

Report to Planning and Licensing Committee



Date of Meeting	5 August 2021
Portfolio	Councillor John Blundell Cabinet Member for a Thriving Economy
Report Author	Michael Atkinson-Smith
Public/Private Document	Public

Application: 21/00265/FUL	Township: Middleton	Ward: East Middleton
Applicant: Social Value Housing Ltd		Agent: Martin Planning Ltd
Site Address: Land to the Rear of 408 Oldham Road, Middleton M24 2FA		
Proposal:	Residential Development comprising the erection of 16 dwellings together with access, associated infrastructure and landscaping (Affordable Housing)	

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as a call-up request has been received from Councillor Donna Martin on the basis that vehicles and pedestrians entering the site would be required to traverse the Tesco Express car park with potential road safety issues.

PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for the development of the site with 16no. dwellings (Use Class C3) in a mix of semi-detached properties and townhouses with associated access, car parking and landscaping. All of the new dwellings are to be affordable housing, in the form of shared ownership.
- 2.2 The buildings have been designed specifically to incorporate Modern Methods of Construction (MMC) and Off-Site Manufacturing (OSM) within their form and external appearance owing to the benefits for construction and environmental performance.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to conditions and the completion of a Section 106 legal agreement to secure:
- i. The provision of 100% affordable housing that meets the definition of Affordable Housing in Annex 2 of the National Planning Policy Framework;
 - ii. A financial contribution of £50,319.10 (subject to multipliers in place at the relevant time) towards formal sports provision at Limefield Pavillion and Public Open Space at King George V play area on Cedar Lane; and
 - iii. A financial contribution of £16,000 towards off-site biodiversity enhancements at Alkington Wood.

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

REASON FOR RECOMMENDATION

- 4.1 The development would provide a valuable contribution to housing supply in the form of 16 affordable houses for shared ownership. The provision of 100% affordable housing in comparison to the policy requirement of 15% represents a significant benefit of the scheme.
- 4.2 No unacceptable harm has been identified in respect of the residential amenity of surrounding occupiers and the potential impacts of noise disturbance from the adjacent food retail store and car park can be mitigated through window and ventilation design.
- 4.3 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 / legal agreement with regards to drainage, contaminated land, coal mining, biodiversity enhancement, tree and ecological protection.

SITE

The application relates to a *circa* 0.38 hectare parcel of land located at the rear (south) of nos. 394 to 408 Oldham Road, Middleton. The site is located within a predominantly residential area of Middleton to the south of Oldham Road. There are a mix of uses along Oldham Road, including a Tesco Express food retail store, sandwich shops, small convenience shops, residential dwellings and the Vitafoam factory which is located on the north side of Oldham Road. Access to the site is from an established point of access on the southern side of Oldham Road through the Tesco Express car park over which there are retained access rights.

The application site forms an 'L shape' wrapping around the existing Tesco retail store car park. The site currently comprises an area of scrubland bordered with fencing along its perimeter. A collection of deciduous trees are located along its southern boundaries. Prior to the development of the retail unit occupied by Tesco Express the application site was the location of several rows of garages to the rear of a former petrol filling station. Beneath the majority of the ground surface of the site lies waste material that is shown on both Rochdale Borough Council and Environment Agency landfill records.

A children's nursery is located to the east of the application site and the playing fields of Grade II* listed Elm Wood County Primary School border the south-eastern boundary of the site. The site borders the rear of nos. 13 – 27 Monmouth Street to the west, and two storey detached dwellings are located further to the south. The large industrial premises occupied by Vitafoam lie in close proximity to the north of Oldham Road.

PROPOSAL

Full planning permission is sought for the development of the site with 16no. dwellings (Use Class C3) in a mix of semi-detached properties and townhouses with associated access, car parking and landscaping. All of the new dwellings are to be made available as Affordable Housing, in the form of shared ownership. The proposed accommodation mix is 6 x 2 bedroom units, 4 x 3 bedroom units and 6 x 4 bedroom units.

The development would be accessed through the existing food retail unit car park with a central access road that would form a private driveway that would remain un-adopted. Each of the 2 bedroom units would be provided with one in-curtilage parking space and each 3 or 4 bed unit would be provided with one in-curtilage parking space and one out-of-curtilage parking space. Two additional visitor parking spaces would be provided and the total number of parking spaces proposed on site is 28.

The dwellings would be contemporary in appearance and would include a materials palette of red brickwork with feature banding details, fibre cement panelling and artificial slate. The supporting information states that the buildings have been designed specifically from the outset to incorporate Modern Methods of Construction (MMC) and Off-Site Manufacturing (OSM) within their form and external appearance owing to the benefits of construction and environmental performance.

