

Report to Planning and Licensing Committee



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

Application: 18/01399/FUL	Township: Rochdale South	Ward: Castleton
Applicant: Countryside Properties (UK) Ltd & Steriocho Ltd		Agent: GVA HOW Planning
Site Address: Land at Royle Road, Rochdale, OL11 3EH		
Proposal:	Erection of 201 dwellings and a block of 24 apartments including the demolition of existing structures together with associated ground works to the north of the site, public open space, landscaping and vehicular access from Royle Road	

SITE LOCATION



DELEGATION

- 1.1 The application falls to be determined by the Planning and Licensing Committee as it comprises a departure from development plan policy

PROPOSAL SUMMARY

- 2.1 Full planning permission for 201 dwellings and a block of 24 apartments including the demolition of existing structures together with associated ground works to the north of the site, public open space, landscaping and vehicular access from Royle Road

RECOMMENDATION

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

REASON FOR RECOMMENDATION

The proposed development would bring a large brownfield site back into use and deliver a large number of houses with a good tenure mix of private rental sector, open market housing and affordable housing. It would also include a mix of smaller units together with family housing.

The site achieves efficient use of land, is acceptable having regard to neighbour amenity, the layout and design are acceptable, and requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection. Issues relating to highway impacts and air pollution can be mitigated by way of the requirements within a legal agreement.

The introduction of the houses will increase pressure on local amenities and infrastructure. There is a clear and robust policy justification for requiring contributions which are appropriate to mitigate those impacts. The applicant's offer of £511,280.41 corresponds with the Council's compromise position, in order to mitigate for primary school place requirements. This compromise position has been reached due to the large gap between the applicant's and Council's position on viability. The contribution is considered to appropriately mitigate for the harmful impacts of the development and therefore the recommendation is one of approval.

SITE

The application site is a large, vacant and cleared former employment site. It once housed the Royle Works and associated buildings. The main entrance of the former works is located on Royle Road, and a lower entrance is off Silk Street shared with the Tesco service access, overspill parking and petrol forecourt access.

To the north of the application site is Edinburgh Way and the associated retail units on the opposite side of that road, to the east is the railway line and a large industrial estate. To the south are further employment units and to the west is a residential area.

The Edinburgh Way and Royle Road frontages of the site are relatively level, with a steep slope leading to the main site plateau, which is an average of 10 metres higher than the surrounding levels. The slope is predominantly heavily wooded, giving parts of the site a semi-natural and attractive appearance.

To Edinburgh Way, this wooded slope gives way to a largely grassed retaining slope which reduces in gradient and height difference in the most northerly corner point adjacent to the rail bridge and the Sandbrook junction.

At the southern corner of the site the remains of a former building are evident in the form of high brick walls, with a larger retaining wall element that steps back up to the main plateau.

The site is within a Primary Employment Zone, and there is a group Tree Preservation Order on the trees growing within the site.

PROPOSAL

The proposal is for a residential development of 201 houses and one block of 24 apartments in a four-storey block. Access would be by way of two accesses at the southern end of Royle Road, a short distance north of the existing main entrance.

The mix of housing would be as follows:

Great Places (affordable housing)

House Type	Number of Units
Two bed dwelling	20
Three bed dwelling	40
Four bed dwelling	12
Total	72

SIGMA (private rental sector)

House Type	Number of Units
Two bed dwelling	15
Three bed dwelling	35
Four bed dwelling	0
Two bed apartments	24

Total	74

Open Market Sale

House Type	Number of Units
Two bed dwelling	0
Three bed dwelling	62
Four bed dwelling	17
Total	79

These would be a range of detached, semi-detached and terraced houses, together with the four-storey block of 24 apartments.

The entrance roads would then access a series of road loops, cul-de-sacs and some private driveways. To the north of the proposed houses there would be landscaped groundworks at the point where the land levels fall steeply away.

The proposals would also include major groundworks to remediate the site and address slope stability which the applicants explain is moving and must be addressed to facilitate redevelopment of the site. As a result there is also a need to remove a number of trees within the TPO group.

A landscaping scheme is proposed incorporating a play area, woodland public open space and footpath link, tree planting and landscaping to the northern slopes of the site.

A separate outline planning application has been submitted for industrial units to the immediate north of the proposed residential area (reference 18/01407/OUT).

The proposals would also include an element of off-site highway works, which would be secured by a S278 Agreement and funded through a S106 legal agreement.

Amendments

During the course of the application, a number of amendments have been secured which include various alterations to the layout of the site, the addition of a second access road, re-location of apartment building and the addition of some additional house types.

