation points on north east corner (outside of the red edge development boundary). Additionally, the site suffers from poor infiltration due to the clay subsoils, so ponded areas remain wet for periods of time. Land drainage of the site is not feasible as there is no nearby stream or watercourse to drain to (United Utilities will not accept land drainage to their public sewers).
25. Within the above context, the original planning application was supported by a Flood Risk Assessment (FRA) and a drainage strategy, the pertinent points being:
 - Percolation tests revealed that the site is unsuitable for soakaways (clay)
 - There is no option to discharge surface water to watercourses or waterbodies within the site
 - Discharge to a public sewer is the only option and United Utilities have given consent on the basis that the surface water discharge would be restricted to 6.5l/s through the use of an attenuation tank and hydrobrake and paths and driveways would be permeable material.
 - Foul sewage would be collected on a separate system prior to discharge to the public sewer.
26. The detailed drainage scheme based on the above principles was approved by the Drainage and Flooding Engineer as part of discharge of condition application 18/01070/DOC.
27. Separately, it is known that flooding occurs within the gardens of Elmore Wood and Chestnut Way to the north east of the application site. It is understood that this has been occurring for many years, prior to any work being undertaken on the approved development. The Drainage and Flooding Engineer has advised that there is no reason to conclude that the proposed development would exacerbate any flooding which may occur in this location. The reason for this is in part due to the approved drainage scheme. The scheme requires the installation of an attenuation tank and hydrobrake prior to occupation of any of the dwellings, it accounts for surface water from all non-permeable surfaces

within the development site and restricts the discharge flow rate to the main sewer. What the approved drainage scheme will not do however, is to provide a solution to, or improvement upon, the pre-existing flooding issues. This is stipulated in the policies set out at paragraphs 21-23 above. Nor will land drainage be provided (as set out above). Objections to the application have been received on the basis of these pre-existing flooding issues, however providing that the development will not worsen this situation, there are no material planning reasons to refuse planning permission on the basis of pre-existing flooding to these properties.

28. Since construction of the development began there have been occurrences of surface water run-off flowing into and ponding in the gardens of properties on Starring Lane, and in the recent significant rain event (July 2019), water flowed through the gardens and round the side of properties, and entered one resident's garage. This appears to be as a direct result of construction works taking place on the site. It is noted that this is a temporary increase in rainfall runoff, caused by changes in levels on the development site and the stripping away of topsoils, together with the current lack of attenuation tank. These are necessary but temporary elements of a construction project and it is the application proposals that should be assessed for the purposes of this non material amendment application.
29. The application details the proposed slope of gardens of Plots 4 – 7, with the cross-section drawing indicating minimal change in elevation between pre-existing levels and proposed. The gardens would have a gentle slope or would be flat and at the bottom of the garden would be level with the bottom of the existing drystone wall. The Drainage and Flooding Engineer has advised that as long as the development is built in accordance with these plans the runoff and flood risk will not be increased.
30. The applicant is also required to remove imported soil, rubble and gravel which have clay content and poor permeability from the gardens of Plots 4-7. This would be replaced with topsoil to the required levels shown on the proposed levels drawings. The Drainage and Flooding Engineer has advised that this is an acceptable solution. He notes that the existing underlying subsoil has pre-existing poor permeability in any case, however the proposed measure would be sufficient to ensure that the infiltration capacity of the final grassed and garden surfaces will not be reduced by the development, and rainfall runoff to the adjacent residents' gardens will not be increased, once vegetation has been re-established.
31. In addition to the above a condition would be imposed requiring a review of the drainage design, in order to establish if the attenuation tank would need re-sizing to accommodate potential future extensions to the plots.

32. To conclude, whilst it is appreciated that the construction phase is causing surface water run-off issues for adjoining residents, it should be noted that this is temporary. The proposed measures, and recommended conditions are considered sufficient to mitigate against flood risk concerns. It would be unreasonable to require additional flood risk and drainage strategies from the development in order to overcome pre-existing issues. The proposal is considered to accord with Core Strategy policy G8 and the requirements of the National Planning Policy Framework.

Conclusion

33. The development has planning permission, which can be implemented in its approved form. The application is a minor material amendment relating only to certain aspects of the development proposal (as described in detail above). Only those elements fall to be assessed here. It should also be noted that the existing flooding issues affecting residents on Starring Lane are as a result of the temporary change to the land during the construction phase.
34. Officers have negotiated with the applicant both during the enforcement investigation and the course of this application and the assessment outlines that the amendments are now acceptable having regard to design and visual impact, neighbour amenity and drainage and flood risk mitigation subject to the conditions set out below and taking account of consultee advice, in particular from the Flooding and Drainage Engineer.
35. The approved scheme (application 15/00996/FUL), does not include the same level of detail for garden levels, nor does it include the provision of a close boarded fence between the site and neighbouring properties. In this respect the proposed amended scheme is an improvement upon the extant planning permission.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee **GRANT planning permission subject to the following conditions:**

- 1 The development must be begun not later than three years from 18 January 2017.