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
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 and land stability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards

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)
- Climate Change Adaption (June 2012)
- 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) – July 2021
National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

19/00734/FUL Erection of extra care facility (Use Class C3) comprising 36 apartments with associated on site communal, support and staff facilities, car parking, highways works and hard and soft landscaping - Refused

18/00603/OUT	Outline application for the access, appearance, layout and scale (with landscaping a reserved matter) for the erection of independent living accommodation for older people (Class C2) comprising 36 apartments with associated on site communal, support and staff facilities, car parking, highways works and hard and soft landscaping – Refused May 2019
15/00864/FUL	Erection of 3 two storey, 8 bedroom homes for people with learning disabilities/complex needs with associated hard and soft landscaping (Resubmission of 14/01240/FUL). Withdrawn February 2016
14/01240/FUL	Erection of 3 two storey, 8 bedroom homes for people with learning disabilities/complex needs and 1 six bedroom, apartment block to act as a halfway house for people with learning disabilities/complex needs before being fully independent in the community, including associated hard and soft landscaping. Refused February 2015
12/D55462	Application For A New Planning Permission To Replace Extant Outline Planning Permission D51819 For Residential Development (Including Means Of Access And Scale) Of 36 Apartments In 2.5 Storey Blocks. Granted STC July 2012
09/D51819	Outline Application (Including Means Of Access And Scale) For Residential Development - 36 Apartments In 2.5 Storey Blocks. Granted STC July 2009
07/D49650	Residential Development - 3/4 Storey Block Of 40 Apartments. Refused October 2007
06/D47225	Outline Application For Residential Development - 36 Apartments In 2.5 Storey Blocks - Revised Proposal D46892. Granted STC July 2006
06/D46892	Outline Application For Residential Development -36 Apartments In Two - 3 Storey Blocks. Refused April 2006
05/D46280	Outline Application For The Erection Of 36 Apartments In 2 x Three Storey Blocks. Withdrawn January 2006

Adjacent Site

07/D49651	Erection of a retail unit. Refused October 2007
06/D48158	Erection of Food Retail Unit - Resubmission D46295 – Allowed on Appeal ref. APP/P4225/A/07/2038542NWF July 2007
05/D046295	Erection of a food retail outlet. Withdrawn January 2006

CONSULTATION RESPONSES

Coal Authority – (Material Consideration): No objection subject to the imposition of the suggested conditions.

Conservation Officer - No objection on the basis of no harm being identified to the setting of the Grade II* listed Elm Wood County Primary School. Recommends improvements to materiality to improve the quality of the development to be secured through condition.

Environment Agency - [Summary]: The previous use of the proposed development site as a landfill site presents a potential High risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this area since the site is located on a Secondary A aquifer. The desk study letter that has been provided is incomplete, we would expect that mapping data and environmental search pack should be provided, as well as a site visit with photographs. In this case and because of the difficulties suppliers have been under during COVID restrictions, we would not object to this application, however we would expect that a complete desk study should be provided in due course.

The submitted reports in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. The proposed development will be acceptable if the suggested planning conditions are included within any planning permission granted for the site to ensure that any unacceptable risks from contamination are adequately addressed and mitigated during the re-development of the site. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Greater Manchester Archaeological Advisory Service - The application is supported by a comprehensive Heritage Statement that considers the potential harm of development on the setting of the Grade II* listed school in the immediate vicinity, although there is no mention of any impact to below-ground archaeological remains. Contrary to Section 16 Paragraph 192 [amended paragraph reference to reflect recent changes] of the NPPF, a dedicated archaeological desk-based assessment has not been produced, and the Greater Manchester Historic Environment Record (HER) has not been consulted. However, having checked our records, GMAAS is satisfied that the current application has no archaeological implications and sees no reason to impose any requirement for further archaeological investigation upon the applicant.

Greater Manchester Ecology Unit - No significant ecological constraints were identified by the developer's ecological consultant. The site was assessed as being low risk for all likely statutory protected species. Japanese knotweed is present on the site. Issues relating to nesting birds, invasive species and loss of trees can be dealt with via condition. The development is however likely to result in a net loss of biodiversity unless off-site compensation is provided. Section 174 of the NPPF July 2021 [amended paragraph reference to reflect recent changes] states that the planning policies and decisions should contribute to and enhance the natural and local environment. Whilst adequate mitigation is proposed for loss of trees, though I would note that they too close together in terms of long term success and some are proposed under existing trees adjacent to the site, the layout is such that an overall net loss in biodiversity is likely. Whilst only of low value, the existing site has been assessed as having a value of 1.6 biodiversity units. It is difficult to see how mitigating on site for this is possible as whilst gardens can contribute a low ecological value habitat, for a dense development such as this, the majority of the site will be buildings and hardstanding with no habitat value. I therefore recommend that a post development biodiversity value is calculated and a financial contribution at approximately £10k per unit lost agreed with the Council prior to determination. Mitigation for loss of bird nesting habitat should also be provided through provision of bird boxes.

Greater Manchester Ecology Unit (Trees) - The development proposal will result in the loss of several broadleaved trees, although I would not regard the trees to be lost as having such substantive landscape and biodiversity value so as to be worthy of special protection. Nevertheless, replacement tree and shrub planting should be sought for the losses. The Proposed Structured Landscape Plan supplied as part of the application (dwg. MOR-KMA-XX-XX-DR-A-7003) proposes new tree planting which on the face of it will compensate for losses, but no details of species and tree sizes to be planted have been provided. These details should be required. Retained trees should be required to be protected as described in the Tree Protection Plan supplied to inform the application (dwg ref. 21115/A1/TPP/01).

Greater Manchester Fire and Rescue Service – Standing advice re. access for fire appliances and installation of domestic sprinkler systems has been provided.

Greater Manchester Police - Design for Security - Recommend that a full Crime Impact Statement is submitted.

Greenspace Development Manager - King George V play area Cedar Lane, 500m distant would benefit from minor improvement works.

