

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01236/FUL

Name and address for correspondence:	Applicant name:
Lynsay Ewart Paul Butler Associates 31 Blackfriars Road Salford M3 7AQ	Cassel & Fletcher

Part I - Particulars of Application

Date of Application: 5 December 2023

Proposal:	Change of Use of Vacant Retail Premises (Class E) to 26 Flats (C3 Use) with commercial use (Class E) retained at part-ground floor / basement level, together with a roof extension and other associated elevational alterations (Part-retrospective)
Location:	44-46 Yorkshire Street, Rochdale, OL16 1JW,

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - BM/0623/BAILLIE/BR13 Rev. A - Stair Setting Out and Door & Window Schedule
 - BM/0623/BAILLIE/BR9 Rev. A - Section B', Detail Section 2
 - BM/0623/BAILLIE/BR6 Rev. B - Proposed Elevations 1
 - BM/0623/BAILLIE/BR7 Rev. C - Proposed Elevations 2
 - BM/0623/BAILLIE/BR2 Rev. A - Proposed Basement & LGF Plans
 - BM/0623/BAILLIE/BR3 Rev. E - Proposed Ground Floor Plan
 - BM/0623/BAILLIE/BR4 Rev. A - Proposed Floor Plans 2
 - BM/0623/BAILLIE/BR5 Proposed Roof Plan

- BM/0623/BAILLIE/BR10 Rev. C Window and Door schedule
- Shopfront Specification received 03.05.24
- BM/1223/BAILLIE/BR100 Existing and Proposed Site Plan
- BM/1223/BAILLIE/BR102 Existing Elevations
- BM/1223/BAILLIE/BR102 Existing Plans
- 22017 (FE) 2002 Existing Block Plan
- External Levels

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

- 2 The development hereby permitted shall provide not more than 324m² of floorspace for use within Use Class E of the Town and Country Planning (Use Classes) Order (as amended). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 3 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the commercial units hereby approved shall not be changed to use of another use class outside of Class E except with the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and in the interests of protecting the vitality and viability of town centres in accordance with adopted Places for Everyone Joint Development Plan policy JP-P1, Policies E1, E2, E3, P1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 The development hereby permitted shall not be carried otherwise than in accordance with the Construction Environmental Management Plan (CEMP) by Cassel & Fletcher, Reference YSR dated 29/06/2023, received by the Local Planning Authority on 30th June 2023 in relation to planning permission 22/00968/FUL.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, policies DM1, P3, T2, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 The development shall not be carried out otherwise than in accordance with the approved materials details comprising:

- Vimzinc standing seam cladding, RAL 8004 for the new roof extension;
- Vimzinc Flat Lock Panel, RAL 8004 for cladding to new feature bay windows, under shopfronts and surrounding new apartments entrance;
- Vimzinc Flat Lock Panel, RAL 7016 over new shopfronts and apartments entrance.
- Aluna Window in anthracite grey (RAL 7016) where it relates to brickwork elevations.

Where the window framework relates to cladded sections, the window framework shall be powder coated to match the RAL colour (8004) of the approved cladding. The colour treatment of all window and door framework shall be retained thereafter. For the avoidance of doubt, the shopfront framework shall also be finished in RAL 7016 and retained as such thereafter.

Where the Vimzinc Flat Lock Panel cladding is utilised on the Baillie Street elevation, the minimum depth of reveal in relation to the surrounding brickwork shall not be less than 102.5mm.

Reason: To raise the standard of design more generally in the area and protect the character, appearance and significance of the Rochdale Town Centre Conservation Area in accordance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy,

the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 5 The development hereby approved shall not be carried otherwise than in accordance with the approved window and door schedule ref. BM/0623/BAILLIE/BR10 Rev. C. For the avoidance of doubt, the depth of the window reveal on brick elevations shall not be less than 110mm. The installed windows and doors shall be retained thereafter in accordance with the approved details.

