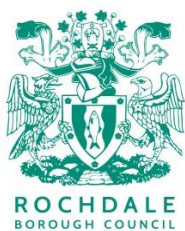


## Report to Planning and Licensing Committee



Date of Meeting  
Portfolio

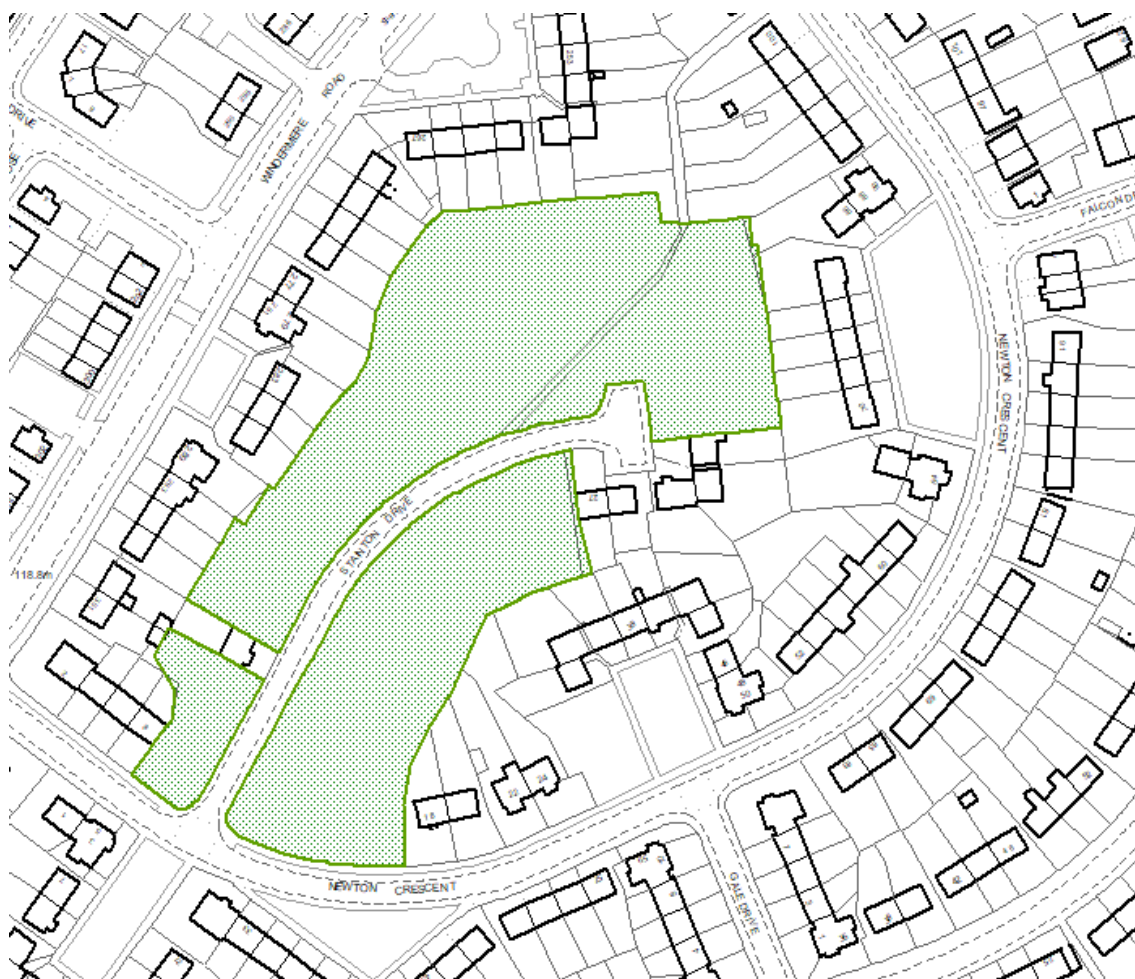
9<sup>th</sup> July 2020  
Councillor Carol  
Wardle, Planning,  
Development &  
Housing

Report Author  
Public/Private Document

David Allen  
Public

<b>Application:</b> 19/00956/FUL	<b>Township:</b> Middleton	<b>Ward:</b> West Middleton
<b>Applicant:</b> Hive Homes (Greater Manchester) LLP		<b>Agent:</b> MCK Associates
<b>Site Address:</b> Land at Stainton Drive, Middleton		
<b>Proposal:</b> Residential development - 48 dwellings - including provision of highway and landscaping		

### SITE LOCATION



## DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as approval of the application would be a departure from the Development Plan.

## PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for residential development comprising 48 dwellings (4 no. 2-bed, 42 no. 3-bed and 2 no. 4-bed), all to be open market housing, together with provision of access and landscaping.

## RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves 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, as directed by the Council's adopted Langley Masterplan. The development brings a former clearance site back into use, delivering 48 dwellings on brownfield land, and will provide a significant contribution towards the delivery of greater numbers of open market dwellings on the Langley Estate.
- 4.2 The development makes efficient use of the site, 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 and ecological protection.
- 4.3 Approval of the scheme represents a departure from the Development Plan, as no contributions are to be required of the development towards provision of Affordable Housing, Open Space, Outdoor Sports or Education in light of the material considerations indicating otherwise comprising the Langley Land Pooling Agreement arrangements, the previous determination of the Council's Property Growth Fund Sub-Committee that the site should be utilised solely for the delivery of housing for outright sale whilst other sites on Langley are committed to 100% Affordable Housing provision and on the basis that the site represents a net increase of only 6 dwellings in comparison to the number of dwellings previously cleared from the site as part of the Langley Masterplan.
- 4.4 In taking all material considerations into account the recommendation is that the application is approved.

## **SITE**

The application relates to land at Stainton Drive in Middleton, extending to *circa* 1.2ha in area. The site formed a significant part (Site D) of the wider Langley Physical Regeneration Area, which was born of the Housing Market Renewal Programme (HMR); between 2000 and 2007, 42 dwellings were cleared from the site.

Six retained properties are still accessed from Stainton Drive, five of which are clustered around the south-eastern corner of the turning head. The site is comprised of the retained highway, turning head and footpaths, and is largely grassed over, with dense scrub/vegetation to the majority of the boundaries.

Stainton Drive itself connects into Newton Crescent to the south and the site is otherwise bounded by existing housing on Windermere Road to the west & north and on Newton Crescent to the east and south east.

## **PROPOSAL**

Full planning permission is sought for the redevelopment of the site with 48 dwellings. All of the dwellings are proposed to be available for open market sale by Hive Homes, the joint venture between 10 housing associations and the GMCA, and would be comprised of a mix of terraced, semi-detached and detached properties. The proposed accommodation mix is as follows:

- 4 no. 2-bedroom two-storey homes;
- 42 no. 3-bedroom two-storey homes;
- 2 no. 4-bedroom two-storey homes.

The alignment of the existing access from Newton Crescent would be retained; an existing square-shape footpath extending from the turning head at the end of Stainton would be closed, however, the existing footpath cutting through to Newton Crescent to the north (between nos. 100 and 102) would be retained.

## **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 SITE HISTORY**

01/D39557 Determination of Proposal to Demolish Dwellings - Granted

05/D45179 Residential Development – 50 Dwellings – Granted STC

**CONSULTATION RESPONSES - SUMMARIES**

**Drainage** – No objection. Drainage Strategy document is generic with no details nor outline drainage plans provided. The submitted strategy suggests that there is a culverted watercourse passing through the site – this is now defunct. The only possible surface water discharge point is the combined sewer, to which UU have agreed to accept up to 5 l/s of surface water discharge. Recommend planning conditions requiring submission of a full surface and foul water drainage scheme.

**Environment Agency** – No comments received to date.

**Environmental Management (Greenspace Development)** – The development is 280m from Bowlee Link Corridor play park, next to Bowlee Community Primary School, any POS contribution should be directed there.