Health and Safety Executive - The proposed development site which you have identified does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Highways and Engineering - The development is unlikely to generate a significant volume of traffic. The developer has provided a parking space for each dwelling and a shared parking area. The volume of parking provided should be adequate. I am satisfied that cars are more likely to use the shared parking area than end up on the nearby Oldham Road. The development is access through a private car park. We are happy the access can operate within the capacity of the junction. I do have some concerns that the traffic for the residential development may conflict with the shop traffic. We would ask a traffic calming feature is added to the access. Whilst we have no objection to the site layout as such as the access is through a private car park we can't adopt the site. As the site will remain un-adopted we would ask the applicant to revise their refuse collection strategy. No changes are proposed to the external highways layout. At present we have outstanding questions regarding refuse collection and adoption status so we will defer our recommendation for this application so the developer might consider the points raised. We believe due to the unusual nature of the way this proposal is accessed the development would benefit greatly from a Road Safety Audit (RSA).

Addendum

The RSA has identified 3 areas which require attention. 2 of the items are within Tesco Car Park. We need confirmation that this will be possible to achieve and Tesco will not object to the works being carried out on their site. The applicant should also agree to undertake the road markings within their site. If we can secure these three items being addressed through condition we would not object to these proposals.

Historic England – Standing advice provided. Recommendation to consult the Council's specialist Conservation Officer.

Lead Local Flood Authority/Drainage – A detailed sustainable drainage design has been completed by the Applicant. However, since the attenuated flow would be discharged to UU's public combined sewer, we'll need to see a formal response from UU before providing drainage conditions.

Playing Pitch Strategy Implementation Manager – Suggests direction of funding to the Limefield Pavillion.

Public Protection (Environment) - The supplied PRA and recommendation for an intrusive investigation is acceptable.

Public Protection (Noise / Odours) - No comments received to date.

Schools Service – No comments on this development.

Strategic Housing - No comments received to date

United Utilities – No objection. The drainage scheme for the development should be carried out in accordance with the principles set out in the submitted Sustainable Drainage Strategy (ref FRA21 1001, dated Feb 2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with UU's 'Standard Conditions for Works Adjacent to Pipelines'.

TOWNSHIP PLANNING PANEL

Due to the ongoing COVID-19 Coronavirus pandemic, Township Planning Panels are currently suspended.

MEMBER REPRESENTATIONS

Representation has been received from Councillor Donna Martin as a call-up request on the basis that the site is 'landlocked' and vehicles and pedestrians entering the site would be required to traverse the Tesco Express car park leading to potential road safety issues. Concern was also raised about the community consultation exercise on the basis that it is was perceived that the details of the scheme had already been agreed with the Council.

PUBLIC REPRESENTATIONS

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

Objection Reps	5	Support Reps	0	Neutral Reps	0
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Comments made in respect of the application are summarised as follows:

- The height of the 2.5 / three storey buildings in relation to existing properties in terms of character and amenity impacts;
- The largest buildings are close to existing houses;
- Overdevelopment of the plot;

- Poor quality and design of boundary treatments;
- Inadequate landscaping details provided within the application, both in respect of biodiversity enhancement and security benefits;
- Potential for noise and disturbance;
- Impact on air quality;
- Potential for parking and access issues;
- Lack of management details for the site; potential increase in burglaries through increased access to the rear of existing properties.

The matters raised above that are material planning considerations are addressed in the 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. It is noted that the principle of development of the site for residential purposes has already been established in the issuing of previous planning permissions 06/D47225, 09/D51819 and 12/D55462. The site is within the Defined Urban Area.
2. Annex 2 of the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes, amongst others, *'land that has been developed for... waste disposal by landfill, where provision for restoration has been made through development management procedures'*.
3. The land is currently vacant open scrub land with the presence of boundary trees and bushes. It is also known that the site was used as a formal landfill site. Whilst garages had previously stood on the site, clearance took place in excess of a decade ago and the land has partially reverted to a natural state. Therefore, it is considered that the site does not constitute previously developed land for the purpose of the definition in the NPPF.
4. Core Strategy Policy C1 sets out that the Council will seek to maximise the potential of previously developed sites within the urban area to achieve a target of 80% of new housing on Previously Developed Land; nonetheless, the Council will consider the sustainable development of greenfield sites within the urban area where the impact on green infrastructure or amenity value would be limited.
5. The latest published information suggests that the Council can demonstrate more than a six year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs.
6. The application proposes the redevelopment of the site with 100% affordable housing, which far exceeds the 15% policy requirement in Policy C4 of the CS for provision of affordable homes and would therefore assist in meeting the requirement for additional affordable homes within the Borough.

7. As such, the principle of development of this Greenfield site within the defined urban area for residential purposes is considered to be acceptable; however, this factor must be balanced against all other material considerations, as outlined below. The development of under-used greenfield and backland sites can help to make more efficient use of land within the urban area, however, such proposals must give careful consideration to ensure there is no loss of amenity for existing residents, that there are proper means of access and parking and that adequate space can be retained between new and existing dwellings. Sensitive design and good landscaping are also key considerations, to ensure that new buildings fit successfully into existing sites.
8. Given the location of the site within an otherwise densely built up area of Middleton in close proximity to the town centre, transport links and employment sites, with sufficient capacity to adequately mitigate for the loss of green infrastructure, whilst making a valuable contribution to housing supply within the Borough, it is considered that the principle of development is acceptable in accordance with policies C1, C3 and SD1 of the adopted Rochdale Core Strategy and the NPPF.

