

Planning and Licensing Committee Update Report – 6th August 2020

AGENDA ITEM 6 – 17/01418/FUL – Land South East of Half Acre House Residential Care Home, Roch Valley Way, Rochdale OL11 4DB

REVISED LOCATION PLAN RECEIVED

A revised Location Plan has been submitted which indicates an area within the applicant's ownership to the south of the development site as being the proposed location for compensatory tree planting. This has been defined within a blue edge.

The applicant has put forward that a 'Grampian style' condition could be used to secure compensatory tree planting in the area identified within the revised Location Plan that lies out of the site edged red, and therefore the planning unit. However a Grampian condition normally requires off site works to be complete prior to any onsite works. The land in question is within the site edged blue and therefore in the control of the applicant at the present time. In any case, such a requirement for tree planting would normally require the long term retention and management of the trees, and in this respect a Grampian condition would not achieve this retention and management.

Were such a condition to be applied, which it is not recommended that it should be, the Local Planning Authority would not be able to take enforcement action in the event that any compensatory planting scheme was not implemented in full, or if it later transpired that the planting scheme failed to establish or reach maturity as a result of the unknown subsurface conditions of the former landfill site upon which the scheme is proposed.

UPDATE TO RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **REFUSE planning permission for the following reason:**

1. The proposed development is partly situated within the Roch Valley Greenspace Corridor and, through its linear and regimented form, would be distinctly at odds with its surroundings and fails to take account of the specific site context. Furthermore, the application is accompanied by insufficient information to demonstrate that adequate mitigation for the loss of existing trees can be accommodated within the defined planning unit, including those which contribute the street scene of Roch Valley Way adjacent to the access point. Therefore, taken as a whole the proposed development would be detrimental of the visual amenities and better landscape qualities of the greenspace corridor and the proposal is considered to be contrary to the requirements of Policies DM1, P3, G6 and G7 of the adopted Rochdale Core Strategy, saved policy G/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

AGENDA ITEM 8 – 20/00687/FUL – Chamber House Farm, Rochdale Road East, Heywood

ADDITIONAL REPRESENTATIONS

The number of objection letters received has increased from 4 to 8. The representations received largely raise matters that have already been addressed in the Committee report.

One representation has concerns over the health risks, vandalism and ground erosion associated with solar farming.

Officer Response: There have been no studies/evidence available to suggest that the proposed solar panels would be a risk to human health that the Government have said must be considered under planning applications. A security system will be installed to prevent unauthorised access into the solar farm. This will consist of a 2.4m high galvanised fence installed within the site boundary and pole mounted security cameras positioned around the fence perimeter. A condition has been imposed requiring the land to be restored to its previous agricultural use following decommissioning of the site after 30 years.

AMENDMENTS

The Applicant has produced an amended Planting Plan following comments from Greater Manchester Ecological Unit (GMEU) requesting minor amendments. The amended Planting Plan has revised some of the species proposed to those that are locally native and typical of the local landscape.

GMEU have confirmed that the amendments are appropriate and have recommended that that revised Planting Plan is conditioned.

UPDATE TO RECOMMENDATION

Conditions have been amended to refer to the amended Planting Plan (1192-01 Rev A, received on 4 August 2020).

Two additional conditions have been imposed which requires the Applicant to notify the Local Planning Authority within 21 days of the first export of electricity to the National Grid and one which limits the proposed development to 30 years from the date of production of electricity. In attaching these conditions, the Local Planning Authority can monitor compliance with the time sensitive conditions of the planning permission and ensure that the development has no long term impacts on the visual amenities of the area.

The full updated recommendation is therefore as follows:

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

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

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

- 2 This permission relates to the following approved plans:

- 00060-100 – Site Location Plan
- 00060-100 Z – 1:2500 Site Boundary
- 00060-106 – Figure 5 – Site Setting
- 00060-107 – Figure 13: Site Access
- 00060-108 – Figure 12: Road Access Map
- 60618346-SHT-20-MAN-R-011 – Site Layout Plan
- 60618346-SHT-20-MAN-R-016 – Foundations and Mounting systems
- 60618346-SHT-20-MAN-R-017 – Substation and Security
- 1192-01 Rev A – Planting Plan
- CHF 090315 – Proposed Mitigation Planting

The development shall be carried out in complete accordance with the approved drawings unless otherwise required by condition of this permission.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Core Strategy, the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 The development hereby approved shall be undertaken at all times in complete accordance with the measures set out in the approved Construction Traffic Management Plan, prepared by TPA dated May 2015 and the Construction Method Statement, prepared by Elmya dated July 2016. The condition survey and any subsequent remediation measures to be undertaken shall include the extent of Carriageway Drive from the site access to its junction with Rochdale Road East.

Reason: in the interest of highway safety and in order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Core Strategy Policies DM1, T2, G7, G8 and G9 and the National Planning Policy Framework.

- 4 Notwithstanding the submitted details and the requirements of condition 2 of this permission, no above ground works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority.