**Environmental Management (Refuse)** – No objection. Applicant is referred to the Council's published developers' guidance document – distances for collection crews to wheel bins to the collection vehicle should be kept to a minimum.

**GM Fire Service** – No comments received to date.

**GMP - Design for Security** – Recommend that a Crime Impact Statement should be submitted.

**Greater Manchester Ecology Unit** – No comments received to date.

**Highways Authority** – No objection. Stainton Drive is a pre-existing residential highway, therefore its dimensions and access are acceptable, however as it is narrow it is essential that 200% parking provision is provided – the applicant has provided this level of parking. Do not envisage any problematic volume of traffic to be generated. Private shared driveways will not be adopted. No concerns regarding refuse collection.

**Public Protection (Environment)** – No objection. The submitted Phase 1 Site Investigation and the recommendation for a Phase 2 is acceptable – recommend standard condition.

**Schools Service** – Contributions requested towards Primary and Secondary education provision, on the basis of 48 new dwellings.

**Strategic Housing** - No comments received to date.

**Strategic Planning** – No comments received to date.

**Strategic Transport Planning Co-Ordinator** – No comments received to date.

**Street Lighting** – Proposed public street lighting (adoptable under a S38 agreement) will be subject to approval by the Rochdale/Oldham PFI.

**Transport for Greater Manchester** – Comments issued direct to Highways Authority.

**Tree Officer** – No comments received to date.

**United Utilities** – No objection. In accordance with NPPF and NPPG, the site should be drained in the most sustainable way – recommend standard conditions. Note that a water main and sewer cross the site – an access strip is required and developer should comply with standard conditions.

### **TOWNSHIP PLANNING PANEL**

The application was presented to the Middleton Township Planning Panel on 27<sup>th</sup> January 2020; Members raised the following queries:

- Whether the entrance roads to Newton Crescent could be widened;
- What measures will there be for the extra traffic using the local highway network.

**Officer Response:** The Highway Authority has confirmed its satisfaction with the carriageway width of Stainton Drive and the access to the site from Newton Crescent; accordingly, it would not be reasonable to require the developer to widen either of the

carriageways, especially given that the site access historically served a similar number of dwellings.

The application is also accompanied by a Transport Assessment which provides a holistic and cumulative assessment of the impacts of development of 8 sites across Langley (Threlkeld, Borrowdale, Stainton, Buttermere, Burnside, Derwent, Newby and Bonscale), and includes for other committed developments within the area including the Hollin/Langley Lane Masterplan Area. Following a review of the TA, the Highway Authority has confirmed that they do not consider that the additional traffic arising from the development would cause capacity or safety issues.

### **MEMBER REPRESENTATIONS**

No individual representations have been received from Members.

### **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. Additional notification letters were issued upon receipt of amended plans.

Four neutral representations were received, along with one letter of objection, summarised as follows:

- Querying how access is to be met for contractor vehicles and residents cars;
- Concern regarding volume of traffic in the area from new-build development;
- Request that as part of the development repairs to existing treatments or replacement boundary treatments are put in place and overgrown vegetation is removed to prevent future damage;
- Query whether trees on the boundary of the site are to be removed, as they take light from neighbouring gardens;
- Query whether drainage issues are to be sorted – neighbouring gardens flood at present;
- Note a significant pest problem emanating from the site;
- Note that the site was vacant when they purchased a property which backs onto the site – query what measures the Council will put in place to ensure current privacy levels remain in place.

**Officer Response:** Highways, amenity, boundary treatment, arboriculture and drainage concerns are addressed in the relevant Analysis sections below. Issues related to animal pest control are not relevant to the planning process.