Impact on Heritage Assets and Character & Appearance

9. The proposed development site is located within the setting of Elm Wood County Primary School, a Grade II* listed building. The significance of the designated heritage asset is embodied in both its architectural and historical interests, designed by Woods and Sellers, constructed from 1908-10 to provide a formal education establishment with planned gardens.
10. In considering this planning application the Council has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy P2 of the Core Strategy states that the Council will protect the borough's heritage by, amongst other things, conserving, enhancing and promoting key heritage assets, including consideration of their wider settings.
11. The site also lies within the setting of a number of non-designated heritage assets namely 382-406 Oldham Road, which are architectural examples of the quality of traditional, red brick, terraced housing in the area. Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
12. The Council's Conservation Officer notes that the proposed dwellings are contemporary in design but do use some design features found within the historic environment. The Conservation Officer notes that the scale and massing of the development is relatively modest and given the separation between the site and the designated heritage asset of Elm Wood County Primary School it is considered that the erection of such would not be overbearing on the listed building. Subsequently, there would be no harm caused to the setting of the designated and non-designated heritage assets. It should be noted that a key view of the Elmwood Primary School tower could be maintained from Oldham Road, at least during the winter months, should the site boundary planting scheme be designed appropriately which can be secured through condition.

13. The materials palette would be largely complementary to the surrounding environment but conditions have been recommended to secure full details given the focus on the scheme of the use of modern methods of construction. Notably, the use of synthetic roofing materials has been questioned but the Council will retain control of the final quality and appearance as a result of the suggested condition in this regard. This would also extend to other materials to be used including the proposed window framework. Indeed the proposed plans have been amended to allow for flexibility over the materials so as to allow for the proposed materials to be viewed in situ and agreed.
14. Returning to the proposed window framework, concern was raised over the sustainability impacts of uPVC over Aluminium and the overall effect on visual appearance. However, the designer has satisfactorily set out their case in terms of sustainability cost-benefit analysis and notes the limitations for a development of Affordable Housing at this scale in providing Aluminium framework. The applicant has proposed a slim line UPVC frame as a solution to complement the desired 'crisp contemporary look' of the development and accepted that full materials details and samples would be secured through condition to ensure that a satisfactory standard of design and visual appearance is achieved.
15. Overall, it is considered that a contemporary development of family homes can be satisfactorily accommodated on this site and it is noted that the scale of the development is significantly lesser in overall impacts than previously submitted schemes, including those previously approved for up to 36 apartments in three storey blocks. The proposed overall site density is not dissimilar from the surrounding prevailing form and it is considered that the proposed layout makes the optimum use that can be achieved of what is undoubtedly a highly constrained site.
16. A row of nine parking spaces are proposed on the northern boundary shared with the adjacent Tesco Express Car Park, and some conflict would therefore arise with adopted Rochdale Core Strategy policies DM1, P3 and the Residential Development SPD. Whilst this would not harm the street scene, there would be a view from the semi-public realm of the adjacent Tesco car park of the hard paving and parked cars of Plots 3-5 with no landscaping or planting to soften the appearance. This harm can, however, be somewhat mitigated within the dense urban environment by focussing on the hard surfacing materials employed both in the front of the proposed dwellings and the highway.
17. It is considered appropriate for high quality finishes to be used to the front of properties with black tarmac largely avoided on the site, unless exceptionally justified on the main central carriageway only and with all parking areas constructed in higher quality surfacing materials such as block paving. The result would be a distinctly urban feel but that is not necessarily considered to be inappropriate in this location given the site is at the rear of the existing Tesco store within a short distance from the town centre. These details can be secured through the suggested conditions.
18. In noting that the issues with the proposed development predominantly relate to the interaction between the application site and the adjacent food retail store car park, as discussed in subsequent report sections below, and given that there no objections have been raised by either the Council's Conservation Officer or Historic England, it is considered that, subject to conditions relating to materials, the proposed development would not harm the setting of the grade II* listed building and is acceptable in terms of design, layout and visual appearance

overall, as well as in respect of heritage impacts and substantially accords with adopted Rochdale Core Strategy policies DM1, P2, P3 and G1, the Guidelines & Standards for Residential Development (June 2016) SPD, the Oldham and Rochdale Urban Design Guide (September 2007) SPD and the National Planning Policy Framework.

19. In addition, a further condition is recommended removing permitted development rights for porches and roof additions at all plots in the interests of visual appearance, parking space functionality and to protect the setting of the heritage asset.

