

## Report to Planning and Licensing Committee



Date of Meeting  
Portfolio

6<sup>th</sup> February 2020  
Councillor Carol  
Wardle, Development  
& Housing

Report Author  
Public/Private Document

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Public

<b>Application:</b> 19/00853/FUL	<b>Township:</b> Middleton	<b>Ward:</b> West Middleton
<b>Applicant:</b> Riverside	<b>Agent:</b> BYA Ltd.	
<b>Site Address:</b> land off Newby Drive, Middleton, M24 5NJ		
<b>Proposal:</b> Residential development – 28 dwellings		

### SITE LOCATION



## DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as the application is for major development, is recommended for approval and 10 or more individual objections have been received.

## PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for residential development comprising 28 dwellings (16 no. 2-bed and 12 no. 3-bed), to be 100% Affordable Rent, together with provision of vehicular access from Newby Drive at its junction with Langdale Drive and associated landscaping.

## RECOMMENDATION

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

## REASON FOR RECOMMENDATION

- 4.1 The proposed development comprises an element of the wider strategy for the regeneration of the Langley Estate, and brings a former clearance site back into use, delivering a substantial number of affordable new homes (100% Affordable Rent) for the community to meet an identified shortfall.
- 4.2 The development makes efficient use of the developable area, is acceptable having regard to neighbour amenity, layout and design, and requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection.

## **SITE**

The application relates to a roughly rectangular parcel of land, approximately 0.69ha in area, at Newby Drive. The site forms part of the wider Langley Estate to the north west of Middleton and is access via Langdale Drive, a key link between Hollin Lane (A6046) and one of the main circulatory routes around the estate, Windermere Road.

The site was previously host to 28 homes, set in four terraces which faced onto a central highway/circulation area. The properties were demolished between 2006 and 2011 and the site has been left vacant pending redevelopment since. The carriageway, including turning head, and adjacent footway of Newby Drive were retained, although vehicular access is currently prevented by way of stone blocks across the highway.

The site is surrounded by existing residential properties, predominantly terraced in form, which are all two-storeys in height. These properties front onto Langdale Drive to the south, Windermere Road to the west, Bonscale Crescent to the north and Hollin Lane to the east. The site generally slopes upwards from south to north.

## **PROPOSAL**

Full planning permission is sought for the redevelopment of the site with 28 dwellings. All of the dwellings would be made available for Affordable Rent by the applicant, Riverside Group (the majority stock-holder on the Langley Estate following transfer from Manchester City Council in 2002), as part of the wider strategic social housing strategy developed by Riverside and the Council.

All proposed homes would be constructed as semi-detached pairs. The proposed accommodation mix is as follows:

- 12 no. 3-bedroom two-storey homes;
- 12 no. 2-bedroom two-storey homes;
- 4 no. 2-bedroom bungalows.

The alignment of the existing access from Langdale Drive would be retained between nos. 18 and 20 Langdale Drive; north of the back gardens of these properties, the access would be widened and realigned to the west. The highway would extend further northwards to provide access to plots 9-14 and a further road arm would extend eastwards within the site to a turning head providing access to plots 15-22.

## **DEVELOPMENT PLAN**

Adopted Rochdale Core Strategy (RCS):

- 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
  
- 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
- C6 Improving health and well being

- C7 Delivering education facilities  
C8 Improving community, sport, leisure and cultural 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**

- G1 Tackling and adapting to climate change  
G2 Energy and new development  
G6 Enhancing green infrastructure  
G7 Increasing the value of biodiversity and geodiversity  
G8 Managing water resources and flood risk  
G9 Reducing the impact of pollution

**SO5 Improving accessibility and delivering sustainable transport**

- T2 Improving accessibility

Rochdale 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:

- Affordable Housing (March 2008)
- Biodiversity and Development (January 2008 – updated February 2017)
- Guidelines & Standards for Residential Development (June 2016)
- Oldham and Rochdale Urban Design Guide (September 2007)
- Oldham and Rochdale Residential Design Guide (September 2007)
- Provision of Recreational Open Space in New Housing (March 2008 – updated January 2017)

**NATIONAL PLANNING POLICY AND GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

**RELEVANT HISTORY**

01/D39557 Determination of proposal to demolish dwellings – Granted

**CONSULTATION RESPONSES - SUMMARIES**

**Design for Security** – No objection raised; recommend a condition to reflect the physical security requirements in the submitted Crime Impact Statement.