- i. The siting, design, materials and construction of all access roads.
- ii. The siting, size, design and construction of swales and or any other surface water attenuation measures to be provided including cross-sections.
- iii. The siting, height, design and appearance of all security fencing, security gates, CCTV, poles and associated equipment.
- iv. The external materials, colour treatment of all cabins and any ancillary equipment.

The development shall thereafter be carried out in accordance with the approved details prior to the first generation of electricity.

Reason: Further information of the exact siting and construction detail is required in the interests of the character and openness of the Green Belt in accordance with the requirements of Unitary Development Plan Policy D/4, Core Strategy Policies P2, P3 and G4 and the National Planning Policy Framework.

- 5 No later than 6 months prior to the expiry of the planning permission or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed site restoration scheme for the removal of the solar farm and associated development (including access tracks, laydown area, all cabins, CCTV equipment, and fencing) hereby permitted and for the restoration of the land to a condition suitable for exclusive agricultural use shall be submitted to the local planning authority for their approval in writing. The site restoration scheme shall include a timetable for the completion of restoration works and shall be implemented wholly in accordance with the agreed restoration details and timetable. The operator of the solar farm shall notify the local planning authority in writing no later than five working days following the cessation of electricity generation.

Reason: The proposed solar development has a limited life expectancy and will need to be decommissioned at the end of this period of use in the interests of the amenity of the Green Belt. Following removal of the solar farm and associated infrastructure, the land should be restored to its previous agricultural use in the interests of the visual amenity, openness and purposes of including land in the Green Belt in accordance with the requirements of Unitary Development Plan Policy D/4, Core Strategy Policy G4 and the National Planning Policy Framework.

- 6 No later than 6 months prior to the expiry of the planning permission or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed Decommissioning Statement (in accordance with the general principles of the Construction Method Statement for the site) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Statement shall include a timetable for the completion of decommissioning works and shall be implemented wholly in accordance with the agreed decommissioning details

and timetable. The operator of the solar farm shall notify the local planning authority in writing no later than five working days following the cessation of electricity generation.

Reason: To ensure appropriate measures are put in place to minimise detrimental effects to the neighbouring amenities, the area in general and the natural environment through the risks of pollution and dangers to highway safety, during the decommissioning phase in accordance with Policies DM1, P3, T2, G8 and G9 of the Core Strategy and the National Planning Policy Framework.

- 7 Within 3 months of the development hereby permitted being decommissioned in accordance with Condition 5, a restoration scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented within 6 months of the final generation of electricity. The Local Planning Authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.

Reason: In the interests of visual amenity in accordance with Unitary Development Plan Policy D/4, Core Strategy Policy G4 and the relevant advice of the National Planning Policy Framework.

- 8 The landscaping works shown on the approved plans [1192-01 Rev A – Planting Plan] shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season after the development is substantially completed, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: 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 P2, P3, G6 and G7 of the Core Strategy and the National Planning Policy Framework.

- 9 No development, including clearance of trees and shrubs in preparation for or during the course of development, shall take place during the bird nesting season (March - July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which establishes that no part of the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has first been submitted to and

approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Core Strategy Policies G6 and G7 and the provisions of the Wildlife and Countryside Act 1981 (as amended).

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any works on site during the bird nesting season.

- 10 The development hereby approved shall be carried out in accordance with the measures and timescales set out in the Habitat Enhancement Biodiversity Management Plan (BMP) prepared by Greenlight Environmental Consultancy, dated 25 March 2020.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Core Strategy Policies G6 and G7 and the National Planning Policy Framework.

- 11 The tree protection measures and method statement set out in sections 5 and 6 and the appendices of the Arboricultural Report prepared by Greenlight Environmental Consultancy, dated 16 April 2020, shall be implemented in full before development first takes place and shall thereafter be retained throughout the construction of the solar farm.

Reason: To ensure that appropriate mitigation measures are put in place to safeguard the health of trees located within the site and in close proximity to the proposed development in order to preserve their amenity value in accordance with the requirements of Core Strategy Policies P3, G6 and G7 of the Core strategy.

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.

- 12 No external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason. To prevent habitat disturbance of protected species in accordance with Core Strategy Policies P3 and G7 and the National Planning Policy Framework.

- 13 This permission shall expire 30 years from the date of the first production of electricity from the development and the use of the land as a solar farm shall permanently cease by that date.

Reason - To ensure the development has no long term impact on the visual amenities of the area and in line with Unitary Development Plan Policy D/4, Core Strategy Policy G4 and the relevant advice of the National Planning Practice Guidance

- 14 The Local Planning Authority shall be notified within 21 days of such time that electricity from the development is first exported to the National Grid.

Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

Notes for Applicant:

INFORMATIVES:

Bats: The applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Great Crested Newts: The applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.

Reptiles: The applicant is reminded that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take or kill reptiles. If a reptile is found on or near the site during the development work should cease and a suitably experienced ecologist employed to how best to safeguard the reptile(s).