Residential Amenity

20. The Council's adopted SPD '*Guidelines and Standards for Residential Development*' (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents. Included within the above document are the expected space standards for new residential development.
21. Within the site the proposed dwellings would accord with the required minimum separation distances, with at least 21m achieved between facing dwellings. The required minimum separation distances of 14m between the existing residential properties on Monmouth Street have also been achieved, with 19.3m between the rear elevations off Nos. 15, 23 and 35 Monmouth Street and the gables of Plots 16 and 13. In addition, 20.95m would be achieved between Plots 14-16 and the main two storey elevations of Nos. 394-400 Oldham Road which is only marginally below the required minimum separation distance of 21m and the proposed rear garden lengths of Plots 14-16, at 11m, accord with the SPD requirement of 10.5m.
22. Satisfactory outdoor amenity space has been provided for each of the proposed dwellings. It is acknowledged that Plots 5 and 6 have relatively small rear garden areas but there are no facing dwellings directly to the rear of these units and as such there would be no loss of amenity for surrounding occupiers. The shortfall in rear garden space for these plots is, however, mitigated through the provision of additional side gardens to serve these two units which results in a satisfactory amount of outdoor space being provided. It is noted that relatively small private outdoor amenity areas are a characteristic feature of the traditional terraced dwelling stock in the immediate area and therefore there can be considered no undue conflict with the requirements of the National Design Guide.
23. A condition is recommended removing permitted development rights for two storey rear extensions at Plots 14, 15 and 16 to protect the residential amenity of the occupiers of 394-400 Oldham Road.
24. Whilst a Noise Impact Assessment has not been submitted with the application, there is the potential for noise and disturbance from the delivery yard and food retail store car park, with Plots 1, 2 and 14 in closest proximity. On this basis, a condition is recommended requiring a verified limit on internal noise levels through appropriate window and ventilation design. An amendment has also been secured requiring installation of an acoustic fence along the side boundary of Plot 1 to assist in reducing potential disturbance from the Tesco delivery yard.
25. The external noise levels associated with the neighbouring retail unit and car park are generally not likely to exceed those that are currently experienced by

the existing residential properties that lie in proximity and it is noted that the noise climate is existing as a result of the presence of the retail development and traffic on Oldham Road. Where specific potential harm has been identified in relation to the garden of Plot 1, the aforementioned required acoustic fence, subject to detailed design, is considered to satisfactorily address this issue.

26. Construction hours would also be controlled through condition to ensure against an undue level of noise and disturbance during the construction phase for existing surrounding residential properties.
27. For the reasons outlined above, it is considered, on balance, that the proposed development would provide a satisfactory standard of residential amenity for the future occupiers of the development whilst adequately protecting the residential amenity of surrounding occupiers. On this basis, the application is considered to accord with Core Strategy policy DM1, the SPD 'Guidelines and Standards for Residential Development (2016) and the NPPF.

Highways, Parking and Access

28. The site lies in a highly sustainable location close to Middleton Town Centre and with good accessibility by public transport. The site is also within walking and cycling distance of Middleton Town Centre and local amenities which should help to reduce reliance on the private car.
29. The site would be accessed via an existing access off Oldham Road and through the food retail store car park. The Highway Authority are, however, satisfied that the proposed development is unlikely to generate a significant volume of traffic and that the access can operate within the capacity of the junction with Oldham Road.
30. Concern has been raised through the public consultation about the potential for conflict between the residential traffic and the retail store traffic. At the request of the Highways Authority, a Road Safety Audit has been undertaken by the applicant. The Audit recommends that dropped crossings and tactile paving are provided through the site and at the crossing point over the arm of the food store car park. The Audit also found that the existing line markings within the food store car park are illegible and worn and should be re-painted. Amendments have been received including a proposed traffic calming measure in the form of a speed table at the access to the development, along with re-marking of white lines within the food store car park and on this basis, the Highways Authority have raised no objection subject to conditions. Where line markings would not be applied, i.e. on the proposed speed table at the entrance to the residential site, the potential issues would be somewhat mitigated by the likely low vehicle speeds that are likely within the site. The applicant has confirmed that the works within the food store car park can be undertaken in line with the existing agreement over access and therefore these can be secured through condition
31. Each of the 2 bedroom units would be provided with one in-curtilage parking space and each 3 or 4 bed unit would be provided with one in-curtilage parking space and one out-of-curtilage parking space. Two additional visitor parking spaces would be provided taking the total number of parking spaces on site to 28. The Highways Authority considers the volume of parking provided to be adequate and is satisfied that additional cars and visitors are more likely to utilise the shared facilities on site as opposed to parking on the nearby Oldham Road.

32. On this basis, and subject to the suggested conditions, it is considered that the access and parking impacts of the development are acceptable and the application duly accords with Core Strategy policies DM1 and T2 and the National Planning Policy Framework.

Ecological Impacts and Biodiversity Enhancement

33. Core Strategy Policy G7 states that the Council will ensure that features of biodiversity and geodiversity importance are given full and appropriate recognition and protection, and no development should result in a net loss of biodiversity. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment.
34. In assessing the impacts of the proposed development, consultation was carried out with the Greater Manchester Ecology Unit (GMEU) which notes that no significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds, invasive species and loss of trees can be dealt with via the recommended conditions and mitigation measures. The development is however likely to result in a net loss of biodiversity unless off-site compensation is provided.
35. Whilst adequate mitigation is proposed for loss of trees, albeit subject to amendments to the proposed landscaping scheme as discussed below, the layout is such that an overall net loss in biodiversity is likely. Whilst only of low ecological value, the existing site has been assessed as having a value of 1.6 biodiversity units using the emerging DEFRA metric for calculating Biodiversity Net Gain and GMEU consider on-site mitigation may not be possible given that the majority of the site would be buildings and hardstanding with no habitat value. Mitigation in the form of landscaping and planting would offer some minor mitigation but not to the degree that the scheme could be considered to contribute to or enhance the natural environment. On this basis, GMEU recommend that the post-development biodiversity value be calculated and a financial contribution at approximately £10,000 per unit lost be used to compensate for the loss. To date, no post-development biodiversity value has been calculated and therefore the recommended financial contribution is calculated at £16,000 to be spent on biodiversity enhancements within the local area; in this case Alkrington Woods which is considered to be a suitable receptor for the compensation.
36. With regard to protected species, the site was assessed as being low risk. Given the nature and location of the site, the assessment provided by the applicant was accepted and no further measures or information are required.
37. It is noted that Japanese Knotweed is present on the site which is included in schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. On this basis a condition is recommended requiring submission of a detailed method statement detailing eradication and/or control and/or avoidance measures for Japanese Knotweed to be agreed by the LPA.
38. Subject to the suggested conditions and the required financial compensation for off-site biodiversity enhancements, the proposal is considered to comply with Core Strategy policy G7 and the NPPF.