**Drainage and Flooding Engineer** – The proposals (within the drainage strategy & FRA and accompanying drainage plans) accord with the hierarchy of drainage options. The drainage design proposes to incorporate surface water storage within oversize 1.2m diameter pipes and discharge to the UU combined sewer at a restricted rate of 5

l/s. Recommend a condition requiring the development to be carried out in accordance with the approved scheme.

**Environmental Management (Refuse)** – No objection raised. Applicant should ensure compliance with the Council's '*Recycling and Refuse Collection Services*' design guide for developers.

**Greater Manchester Ecology Unit** – Information submitted includes an Ecological Assessment Report; the survey found the site to have limited ecological value, although it does support some trees and scrub that may be used by nesting birds. Recommend conditions as follows:

- No removal of or works to tree, shrubs or brambles during main bird breeding season (March to August inclusive);
- Pre-commencement condition requiring submission of an invasive plant species management plan;
- Scheme for Biodiversity Enhancement Measures (as recommended in the Ecological Assessment Report) to be submitted and implemented prior to first occupation.

**Greater Manchester Fire and Rescue Service** – Fire service required vehicular access for an appliance to within 45m of all points within the dwellings. Access road should be min. 4.5m width and capable of carrying 12.5 tonnes. If access road is more than 20m, a turning point is required; the max length of any cul-de-sac should be 250m. There should be a suitable fire hydrant within 165m of the furthest dwelling. Recommend installation of sprinkler systems.

**Highways** – No objection subject to an amendment to the plans to replace service strips with footways, as they offer no defensible space and require more maintenance. Development is unlikely to generate any significant or problematic volume of traffic; parking provision is satisfactory; access is established and satisfactory, although narrower than usual. No concerns regarding refuse collection or emergency access.

**Public Protection (Environment)** – Recommend application of standard Site Investigation condition to require submission of investigation/remediation strategy.

**Transport for Greater Manchester** – No objection. Assessed Transport Statement submitted in support of the proposal; trip generation assessment work (using TRICS database) demonstrates likely generation of 14 two-way trips in the AM peak and 13 two-way trips in the PM peak; conclude that no further assessment work required. Future residents would have access to travel modes other than private car. Recommend provision of continuous 2m wide footways throughout and surrounding. Also recommend each dwelling makes provision for secure cycle parking. Development should be accompanied by a robust Residential Travel Plan with effective measures for bringing about modal shift; to be secured by condition.

**United Utilities** – No objection raised subject to application of standard drainage conditions requiring submission of a detailed drainage scheme for approval, separate drainage of foul and surface water and management/maintenance of SuDS. Note that a water main crosses the site – UU requires unrestricted access for operating and maintaining it.

N.B. The water main referred to is that which serves Newby Drive itself, from Langdale Drive.

**TOWNSHIP PLANNING PANEL**

The application was presented to the Middleton Township Planning Panel on 23<sup>rd</sup> September 2019; Members made no detailed comment on the proposals.

### **MEMBER REPRESENTATIONS**

No representations have been received from individual Members.

### **PUBLIC REPRESENTATIONS**

Letters of notification were sent by the LPA to surrounding neighbours, a notice displayed in the vicinity of the site and a notice placed in the local press.

<b>Objection Reps</b>	12	<b>Support Reps</b>	0	<b>Neutral Reps</b>	1
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Comments made in respect of the application are summarised as follows:

- Council's Brownfield Register shows Newby Drive to have an area of 0.65ha and a capacity of 20 dwellings – question how a scheme for 28 homes came about;
- Object to the destruction of wildlife and green spaces – Langley has lost so much greenspace over recent years due to the high volume of houses being built;
- Hundreds of new homes have been built in the area with no extra facilities provided by the Council - Middleton has lost its 'Walk-in Centre';

*Officer Response: The proposed development site is, in effect, a parcel of Previously Developed Land given that it is an area of former housing clearance. The site is not a recognised area of greenspace, although it has become overgrown following demolition. Figures relating to an anticipated number of dwellings within the Brownfield Register do not represent a ceiling for capacity of the site and are an initial high-level indication to inform wider strategy.*