DEVELOPMENT PLAN

National Guidance

National Planning Policy Framework (NPPF) – 2019

National Planning Practice Guidance (NPPG)

Rochdale Unitary Development Plan (UDP) 2006:
G/D/1 Defined Urban Area

EC/2 Primary Employment Zones
EM/7 Development and flood risk

Rochdale Core Strategy (CS) 2016:

SP2 The Spatial Strategy for the borough
SP3 The Spatial Strategy for the townships
SD1 Delivering sustainable development
DM1 General Development requirements
DM2 Delivering planning contributions and infrastructure

SO1 Delivering a more prosperous economy

E2 Increasing jobs and prosperity
E3 Focusing on economic growth corridors and areas

SO2 To create successful and healthy communities

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 housing
C4 Providing affordable homes
C6 Improving health and well being
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
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

Supplementary Planning Documents:

Guidelines and Standards for Residential Development (2016)
Residential Design Guide (Oldham and Rochdale SPD)

RELEVANT HISTORY

None relevant to this application.

CONSULTATION RESPONSES

Drainage - Detailed Drainage Proposals were submitted within the FRA & Drainage. The general principles set out in the FRA and drainage strategy are accepted and a detailed design condition is recommended.

Environmental Health (Noise) - This section has no objections to the proposal in principal subject to conditions for acoustic mitigation and hours of construction. The proximity to neighbouring industrial uses has been factored into the Noise Impact Assessment, and no further assessment or mitigation is required.

Although the NIA is acceptable and mitigation measures will provide adequate protection to future residents it has to be understood that the noise climate in that area is one of industry and transport and as such they will be aware of the typical noises of this nature.

Environmental Health (Landfill Gas) - The supplied report is acceptable; I can recommend discharge on receipt of a suitable completion report.

Greater Manchester Police (Design for Security) – Condition recommended requiring measures set out in the Crime Impact Statement.

Greater Manchester Archaeological Advisory Service - There is no reason to seek to impose any archaeological requirements upon the applicant.

Greater Manchester Ecology Unit – No significant ecological issues were identified by the developer's ecological consultant. Issues relating to proximity to the Rochdale Canal, bats, badgers, nesting birds, invasive species and landscaping can be resolved via condition and or informative. Biodiversity enhancement proposals are acceptable subject to condition.

Greater Manchester Fire Service – No objection: The inclusion of the second access road and raised table HRA with buff chippings, meets with the requirements for Fire Service access and therefore we deem this application satisfactory. Access standards are stipulated and guidance on the installation of domestic sprinklers.

Highways and Engineering – **No objection subject to** the following requirements.

- The applicant should make a contribution in full for the cost of a Traffic Regulation Order for No Waiting at Any Time along Silk Street – reason – to ensure adequate junction capacity at Manchester Road/Bolton Road junction
- The applicant should make a contribution in full for the cost of revalidating signal timings – reason – to ensure adequate junction capacity at Manchester Road/Bolton Road and Manchester Road/Roch Valley Way junctions
- The applicant should make a contribution in full, to form a mini-roundabout at the junction of Silk Street and Royle Road as per the attached plan – reason – for safe Highway operation due to the intensification of use brought by development.
- The housing development shall be a self-enforcing 20mph zone with all costs for physical traffic calming and associated Traffic Regulation Order to be paid by the applicant – reason – to comply with locally adopted policy.

Greater Manchester Ecology Unit (Tree Officer) – No objection subject to a woodland management plan and tree protection.

Natural England - No objection

Network Rail - No objections subject to the applicant adhering to Network Rail requirements within a Basic Asset Protection Agreement (BAPA)

Private Rented Sector Project Assistant – No comments of concern to add to the proposal.

Schools Places Planning Manager

Developers are required to provide for additional school places arising from their development, where either current capacity or future forecast show a deficit of required places.

Rochdale Borough Council maintains a minimum 3% surplus of places per year group, per planning area, in order to be able to admit children successfully at any time of year. Planning obligations will be required if the required surplus capacity falls below the 3% surplus for either the current capacity or forecast.

Current capacity is defined by the most up to date available school census and contributions are required if there is less than the required 3% surplus in any current year group, for the relevant planning area, or areas.

The forecast is produced following the Department for Education School Capacity Assessment Survey (SCAP) guidance and a developer contribution is required if the 3% surplus is not met in any year of the, 5 year forecast window for the Primary Reception class, or the 10 year forecast window for the Secondary year 7 class.

Justification for S106 Education contributions

The site, is in the Rochdale SW Primary planning area for Primary capacity and within the Rochdale Township planning area for Secondary Capacity.

Rochdale has been under significant pressure on Primary places for some years. During the 2017/18 academic year extra capacity was required and bulge classes were created in Castleton Primary (in both Reception and year 1), and in Reception in Belfield and Lowerplace Primaries. Since the start of the September 2018 term additional capacity has been sought through the Rochdale Township and extra capacity has been created in Lowerplace Primary School in year 4 and year 5. The Local authority tries to maintain a 3% surplus to allow for in-year admissions. Current census data shows that year 2, 3, 4, and 5 are all below the required surplus. Previous bulge classes and/or expansions are still in operation in in St Johns RC, Deeplish Academy, Lowerplace, Belfield, and Sandbrook, Primaries.