### **ANALYSIS**

#### **Principle of Development**

1. The spatial strategy for the Borough (Core Strategy (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 and Langley Regeneration Area (as identified on Figure 9 in the Core Strategy). Although it may no longer strictly meet

the definition of Previously Developed Land 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) it is considered to comprise an area of Brownfield land, as it is an evidenced clearance site contained within the Langley Masterplan and simply become overgrown in recent years due to the delay in progression of proposals for the redevelopment of the site. The site sits approximately 1.4km to the north west of Middleton Town Centre, within a well-established residential area and approximately 0.2km from an identified Local Centre (Lakeland Court). Windermere Road, a bus corridor, sits 70m to the west. 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/19 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 brownfield sites within the urban area and in the delivery of regeneration priorities for Langley. The proposed open-market housing would also contribute towards the Council's regeneration priorities for Langley, specifically the widening of tenure choice within the estate, and would comply with Policy C2 of the Core Strategy. 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, with the exception of the proposed frontage to Newton Crescent. Regardless, variation within the urban grain, where appropriately designed, creates interest and the plots to the Newton Crescent frontage have been laid out such that they respect the existing building line and would provide suitable variation to the predominant architectural style.
6. The internal street scene has been designed in order to seek to minimise the extent of parking provision to the front of dwellings where possible, although the applicant has been unable to meet requests from the Authority to further reduce the number of driveways to the front of properties, which would result in a reduction in the number of dwellings to be provided. Unit numbers have been reduced on site to open up the layout and remove cramped plot arrangements at the top of the proposed cul de sac. Each property would benefit from a soft landscaped front garden; this also creates opportunities for tree planting to the rear of footways.
7. The development layout is relatively dense, however, it is considered that this allows for the most efficient use of a constrained site. An area of landscaped open space would be created at the north-eastern end of the site, providing an element of relief within the internal street scene and forming a focal point adjacent to the highway turning heads. The POS does contain four parking spaces – whilst not considered ideal from a visual perspective, these spaces are to be provided for the

benefit of existing residents of Stainton Drive, to reduce existing on-street parking pressures.

8. The application is not accompanied by a Crime Impact Statement, as requested by Design for Security, however, the arrangement of dwellings is such that natural surveillance across the site would be prevalent and the development would provide a significant benefit by securing existing vulnerable boundary treatments to rear gardens of surrounding houses. Private parking bays are proposed to be formed with permeable block paving, whilst the shared access drives are to be black bitmac.
9. The proposed housetypes are of a simple design but are considered to represent a relatively high-quality and contemporary approach to development of the site. 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.
10. Boundary treatments across the site as proposed are acceptable, being largely comprised of standard timber fencing. Several side/rear garden boundaries would run parallel to the rear of the footway of the internal estate road or would form highly visible components of the internal street scene – these are now proposed to be formed of brick boundary treatments. A number of discrepancies are noted on the submitted boundary treatment plans, however, and a condition is therefore recommended requiring submission of a revised scheme for approval.

### **Amenity Standards**

11. 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.
12. Similarly, the relationship between the proposed dwellings and those existing properties surrounding the site, on Newton Crescent and Windermere Road, is considered acceptable, having regard to the *Guidelines & Standards for Residential Development* SPD. Sufficient separation distances would be provided such that the privacy of occupiers would not be unacceptably impinged and no concerns are raised with respect of overshadowing or impact on outlook. Particular regard has been had to the retained properties on Stainton Drive itself and conditions are recommended below requiring the installation of obscure glazing to first floor windows on identified plots to prevent any perceived overlooking.
13. Concerns have 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. In light of the above analysis, it is considered that the proposed development complies with the relevant provisions of Policies P3 and DM1 of the Core Strategy and the NPPF.

### **Highways and Access**

14. The application is accompanied by an appropriate Transport Statement (which covers a number of development sites across the Langley Estate including Stainton



Drive), which has been subject of consultation with Transport for Greater Manchester and the Highway Authority.