- Roads around the Langley Estate are congested enough;
- The development will only add to more air pollution – potential 56 additional cars from the development;
- Concern that roads/driveways leading up to the back of properties will result in health issues, by virtue of air pollution;

*Officer Response: The highways impacts of the development are considered in detail in the relevant Analysis section below. The site is not located within or near to an Air Quality Management Area and the quantum of development is not such that it would result in a significant increase in emissions within the immediate locality, taking into account relevant IAQM guidance.*

- The site has not been used by humans for 15+ years and has become a wildlife haven - a family of hedgehogs has been living on the site for the last 14 years;
- Riverside has been removing 1000s of metres of privet hedging and replacing them with waney lap fencing;
- Request that a hedgehog highway and wildlife habitat border are included in the development;

*Officer Response: The site is not designated for its biological or ecological importance. Nonetheless, in light of the extent of self-seeded vegetation present on site, following demolition of the former houses, the application is accompanied by an ecological assessment report – the site has limited*

*ecological value. This matter is considered in detail in the appropriate Analysis section below.*

- Permission is not given to remove or alter privets or hedges between the site and existing surrounding properties – access to cut them is needed on a regular basis;
- Residents have been able to maintain, repair and paint their boundary fences from Newby Drive for 15 years – concern that residents may no longer be able to do so;

*Officer Response: Authority to remove or alter privets or hedges on third party land is not a planning matter and is a private matter for the relevant land owners; a permission relates to land within the defined site boundary and does not infer consent to carry out works on third-party land. The applicant may, however, undertake works to any privet or hedge within the site itself, subject to any requirements of the permission including relevant conditions. The matter of access for maintenance of boundary treatments is a civil matter between the relevant land owners and is covered by the Party Wall Act and Access to Neighbouring Lands Act.*

- Concern about the noise from building and from new tenants;
- Question how construction workers will be able to easily park, load & turn when dropping off supplies – Langdale Drive is a busy road served by buses;

*Officer Response: Development activities inevitably result in a degree of unavoidable disruption, however, elements may be mitigated by way of controls under a Construction Management Plan condition, as recommended. Separate controls on such activities also exist under environmental protection legislation.*

- Concerned about overlooking into the rear of existing houses;
  - Provision of back-to-back houses will make existing residents feel unsafe;
- Officer Response: The impact of the development on surrounding properties is considered in the relevant Analysis section below.*

## **ANALYSIS**

### **Principle of Development**

1. The spatial strategy for the Borough (CS Policy SP2) seeks to focus housing delivery within the south of the borough in the Manchester fringe, including within identified regeneration areas. Housing delivery in sustainable locations and the continued development of more high quality homes to widen tenure choice across the Langley Estate are supported by The Strategy for Middleton (CS Policy SP3/M) and CS Policies C1, C2 and C3.
2. The site lies within the Defined Urban Area, Langley Regeneration Area (as identified on Figure 9 in the Core Strategy) and effectively comprises Brownfield land, being an evidenced clearance site, although it may no longer strictly meet the definition of PDL as set out in the NPPF (as the site is now grassed over and the remains of any permanent structure or surface infrastructure have blended into the landscape). The site sits approximately 1.1km to the north west of Middleton Town Centre, within a well-established residential area and approximately 0.7km from an identified Local Centre (Wood Street). Hollin Lane, a bus corridor, sits 100m to the north east. Accordingly, the proposed site can be considered to represent a sustainable location for residential development.

3. The application site forms part of the AL/HOU/26 allocation in the draft Allocations Plan Development Plan Document. The Council undertook Regulation 18 consultation on the DPD in 2018; it is not considered that any significant weight can be attached to this matter, however, given the current draft status of the DPD.
4. Development of the site would make a valuable contribution towards the provision of high quality housing on brownfield land, assisting in meeting the Council's target to deliver 80% of new housing on previously developed sites within the urban area and in the delivery of regeneration priorities for Langley. The proposed Affordable Rent tenure would also meet and exceed the requirements set out in Policy C4 for provision of affordable homes and would help meet the estimated annual requirement of 204 additional affordable homes per year set out in the Strategic Housing Market Assessment for Rochdale; this is a benefit which weighs significantly in favour of the proposals. In accordance with Paragraph 118 of the NPPF, substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes. Accordingly, it is considered that the proposal is acceptable in principle.