Developer contributions are required for Primary places.

In the Secondary school sector there are currently spaces available but forecast for 2019/20 and 2020/21 show insufficient capacity for children currently living in the area (Figure 2 below). The “forecast with housing” forecast includes children from housing units either under construction or with permission.

Developer contributions are required for Secondary places.

Housing unit threshold trigger

The council will apply a threshold of 20 dwellings in assessing whether planning contributions will be required from proposed housing developments for mainstream education contributions. Developments of more than 20 dwellings will be required to pay planning obligations on all dwellings.

Pupil place cost and pupil yield

Government guidelines state that the amount of money that is required through developer contributions for education provision needs to reflect the current cost of providing school places. Rochdale currently has Education contributions set at £12,320.01 for each Primary place and £15,400.01 for each secondary place. These amounts have been fixed since December 2013 and are due to be reviewed and increased in line with inflation. In particular the Secondary place cost multiplier is now significantly below other local LA's.

Calculation of Contribution

238 units x 0.25 (primary yield factor) x £12,320.01 = £733,040.59

238 units x 0.1 (secondary yield factor) x £15,400.01 = £366,520.23

Total contribution = £1,099,560.82

Update:

There has been an updated response from Schools Places Planning Manager, and this is included within the 'Developer Contributions' and 'Viability' sections of this report.

Strategic Housing – Supports the principle of delivery of 72 affordable. The mix of affordable rented and shared ownership homes forms a significant part of our delivery pipeline for both tenures, and would make a significant contribution to the achievement of our [Housing Strategy 2017-2022 goals](#). Of the five strategic outcomes, the proposed scheme would help us meet 1 – New Homes and 3 – Develop a range of housing options and pathways to homeownership.

Strategic Transport Strategy / Air Quality –The development adds to background levels of pollution that exceed national thresholds due to additional traffic at key junctions. A residential land use will introduce sensitive receptors i.e. residents, in an area which is dominated by commercial land uses at present, creating potential health concerns. Mitigation measures are therefore required: electric car charging capabilities; installation and maintenance of pollution monitoring equipment and a dust management plan to be required and maintained during construction phase.

Transport for Greater Manchester – No objection subject to mitigation measures (as set out elsewhere in this report).

United Utilities – Conditions are advised with regards to the NPPF drainage hierarchy. General informative advice provided with regards to existing UU assets and requirements under separate legislation.

REPRESENTATIONS

Written notification was sent to occupiers of properties surrounding the development site, in line with the Council's protocol. Site notices were displayed on site, and the application was publicised in a local newspaper.

TOWNSHIP PLANNING PANEL

The application was presented to the Rochdale Township Planning Panel on 14th February 2019; Members noted their support of development on brownfield land. Issues of lorries and traffic are taken of the centre and the amount of parking and disruption an issue. However, traffic increase inevitable given the number of houses and apartments being proposed.

MEMBER REPRESENTATIONS

No representations have been received from Members.

PUBLIC REPRESENTATIONS

Objection Reps	24	Support Reps	1	Neutral Reps	0
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- Concern over an increase in air pollution

Officer's Response: See air quality section of this report.

- Concern over a residential use in close proximity to existing heavy industry site (concern that future complaints will arise regarding noise from the premises)

Officer's Response: See Amenity section of this report.

- Concern with regards to traffic increase, congestion and highway safety

Officer's Response: See Highway Safety and Parking section of this report.

- Loss of employment land

Officer's Response: See Principle of Development section this report.

- Lack of contributions towards supporting infrastructure

Officer's Response: See Developer Contributions and Viability sections of this report.

- Lack of information with regards to ecological gains

Officer's Response: See Impact on Trees and Ecological Impact and Gains sections of this report.

ANALYSIS

Principle of Development

1. In terms of the principle of development, the proposals would result in the redevelopment of a large, highly prominent and derelict brownfield site with new family homes and apartments and so would support the aims of the Core Strategy policy objectives of supporting regeneration objectives and to provide more housing on brownfield sites.
2. The site is also considered to have good accessibility being directly adjacent to Tesco food store, in close proximity to the A58 with various bus services. It is also around 1km from Castleton centre and the rail station, meaning future residents would have access to a range of shops and services. The proposals would therefore comply with the aims of Core Strategy policies C1 and the National Planning Policy Framework.
3. Whilst the proposal would result in the loss of an employment site, it is not considered that this would conflict with UDP policy EC/2 and Core Strategy policy E3. Officers also agree with the assessment that the site is no longer suitable for employment uses. Overall, the proposal is considered to be in accordance with Core Strategy policies E3, C1 and C4 and the National Planning Policy Framework.