15. The site is considered to be well connected to the local highway network given the proximity to Windermere Road (a major connecting route around Langley) and the onward connections this provides to Middleton Town Centre via Wood Street and to Langley Lane and Hollin Lane to the north and east, which also connect to the Strategic Road Network via junction 19 of the M62 approximately 1.8km to the north.
16. In respect of accessibility to the site by other means – the site benefits from access to a range of local services within the nearby local centre and is within safe walking distance of nearby primary schools. 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.
17. The closest bus stop is approximately 150m walk from the site, on Windermere Road, with further stops located to the south on Wood Street. 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.
18. 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 (for an initially predicted 44 unit scheme). The forecast sets out that the development is expected to generate 40 vehicular trips in the AM peak and 33 trips in the PM peak hours. Even applying an uplift for the increase in number of dwellings from 44 to 48, the Highway Authority is satisfied that the development will not generate a problematic volume of traffic.
19. It is noted that Stainton Drive itself is approximately 4.3m wide, with footways present on either side of the carriageway and street lighting. The submitted TA does note that where a large refuse vehicle is using the site, there would be insufficient remaining width to the carriageway for other vehicles to pass. The narrow width of the carriageway is acknowledged by the Highway Authority, but as Stainton Drive is a well-established access route to residential properties and is an area of adopted highway they do not consider that widening of the carriageway is warranted or reasonable.
20. The development is laid out such that a total of two off-road car parking spaces would be provided to each property, in accordance with the Council's maximum standard. An additional four parking spaces are proposed to be accommodated on the edge of the central area of open space, for use by visitors or occupiers of existing residential properties at the head of the cul-de-sac to reduce potential overcrowding of the turning head at the top of Stainton Drive, as is currently experienced.
21. The development includes for the stopping up of highway, relating to a footpath loop which historically sat to the north of the retained turning head and served the now demolished dwellings; an application for the closure will be submitted by the developer under S247 of the Town and Country Planning Act to the Secretary of State.

22. 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**

23. The application is accompanied by an Ecological Survey and Assessment Report, containing a summary of the results of an extended Phase I Habitat Survey on site. The site is noted as comprising amenity grassland with boundary scrub and scattered trees. 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 and habitats within or adjacent to the site are suitable for foraging and commuting bats. No evidence of protected species was found on site.
24. 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. The ecological survey does note the presence of invasive plant species on site; a condition is recommended requiring submission and approval of an invasive species management plan prior to commencement of development. It is also recommended that the development incorporate the installation of biodiversity mitigation/enhancement measures e.g. bird/bat boxes – a condition to this effect is recommended.
25. The application is accompanied by a Tree Survey and Arboricultural Impact Assessment plan. The Tree Survey concludes that all individual trees and groups/hedges on site are combinations of Category U (unsuitable for retention) and Category C (low quality and value). The Impact Assessment indicates the removal of all vegetation across the site.
26. Whilst the removal of the existing trees would be a drawback of the proposals, it is noted that replacement tree planting, exceeding the required 2:1 provision, may be accommodated within the landscaping proposals for the site. A condition is therefore recommended requiring the implementation of the detailed soft landscaping proposals. Subject to application of such a condition 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.

### **Drainage**

27. The site is within Flood Zone 1, with low probability of flooding. The application is accompanied by a high-level Surface Water Drainage Strategy which has been reviewed by the Council's Drainage and Flood Engineer and the scheme has been subject of consultation with United Utilities. Neither consultee has raised objections to the scheme, however, it is noted that a full and detailed drainage strategy for the site needs to be developed.
28. A culverted watercourse crosses beneath the site (which will run beneath the rear gardens of plots 35-38 and underneath the driveways between plots 9 and 10), however, this is understood to be defunct and is not a viable option for surface water discharge. The site will therefore be drained to the existing UU combined sewer network, and attenuation will need to be provided within the site to limit water pass forward to a maximum of 5 l/s. A condition is therefore recommended requiring submission of a detailed drainage strategy, to comply with the identified limitations,

for approval prior to commencement of development. Subject to application of such a condition, the proposal is considered to accord with Core Strategy policy G8, saved policies EM/7 and EM/8 of the Unitary Development Plan and the National Planning Policy Framework.

