

Report to Planning and Licensing Committee



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| Date of Meeting | 18 December 2019 |
| Portfolio | Councillor Wardle Cabinet Member for Planning, Development & Housing |
| Report Author | Emma Heron |
| Public/Private Document | Public |

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| Application: 19/00939/FUL | Township: Pennines | Ward: Smallbridge and Firgrove |
| Applicant: Great Places Housing Assoc. | | Agent: Euan Kellie Property Solutions |
| Site Address: Land off Belfield Mill Lane, Rochdale | | |
| Proposal: | Construction of 28 affordable dwellings with new vehicular access from Belfield Mill Lane, pumping station, landscaping and other associated works | |

SITE LOCATION



DELEGATION

- 1.1 The application falls to be determined by the Planning and Licensing Committee as the level of contributions is below those required by adopted policy.

PROPOSAL SUMMARY

- 2.1 Residential development for 28 affordable houses on land off Belfield Mill Lane. Including new vehicular access, pumping stations, car parking and landscaping.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT permission** subject to a S106 legal agreement requiring the payment of £86,240.07 towards primary education and £4,000 towards highway works, and the recommended conditions.

REASON FOR RECOMMENDATION

- 4.1 It is considered that the details of the appearance, landscaping, layout and scale of the site and dwellings would provide for a development that would be in keeping with the character and appearance of the surrounding area, and would provide linkage with the adjacent countryside. It contributes towards the Pennine's need for affordable housing, and provides contributions for primary education, which is in short supply in the Township. The proposals are considered to result in a sustainable form of development and would comply with the relevant policies of the Rochdale Core Strategy, the Rochdale Unitary Development Plan and the requirements of the National Planning Policy Framework.

SITE

The application relates to a parcel of land with a site area of 0.8 hectares. It is relatively level and is bounded on two sides by the backs of houses on Bellshill Crescent, and 67 Belfield Mill Lane. Ashworth House is also immediately adjacent. The boundaries benefit from mature tree planting on three sides including the road boundary, all of which benefit from a group Tree Preservation Order.

Beyond the site, is a well-used public right of way on a slim parcel of green space that gives way to steeply sloping ground down to river level, and views into open countryside.

Belfield Mill Lane, Rochdale Canal and a Railway line are to the south of the site, the river Beal to the east, an existing residential development on Bellshill Crescent to the west, and an area of open land to the north. In the centre of the site fronting the lane is a large residential property set within large grounds, which does not form part of the application site. The site is previously undeveloped land. Within the north eastern portion of the site there are footpaths defined as public rights of way. There is a grade II listed bridge approximately 70 metres to the east and a group Tree Preservation Order along the boundary of the south west section of the site. The site is accessed via Belfield Mill Lane, and is 170 metres from the junction with Milnrow Road.

The site is Defined Urban Area and Greenspace Corridor as defined in the Core Strategy and Unitary Development Plan.

PROPOSAL

The application seeks full planning permission for the construction of 28 affordable houses with access taken from Belfield Mill Lane. The development would incorporate a mix of 17no. 3 bed units, and 11no. 4 bed units as a mix of detached and semi-detached brick properties with slate effect roof tiles and grey upvc windows and doors, and flat roofed porch canopies. The detached properties would be gable fronted. The housing would be for affordable home ownership. The shared ownership arrangement would enable first-time buyers and those unable to afford to buy a home on the open market to purchase a 35% share of the open market value of the houses.

Car parking provision would be 200%, and would comprise a mix of frontage and side driveways. The layout would comprise a single access road, terminating at a turning head, with a private driveway serving 10 houses. The private drive would terminate at the proposed pumping station and a footpath would link the site with the public footpath beyond the site to the north. A small turning space would be provided opposite the pumping station to allow for the manoeuvring of a United Utilities tanker. An existing small copse of woodland is proposed for retention and ongoing management at the site frontage.

Amendments

Amendments were secured to the scheme comprising better quality boundary treatments, re-arrangement of the layout to the north of the site to incorporate a softer edge to the development adjacent to the adjoining countryside and provide linkage to the public right of way to the north.

DEVELOPMENT PLAN

Adopted Rochdale Core Strategy (CS):

- SD1 Delivering sustainable development
- DM1 General Development requirements
- DM2 Delivering planning contributions and infrastructure

SO2 Creating successful and healthy communities

- C1 Delivering the right amount of housing in the right places
- C3 Delivering the right type of housing
- C4 Providing affordable homes
- C7 Delivering education facilities

SO3 Improving design, image and quality of place

- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development

SO4 Promoting a greener environment

- G2 Energy and new development
- G5 Managing Protected Open Land
- 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

SO5 Improving accessibility and delivering sustainable transport

- T2 Improving accessibility

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

- EM/7 Development and Flood Risk
- EM/8 Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

- Guidelines and Standards for Residential Development (2016)
- Provision of Recreational Open Space in New Housing (March 2008) [Updated January 2017]
- Urban Greenspace in Rochdale MBC: A Quantitative and Qualitative Assessment (2008)
- Biodiversity and Development (March 2008)

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT HISTORY

16/01476/OUT Outline application (with access) for the erection of up to 50 dwellings. Approved 20 Nov 2018.