Design, Layout and Landscaping

4. The site would have two vehicular accesses towards the southern end of Royle Road. This would access an informal arrangement of roads comprising road loops, private driveways and cul-de-sacs with houses fronting the highways. This layout is considered appropriate for this large site, incorporating active frontages throughout, and raised tables of a contrasting colour within the highways, which would have a dual function of traffic calming and providing some visual interest.
5. The proposed dwellings are typical of modern housing estates and would be predominantly brick with some houses incorporating render at first floor. The roofs would comprise pitched roofs, some hipped and some full-gabled and there would be a mix of red and grey roof concrete roof tiles. The houses would feature string courses and porch canopies over front doors with some open market properties incorporating single garages. Houses on corner plots have been designed to have additional windows, including bay windows on side elevations to increase surveillance. There would also be a mixture of white UPVC and grey UPVC windows within the development. In general the proposed house designs are acceptable.
6. The house types are not of Rochdale vernacular and are considered to represent poor design. Improvements in design could be made, and have been requested (such as a better balance in window / door arrangements and a more contemporary architectural approach). Design improvements have not been forthcoming however, on the basis that changes to house types would impact upon supply chain, and speed of delivery. However, when weighed against the

overall benefits of developing this long-standing derelict brownfield site with a good mix of housing tenures, it is not considered sufficient to warrant refusal of the application.

7. The proposed four-storey apartment building is in an amended location and would be in the north east corner of the site (previously it was located in the south east corner). It would be in a prominent elevated position, when viewed from Edinburgh Way. It would be constructed in brick with grey UPVC windows and would incorporate feature glazing to the front elevation and large glazed windows with Juliet balconies on the west side elevation. The presence of the apartment building is considered to be a positive addition to the Edinburgh Way streetscene (as required by Core Strategy policy E3 (2.a)). Furthermore, the presence of an apartment building rather than housing in this section of the proposed development, negates the need for a tall acoustic fence running a significant length of Edinburgh Way, which is an improvement on the original layout proposal. The prominent side elevation however, is considered to represent a poor quality of design with a bland run of uniform windows. A condition is recommended for this detail to be altered to provide a higher quality of design and architectural interest.
8. The development incorporates a range of house types, with a variety of ridge heights and roof slope angles. For example, the vast majority are approximately 7.5 metres in height, however there are some dwellings that are 2.5 storey in height (10.4 metres tall), whilst others are 8.2 metres tall. The taller dwellings are interspersed in the development and as such a varied roofscape would be created. In general the taller dwellings are located in areas that are not unduly elevated above smaller houses, and are used to emphasise key locations such as sentinel properties at road ends, looking towards Edinburgh Way, and opposite the play area. In general the variety of house heights is considered to be acceptable.
9. The development includes the retention of much of the woodland on site, and the incorporation of a woodland trail (which also serves as pedestrian access into the site from Royle Road). The required play area is also well integrated into the woodland edge, and a comprehensive landscape scheme is proposed at the northern extremity beyond the proposed development edge. The soft landscape strategy is considered to be a positive addition to the development and the wider area.
10. One area of concern with the layout is the northern edge overlooking Edinburgh Way. A high density area of smaller properties would be dominated by frontage car parking, and there is a lack of coherence to the urban edge of the larger houses. Whilst a higher quality of development in this location would be welcomed, the concerns about the visual impact of this area are reduced due to the good quality landscaping and tree planting proposals, and the railing detail that would run along the entire northern edge.
11. There is a significant change in levels from the west side, (fronting Royle Road), through the woodland to the main development plateau in the middle of the site. Consequently a number of retaining walls and steps up to houses are

required. One of the more substantial runs of retaining wall, ranging from 1.2 metres to 3.3 metres in height is contained within areas where back gardens meet back gardens, and being outside of the public areas has a lesser impact on the wider streetscene. A retaining wall is also necessary in the eastern vicinity of the woodland and around the western perimeter of the play area. This feature would be a visually prominent feature and its final appearance should be controlled by condition of planning permission. There would also be substantial fill in the southern portion of the site, such that the ground levels of the dwellings in this location would be raised several metres above the ground level of the adjacent industrial units and gardens held by retaining walls, in close proximity to the industrial area. Given the overall height of the adjacent industrial units, this change in levels would have an acceptable visual appearance when viewed from the wider area.

12. Overall, there are concerns with regards to the appearance of several house types, and the northern edge of the development proposal. However these are outweighed by the benefits of the scheme including the delivery of a good mix of housing tenures on a brownfield site. The proposal is in accordance with Core Strategy policies P1 and P3 and paragraphs 124, 127 and 130 of the National Planning Policy Framework.

Amenity

13. Policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Also, impacts including noise, air, dust, light and odour pollution can be mitigated against where necessary.
14. The “Guidelines and Standards for Residential Development” SPD contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Space Standards

15. The layout of the proposal is such that the amenities of the occupiers of existing houses in the vicinity will be safeguarded.
16. With regards to the amenity of future occupants of the proposed development, the layout is arranged such that in some areas there is a distance of 17.5 metres between properties and 9.5 metres between rear garden boundaries. This falls short of the recommended space standard of 21 metres and 10.5 metres set out in the SPD, however it is acknowledged that the layout creates a strong and positive street frontage to most streets, and the future occupiers will be ‘buying into’ this relationship. Reduced separation distances are therefore considered acceptable in this instance.