### **Site Remediation**

29. The application is accompanied by a Phase I site investigation report; no objections have been raised by the Council's Public Protection Service to the findings of this report, 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 such a condition 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**

30. 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.
31. 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

32. 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. The Policy does note, however, that the LPA will take into account a number of factors when negotiating the level of AH provision including the need to deliver other planning objectives with a higher priority.
33. Policy C2 of the Core Strategy, relating to the Langley Regeneration Area, notes that the focus for the area is to deliver high-quality housing, mainly for sale, to widen tenure choice within the estate.
34. The Stainton Drive site is part of the Land Pooling Agreement on Langley which arose as part of the Langley Masterplan (adopted by the Council in 2008) and the Council has previously determined (at the meeting of the Property Growth Fund Sub-Committee – 24<sup>th</sup> October 2017) that the site should, alongside specified others, be utilised for the delivery of housing for outright sale whilst other sites were to be earmarked for delivery of 100% Affordable Housing. It is noted that a number of these sites have now progressed, with planning permission granted for Affordable Rent homes on Newby Drive earlier in 2020 and an application for AR homes at Threlkeld Park currently under consideration by the Council.
35. The site is to be disposed of by the Council (with capital receipts of overage payments to be recycled into further work on Langley), in accordance with the decision of Cabinet in May 2019, and the development to be delivered by Hive

Homes, a joint venture between 10 Housing Associations and the Greater Manchester Combined Authority, which aims to accelerate the delivery of home for sale across Greater Manchester and recycle profits back into the delivery of affordable housing through the participant Registered Providers.

36. Advice has been sought from the Council's Planning Solicitor, who has confirmed that the Land Pooling Agreement and the decision of the Council in 2017 that the site should provide market housing alone, are material considerations of such weight that, whilst in conflict with the Development Plan, should be taken into consideration in accordance with S38A of the Planning and Compulsory Purchase Act. On this basis, and with particular regard to the Council's objectives to widen tenure choice on Langley, it is not considered that the development should provide affordable housing on site or a financial payment in lieu of on-site provision.

#### Provision of Recreational Open Space & Education Contributions

37. 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.
38. The development relates to a Brownfield clearance site, previously host to a total of 42 homes prior to their demolition. The scheme proposes the delivery of a total of 48 dwellings and accordingly represents a net increase of 6 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 the net increase falling below this threshold, it is not considered reasonable to conclude that the development would lead to additional pressures on existing infrastructure and therefore that requiring contributions towards these matters would be reasonable or necessary to make the development acceptable in planning terms.

#### **Summary & Conclusion**

39. 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 48 new open market homes as a significant contribution to the Council's proposals to diversify tenure across the estate. 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 and ecological protection.
40. The scheme represents a departure from the Development Plan, as no contributions are to be required of the scheme towards provision of Affordable Housing, Open Space, Outdoor Sports or Education in light of the material considerations indicating otherwise comprising the Langley Land Pooling Agreement, the previous determination of the Council's Property Growth Fund Sub-Committee that the site should be utilised solely for the delivery of housing for outright sale and on the basis that the site represents a net increase of only 6 dwellings in comparison to the number of dwellings previously cleared from the site as part of the Langley Masterplan.

41. The proposal otherwise accords with the relevant Core Strategy policies as set out in this report, the relevant saved policies of the Rochdale Unitary Development Plan and the National Planning Policy Framework; the recommendation is therefore one of approval.