80/D11654 Outline application for one detached dwellinghouse. Refused Dec 1980

80/D10705 Outline application for 10 residential units. Refused June 1980

CONSULTATION RESPONSES

Affordable Housing – full supports the development. A welcome addition to the affordable supply. There are currently 1,166 households on the Housing Register requiring 3 bedroom homes and 401 requiring 4 bedrooms. On average, 3 bedroom houses receive 156 bids per property and 4 bedroom houses 91 bids. This demonstrates strong demand for the 17 x 3b5p houses and 11 x 4b6p houses proposed.

The Coal Authority – The site is just within the defined Development High Risk Area, so mining hazards need to be considered. The phase 1 report makes appropriate recommendations which should be a condition requirement.

Conservation Officer – The proposal will cause less than substantial harm to the setting of the non-designated heritage asset (NPPF, paragraph 197). This harm is outweighed by the public benefit created through the provision of affordable housing. Conditions requiring materials details are recommended.

Environmental Control (Landfill Gas) - The Phase 1 report is acceptable. The Site Investigation condition is appropriate.

Env Health - Noise/Odours - no objection subject to conditioning noise mitigation.

Highway Authority – Mitigation measures are required (self-enforcing 20 mph zone backed by a TRO for waiting restrictions on Belfield Mill Lane across the site frontage round to the road bridge. This mitigation is required due to the peak demands at weekends when the football club beyond the site is in operation.

GM Ecology Unity – Conditions are recommended relating to nesting bird survey, invasive species and biodiversity enhancements. A net gain in biodiversity cannot be demonstrated however the loss is not significant at the district level and off-setting is not as yet mandatory.

GM Police (Design for Security) – A condition is recommended requiring adherence to the Crime Impact Statement.

GM Fire Service – access is required to within 45 metres of all points within dwellings. Access road should be 4.5 m and capable of carrying 12.5 tonnes with manoeuvring space. A fire hydrant should be within 165m of furthest house. Sprinkler systems are recommended.

Lead Local Flood Authority - The drainage principles outlined in the FRA (of 2016) by Ironside Farrer Ltd. are acceptable to RBC (Rochdale Borough council). A condition is recommended.

Natural England – No objection. NE considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Network Rail – comments about NR requirements are set out. The applicant should be made aware of them (standing advice).

Transport for Greater Manchester – No objection in respect of trip generation. Comments made with regards to bus stop upgrade, and improvements to pedestrian environment in vicinity of the development. A condition requiring a Travel Plan is recommended.

Tree Officer - Impact on trees is acceptable majority of trees are of low value. Retention and improvement of copse of trees is welcomed together with any additional tree planting within the development. Conditions recommended requiring tree protection.

United Utilities – The development should conform to the NPPF drainage hierarchy. A water main runs along the boundary so access is required to this. Assets should be protected. Standing advice recommended.

TOWNSHIP PLANNING PANEL

The application was presented to the Pennines Township Planning Panel on 16th October 2018; Members noted that they would be guided by Officer’s comments.

MEMBER REPRESENTATIONS

No representations have been received from Members.

PUBLIC REPRESENTATIONS

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| Objection Reps | 6 | Support Reps | 0 | Neutral Reps | 0 |
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- Rural lane not suitable for the volume of traffic (in parts a single lane)
- Highway safety (people walk with children and dogs, plus cyclists and horse riders)
- Generally supportive of affordable homes but not using Belfield Mill Lane as access

- Wildlife will be disrupted, the site is green space (deer, badgers, foxes, bats, owls)

ANALYSIS

Principle of development

- 1 The site has an extant outline planning permission for housing. The principle for development is therefore established.

Housing need

- 2 Adopted Rochdale Core Strategy Policy C1 requires the provision of at least 460 net additional dwellings per year in the period 2012 to 2028 to assist in the creation of successful, inclusive and mixed communities and meet the housing needs. The policy acknowledges that this is a challenging target and whilst it seeks to ensure that the focus is on maximising the use of brownfield sites it states that the development of greenfield sites may be necessary.
- 3 All of the housing on the site would constitute affordable housing as defined within the NPPF. In accordance with CS Policy C4 the Council will seek affordable housing on all developments of fifteen dwellings or more and the affordable housing should where possible be provided on site.
- 4 The Strategic Housing Market Assessment for Rochdale shows an estimated annual requirement of 204 additional affordable homes per year; 44% of the total housing requirement.
- 5 The scheme would provide 100% affordable housing on the site well in excess of the Policy requirement, and would therefore make a valuable and significant contribution to meeting the Council's affordable housing requirement, and indeed its overall housing requirement. The Housing Project Officer for the Council has confirmed that there is a strong demand for the type of affordable homes proposed with 1,166 households on the Housing Register requiring 3 bedroom homes and 401 requiring 4 bedroom homes.
- 6 Given the above, it would appear that the ability of the site to deliver new homes to meet the Core Strategy target, and for the delivery of affordable housing means that general support could be afforded to the proposal in principle. The next issue is whether the proposal can be considered sustainable when considered against other Local Plan policies, including those relating to the site's designation as a Greenspace Corridor (green infrastructure).