Noise Impacts

17. The application site abuts an industrial estate on the southern side and also on the opposite side of the railway, east, where a large-scale heavy industry site is

occupied by TBA Protective Technologies. These sites have been in use for industrial purposes for many years and as such are not restricted to specific opening hours by way of any planning permissions. An objection had been received concerning the proximity of houses to one industrial site, giving rise to future complaints about the site's noise-generating operations. There are also noise impacts associated with road traffic on Edinburgh Way, and also the railway line.

18. A Noise Impact Assessment was submitted with the application, and was subsequently updated to reflect the amended position of the apartment building from the southern side of the site to Edinburgh Way. This report picks up on the noise generating uses outside of the application site from both transport and industrial noise.
19. The report concludes that acoustic mitigation measures are required in the form of positive input ventilation systems to windows on many properties in order to achieve acceptable noise standards internally, and the boundary treatment proposals will allow acceptable garden noise levels to be achieved (BS 8233:2014 – Guidance on sound insulation and noise reduction for buildings). It concludes that providing mitigation measures are required by planning condition, the development would achieve required acoustic levels and without the requirement for an acoustic fence fronting Edinburgh Way.
20. The development proposal, letter of objection and Noise Impact Assessment (NIA) have been reviewed by the Council's Environmental Health Specialist Lead. In conclusion Environmental Health have no objections to the proposal subject to conditions setting out hours of construction, glazing specification, and implementation of the acoustic mitigation measures. They advise that the results of the NIA take into account the existing surrounding uses and represents the existing noise climate and therefore no further survey work is required.
21. Environmental Health have also had particular regard to the objection from TBA. In respect of the objection, they advise that they understand TBA's concerns and that moving forward it is possible that they may be subject to complaints relating to noise. They also state however that if they are working to best practice and maintain current noise levels then the complaints, whilst having to be investigated, would will not be substantiated.
22. In conclusion the applicant has demonstrated, to the satisfaction of the Local Planning Authority and consultees that the development will achieve acceptable noise levels through acoustic mitigation measures, based on existing background noise levels, and would comply with the requirements of Core Strategy policies DM1 and G9 and the NPPF. Any further concerns that arise in the future would be subject to the appropriate environmental controls under separate legislation.

Pollution

23. Policy DM1 of the Core Strategy requires that proposals should impacts including noise, air, dust, light and odour pollution where necessary. Core Strategy policy G9 requires the reduction is all forms of pollution, contamination and land stability in the borough and seeks the use planning conditions or obligations to control pollution from new development, or the impact of pollution on new development. The National Planning Policy Framework and National Planning Practice Guidance require an Air Quality Assessment to be submitted where there are concerns about local air quality, and requires sites to be suitable for re-use through appropriate remediation of ground contamination.

Air Quality

24. Although the application site lies outside the Greater Manchester Air Quality Management Area (AQMA), it is accessed from A58 Manchester Road via Silk Street and Royle Road. This section of the A58 between the junctions with A664 Edinburgh Way and Bolton Road is currently the most polluted section of local highway in the borough and in the Greater Manchester Air Quality Management Area (AQMA). The section of A664 Edinburgh Way which borders the site to the north also exceeds the national Nitrogen Dioxide (NO₂) thresholds and in the AQMA. In this context DEFRA has instructed TfGM and the Council to reduce levels to below the objective threshold by 2023. The A58 Manchester Road, section has also been identified by DEFRA as likely to exceed NO₂ thresholds in both 2021 and 2023 without proactive interventions, through recent TfGM modelling.
25. The Air Quality Assessment that accompanies the application indicates that the development's impact on NO₂ levels at surrounding sensitive receptors when completed, are predicted to increase by between 0.01 and 0.44 mgm⁻³ (less than 1% at worst), and therefore considered to have a negligible impact. These emissions however, add to background levels that are at or exceed the national NO₂ thresholds, and developments in this area and at Castleton to the south, will cumulatively generate additional traffic at the relevant junctions. Furthermore, these levels of pollution create potential health concerns both at existing properties around the junction and potentially the future residents of the proposed development. A residential land use will introduce sensitive receptors i.e. residents, in an area which is dominated by commercial land uses at present.
26. In order to contribute to delivering the targets set in the draft GM Clean Air Plan and assist in mitigating harm, the Transport Strategy Officer advises that the development should incorporate 3 phase power supply with a minimum charging capacity of 11KW (16 or 32 amp) for fast charging enabled points, in order to facilitate residents of the development installing Electric Vehicle Charging Points. This would be required by condition of planning permission.
27. In addition, the Council will require a financial contribution to install NO_x monitoring tubes and / or Pollution Monitoring Equipment at agreed locations as an integral part of the development. The equipment would be required to be

installed early in the construction phase of the development and operate for at least 5 years after the development has been completed. The contribution sought will also include the cost of data collection from the monitoring equipment over that period. Furthermore, a Dust Management Plan would be required by condition to tackle fugitive dust emissions during construction and operational phase. Furthermore, a Travel Plan will be required by condition promoting the use of public transport, and additional measures will improve pedestrian connectivity, such as pavement reinstatement and new footpaths into the site. These measure also go some way towards reducing emissions.

