

APPLICATION NUMBER: 23/00600/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00600/FUL	Aimee Bovaird	31 October 2023

Address: Hark To Towler 122 - 124 Bury New Road Heywood OL10 4RG

Proposal: Change of use of public house to 4 self-contained flats including first floor side/rear extension and alterations to fenestration on front, side and rear elevations following demolition of existing ground floor rear/side extension

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	Y
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 18.01.24

SITE

This site relates to 122 - 124 Bury New Road Heywood. The building is unoccupied and was previously a pub with a flat on the first floor. North of the site is residential properties and opposite the site is a row of terraced two storey houses. West of the site is a small grassed hill area. The site makes up a row of commercial properties.

The site fronts Bury New Road and sits within the Defined Urban Area and it is also within the Bury New Road, Summit, Local Centre which runs from no. 96 to 122 (evens), in Heywood.

PROPOSAL

The application proposes the change of use of a public house to 4 self-contained flats including first floor side/rear extension and alterations to fenestration on front, side and rear elevations following demolition of existing ground floor rear/side extension.

The changes consist of replacing the windows on the front elevation, on the rear/side elevation a first floor extension is proposed at the rear above part of the existing single storey extension, with two additional doors and an additional window. This is after the demolition of the current ground floor extension. On the side elevation a new door is proposed and one is to be blocked up. Bin storage is proposed at the rear of the property. Each self-contained flat will contain a kitchen, lounge, bedroom and bathroom. To the rear of the development a 1.8m high fence is proposed and a communal amenity space.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role Of Centres
S/6	District Centre, Local Centres and Linear Commercial Areas

RELEVANT SITE HISTORY

No relevant site history.

CONSULTATION RESPONSES

Highways And Engineering

'There are a number of highways issues arising from this application that would need consideration.

The application includes an area of land (coloured blue on the submitted plans) and states that this is within the ownership of Rochdale Council and from site inspection it would appear that it has already been enclosed by fencing. We have looked at highway records and it would appear that the area of land enclosed was part of the old alignment of Higher Lomax Lane and therefore is likely to have highway status. As this application would formalise the removal of highway status from the land the application should have included the closure under the planning procedure.

The application does not include the provision of any off street parking which is a concern taking into account there is high demand for on street parking created by the Doctors Surgery and adjacent Pharmacy. However as Heywood town centre is within an acceptable walking distance and the application site is directly on a bus route therefore an objection on this basis may not be sustainable.

With regards to servicing it would appear that the enclosed area previously mentioned was identified as the bin storage area so its proposed use cannot be currently established.

In terms of traffic generation we would not expect that the proposed development would have any detrimental impact on highway capacity or road safety.

Until the issue of the enclosed land and its status have been resolved we cannot support this application,'

Env Health - Noise/Odours

The following comments were received,

'Given the proximity to existing road network we would require an acoustic survey to inform the design of the units to ensure the following internal noise levels can be achieved:

- 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;*
- 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;*
- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;*
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.*

upon completion and prior to occupation validation testing is carried out'

REPRESENTATIONS

Letters of notification have been sent out to surrounding properties and a site notice was posted in the vicinity. One objection has been received and it raises concerns over the suitability of the building for flats.

ANALYSIS

Principle of Development

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

The latest published information suggests that the Council can demonstrate more than a five 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.

Rochdale Unitary Development Policy S/6 sets out that *'The conversion or redevelopment of vacant commercial premises to residential use will only be permitted in local centres that have a high overall vacancy rate and where it will assist regeneration.'* S/6 is to be read in conjunction with policy E1 of the Core Strategy which serves to protect centres in the Borough including Local Centres.

Rochdale's Unitary Development Plan states no.96 – 122 Bury New Road make up a Local Centre. An initial site inspection was undertaken on 22/09/23 and a further site inspection was carried out on 11/12/23. This found that this Local Centre comprises of a pharmacy, surgery and a commercial shop. No buildings were vacant at the time of the site visit. The host building is the only vacant building in this Local Centre and therefore it is not considered to suffer a high vacancy rate. Therefore the application fails to meet the first requirement of Policy S/6.

Development proposals are required to comply with both parts of Policy S/6's requirements, and given that the proposal fails to comply with the vacancy test it is not necessary to continue to assess against the second test, however for completeness, this is assessed below.

The second part of the policy requires proposals to assist regeneration of the Local Centre. This development would bring back a vacant building into use however there would be a total loss of a commercial building – including at ground floor. This would lead to a lack of vitality at the ground floor level. In addition, the proposed development is poor design and has failed to take opportunities available to improve the appearance of the building within the street scene. Furthermore, the repurposing of the building in the way that is proposed will result in a poor standard of amenity for its occupants, as assessed in more detail below.

The proposal is not considered to be in accordance with Policy S/6 of the UDP as there is not a high vacancy rate and the proposal has not demonstrated how it would assist regeneration by adding accommodation at this location.