Impact on Greenspace Corridor (green infrastructure)

- 7 The application site is within the Defined Urban Area and Greenspace Corridor. The Defined Urban Area under saved UDP policy G/D/1 aims to locate new development in the urban area in order to support regeneration and protect the countryside. The Greenspace Corridor designation is considered under saved UDP policy G/8, and Core Strategy policy G6 (enhancing green infrastructure).
- 8 The site's suitability for development is considered with regards to whether development would compromise the purpose of the Corridor for wildlife, recreation or agricultural purposes or harm the landscape qualities and character of the corridor. Having regard to landscape quality and character, the application site is considered to

be a logical infilling of the urban fringe, dictated by the position of Ashworth House, the rear boundary of the adjoining housing estate to the north and the enclosed nature of the field. There is a clear visual distinction between the site, and the area designated as Protected Open Land to the north.

- 9 With regards recreational opportunities and agricultural use, the field is overgrown and is no longer used for agriculture. It also offers no opportunities for recreation, with no clearly established through-routes for walkers, given the lack of two way access and the close proximity to defined and good quality public rights of way just a short distance away. The field proposed for development is of low ecological value, with the areas of higher value ecological interest towards the river Beal being retained and protected. The development proposal would result in the loss of hedgerow, trees and scrub. In this respect however, the higher quality trees are proposed for retention and long-term protection, the hedgerow would be replaced with a longer stretch and boundary treatments would include a small gap at ground level to assist with ecological pathways, multiple bat and bird boxes are proposed, and also amenity landscaping and tree planting.

Design, layout, character and appearance

- 10 The proposed layout is a simple single access lane, and private driveway arrangement, with a range of detached and semi-detached properties. The entrance houses face into the site rather than onto Belfield Mill Lane, in order to provide a hedgerow and tree group frontage to this lane. Whilst it is often preferred to have houses fronting the approach road to new housing estates, the layout allows a green frontage to be re-created. Whilst the rural lane character will inevitably be significantly eroded as a result of the development, this will assist in softening the impact to some extent.
- 11 The proposed houses would be visually acceptable. They are brick with grey windows and incorporate a sufficient mix of designs (relative to the size of the site) to create interest in the streetscene. There is a reasonable amount of amenity landscaping within the development, including a wildflower meadow mix in the vicinity of the pumping station, and along the site boundaries in the public areas. Additionally, there is a reasonable degree of tree retention within garden boundaries, which will benefit from longer term protection by way of the on-site TPO (trees are considered further, elsewhere in this report). Whilst the private driveway extends further than the northerly houses, this is a requirement for access by United Utilities to the pumping station, efforts have been made to soften the impact of the road extension by creating a smaller manoeuvring area and creating a simple footpath arrangement with access to the public rights of way beyond the site. An amendment to the pumping station boundary treatment from palisade to green paladin fencing also assists in softening the impact of the development on the countryside beyond the site.
- 12 The mature tree group situated next to the proposed access is to be retained with some pruning work required to enable development. Its retention and long-term management is a requirement of any planning permission, and will be secured by condition.
- 13 The requirement for 200% car parking necessitates a long run of frontage car parking on the access road. This is an unfortunate element of the layout but the visual car dominance is mitigated to an extent by the addition of ornamental trees, shrubs and railings between properties. It would be preferred if the number of houses were reduced in order to incorporate side driveways, however the applicant has presented a case that dwelling numbers cannot be reduced as this would impact significantly on

scheme viability. On balance, given the landscaping and boundary treatment between plots and the wider benefits of delivering a scheme for much needed affordable housing (as advised by Strategic Housing), the frontage car parking is accepted.

- 14 Overall it is considered that the proposal accords with Core Strategy policies P1, P2 and P3, and paragraphs 124 and 127 of the NPPF.