28. It is noted that some air quality issues remain. However, taking into account the benefits of the scheme and the mitigation measures outlined above, the proposal goes a significant way towards compliance with Core Strategy policy G9 and the NPPF/NPPG requirements.

Ground Contamination

29. The applicant has submitted a phase II intrusive investigation report. The application is accompanied by Phase I and II risk assessments, which are accepted by the Council's Environmental Protection Officer, subject to a condition of planning permission, requiring remediation and verification where required. The proposal is considered to accord with Core Strategy Policy G8 and the NPPF.

Impact on Trees

30. The application is supported by various documents including a Tree Removals Statement, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, and Soft Landscape Proposals. The Tree Officer (GMEU) has been consulted.
31. The application site benefits from a number of tree groups including along the railway line boundary, scattered trees, and a significant area of broadleaved woodland on a raised bank towards the north west of the site. This latter tree group (W1), is the subject of a Tree Preservation Order, and is recognised for its high amenity value as a respite from built development in the wider streetscene.
32. The linear tree belt along the railway line would be retained and would function as a landscape and noise barrier between new houses and the railway. Trees in this belt would therefore need to be suitably protected during the course of any approved groundworks and construction works. Scattered trees around the site would be removed for development and are category C and U. Their losses would be adequately compensated for as part of the landscaping for the site.
33. Most significant is the TPO woodland, W1. The majority of this woodland would be retained within the proposal and this is considered important to retain the established woodland canopy and understorey. Protection of the trees would be required by condition. Some crown lifting and pruning would be required and a detailed tree works plan would also be required by condition. A part of W1 in

the north western area of the site is proposed for removal to facilitate the development. There are some trees of reasonable quality in this area and tree losses would also reduce the overall woodland canopy area. The Tree Officer however has no objections to the proposal on the basis that the proposed detailed soft landscaping proposals, particularly relating to the area to the north of the houses, would provide sufficient meaningful compensatory tree planting. Its implementation is required by condition.

34. The remaining woodland would be exposed by tree losses and ground clearance works and will in future be subject to access pressures from the new housing. A comprehensive Woodland Management Plan should therefore be prepared for this area. The Plan should be prepared by suitably qualified people and should be long-term (covering a period of at least 10 years).
35. On this basis the proposal is considered to be in accordance with Core Strategy policy G7 and paragraph 170 of the National Planning Policy Framework.

Ecological Impacts and Gains

36. The application has been supported by a bat survey and an ecological appraisal. This has been reviewed by GMEU. No objections were raised, subject to conditions relating to the proximity to Rochdale Canal, badger protection, nesting birds and invasive species.
37. With regards to biodiversity gain, it is noted that the majority of the site has negligible/low ecological value, with the exception of the W1 woodland. GMEU advises that the following measures should be incorporated into the planning permission, in order to satisfy net gain requirements: enhancement and long-term management of the retained woodland; provision of bat and bird boxes within the development, implementation of the soft landscape proposals.
38. Subject to these conditions, the proposal is considered to accord with Core Strategy policy G7 and paragraph 170 of the National Planning Policy Framework.

Highway Safety, Parking and Sustainability

Traffic Increase and Off-Site Mitigation Requirements

39. The proposed development will see approximately 90 vehicles on average departing the site in the morning peak period and returning to the site in the evening peak period. The original Transport Assessment shows that junctions will exceed capacity in future years. At the Bolton Road/Silk Street/Manchester Road junction as a result of this proposal, the junction will be in excess of 90% Degree of Saturation.
40. Transport for Greater Manchester have been consulted on this application and have asked for traffic mitigation measures on Silk Street to allow 2 lanes to approach the traffic signals at Silk Street/Manchester Road/Bolton Road. This can be achieved with the introduction of "No Waiting and Loading at Any Time"

restrictions along Silk Street. Also, on completion of the development the developer would be required to pay for the re-validation of the traffic signal timings at the Manchester Road/Bolton Road/Silk Street junction and Manchester Road/Edinburgh Way/Roch Valley Way junction. The applicant has agreed to these requirements and they would be included within a legal agreement.