### **Layout, Design and Character**

5. The layout of the development would be appreciably different in nature and grain to that of the existing surrounding housing, which is predominantly comprised of terraced stock. However, it is noted that the development would be constructed on a back-land site, and therefore would not form a prominent part of any existing street scene. Regardless, variation within the urban grain, where appropriately designed, creates interest. The internal street scene has been designed in order to seek to minimise the extent of parking provision to the front of dwellings, with each property benefitting from a soft landscaped front garden; this also creates opportunities for tree planting to the rear of footways.
6. The development layout is relatively dense, however, it is considered that this allows for the most efficient use of a constrained site. It is regrettable that a pedestrian connection cannot be made to the existing footpath in the north-eastern corner of the site, which runs from Hollin Lane to Bonscale Crescent, but it is acknowledged that to do so would reduce the developable area to an unsustainable extent. The arrangement of dwellings is such that natural surveillance across the site would be prevalent.
7. The housetypes are of a somewhat unusual footprint, with the majority being 'T'-shaped. This feature, however, allows for the more sensitive integration of parking to the side of the dwellings. Amendments to the designs have been secured to alter the proportions and scale of the dwellings, such that the rooflines of the constituent parts more appropriately align with one-another, and minor changes have been secured to fenestration design to reduce the extent of blank elevations. The houses are considered to be of high-quality, and include a number of attractive and contemporary detail features which add interest. A condition is recommended to require the submission of full materials detail. Subject to such a condition, the proposal is considered to meet the requirements of Policies P1 and P3 of the Core Strategy and the NPPF.
8. Boundary treatments across the site are largely acceptable, being comprised of standard timber fencing. It is noted, however, that several side/rear garden boundaries would run parallel to the rear of the footway of the internal estate road. It is considered that brick boundary treatments would be more suitable in these locations than the proposed timber fencing. Similarly, it is considered a

more visually suitable boundary treatment could be used to separate driveways and front gardens. A condition is recommended requiring submission of full, alternative boundary treatment detail.

### **Amenity Standards**

9. In looking at the standard of amenity to be afforded to future occupiers, it is considered that separation distances within the site itself between the new dwellings are acceptable. Suitable garden spaces would be provided to all dwellings, with external access available for storage and movement of bins from rear garden/hardstanding areas.
10. Similarly, the relationship between the proposed dwellings and those existing properties backing onto the site is considered acceptable, having regard to the *Guidelines & Standards for Residential Development* SPD, subject to minor amendments to the fenestration design of plots 1 and 28, which are to be submitted prior to the committee meeting. Sufficient separation distances would be provided such that the privacy of occupiers would not be unacceptable impinged and no concerns are raised with respect of overshadowing or impact on outlook. The placement of bungalows at plots 9 & 10 and 17 & 18 reduces the impact on those dwellings and gardens which the gable side elevations would face towards and renders the separation distances to the respective boundaries acceptable.
11. It is noted that some concerns have been raised in respect of the proximity of parking/driveways within the development to existing properties and their rear boundaries. However, such arrangements are not uncommon in residential areas and it is not considered that the proposals would have a detrimental impact on the amenity of existing occupiers. Concerns have also been raised by residents in respect of potential disruption during the construction period; a certain level of disruption is inevitable during any development project, however, a construction management plan condition is recommended below in order to seek to mitigate impacts where possible.

### **Highways and Access**

12. The application is accompanied by an appropriate Transport Statement, which has been subject of consultation with Transport for Greater Manchester and the Highway Authority. The site is considered to be well connected to the local highway network given the proximity to Hollin Lane (A6046) and the onward connections this provides to Middleton Town Centre via the A664 and to the Strategic Road Network via junction 19 of the M62 approximately 1.7km to the north.
13. In respect of accessibility to the site by other means – the site benefits from access to a range of local services within an 800m walking catchment, including a convenience store, doctor's surgery, public houses and a nursery school. Footways in the vicinity of the site are noted to be in good condition, with crossing points. A 5km cycle catchment area includes the centres of Heywood and Middleton, as well as Heywood Distribution Park and Stakehill Industrial Estate and National Cycle Route 66.
14. The closest bus stop is approximately 50m walk from the site on Langdale Drive with further stops located on Windermere Road and Hollin Lane. These provide access to a number of regular services to Middleton Town Centre, Heywood

centre, Bury and Manchester City Centre. The site is therefore considered to be well connected and residents would be afforded opportunities to make use of sustainable transport modes.