Residential amenity

- 15 Space between properties within the site itself meets the Space standards set out within the adopted SPD: “Guidelines and Standards for Residential Development” and are considered to be acceptable.
- 16 The proposed development layout is such that the amenity of occupiers of existing houses in the area will be safeguarded. The nearest affected residential properties are to the rear on Belshill Crescent, to the south (67 and 67a Belfield Mill Lane) and north (Ashworth House). The houses on Belshill Crescent are arranged such that all houses are at an oblique angle to the houses within the development proposal and as such there is no direct relationship, nonetheless there is a 10.5 metre separation distance between garden boundaries. There is a direct relationship with the two properties on Belfield Mill Lane, and both 67 and 67a have a number of principal windows overlooking the development. In this case there is a 21 metre separation distance and 14 metres between garden boundaries.
- 17 Ashworth House stands tall above the development site for two reasons. It is positioned on a ground level that is more than a metre higher than the application site, and the ground floor level of the house is an additional 2.5 metres above that, as there is a significant exposed understorey. The southern elevation is the rear elevation, containing principal windows in the ground and first floors, and two roof dormers. The westerly aspect contains small secondary windows closest to the application site. The southern elevation also has a raised walkway to access the rear entrance.
- 18 The gable of Plot 21 is within 1.5 metres of the boundary with Ashworth House, however it presents a blank gable wall to this boundary and will have no impact on the rear private garden space or the southern elevation windows of Ashworth House, which are small and secondary. It will not have any overbearing impact given the difference in ground and house levels, and no overlooking. The ground floor window cill level of Ashworth House would be approximately level with the middle of first floor windows of Plot 21 and the angle between windows is sharply oblique. Plot 21 would not therefore overlook, or have an overbearing impact on the rear (southerly) elevation of Ashworth House, and the development is not considered to have a harmful impact on the occupiers of an existing property. The southerly elevation of Ashworth House would look out across the gardens of plots 21-27, with some oblique overlooking of plot 21 windows, however as this is an existing relationship that future occupiers will be ‘moving into’. This relationship is considered acceptable.
- 19 Overall, the proposal is considered to accord with the requirements of Core Strategy policy DM1, paragraph 127(f) of the NPPF and accord with the “Guidelines and Standards for Residential Development” SPD, with regards impact on existing occupiers.

Noise and Vibration

- 20 A Noise and Vibration Assessment accompanies the application to identify key noise sources and takes account of the proximity to the Manchester to Leeds railway line, and infrequent road traffic vehicles using Belfield Mill Lane.
- 21 The Assessment concludes that standard thermal double glazing will be sufficient in controlling internal noise levels, however bedrooms within 100 metres of the railway line will require alternative window ventilation as a mitigation measure. The assessment also concludes that vibration levels produced by the railway fall below the 'low probability of adverse comment' criteria level. The Environmental Health Officer agrees with the assessment subject to a condition requiring noise verification upon completion of development.
- 22 Overall it is considered that the proposal will accord with policies DM1 and the NPPF with regards to amenity standards.

Highway safety and parking

- 23 The Highway Authority has no objection to the development proposals, subject to suitable mitigation with regards to the intensification of the use of Belfield Mill Lane following completion. Sacred Heart Football Club is in close proximity beyond the site, and on busy days parking issues exist on Belfield Mill Lane. In those times on street parking narrows the carriageway to the extent that cars cannot pass. The applicant is in agreement to mitigation comprising a 20mph self-enforcing zone and Traffic Regulation Order along the entire development site frontage as far as the road bridge north of the site. Without this mitigation the Highway Authority would be concerned with the suitability of the access for vehicles on busy football days (weekend peak in this case). The Highway Authority's position is that the proposal would not be acceptable without the aforementioned mitigation measures.
- 24 The development is acceptable with regards to other highway matters. Ample parking is provided on site for all houses, and there are no concerns about refuse collection and access for emergency vehicles. The site layout does not create road safety issues.
- 25 Subject to a condition requiring a travel plan, and the financial contribution to fund a TRO being incorporated into the legal agreement, the proposal is considered to be in accordance with Core Strategy policies T2, DM1, adopted car parking standards and paragraph 109 of the National Planning Policy Framework.

Flood risk and drainage

- 26 The site falls wholly within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1,000 or 0.1% annual probability of river and sea flooding in any year). The application is accompanied by a Flood Risk Assessment and Drainage Plan. This is acceptable to the Lead Local Flood Authority as the strategy is in line with greenfield run off calculations. A condition is therefore recommended that the development is carried out in accordance with the details, and:
- (i) the flow discharge to river shall be controlled by a 6 l/s hydrobrake® or similar vortex device;
 - (ii) oversized concrete pipes to accommodate rainfall runoff for storm water up until the 1 in 30 year storm.
 - (iii) geo-cellular attenuation to accommodate storm flow runoff between 1 in 30 year storm and 1 in 100 year +30% climate change, shall be provided.
 - (iv) a management and maintenance document – for future maintenance purposes.

- 27 Subject to conditions, the proposal would accord with Core Strategy policy G8 and paragraph 155 of the National Planning Policy Framework.