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:

- Site Layout (drg.no. H407/001 Rev G)
- Proposed Site Sections – 1 (drg.no. H407/010 Rev D)
- Height Revisions Plots 4 - 5 (drg.no. H407/011 Rev D)

- Height Revisions Plots 1 – 3 (drg.no. H407/012 Rev E)
- Proposed Site Sections – 2 (drg.no. H407/013 Rev E)
- Height Revisions Plots 6 – 7 (drg.no. H407/014 Rev A)

and the development shall be carried out in 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 Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 The materials to be used externally on the buildings shall be as specified on the document: “Proposed Materials to be used on development of 7 detached dwellings at Starring Road, Littleborough, planning ref; 15/00996/FUL – 16-11-18” as approved under application reference 18/01070/DOC. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

- 4 All windows and doors shall be as specified on the document: “Proposed Materials to be used on development of 7 detached dwellings at Starring Road, Littleborough, planning ref; 15/00996/FUL – 16-11-18” as approved under application reference 18/01070/DOC. The windows and doors shall be installed in accordance with the duly approved details before the dwellings hereby approved are first occupied and shall be retained as such thereafter.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the site and its surroundings in the interests of visual amenity in accordance with Core Strategy policy P3, and the National Planning Policy Framework.

- 5 All boundary treatments shall be as specified on the Site Layout (dwg.no. H407/001/G). The approved walls/fences shall be erected before each dwelling hereby approved is first occupied and shall thereafter be retained.

Reason: In order to ensure a satisfactory appearance and in the interests of the amenity of the occupiers of neighbouring residential properties in accordance with Core Strategy policy P3 and the National Planning Policy Framework.

- 6 The bat and bird boxes shall be installed in accordance with the details on the Site Layout (dwg.no. H407/001G), and the Biodiversity Enhancement Landscape Management Plan (Verity Webster – revised Nov 2018) (BELMP), received as part of application 18/01070/DOC, prior to first occupation of each of the dwellings on which the boxes will be sited. The boxes shall be maintained in complete accordance with the BELMP thereafter.

Reason: In order to achieve appropriate biodiversity enhancements as part of the development in accordance with the requirements of Core Strategy polices G6 and G7 and the National Planning Policy Framework.

- 7 The landscaping including hedgerows and tree planting, as shown on the Site Layout Plan (dwg.no. H407/001/G, Biodiversity Enhancement Landscape Management Plan (Verity Webster – revised Nov 2018) (BELMP), and revised planting plan, both received as part of application 18/01070/DOC, shall be carried out in accordance with the approved details including timing/phasing arrangements approved, or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. 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: In order to achieve appropriate biodiversity and landscape enhancements as part of the development in accordance with the requirements of Core Strategy policies G6 and G7 and the National Planning Policy Framework.

- 8 The development shall not be occupied until full details of the long-term management responsibilities pertaining to the landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The management responsibilities shall include a requirement to adhere to the requirements approved as part of condition 7 of this planning permission.

Reason: In order to achieve appropriate biodiversity and landscape enhancements as part of the development in accordance with the requirements of Core Strategy policies G6 and G7 and the National Planning Policy Framework.

- 9 The design, construction and drainage of the approved internal road all private parking areas shall be carried out in accordance with the details on “Residential Development Road Construction Details (drg.no.dwg-tjba-hoyle-starring rd, lboro-140818.dwg rev P0)” as approved under application reference 18/01070/DOC. The duly approved access road shall be implemented before any of the dwellings hereby approved are first occupied and the parking areas shall be provided before each associated dwelling is first occupied, and retained thereafter.

Reason: To achieve appropriate provision for vehicle access, circulation and manoeuvring, to ensure there is adequate provision for vehicles to be parked clear of the highway and to ensure the suitable disposal of surface water in accordance with Core Strategy Policies T2 and P3, saved UDP policy EM/7 and the National Planning Policy Framework.

- 10 Within one month of the date of this planning permission, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of the rate of surface water discharge from the site (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed 6.5 litres per second.
 - Details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the dwellings, and shall be maintained and managed after completion, in accordance with the approved details.

Reason: To ensure the appropriate disposal of surface and foul water and to manage the risks of flooding and pollution in accordance with Core Strategy policy G8, saved UDP policies EM/7 and EM/8 and the National Planning Policy Framework.

- 11 Within one month of the date of this planning permission, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- Photographic evidence of the complete removal of stone rubble and plastic waste items from all plots (as referenced in the Drainage Consultation response dated 20.9.19);
 - Details of the grade and minimum depth of topsoil to be used on each of the gardens; and
 - A timetable by which each of the plots will be finished with the specified topsoil, to the levels specified on the approved plans in condition 2.

The soils of the garden plots shall be prepared in accordance with Section 6.1, pages 34 & 35 of 'Soil Placement' of UK's Government's 'Construction Code of Practice for the Sustainable Use of Soils on Construction Site' (LOOSE-TIPPING METHOD AND RELIEF OF COMPACTION).

The development shall be carried out in accordance with the approved details and timetables.

Reason: to ensure that the infiltration capacity of the final garden surfaces will not be reduced, in the interests of flood risk management in accordance with Core Strategy policy G8 and the National Planning Policy Framework.

- 12 The approved remediation scheme (application reference 18/01070/DOC) must be fully implemented, and imported material tested at a ratio of 1:50/m cubed for soil to be used for garden purposes and 1/250m cubed for subsoil.

Following completion of measures identified in the approved remediation scheme and prior to the occupation of each plot, a verification report that demonstrates the effectiveness of the remediation carried out for that plot must be submitted to and approved in writing by the Local Planning Authority.

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

- 13 No external lighting shall be installed within the development unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the locations and design of any lighting and LUX levels from the lights. The approved scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interest of visual amenities and to prevent nuisance arising in accordance with the requirements of Core Strategy Policies G9 and P3 and the National Planning Policy Framework.

- 14 The construction of the development shall be carried out in complete accordance with the revised Construction Method Statement dated 15 October 2018, as approved under application reference 18/01070/DOC.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Core Strategy Policy G9, and the National Planning Policy Framework.