41. The existing uses along Royle Road mean that the proposed development would intensify the use of Royle Road and in particular the junction of Royle Road and Silk Street. The current alignment is deemed unsatisfactory when considering the intensification of use that this proposed development will bring, and as such the Highway Authority has advised that this junction should be altered to form a 3-arm mini-roundabout, a concept plan of which has been produced by the Highway Authority.
42. The roundabout is off-site highway works, required due to the increase in traffic as a result of the proposed development. The applicant has therefore agreed to fund the mini-roundabout, and this would be included within a S278 legal agreement. Affected landowners including the central office and the store manager of Tesco have been notified of the required work (which would include a change to the current access/egress points of the petrol station), and dialogue has been undertaken between the Highway Authority and the Tesco store manager. No comments have been received as a result of the notification.
43. The highway mitigation measures required by the Highway Authority and Transport for Greater Manchester are achievable and the applicant has agreed to fund the work by way of a legal agreement. The proposal is acceptable to the Highway Authority on this basis and as such the proposal accords with Core Strategy policy T2 and the NPPF.

Sustainability, Access, Parking and Layout

44. A Travel Plan Framework has been submitted which is acceptable to the Highway Authority. The details for ongoing work in this respect will be required by condition
45. Parking Provision for the site is approximately 190%. On-street parking is therefore likely to occur in isolated areas however the Highway Authority considered it unlikely to compromise road function or safety.
46. The application was amended to incorporate two access roads into the site, and to re-align aspects of the layout such that no amendments to the Royle Road traffic calming scheme would be required. The second access road is necessary to satisfy emergency access requirements and both of these proposed changes are acceptable to the Highway Authority.
47. The internal road layout is appropriate and incorporates traffic calming measures. A Road Adoption Agreement would be required to ensure that these, and additional traffic calming measures at the costs of the applicant, are incorporated into the scheme to the satisfaction of the Highway Authority.

48. Providing the development is carried out in accordance with the requirements, it is considered that it would accord with Core Strategy policy T1 and T2, P3 and paragraph 109 of the NPPF.

Flood Risk and Drainage

49. The site is within Flood Zone 1 with low probability of flooding, (classed as having less than 1 in 1,000 annual probability of river flooding). The Flood Risk Assessment and drainage details are acceptable to the Council's Drainage & Flooding Engineer, subject to a detailed re-design of the drainage system by condition, on the basis of the principles set out in the drainage strategy to be agreed, along with the discharge rate. On this basis the proposal is in accordance with Core Strategy policy G8 and paragraph 155 of the National Planning Policy Framework.

Archaeology

50. GMAAS has been consulted and advises that there is no reason to seek to impose any archaeological requirements upon the applicant. The weaving mill has been demolished. Given the age of the mill it is most unlikely anything would be learned from below-ground remains. On the basis of the GMAAS assessment the proposal is considered to accord with Core Strategy policy P2 and paragraph 189 of the National Planning Policy Framework.

Developer Contributions

51. Paragraph 92 of the NPPF 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.
52. Policy DM2 of the Core Strategy sets out the Council's requirement for 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 C7), and in some cases towards highways improvements (policy T2).

Provision of recreational Public Open Space

53. 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. The SPD sets out that all developments containing 100 bedrooms or more will be expected

to make some recreational open space provision on the site. This should be provided at 2.1 hectares of recreational open space per 1000 population at 1 hectare Local Open Space and 1.1 hectares Outdoor Sports Provision.

54. Public Open Space is provided on site, in the form of a play area and woodland play trail, and as such no further POS contribution is required. The development triggers the need for payment of £332,329.80 towards Outdoor Sports Provision, based on the Recreational Open Space Table of Charges December 2018. Projects in the vicinity include a major sports project at Balderstone Park, Kirkholt and Firgrove Sports Hub for pitches and infrastructure.

Education contributions

55. Core Strategy policy C7 seeks developer contributions for the provision of educational facilities (including new school places).
56. Education contributions are set at £12,320.01 for each Primary place and £15,400.01 for each secondary place (this is currently under review).

For Primary school places the development is in the Rochdale south west planning area. As of the May 2019 census there were only 3 spare places in current Reception year 4 which is only a 1.1% surplus, 1 spare place in year 3 (0.4% surplus) and 6 places in year 6 (2.1%). Considering children who have been born in the area there is a forecasted school place shortage for Reception intake for 2021 of 31 places.

The Local authority maintains a 3% surplus to allow for in-year admissions. In the secondary school sector the current Rochdale Township Secondary planning area forecast (May 2019) shows a shortage of 27 places for 2020, a shortage of 9 places and 2023 and a shortage of 41 places is also forecast for 2024/25.

The proposed development would attract a total maximum contribution of £1,039,500.78:

- 225 units x 0.25 (primary yield factor) x £12,320.01 = £693,000.56
- 225 units x 0.1 (secondary yield factor) x £15,400.01 = £346,500.22

Affordable housing

57. 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). The development proposal exceeds on-site affordable housing thresholds and as such no contributions are required.

Air Quality Mitigation

58. Core Strategy policy G9 includes a focus on measures that reduce air pollution in Air Quality Management Areas. Core Strategy policy DM2 requires developers to provide mitigate the impact of development, through obligations and agreements, if development would otherwise have a negative impact. Contributions are sought for mitigation or compensation against environmental impacts, for example air quality in Air Quality Management Areas.
59. As described in the 'Pollution' section of this report there is a degree of harm caused by the development. Amongst other measures previously set out, a financial contribution is sought for £3,900 to install NO_x monitoring tubes and / or Pollution Monitoring Equipment, including 5 years maintenance. Two are required to be installed pre-development, and the remainder prior to first occupation. The applicant has agreed to this payment by way of S106 legal agreement.