Biodiversity impacts and gains

- 28 The application is accompanied by an Ecological Survey and bat survey which has been assessed by the GMEU. GMEU advise that owing to the nature, hydrological separation and lack of sensitivity a Habitats Regulations Assessment is not required with regards to impacts on the Rochdale Canal SAC/SSSI. GMEU also advises that the bat emergence survey clarifies that the two trees previously identified for roost potential show no evidence of bats. The Bat survey recommends felling works conditions as per section 5.5 of the Ecological Survey and Assessment.
- 29 With regards to biodiversity net gain as set out in the NPPF paragraph 170, the development site consists primarily of low value habitat in poor condition, though trees and hedgerow will be lost and are high value features. The previous outline planning permission (16/01476/OUT) had the potential to mitigate within the grassland to the north along the Beal. The current proposal does not include the land to the north and therefore there is no longer the potential to provide mitigation on-site, other than the provision of bird and bat boxes on the new build.
- 30 In response, the applicant has submitted an additional ecological statement summarising the net gain proposals as follows:
- installation of bat access panels at all new properties;
 - installation of 8 sparrow nest terrace boxes on suitable properties;
 - 2 general bird boxes and 2 open-fronted bird boxes within the retained woodland copse;
 - 6 Avianex boxes on suitable properties.
 - Enhancement and management of the retained woodland copse;
 - Replacement of a 47 m hedgerow with a 100 m long hedgerow with connectivity to the wider countryside;
 - New tree planting within the development incorporating species of benefit to biodiversity;
 - wildflower grassland within the northern arm of the development opposite and next to the pumping station;
 - boundary fences raised above ground level to encourage connectivity for wildlife.
- 31 The GMEU Ecologist has advised that they do not consider the above measures as sufficient to be measured as a biodiversity net gain. The proposed street and garden trees would not mitigate the loss of trees around the site perimeter, and lawn and hardstanding are of lower ecological value than the existing improved grassland of low ecological value (described at paragraphs 3.2.4 - 3.2.10 of the submitted Ecological Survey). However, there is an acknowledgment that the loss is not significant at a district level, and biodiversity off-setting is not mandatory as it has not been brought into legislation as yet. A balanced view should therefore be taken.
- 32 The Tree Officer has advised that the majority of trees on the site are relatively low value with higher value trees having been shown as protected, and improved. He also advises that tree loss is not so substantive as to warrant a refusal of planning permission, however some replacement planting would be beneficial. The proposed landscape scheme incorporates 4 extra heavy standard fruit trees, 3 of which would be on amenity space, and 11 smaller trees. These proposals are therefore appropriate.

- 33 The National Planning Policy Framework at paragraph 170 seeks to minimise impacts and provide net gains for biodiversity but does not specify refusal if such gains are potentially slight or negligible. Paragraph 175(a) advises that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, the permission should be refused. In this case there is not significant harm to biodiversity any biodiversity loss is not significant at the district level. As there is a balance that can be taken into account in this case, the benefits of the scheme of providing 100% affordable housing, for which there is a clear need, outweigh the concern as to whether a net gain is achieved within the development proposal.
- 34 The proposal therefore meets the tests set out at paragraphs 170 and 175 of the National Planning Policy Framework, taking into account the public benefits of the scheme.

Trees and landscaping

- 35 The Tree Officer advises that the tree survey and the resulting tree removal and protection plan are acceptable and some replacement tree planting would be beneficial. The majority of trees on the site are of relatively low value, and the majority of trees with higher value have been shown as retained and protected.
- 37 On the basis of the above required by condition, and the landscaping scheme, the proposal is considered to be in accordance with Core Strategy policies G6, G7 and paragraph 170 of the National Planning Policy Framework.

Land remediation and coal mining

- 38 Initial desk studies and consultations identify that the site may be affected by small scale contamination comprising low level chemical contamination within shallow deposits, which is likely to have arisen as a result of shallow coal mining though other sources have not been identified at this stage. A Phase II site investigation and additional coal mining investigations will be required by condition of any planning permission. A mitigation strategy, where necessary, would also be required by that condition.
- 39 The proposal would accord with Core Strategy policy G9 and paragraph 178 of the National Planning Policy Framework.

Heritage and archaeology

- 40 An Archaeological Desk Based Assessment has been submitted in relation to a previous application, which concludes that the proposed development site has little archaeological potential and interest. GMAAS has advised that on this basis there is no further archaeological mitigation required.
- 41 Paragraph 197 of the NPPF 2018 requires the effect on significance of an undesignated heritage asset to be taken into account and a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Ashworth House is not a listed building and it is not locally listed, but is nonetheless considered to be an undesignated heritage asset due to its age, architectural interest and prominence on Belfield Mill Lane. Its significance largely derives from its formal front elevation facing north towards open countryside, although its original character has been eroded significantly. This is due to the recent substantial raising and altering of the roof including front and rear dormers, and

approval of a 2.5 metre tall security fencing (application reference 17/00927/HOUS), and the raised walkways around the building, which appear to derive from a significant lowering of ground level around the building. The Conservation Officer has advised that the development proposal would cause less than substantial harm to the setting of the non-designated heritage asset, and the scheme will create public benefit through the provision of affordable housing.