Arboricultural Impacts

39. The development proposal will result in the loss of several broadleaved trees, although they have been assessed by the Council's arboricultural consultant as not having such substantive landscape and biodiversity value so as to be worthy of special protection. Nevertheless, replacement trees are required at a 2:1 ratio with additional shrub planting required to further compensate for the losses as reflected in the suggested landscaping condition. The proposed Structured Landscape Plan is broadly considered adequate to compensate for the losses of existing trees but lacks sufficient detail to provide clarity on the species of trees to be provided and the proposed stock sizes. These details can be secured through condition. It should be noted that the successful landscaping scheme will include adequate spacing of newly planted trees to afford greater opportunities for long term success of planted specimens and provide suitable separation from retained trees to also protect their chances of longevity. A condition requiring tree protection measures for retained trees on site is also recommended in accordance with the submitted details which are appropriate.
40. Subject to the suggested conditions, the arboricultural impacts of the proposed development are considered to be satisfactory and the application therefore accords with adopted CS policies DM1 and G6 and the NPPF.

Drainage and Flood Risk

41. The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). The site is therefore suitable for residential development in this respect, subject to appropriate wastewater and surface water disposal to reduce the risks of flooding or aquatic pollution elsewhere.
42. The previous use of the proposed development site as a landfill site presents a potential High risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this area since the site is located on a Secondary A aquifer.
43. The submitted Sustainable Drainage Strategy reports that Infiltration methods such as soakaways are unlikely to be feasible given the impermeable deposits, shallow groundwater levels and deep made ground present across the site. Reference to the former landfill site is not made but the Environment Agency have provided a detailed consultation response highlighting the presence of likely contaminated sub-surface materials being present on site
44. The outline drainage strategy considers the use of attenuation-based SuDS to be feasible with a discharge to the combined sewer in Oldham Road. The proposed location of the attenuation tank is underneath the residential parking area at the northern site boundary.
45. Consultation with United Utilities confirmed that the proposed Sustainable Strategy is acceptable in principle to United Utilities and that surface water must drain to the public sewer not exceeding the restricted rate of 5 litres per second and that foul and surface water must drain on separate systems. The Council's Drainage Officer raises no objection the proposed drainage strategy and a suitable drainage condition has been recommended.

46. The proposed condition wording reflects the requirements of the Environment Agency to ensure that any drainage system resulting in the infiltration of any surface water to the ground must be supported by an assessment of the risks to controlled waters.
47. Therefore, subject to an acceptable drainage scheme being submitted and approved as required by the suggested condition, the requirements of Policy G8 of the adopted Rochdale Core Strategy, saved Rochdale Unitary Development Plan policies EM/7 & EM/8 and the NPPF will have been satisfied.

Land Contamination

48. The application site is known to be a former landfill site that is shown on Rochdale Borough Council and Environment Agency records. The presence of other contaminants from previous industry, the siting of garages and the once adjacent petrol filling station is also likely. The Environment Agency notes the risk to controlled waters, notably during construction where pollutants could be mobilised.
49. Consultation has been carried out with the Council's Public Protection Officer who suggests that prior to commencement of the development an investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Where the investigation and risk assessment identify potential unacceptable risks, remedial action should be carried out prior to development in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.
50. Further to the above, the Environment Agency recommends the submission of a comprehensive and complete Preliminary Risk Assessment, to be secured through condition, on the basis that the desk study submitted with the application is incomplete and absent of mapping data and an environmental search pack, alongside details of a walkover site visit with photographic evidence of any findings. Whilst it is noted that the current submission is lacking in the required demonstration that the site can be safely developed in respect of contamination, previous applications have included sufficiently detailed reports for the LPA to have confidence that safe development of the site can be achieved.
51. It is therefore concluded that, subject to the suggested conditions and subsequent actions in respect of the above, the development will be safe for end users and will protect the water environment in accordance with the requirements of Policies G8 and G9 of the Core Strategy and the NPPF.

Coal Mining Risk

52. The Coal Authority have reviewed the proposals and confirm that the application site falls within the Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, the Coal Authority records conject that the north eastern part of the application site is underlain by probable unrecorded coal mine workings at shallow depth. The applicant has submitted a Coal Mining Risk Assessment Report, which identifies the possibility for unrecorded coal mine workings at shallow depth and recommends that intrusive site

investigations be undertaken to determine the exact ground conditions and the presence or otherwise of shallow mine workings. It is noted that there could also be potential for mine gasses to be present.