Reason: to protect the character and appearance of the Rochdale Town Centre Conservation Areas, in accordance adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 6 The development hereby approved shall not be carried out otherwise than in accordance with the Biodiversity Enhancement Scheme document prepared by Rachel Hacking Ecology ref. RHE.3234, dated 27.06.2023. The approved scheme of biodiversity measures shall be retained thereafter.

Reason: In the interests of preserving and enhancing the natural environment in accordance with adopted Places for Everyone joint development plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 The development shall not be carried out otherwise than in accordance with the physical security measures specified in the approved Crime Impact Statement (ref: 2022/0275/CIS/01) unless otherwise agreed in writing with the local planning authority.

Reason: In order to ensure that the development is safe to use and access and to reduce the risk of crime, in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies DM1 & P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 8 The development hereby approved shall not be carried out otherwise than in accordance with the recommended glazing and wall ventilation specifications as detailed in the Noise Assessment ref. E19371. BS8233 prepared by SBM Safety Solutions, dated 14.09.22 and the construction specifications detailed on the approved Proposed Floor Plans 2, drawing no. BM/0623/BAILLIE/ BR4 Revision A.

Notwithstanding the above, no dwelling hereby approved shall be occupied until such time as verification testing has been undertaken in the residential units to demonstrate that the following maximum internal noise levels have been achieved, with the results of the verification testing having been submitted to and approved in writing by the Local Planning Authority:

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

Reason: In the interests of safeguarding the living conditions of future residents in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies DM1 & G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 9 Notwithstanding any details included within the application, no part of the development shall be occupied until a refuse and servicing strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include

details of refuse storage types, locations and appearance including routes for collection. The site will be serviced in accordance with the approved strategy thereafter.

Reason in the interests of visual, commercial & residential amenity and highway safety in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, policies DM1, P3 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.

- 10 The opening hours of the commercial ground floor units hereby permitted shall be restricted to between the hours of 07.00 and 23.00 on Monday to Saturday and between 07.00 and 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the living conditions of future residents in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 & G9 of the Rochdale Core Strategy and the National Planning Policy Framework.

- 11 Notwithstanding any details contained within the application, the development hereby approved shall not be occupied until such time as full details of an external lighting scheme have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the safety & security of residents and to ensure a satisfactory standard of design and visual appearance in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 Notwithstanding any details contained within the application by virtue of Condition 2, no works to the public highway to provide stepped and level access to the Yorkshire Street commercial units shall until such time as a fully detailed scheme of works has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, these plans should be based on the submitted Entrance Step Details drawing re. 22.B.13814/50 but must clearly show the stepped access arrangements not protruding beyond the apparent building line demarcated by Nos. 40 & 42 Yorkshire Street.

Once approved, the approved stepped & ramped access arrangements shall be installed as per the approved plans and retained and maintained as such thereafter.

Reason: In the interests of pedestrian & highway safety and accessibility, along with ensuring a satisfactory standard of design and visual appearance in compliance with adopted Places for Everyone joint development plan policies JP-P1, JP-P2, JP-P4 and JP-C5, policies DM1, P2, P3 and T2 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 13 The Class E commercial unit fronting Baillie Street hereby approved shall not be brought into first occupation until such time as the mechanised stair lift as detailed on drawing no. BM/0623/BAILLIE/BR2 Rev A has been installed in accordance with the approved plans. The stair lift shall be retained and made available at all times for its intended use thereafter.

Reason: In the interests of providing suitable accessibility for all in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1, P3 and T2 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Equalities Act 2010.

- 14 Notwithstanding any details contained within the application, no works to install the steel or iron railings along The Bank shall be undertaken until such time as a detailed scheme of works has been submitted to and approved in writing by the Local Planning

Authority. The duly approved installations shall be installed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity in accordance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 9 July 2024

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

INFORMATIVE:

All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010). Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0345 1300 228.

All nesting birds are protected under the Wildlife and Countryside Act 1981. Should any nesting birds or evidence of nesting birds be found prior to or during development, work must stop immediately and Natural England contacted for further advice.