- 42 The proposal to erect housing to the south west and north of the house, will not impact upon the front elevation of the building that looks towards open countryside, and given the recent changes to the building, and the wider need to deliver housing in the Borough the proposal is considered to be acceptable in accordance with the NPPF 2019 test.
- 43 The site is close to but visually remote from the grade II listed canal bridge, and as such it is concluded that the setting of the structure itself would not be materially harmed as a result of the development.
- 44 It is concluded that the proposal will accord with Core Strategy P2 and the relevant tests set out at section 16 of the National Planning Policy Framework.

Developer contributions

- 45 Paragraph 92 of the NPPF 2019 states that to deliver the social, recreational and cultural facilities and services the community needs decision takers should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and guard against unnecessary loss of valued facilities and services that meet day-to-day needs.
- 46 Policy DM2 of the Core Strategy states that the Council will require developers to provide, or contribute towards the cost of providing, any physical and social infrastructure that is needed because of proposed development. For residential development, this specifically requires contributions towards affordable housing (Policy C4), open space provision and maintenance (Policy G6) and education facilities (Policy G7).

Affordable Housing

- 47 Policy C4 of the Rochdale Core Strategy and the associated Affordable Housing SPD require schemes of 15 or more dwellings to provide 15% of total site capacity for on-site affordable housing or 7.5% of the Gross Development Value (by virtue of offering a discount of 50% of average open market value). Any detailed proposal should include the provision of up to seven affordable houses (based on the maximum of 47 dwellings) or 7.5% Gross Development Value in off-site provision. The development proposal exceeds on-site affordable housing thresholds and as such no contributions are required with the proposed affordable homes secured by condition. The over-provision of affordable housing and the contribution this makes to the level of provision in the Pennines Township is also included within the planning balance set out below.

Provision of recreational public open space

- 48 Paragraph 96 of the NPPF 2019 emphasises the importance of high quality open spaces and opportunities for sport and recreation for the health and well-being of

communities. Policy G6 of the Core Strategy requires that residential development should provide or contribute financially towards recreational open space in accordance with the standards set out in the 'Provision of Recreational Open Space in New Housing' SPD.

- 49 There is no provision of public open space provided within the development. The SPD would require £98,118.18 in developer contributions towards Recreational Open Space. The nearest play area and formal sports pitch to the development site is Firgrove Playing Field. This is 750 metres walking distance from the development site on road, or 630 metres via a more rural rough track (Dobfield Road).

Education contributions

- 50 Core Strategy policy C7 seeks developer contributions for the provision of educational facilities (including new school places).
- 51 Education contributions are set at £12,320.01 for each Primary place and £15,400.01 for each secondary place. The site on Land off Belfield Mill Lane, is within the Smallbridge and Firgrove Ward, and the Pennines planning area for Primary capacity and within the Pennines Township planning area for Secondary Capacity. The proposed development would attract a total maximum contribution of £129,360.09:
- 28 units x 0.25 (primary yield factor) x £12,320.01 = £86,240.07
 - 28 units x 0.1 (secondary yield factor) x £15,400.01 = £43,120.02
- 52 The Schools Places Planning Manager has confirmed a need for primary schools contributions, as there is insufficient capacity to year groups in some forecasting years, and there is currently no pipeline new primary schools. Secondary contributions are not required in this area at the current time due to the planned centrally funded Wave 13 School.

Viability

- 53 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development; planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. In this case there is the additional consideration that the development is fully provided by a registered provider, providing 100% affordable home ownership with eligibility for grant funding from Homes England subject to planning approval.
- 54 The applicant's starting point was that no contributions should be payable, and the Council's independent advisor's review of viability found that contributions can be paid. There is disagreement between parties, and the applicant has asked that the following be taken into account:
- That the scheme is delivering 100% affordable housing for shared ownership
 - That paragraph 57 of the NPPF advises that the weight given to a viability assessment is a matter for the decision maker having regard to all circumstances

- That paragraph 122 of the NPPF advises that planning policies and decisions should support efficient use of land taking into account local market conditions and viability amongst other things
- At 7.5% of total sales value (the policy requirement for affordable housing), the site would provide £446,625 in contributions (were it for open market)
- The scheme would equate to just under a 1/3 of the yearly output of 97 affordable homes per year
- There is a delivery deadline on March 2021 and HE funding to March 2024 allowing Great Places to develop 11,000 homes over the next 10 years.
- Significant weight should be given to the affordable housing contribution when considering wider contributions.