### **RECOMMENDATION**

**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:
  - Location Plan drawing no. 18-120 LO01 rev. A
  - Proposed Layout drawing no. 18-120 PL01 rev. J
  - Proposed Layout (Colour) drawing no. 18-120 PL02 rev. J
  - Proposed Streetscenes drawing no. 18-120 SS01 rev. J
  - Cross Sections drawing no. 18-120 CS01 rev. I
  - Hard Landscape Plan drawing no. 18-120 HL01 rev. I
  - Refuse Plan drawing no. 18-120 RL01 rev. H
  - Proposed Landscaping Plan Sheet 1 drawing no. 18-120 P-LSC-01 rev. A
  - Proposed Landscaping Plan Sheet 2 drawing no. 18-120 P-LSC-02 rev. A
  - Proposed Landscaping – Specification Sheet 3 drawing no. 18-120 P-LSC-03
  - 699 As Handed End Terrace drawing no. 699-AE-001 rev. B
  - 699 As Handed Mid Terrace drawing no. 699-AM-001 rev. B
  - 762 Mews As Handed End Unit drawing no. 762-MAE-001 rev. C
  - 762 Mew As Handed Mid Unit drawing no. 762-MAM-001 rev. C
  - 762 VAR As Handed End Unit drawing no. 762-VAR-001 rev. C
  - 837 As Handed – Semi-Detached drawing no. 837-AE-001 rev. C
  - 837 As Handed End Gable drawing no. 837-AV-001 rev. B
  - 890 As Handed Detached drawing no. 890-AD-001 rev. 1
  - 936 Alternative drawing no. 936-A3-001 rev. A
  - 1112 As Handed drawing no. 1112-A-001 rev. B

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; and
  - f) hours for deliveries to site.

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, including but not limited to those identified within the submitted Ecological Survey and Assessment (ERAP Ltd. ref. 2019-309), 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 a detailed site investigation and risk assessment (in addition to the submitted Phase I Geo-Environmental Desk Study ref. CS096477-P1DS rev. 01) 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; and
  - 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. No development shall take place shall take place until a detailed surface and foul water drainage scheme (including drainage of surface water from access roads and parking areas) has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall:
- Provide for the separate drainage of foul and surface water within the site;
  - Include background calculations of the MicroDrainage model or any other software or calculations that are used to inform the drainage design;
  - Accord with the surface water hierarchy of drainage options in the National Planning Practice Guidance, with evidence of an assessment of site conditions;
  - Accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems or any subsequent replacement national standards;
  - If including drainage of surface water to the combined public sewer, limit the discharge rate to a maximum of 5l/s; and

- Include detail of how the drainage scheme will be maintained and managed after completion.

No part of the development shall be occupied until such time as the drainage scheme has been fully implemented in accordance with the duly approved detail. The drainage infrastructure shall be retained as such thereafter and maintained/managed in accordance with the duly approved detail in perpetuity.

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 Policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the NPPF.

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

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. 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.

10. 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 and bat boxes, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until such time as the duly approved biodiversity enhancement measures within that plot have been installed in accordance with the duly approved detail.

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.

11. The landscaping works shown on the approved plans (refs. 18-120 P-LSC-01 rev. A; 18-120 P-LSC-02 rev. A; and 18-120 P-LSC-03) shall be carried out in



accordance with the approved details within the first planting season following final occupation of the development hereby permitted. 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 and G6 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. 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 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.

13. 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.

14. 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 each respective plot (as identified on plan ref. 18-120 PL01 rev. J) listed below, the windows listed below within that plot shall be fitted with textured glass, which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent), and shall be fitted with side-hung casement or top-hung windows to be hung as noted below. The windows shall be retained as such thereafter:

- Plot 2 – North-West side elevation, first floor, serving the bathroom – hinge to the left-side as viewed externally;
- Plot 3 – North-East side elevation, first floor, serving the landing – hinge to the right-side as viewed externally;
- Plot 4 – South-West side elevation, first floor, serving the landing – hinge to the left-side as viewed externally;
- Plot 30 – South side elevation, first floor, serving the bathroom – hinge to the right-side as viewed externally;
- Plot 35 – South-East side elevation, first floor, serving the bathroom – hinge to the top;
- Plot 43 – East side elevation, first floor, serving the bathroom – hinge to the right-side as viewed externally.

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

13. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, extensions shall be constructed to the dwellings on driveway areas and no outbuildings shall be erected on identified driveway areas at Plots 3, 7-10, 14-15, 19-21, 25-26, 34, 35-36, 42 and 48 (as identified on plan ref. 18-120 PL01 rev. J) without the express permission of the Local Planning Authority.

Reason: To ensure adequate provision for off street car parking is retained in accordance with the requirements of policies DM1, T1 and T2 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development Supplementary Planning Document and the National Planning Policy Framework.