15. The proposed site layout, following minor amendments to provision of footways within the site, is considered to be acceptable to the Highway Authority and submitted swept-path analysis demonstrates that the site could be appropriately serviced by refuse collection vehicles. The site access from Langdale Drive is considered suitable for the quantum of development proposed.
16. In looking at the potential traffic generation of the development, the industry standard TRICS database has been used to calculate potential trip rates and trip generation figures. The forecast sets out that the development is expected to generate 14 vehicular trips in the AM peak and 13 trips in the PM peak hours, or one trip every 4.5 minutes. In light of the negligible level of trips generated by the development, it is not considered that the development would have a material impact on traffic on the surrounding highway network.
17. The development is laid out such that a total of 50 off-road car parking spaces would be provided, with the majority of properties benefitting from 2 parking spaces. The Council's maximum parking provision standard for development of this nature is 56 spaces – there is therefore a resultant shortfall of 6 spaces. The shortfall has been considered by the Highway Authority, which raises no objection, noting that on-street parking is unlikely to be problematic.
18. The development includes for the stopping up of highway, relating to a portion of Newby Drive itself and a footpath loop which historically sat in the eastern portion of the site which served the now demolished dwellings. An application has been submitted by the developer under S247 of the Town and Country Planning Act to the Secretary of State.
19. In light of the above analysis, it is not considered that the proposed development would conflict with the relevant requirements of Policies DM1 and T2 of the adopted Rochdale Core Strategy or the National Planning Policy Framework.

### **Ecological and Arboricultural Impacts**

20. The application is accompanied by an Ecological Assessment Report, containing a summary of the results of an Extended Phase I Habitat Survey on site. The site is noted as comprising approximately 0.7ha of species-poor, semi-improved grassland which are of low botanical interest. Two trees are located either side of the central highway and two are located on the western boundary; none of the trees support suitable features for roosting bats. The edges of the site are comprised of privet hedge and bramble scrub.
21. The ecological survey concludes that there are no habitats of any significant conservation value within the site, although trees and scrub could be used by nesting birds during the breeding bird season. The findings of the survey have been reviewed by the Greater Manchester Ecology Unit, which raises no concerns or objections. Recommendations are made for a condition requiring that works do not take place during bird breeding season unless surveys are undertaken in advance and suitable mitigation provided in the event that breeding birds are found on site.

22. It is noted that a number of public representations make reference to a family of hedgehog being resident on site. The ecological survey presents no evidence of the presence of hedgehog. It is noted that hedgehog do benefit from some limited protection under the Wildlife and Countryside Act, but are not protected by virtue of Schedule 5, and are protected by virtue of the Wild Mammals Protection Act. They are also listed as a Species of Principle Importance under the Natural Environment and Rural Communities Act. It is also noted that there is particular public concern at present regarding the decline of hedgehog populations. It is recommended that an informative is added to the decision notice, reminding the developer of their responsibilities with respect to clearance of the site. The redevelopment of the site provides the opportunity to integrate biodiversity enhancements; a relevant condition is recommended requiring submission of a detailed scheme of such enhancements, which may include bird and bat boxes alongside additional measures such as hibernacula and hedgehog 'highways' – this would allow, along with soft landscaping proposals, for provision of net biodiversity gain.
23. The ecological survey does note the presence of Japanese Knotweed on site; a condition is recommended requiring submission and approval of an invasive species management plan.
24. The application is accompanied by an appropriate tree survey and Arboricultural Impact Assessment. Two trees (T1 and T4) are identified as requiring removal due to their condition; three trees may be successfully retained and two trees (T5, an Ash tree on the western boundary and T2, a Cherry on the southern boundary) would need to be removed to accommodate the development. The Ash is considered to be 'Category B', and therefore of moderate quality and value, whilst the Cherry is 'Category C' and therefore of low quality and value.
25. Whilst the removal of the trees would be a dis-benefit of the proposals, it is noted that replacement tree planting, exceeding the required 2:1 provision, is proposed across the site, as detailed on the submitted landscaping plans. Accordingly, it is not considered that the proposed tree removal is unacceptable. An Arboricultural Method Statement was submitted with the application, however, the layout reflects an earlier iteration of the scheme – a condition is therefore recommended requiring the submission of a revised AMS. Subject to application of such a condition, and provision of an appropriate landscaping scheme for the site, it is not considered that there would be any conflict with the requirements of Policies G6 and G7 of the Core Strategy and the National Planning Policy Framework.