55 The Schools Places Planning Manager has confirmed that the contribution is needed to mitigate for the additional children from the development, which provides for family housing (3 and 4 bedrooms). Without the contribution the development would be unsustainable in planning terms as the family housing would increase the severe capacity issues within primary schools. On this basis, the applicant has offered a contribution of £86,240.70 towards primary education (new schools places) in the area. This is the full level of contribution required for primary school places.

55 Whilst Public Open Space contributions would ordinarily be required under adopted policy, there has been no contribution offered to cover this on the basis of the applicant's viability stance. The walking distance (not straight line distance) to the nearest play area and formal sports pitches (Firgrove Playing Field) is between 600-700 metres, which equates to approximately 7-9 minutes of walking time. This is considered to be a reasonable distance to play equipment and playing field facilities, which reduces the mitigation requirements for such facilities on a development for family housing. This is balanced against the clear public benefit of providing 100% affordable housing on the site.

56 The application provides an over-provision of affordable housing, and will mitigate harm it would cause with regards the capacity of primary schools to accommodate children from the development, in accordance with Core Strategy policies C4 and C7; albeit the smaller contribution to secondary provision would not be provided. The application also fails to provide contributions towards Public Open Space, which is contrary to Core Strategy policy G6. Weighed in the balance is the reasonable proximity of the site to Firgrove Playing Field, which reduces the harm caused through lack of contributions. However, on balance, the proposals are considered to amount to sustainable development and incorporate an element of public benefit for affordable housing provision which outweigh the non-provision of POS and secondary contributions.

Conclusion and the balancing exercise

57 The proposed development is acceptable in principle. There is an extant outline permission for residential development on the site. The design and layout is

considered to be acceptable, and the amenities of local residents would be safeguarded. Other issues relating to drainage, noise mitigation, biodiversity, tree protection, contaminated land and highway safety would be resolved through planning conditions or incorporated within a legal agreement.

- 58 While there is disagreement with regards to the applicant's viability argument, the full education contribution for primary school places provides sufficient mitigation for the additional families introduced into the area as a result of the development. Whilst Public Open Space contributions would ordinarily be required, the site is within walking distance of Firgrove Playing Field and play area, and a balanced approach is taken, accounting for the public benefit of providing affordable housing in the Pennines Township.
- 59 As such the proposal accords with the relevant Core Strategy policies and the National Planning Policy Framework.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT planning permission subject to completion of a Section 106 agreement to secure:**

- (i) **A financial contribution of £86,240.70 towards Primary education;**
- (ii) **£4,000 to fund a TRO;**

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:-
491_07 (02)001 M Proposed Site Plan
491_07 (02)002 C Proposed House Types Sheet 1
491_07 (02)003 C Waste Management Plan
491_07 (02)004 H Existing Site Plan
491_07 (02)005 A Site Location Plan
491_07 (02) 006 C Proposed Street Elevations
491_07(02) 007 B Proposed Pumping Station Details
491_07(02)008 E Proposed Boundary Treatment Plan

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 adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The houses shall be constructed in accordance with the approved details.

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

- 4 The boundary treatments for each plot and the pumping station, as detailed on the Proposed Boundary Treatment Plan and Proposed Pumping Station Plan (dwg.no. 491_07(02)008 E and dwg.no. 491/07(02)007 B), shall be constructed in full accordance with the approved details before the dwelling on that plot is first occupied, and the pumping station boundary shall be constructed in full accordance with the approved details upon or before first use of the pumping stations, and all approved boundary treatments shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to ensure adequate levels of privacy between neighbouring dwellings in the interests of the amenity of future occupiers in accordance with the requirements of Core Strategy Policies P3 and DM1 and the National Planning Policy Framework.

- 5 No development shall take place until details of existing and finished site levels and finished floor levels for the proposed houses relative to offsite datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Reason for pre-commencement condition: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

- 6 No development (other than site clearance works) shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The background calculations or MicroDrainage® model details shall be submitted to the Authority and the scheme shall include:

- foul and surface water shall be drained on separate systems and only combine at the site's final outfall manhole;
- the flow discharge to river shall be controlled by a 6 l/s hydrobrake® or similar vortex device;
- oversized concrete pipes to accommodate rainfall runoff for storm water up until the 1 in 30 year storm.
- geo-cellular attenuation to accommodate storm flow runoff between 1 in 30 year storm and 1 in 100 year +30% climate change, shall be provided.
- a management and maintenance document – for future maintenance purposes.

The duly approved scheme shall be implemented prior to the first occupation of the dwellings hereby permitted and shall be retained as such thereafter in accordance with the approved management and maintenance scheme.

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 the requirements of Policies DM1, G8 and G9 of the Adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 Notwithstanding the details shown on the approved plans, no above ground works shall take place until a detailed scheme for biodiversity enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate all measures set out within section 5 of the Ecological Survey and Assessment dated August 2019, ref 2019-178, and ERAP letter dated 26 September 2019, ref 2019-178b, and shall include a scheme for the timing and phasing of implementation works.
The measures shall be carried out in accordance with the approved scheme for timing / phasing of implementation works.