53. Recommended by the Coal Authority are a scheme of intrusive investigations to assess the ground conditions on in order to establish the coal-mining legacy present, the risks it may pose to the development and inform any mitigation measures. Subject to the suggested condition and satisfactory actions in respect of the same, the proposal complies with the requirements of adopted CS policy G9 and the NPPF.

Energy and Climate Change

54. The planning application includes a detailed Energy Statement setting out the sustainability measures to be incorporated into the scheme including the use of Modern Methods of Construction (MMC) and Off-Site Manufacturing (OSM) owing to the benefits of construction and environmental performance and the strategy for installing energy and water efficient fixtures and fittings. A condition recommended requiring adherence the proposed measures included within the Energy Statement. Subject to the suggested condition, the proposed development would accord with adopted Rochdale Core Strategy policy G1, the Climate Change Adaption (2012) SPD and the NPPF.

Planning Obligations

55. Policy DM2 of the Core Strategy sets out the Council's requirement for applicants 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, contributions towards affordable housing (Policy C4), open space and formal sports provision and maintenance (Policy G6) are required. A commuted sum in respect of securing off-site biodiversity enhancements is also required, as discussed above. The Schools Service has confirmed that education contributions are not required.

Affordable Housing

56. 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).
57. The applicant proposes that the development will comprise entirely of dwellings for Shared Ownership. In order to meet the definition of shared ownership as set out in Annex 2 of the NPPF, the development must have a price equivalent of at least 20% below local market value. In addition, should any public grant funding be provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision.
58. The proposed provision of 100% on-site affordable housing exceeds the policy requirement of 15%. It is noted that the significant overprovision of affordable housing in comparison to the policy requirement represents a significant benefit of the scheme. A S106 legal agreement is proposed to secure the provision of the on-site affordable housing and the re-use of any subsidy for alternative affordable housing provision.

Local Open Space / Formal Sports

59. Policy G6 of the CS requires financial contributions towards recreational open space in accordance with the standards set out in the Provision of Recreational Open Space in New Housing SPD. The scheme attracts contributions, calculated in accordance with the adopted schedule of charges, of £50,319.10 (including 5% admin fees). The contribution would be directed towards Outdoor Sports Provision at Limefield Park and towards improvement works to the King George V play area on Cedar Lane some 500m away.

Conclusion

60. The development would provide a valuable contribution to housing supply in the form of 16 affordable houses for shared ownership. The provision of 100% affordable housing in comparison to the policy requirement of 15% represents a significant benefit of the scheme.
61. No unacceptable harm has been identified in respect of the residential amenity of surrounding occupiers and the potential impacts of noise disturbance from the adjacent food retail store and car park can be mitigated by conditions.
62. The main issues with regards to access can be satisfactorily overcome through the imposition of the suggested conditions in respect of improvements to the existing adjacent food retail store car park. 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 / legal agreement with regards to drainage, contaminated land, coal mining, biodiversity enhancement, tree and ecological protection.
63. Taking all of the above into account, subject to the suggested conditions and Section 106 legal agreement, the proposed development would accord with the relevant outlined policies contained within the Development Plan and meet the requirements of the National Planning Policy Framework. Accordingly, the application is recommended for approval.

RECOMMENDATION

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

- i. The provision of 100% affordable housing that meets the definition of 'Affordable Housing' in Annex 2 of the National Planning Policy Framework;
- ii. A financial contribution of £50,319.10 (subject to multipliers in place at the relevant time) towards formal sports provision at Limefield Park and Public Open Space at King George V play area on Cedar Lane; and
- iii. A financial contribution of £16,000 towards off-site biodiversity enhancements at Alkrington Wood.

And that the Head of Planning Services is authorised to grant planning permission upon execution of the above agreement/s and subject to the following 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 - MOR-KMA-XX-XX-DR-A-7000 Rev. P2
- Existing Site Plan - MOR-KMA-XX-XX-DR-A-7001 Rev. P2
- Proposed Site Plan - MOR-KMA-XX-XX-DR-A-7002 Rev. P4 (Amended plan received 21.07.21)
- Proposed Structured Landscape Plan – MOR-KMA-XX-XX-DR-A-7003 Rev. P4 (Amended plan received 21.07.21)
- SVH_House Type A (2-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7004 Rev. P1
- SVH_House Type A (2-bed) Proposed Elevations – MOR-KMA-XX-XX-DR-A-7005 Rev. P2 (Amended Plan Received 05.05.21)
- SVH_House Type B (3-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7006 Rev. P1
- SVH_House Type B (3-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7007 Rev. P2 (Amended Plan Received 05.05.21)
- SVH_House Type C (4-bed) Proposed Floor Plans - MOR-KMA-XX-XX-DR-A-7008 Rev. P1
- SVH_House Type C (4-bed) Proposed Elevations - MOR-KMA-XX-XX-DR-A-7009 Rev. P2 (Amended Plan Received 05.05.21)
- Proposed Site Sections/Elevations - MOR-KMA-XX-XX-DR-A-7010 Rev. P1
- Topographical Survey – DA025 / T00

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 development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:

- (i) hours for construction, including deliveries (which should not take place outside of the hours of 08:00-18:00 Monday to Friday and 09:00-14:00 Saturday, with no work taking place on Sundays or Bank Holidays);
- (ii) the route of access and parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities; and
- (vii) any external lighting of the site.