### **Flood Risk and Drainage**

26. The site is within Flood Zone 1 with low probability of flooding. In looking at the potential for integration of Sustainable Urban Drainage to the development, the submitted Flood Risk Assessment sets out that ground investigations have demonstrated that soakaway of surface water would not be feasible. There are no nearby watercourses or surface water sewers to discharge to. Accordingly, it is proposed that surface water is discharged to the existing combined sewer network. The drainage design therefore proposes to incorporate surface water storage within oversize 1.2m diameter pipes and discharge to the UU combined sewer at a restricted rate of 5 l/s (Greenfield runoff rate). The Council's Drainage Engineer has raised no objection to the proposals and United Utilities has indicated acceptance of the proposed discharge rate. On this basis the proposal is in accordance with Core Strategy policy G8 and the National Planning Policy Framework.

## **Contamination**

27. The application is accompanied by Phase I and II site investigation reports. These have been subject of consultation with the Council's Public Protection Service. No objections have been raised to the findings of the reports, however, it is noted that further investigative work and a suitable remediation strategy are required. A condition is therefore recommended requiring the same. Subject to application of a condition requiring further detailed site investigation work it is considered that there would be no conflict with Policies G9 and DM1 of the Core Strategy or the National Planning Policy Framework with respect to providing a safe environment for residential development.

## **Planning Obligations**

28. Paragraph 92 of the NPPF requires that LPAs 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.
29. 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. In the case of residential development of this scale, this specifically requires contributions towards affordable housing (Policy C4), open space and formal sports provision and maintenance (Policy G6) and education facilities (Policy C7).

### Provision of Affordable Housing

30. 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).
31. The applicant (Riverside Group) proposes that the development will comprise entirely of dwellings for Affordable Rent (AR). In order to meet the definition of AR as set out in Annex 2 of the NPPF, the development must meet the following conditions:
  - a) The rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents;
  - b) The landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and
  - c) It includes provision to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.
32. As the proposed 100% provision of on-site affordable housing exceeds the policy requirement, no commuted sum payment is required. However, it is necessary to secure the provision of the on-site affordable housing and this is proposed to be secured by way of a suitably worded condition. It is noted that the significant over-provision of affordable housing in comparison to the policy requirement represents a significant benefit of the scheme.

### Provision of Recreational Open Space & Education Contributions

33. Policy G6 of the Core Strategy requires that residential development should provide or contribute financially towards recreational open space (both Local Open Space or Public Open Space and Outdoor Sports Provision) in accordance with the standards set out in the *Provision of Recreational Open Space in New Housing* SPD. Core Strategy Policy C7 seeks developer contributions for the provision of educational facilities (including new school places) where required.
34. The development relates to a Brownfield clearance site, previously host to a total of 28 homes prior to their demolition. The scheme proposes the delivery of a total of 28 dwellings and accordingly does not represent a net increase in houses. Developer contributions towards education provision and recreational open space are ordinarily required on schemes of, respectively, more than 20 homes and more than 10 homes. In light of there being no net increase, it is not considered reasonable to conclude that the development would lead to additional pressures on existing infrastructure and therefore that requiring contributions would be necessary to make the development acceptable in planning terms.