Reason: To ensure the site is satisfactorily landscaped and to ensure that there is a net gain in biodiversity, having regard to its location and the nature of the proposed development and in accordance with policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 8 No above ground works shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
- details of paving for private pathways and driveways
 - details of the type, species, siting, planting distances and the programme of planting of trees and shrubs,
 - the measures set out in the Ecological Survey and Assessment dated August 2019, ref 2019-178 and dwg.no. 3422 201 D (planting plan),
 - a wildflower meadow scheme around the pumping station,
 - details of the timing/phasing of the works.

The scheme of planting shall be carried out in accordance with the approved details, including the approved timing / phasing and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve a satisfactory level of landscaping in the interests of the amenities of the area in accordance with Core Strategy policies DM1, G6, G7 and P3 and the National Planning Policy Framework.

- 9 No development shall take place 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 the following:
- (i) hours for site preparation, delivery of materials and construction;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding;
 - (vi) wheel washing facilities; and

- (vii) a scheme for managing and the recycling/disposing of waste resulting from construction works.

The duly approved CMS shall be adhered to throughout the construction and operational period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of nearby properties, and in the interests of highway safety during the construction of the development in accordance with the requirements of Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: The location of the site and nature of the development requires such matters to be properly set out prior to the commencement of any development.

- 10 No clearance or works to trees and shrubs shall take place during the bird nesting season (1st March – 31st August inclusive) unless a bird nesting survey by a suitable experienced ecologist, 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.

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

- 11 No development or works of site clearance (including demolition, ground works, vegetation clearance) shall take place until an invasive non-native species scheme shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam and Japanese rose on site. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure appropriate measures are in place for the eradication of invasive plant species on site in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

Reason for pre-commencement: Vegetation clearance is a pre-construction process which needs to be carried out an appropriate manner in accordance with Core Strategy policy G7 and the National Planning Policy Framework.

- 12 The recommendations contained within Section 5 of the Arboricultural Impact Assessment and Method Statement dated July 2019, and the Tree Protection Plan (dwg.no. 6089.02) shall be carried out in full, in accordance with BS 5837:2012 and BS 3998:2010, and should be retained and maintained for the full duration of the site clearance and construction works.

Reason: In the interests of tree protection in accordance with Core Strategy policies G6, G7 and the National Planning Policy Framework.

- 13 No above ground works shall take place until a scheme for the long term retention and management of the copse of woodland sited to the northeast of plot 28 as identified on the approved site layout plan (dwg.no. 491/07(02)001 M, and Tree Protection Plan (dwg.no.6089.02) has been submitted to and approved in writing by

the Local Planning Authority. The woodland shall be retained and maintained in accordance with the approved details and in accordance with the approved timescales following first occupation of the development hereby approved.

Reason: In the interests of the long term protection and management of protected trees in accordance with Core Strategy policies G6, G7 and the National Planning Policy Framework.

- 14 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site), and shall be adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The assessment report shall include findings arising from the intrusive site investigation, results of any gas monitoring and a scheme of proposed remedial work. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

i) a survey of the extent, scale and nature of contamination

ii) an assessment of the potential risks to:

-human health,

-property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,

-adjoining land,

-groundwaters and surface waters,

-ecological systems,

-archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and where specified as necessary, a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

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.

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

- 15 No above ground works shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework. The affordable housing shall remain affordable in perpetuity. The scheme shall include:

i. the arrangements for the transfer of the affordable housing to an affordable housing provider;

ii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver, unless the express written prior approval of the Local Planning Authority has first been obtained.

Reason: Significant weight has been given in the determination of this application based on the scheme providing 100% affordable housing having regard to the Council's Core Strategy Policies and the National Planning Policy Framework.

- 16 The development shall be carried out in complete accordance with the mitigation measures set out at sections 5 and 6 of the Noise and Vibration Impact Assessment (reference 19.048.1.R1 dated June 2019). Prior to first occupation of any 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 achieved BS8233:2014 standards, as set out within the aforementioned Assessment.

Reason: In the interests of residential amenity in accordance with Core strategy policy DM1 and the National Planning Policy Framework.

- 17 No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain measures for promoting a choice of transport mode and a monitoring regime with agreed mode share targets. In addition the Plan shall set out the monitoring procedures and mechanisms that are to be put in place to ensure that it remains effective and reviewed within a framework approved by the Local Planning Authority. The initiatives contained in the approved Plan shall be implemented upon first occupation of the development.

Reason: To encourage sustainable modes of transport other than the motor car, in accordance with Core Strategy policy T2 and the National Planning Policy Framework.