Off-site highway works

60. Paragraph 102 of the NPPF requires transport issues should be considered at an early stage so that potential impacts can be addressed. Paragraph 108 requires decision-makers to ensure that significant impacts from development on the transport network (capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Core Strategy policy T2 expects development proposals to financially contribute to transport improvements where additional traffic movements cannot be accommodated on the existing network.
61. As described in the 'Highway Safety, Parking and Sustainability', the following contributions would be required to mitigate against traffic impacts associated with this development:
- £20,000 towards highway improvement works at Silk St/Royle Road Junction
 - £5,000 towards a TRO on Silk Street (parking restriction)
 - £5,500 for SCOOT re-validation (traffic signal re-programming)
- The applicant has agreed to these contributions as part of a S106 agreement, this is separate to the contributions set out above.

Viability

62. 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, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect

the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

63. The applicant's initial stance was that the development would not be viable if any contributions were payable and have submitted their viability appraisal to support this. The report has been reviewed independently for the Council, by Lambert Smith Hampton, and has been subject to subsequent discussions between all parties. The review concludes that the applicant's viability appraisal includes discrepancies and contradictions, does not provide robust site or development specific evidence, and costs and assumptions that cannot be supported. The review concludes that there is an identified surplus for S106 planning contributions, at the time of writing this report the sum is £890,000, however the appraiser acknowledges that there may be additional abnormal costs that are not known until groundworks are under way, given the complexities of the site for stabilisation of banking, and remediation. The applicant on the other hand, maintains their position that the development is not viable.

Viability and the balancing exercise

66. Given that the Council's independent viability review has itself identified that the full contribution cannot be paid, it is considered appropriate that education is prioritised over Formal Sports provision.
67. Government guidance "Delivering schools to support housing growth" published April 2019 advises that the Department for Education (DfE) expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development; development should mitigate its impact on community infrastructure, including schools; pupil yield factors should be based on up-to-date evidence from recent housing developments. It also advises that Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education.
68. The Schools Places Planning Manager has advised that there is an urgent need for primary schools places directly relating to Castleton Ward, within which the application site lies. They also advise that a compromise position is to focus the contribution requirements on the family houses within the development site (i.e. the number of three and four bedroom houses), omitting contributions for one and two bedroom houses/apartments. This would mean that the mitigation requirement for additional children moving into the locality would be:
 $166 \text{ units} \times 0.25 \text{ (primary yield factor)} \times \text{£}12,320.01 = \text{£}511,280.41$

The applicant has agreed to this payment but there are final negotiations over the triggers for this payment and we will update members accordingly at committee. This provision would be included within a S106 legal agreement.

70. It is important to note that the contribution of £511, 280.41 is an offer made by the applicant, and it does not correspond with Council's review of the viability. However, a middle ground is considered to be a pragmatic stance given the difference in opinion with regards to viability.

Conclusion

71. The development would bring a large brownfield site back into use and would also deliver a large number of houses with a good tenure mix of private rental sector, open market housing and affordable housing. It would also include a mix of smaller units together with family housing.
72. The site achieves efficient use of land, is acceptable having regard to neighbour amenity, the layout and design are acceptable, and requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection. Issues relating to highway impacts and air pollution can be mitigated by way of the requirements within a legal agreement.
73. The introduction of the houses will increase pressure on local amenities and infrastructure. There is a clear and robust policy justification for requiring contributions which are appropriate to mitigate those impacts. The applicant's offer of £511,280.41 corresponds with the Council's compromise position, in order to mitigate for primary school place requirements. This compromise position has been reached due to the large gap between the applicant's and Council's position on viability. The contribution is considered to appropriately mitigate for the harmful impacts of the development and therefore the recommendation is one of approval.
74. The proposal accords with the relevant Core Strategy policies as set out in this report, the National Planning Policy Framework and National Planning Practice Guidance.
75. A full list of conditions and heads of terms of a legal agreement will be included within the Update Report.

RECOMMENDATION

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

- (i) Financial contributions of £511,280.41 towards Primary education;**
- (ii) Financial contributions towards off-site highway improvement:**
 - £20,000 towards highway improvement works at Silk St/Royle Road Junction**
 - £5,000 towards a TRO on Silk Street (parking restriction)**
 - £5,500 for SCOOT re-validation (traffic signal re-programming);**

- (iii) Financial contribution of £3,900 to install and maintain air pollution monitoring equipment**
- (iv) A long-term woodland retention and management plan**
- (v) Full details of affordable housing including how it will be retained in perpetuity**

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

A full list of proposed conditions will be detailed in an update report.