The duly approved CMP shall be adhered to throughout the construction period.

Reason: To minimise detrimental effects to the amenity of surrounding residential occupiers and dangers to highway safety during the construction phase in accordance with Policies DM1, T2, and G9 of the adopted Rochdale 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 users of the highway prior to commencement of any building or engineering works on site.

4. No development shall take place until a Phase I Preliminary Risk Assessment (in addition to any assessment provided within the planning application) has been submitted to and approved in writing by the Local Planning Authority. The Phase I Report shall include a desk top study, site walk over, identification of all previous uses and potential contaminants associated with those uses, a conceptual model of the site including sources, pathways and receptors, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers and to protect the environment in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy, saved policy EM/8 off the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of ground or water pollution water pollution.

5. No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application or submitted to satisfy the requirements of Condition 4 of this planning permission) 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. For the avoidance of doubt, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete shall be provided, alongside identification of any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority before any of the buildings hereby approved are first occupied. For the avoidance of doubt, the report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers and to protect the environment in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy, saved policy EM/8 off the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of ground or water pollution.

6. No development shall take place until;
- (a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - (b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

The development shall not be occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development is submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development in accordance adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

Reason for pre-commencement condition: In order to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site.

7. No development shall take place until such time as a fully detailed scheme for the disposal of foul and surface waters from the site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall substantially accord with the principles set out in the submitted Sustainable Drainage Strategy (ref FRA21 1001, dated Feb 2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s and foul and surface water must drain on separate systems. In addition, any proposed drainage system resulting in the infiltration of any surface water to the ground must be supported by an assessment of the risks to controlled waters. Furthermore, a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion shall be provided.

The duly approved scheme shall be implemented prior to first occupation of the development hereby permitted and maintained and managed in accordance with the approved details.

Reason: To prevent an increased risk of flooding as a result of the development, provide satisfactory disposal of surface and foul water from the site of the site and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with adopted Rochdale Core Strategy policies G8 and G9, saved Rochdale Unitary Development Plan policy EM/8 and paragraph 170 of the National Planning Policy Framework.

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

8. No development or works of site preparation shall take place until a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed 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 Japanese Knotweed 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 shall be carried out in accordance with the approved method statement.

Reason: In accordance with policy G7 of the adopted Rochdale Core Strategy and 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 in the wild.

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

9. 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 tree protection measures 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.

The development, including works to trees and vegetation, shall be carried out in accordance with the works and mitigation recommendations within the Arboricultural Impact Assessment (Indigo Surveys Ltd ref. 21115/A2 dated February 2021) and the tree protection plans contained within it (drawing ref. 21115/A1TPP/01)

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.

10. No development shall take place until finished floor levels for the proposed buildings and proposed site levels 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.

11. 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.

12. 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, 'Hedgehog Highways' and native tree and shrub planting 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.

13. (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 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.

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 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. For the avoidance of doubt, this shall include an acoustic fence along the side boundary of Plot 1 where it adjoins the food retail store delivery yard. The structures shall thereafter be retained.

Reason: In the interests of visual appearance, amenity, highway safety and ecology in accordance with adopted Rochdale Core Strategy policies DM1, P3, T2 and G7 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. The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations of the submitted Energy Statement (Element Sustainability, ref. 2021.007 dated February 2021).

Reason: To ensure that appropriate sustainability and climate change adaptation and reduction measures are incorporated into the scheme in accordance with adopted Rochdale Core Strategy policy G1, the Climate Change Adaption (2012) SPD and the National Planning Policy Framework.

17. No piling using penetrative methods shall be carried out other than in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with adopted Rochdale Core Strategy policies G8 and G9, saved Rochdale Unitary Development Plan policy EM/8 and the National Planning Policy Framework.

18. No part of the development shall be occupied until such time as a detailed strategy for the management and collection of household waste has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the duly approved strategy.

Reason: In the interests of ensuring safe and efficient collection of household waste in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

19. 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 at Plots 14, 15 and 16 shall not be extended under Schedule 2, Part 1, Class A of the above Order insofar as it relates to two-storey rear extensions except with the express permission of the Local Planning Authority.

Reason: To ensure an adequate standard of amenity in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

20. 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 under Schedule 2, Part 1, Classes B (additions to the roof of a dwellinghouse) and D (porches) of the above Order except with the express permission of the Local Planning Authority.

Reason: To ensure a satisfactory standard of visual appearance, parking space functionality and prevent harm to the setting of the Grade II* listed building in accordance with Policies DM1, P2, P3 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

21. Internal noise levels within the habitable rooms of Plots 1, 2 and 14 shall not exceed the following levels:

- 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- 35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

No part of the development shall be occupied until such time as a report providing details of the implemented acoustic mitigation measures, and demonstrating that internal noise levels within habitable rooms meet the levels set out above, has been submitted to and approved in writing by the Local Planning Authority. The duly installed mitigation measures shall be retained thereafter.

Reason: In the interests of ensuring a satisfactory standard of residential amenity for future occupiers in accordance with adopted Rochdale Core Strategy policies DM1 and G9 and the National Planning Policy Framework.