### **Summary & Conclusion**

35. The proposed development comprises an element of the wider strategy for the regeneration of the Langley Estate, and brings a former clearance site back into use, delivering a substantial number of affordable new homes (100% Affordable Rent) for the community. The development makes efficient use of the developable area, is acceptable having regard to neighbour amenity, layout and design, and requirements are met or can be met by way of condition with regards to drainage, contaminated land, biodiversity enhancement, tree and ecological protection.
36. It is noted that the application delivers an over-provision of affordable housing in comparison to the policy requirement and approval of the application would secure the delivery of 28 affordable homes in a township identified as having a shortfall of 44 affordable houses per annum. The development is deliverable, in light of the backing afforded by Homes England funding, and would comprise redevelopment of a long-term vacant brownfield site within the urban area, to which substantial weight should be attached in accordance with paragraph 118 of the NPPF.
37. 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 and therefore the recommendation is one of approval.
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### **RECOMMENDATION**

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

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:

- Site Location Plan ref. 1871 01 rev. A
- Proposed Site Plan ref. 1871 02 rev. D
- House Types A & B ref. 1871 04 rev. B
- House Types C & D ref. 1871 05 rev. C
- House Types E & F ref. 1871 06
- Drainage Layout ref. 29693-6020 rev. P5

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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

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

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.

4. No development shall take place (including any site clearance or preparation works) until a Construction Management Plan (CMP), which shall include the following, has been submitted to, and approved in writing by the Local Planning Authority:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment from accidental spillages, dust and debris;
  - i) hours of construction, including deliveries.

The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in

accordance with Policies DM1, P3, T2, G8 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents and the functioning of the highway network prior to commencement of any building or engineering works on site.

5. No development (including any site clearance or preparation works) shall take place until such time as a detailed method statement for the removal or long-term management/eradication of invasive plant species on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of invasive plant species during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development and site works shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread, and in accordance with the provisions of Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Construction activity increases the risk of invasive species spreading.

6. No development shall take place until an investigation and risk assessment (in addition to the Phase I and Phase II reports 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). 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 a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement: An understanding of necessary remedial works is required before works start on site in order to ensure that comprehensive and appropriate remediation is undertaken from the commencement of engineering operations.

7. (a) No development or works of site clearance or preparation shall take place until such time as an Arboricultural Method Statement, including but not limited to detail on which trees are to be removed, which trees are to be retained, any other tree work to facilitate development including pruning, proposals for ongoing management of retained trees, temporary protective barriers, temporary ground protection, site supervision, location of services and, if required, specialist construction techniques in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) has been submitted to and approved in writing by the Local Planning Authority.

(b) No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Protection measures for retained trees are required to be in place prior to commencement of any works on site to ensure no damage is caused.

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

Reason: In the interests of 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: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

9. 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 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;
- (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.

10. 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. Development shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

11. No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, provision for bird boxes, bat boxes and hedgehog habitat (including provision of 'Hedgehog Highways') has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works (which shall take account of the measures approved by virtue of condition 10 of this permission) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers / densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped 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.

13. No part of the development shall be occupied until such time as the approved foul and surface water drainage strategy, as shown on plan ref. 29693-6020 rev. P5, has been fully implemented, constructed and made available for use. The surface and foul water drainage system shall be retained and maintained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

14. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls (which shall take account of the measures approved by virtue of condition 10 of this permission) have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

15. No part of the development shall be occupied until such time as the car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted have been made fully available for use. The arrangements shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the amendment, re-enactment or revocation thereof, prior to first occupation of Plots 11 and 19 hereby permitted the window in the first floor on the east side elevation of Plot 19 serving the master bedroom and the window in the first floor on the north side elevation of Plot 11 serving the master bedroom shall

be fitted with non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interest of amenity and in compliance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, the dwellings hereby approved shall not be extended and no buildings, structures gates, fences or walls shall be erected within their curtilage under Schedule 2, Part 1, Classes A, B, C and E or Schedule 2, Part 2, Class A of the above Order except with the express permission of the Local Planning Authority.

Reason: To prevent overdevelopment of the site, to ensure a satisfactory visual appearance and to ensure an adequate standard of amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

#### Recommended Informative

##### INFORMATIVE:

The applicant is advised that hedgehog have been observed on site. Hedgehog are protected by British law under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them using certain methods. They are also protected in Britain under the Wild Mammals Protection Act (1996), prohibiting cruelty and mistreatment and are listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41. Care should be taken in undertaking site strip and clearance to ensure no breach of the relevant legislation.