The proposal is unacceptable in principle as this is not in accordance with Policy S/6 of the UDP and E1 of the Core Strategy.

Further planning matters are considered below.

Design and Appearance

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. This policy requires all new developments to adhere to high quality design and Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

In addition, Core strategy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

The application form states the brickwork and render will remain the same, the windows will be UPVC. The application proposes an additional window and a first floor flat roof extension on the rear elevation. The rear extension is not considered a high standard of design as it should be a pitched roof to keep in character with the original building as much as possible. This will not be seen from the highway but will be visible from the rear. The materials are specified on the application as brickwork/render. The houses opposite the site consist of two storeys are made of red brick and no render. This building is rendered grey, this does not match the surrounding residential properties. Developments should be visually attractive and this application does not take the opportunity to improve the outside of the building which appears to be deteriorating. The appearance of the building will remain to be seen as not matching the surrounding character and this will not improve the quality of the area.

On balance this is considered poor design and does not accord with Policy DM and C3 of the Core Strategy and relevant NPPF policies.

Impact on Occupiers and Surrounding Land Users

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users. The Council's adopted Supplementary Planning Document '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.

The Guidelines and Standards for residential Development sets out that occupiers and should receive enough light and have a sufficient outlook.

On the ground floor flat 124A is a one bedroom flat and has a rear window, 0.85m opposite this window is a 1.8m high privacy screen which separates the flat from the communal outdoor space. This will block light entering the bedroom and also restrict the outlook to a wholly unacceptable degree as they will not be to see past the

privacy fence due to its height and close proximity to the window. As a result this room is not considered to have a satisfactory standard of amenity.

Noise

The key issue for consideration in relation to noise, is whether the occupiers of the proposed flat will suffer unacceptable levels of noise disturbance due to the proximity of the flats to the road. The Council's Environmental Officer has been consulted as part of the application process and has no objections subject to the submission of a noise survey by planning condition to ensure appropriate noise levels can be achieved.

Privacy

External alterations consist of removing the rear single storey extension and adding a window on the ground floor. The additional windows will not result in any additional loss of privacy for occupiers or neighbours.

Space Standards

The Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for application across all tenures. Flat B (124B) on the proposed first floor does not meet the space standards. The minimum area for a one bedroom flat with two bed spaces is 50m² and the area of flat B (124B) is 41.3m². Flat 124A is 48.1m² and this does not meet the minimum space standards.

The Guidelines and Standards for residential Development sets out the minimum space standards affecting existing residential properties, 21m between directly facing principal windows of habitable rooms, at an upper floor level. The proposed development does not meet these minimum standards because it is 19m from the residential properties opposite. On balance this is considered acceptable particularly given that the first floor of the building is already in use as a flat.

The layout of the proposed development has sought to maximise capacity as the first floor is currently one three bedroom flat and is proposed to be two one bed flats with their own amenities and two flats are proposed on the ground floor. This is considered to provide a poor standard of amenity design as the layout shows a cramped living environment.

Overall the application is considered to provide a poor standard of amenity for future occupiers and does not accord with Policy DM1 or relevant policies in the NPPF.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.

Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Consultation has been undertaken with the Highways Authority who have concerns with the closed off area of land at the rear of the property. This area of land is within the Council's ownership and the development if approved would formalise the removal of highway status. If the application was to be approved this would need to be addressed through the correct procedure.

The application does not include the provision of any off street parking which conflicts with the Core Strategy Parking Standards, which requires 1.25 spaces per 1 bed apartment. The Highways Authority note this is a concern taking into account there is high demand for on street parking created by the Doctors Surgery and adjacent Pharmacy. However as Heywood town centre is within an acceptable walking distance and the application site is directly on a bus route, on balance, they raise no objection.

As such it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal involves the loss of a public house from within a Local Centre to a residential use. The application has not demonstrated that the Local Centre suffers a high vacancy rate, nor that the proposed development will assist in regeneration of the Local Centre. Conversely, the proposed development comprises poor design and will result in poor living conditions for its occupiers and therefore will be harmful to the vitality and viability of the Local Centre. As such the proposal conflicts with policy S/6 of Rochdale's Unitary Development Plan, policies, E1 and DM1 of the Core Strategy and the National Planning Policy Framework.
2. By reason of the internal layout the proposal would result in a poor standard of residential amenity for its occupants as Flats B (124B) and 124A do not meet the minimum space standards. The occupants of flat 124A will suffer inadequate levels of natural light and outlook due to the close proximity of fencing. As such the proposal would not comply with policies DM1 and C3 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development' (June 2016) SPD and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

For avoidance of doubt this decision related to the following plans:

Proposed First Floor Plans 7062 4B

Proposed Ground Floor Plans and Elevations 7062 3C

Report Author Aimee Bovaird