

APPLICATION NUMBER: 23/00985/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00985/FUL	Aimee Bovaird	10 January 2024

Address: Land Adjacent To 34 Queen Street Heywood OL10 4JY

Proposal: Erection of 2.no 2 bedroom self-contained apartments

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

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?	N
	Neighbour comments received?	N

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 01.05.24

SITE

The site is located on land adjacent to 34 Queen Street Heywood. This is a residential area in the Defined Urban Area. The site is currently grassed and there is

an alley way to the rear of the existing houses. North and west of the site are existing rows of terraced housing. The dwellings are characterised by traditional red brick. South of the site is a nursery.

This site is a greenfield site as although there was historically houses on the site, they have been removed at least since 2005 and the land is free from built development. On this site there has previously been a tree, this has now been removed. There is a red post box that is locked and does not appear to have been used in a long time. The site is grassed and overgrown.

The site was previously owned by the council and sold in 2019, within the auction pack it has been commented that the site may be possible for redevelopment.

PROPOSAL

The application proposes the erection of two, two bedroom apartments. Apartment one is proposed on the ground floor with a lounge/ kitchen area, bathroom and two bedrooms. Apartment two is proposed on the first and second floor, there is one bedroom, bathroom and lounge/ kitchen area on the second floor and one bedroom on the second floor.

The sites red edge borders with no.34 Queen Street and the proposed development will be approx. 1m away from this dwelling.

The proposed materials are to be red facing brickwork on the front and side elevations. The rear elevation is to be cement render and the roof is proposed to be slate of slate effect tile. The boundary wall is to be stone with coping detail. The height of the proposed development is 6m to the eaves and 8.5m to the ridge. Permeable paving has been proposed to the front and rear of the development.

No parking is proposed with the development.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

7. Places for Homes

JP-H 3	Type, Size and Design of New Housing
JP-H 4	Density of New Housing

9. Places for People

JP-P 1	Sustainable Places
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Adopted Rochdale Core Strategy (CS):

SO2 Creating successful and healthy communities
C1 Delivering the right amount of housing in the right places
C2 Focusing on regeneration areas and economic growth corridors/areas
C3 Delivering the right type of housing
C4 Providing affordable homes
C6 Improving health and well being

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

SO5 Improving accessibility and delivering sustainable transport
T2 Improving accessibility

DM1 General Development requirements
SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EM/7 Development and Flood Risk
EM/8 Protection of Surface and Ground

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

No Relevant Site History.

CONSULTATION RESPONSES

Highways And Engineering

The following comments were received,

'Having reviewed the submitted plans we have some concerns regarding the developments impact on highways within the site boundary.

The Councils Highway Register shows the adopted footway at the junction of Holland Street and Queen Street having an extended radius into the development site. From the submitted plans it would appear that the both the proposed building and boundary wall extend into the adopted highway. To enable development to take place this application should have promoted a highway closure via s247 of the TCPA which is not included.

In addition there is an unadopted path which runs from Holland Street across the site eastern corner of the site which is to be built over. It would appear that this footpath has been laid out and surfaced by the previous landowner and intended for public use, therefore it is likely to have attained highway rights by express dedication. At this stage we would say as highway rights are likely to exist along this footpath it should have also been put forward for closure as part of this application under s247 TCPA.

Highways cannot support this application until the above legal issues have been resolved.'

Further comments received,

'The land ownership has no impact upon the Highways status.

The development as proposed would constitute an illegal obstruction of the Highway.

Anything constructed on the highway without first obtaining a highways closure will be removed at the expense of the offender.

As Tim has mentioned it is first necessary to obtain a Highways closure under S247 of TCPA. Once a formal closure has been obtained we would not object to these proposals providing a 1.8m width footway is maintained thereafter.'

Env Health - Noise/Odours

This section has no objections to the proposals.

Lead Local Flood Authority/Drainage

The following comments were received:

'Until the Planning Authority can provide any Drainage Conditions as part of any Planning Decision that may be made, the Applicant needs to have consulted with United Utilities Developer Services to discuss what 'easement' to the 375mm dia. sewer is required and the exact distance required to the new dwelling's foundations. Perhaps the combined sewer requires diversion (which would have to be paid for by the Applicant)? This can only be determined by consultation with UU Developer Services.'

United Utilities

The following comments were received,

'It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix. Section 4.0 'Contacts'

Public sewer

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be

compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.'

Community Safety

No comments received to date

REPRESENTATIONS

Letters of representation have been sent out to surrounding properties. No comments have been received.

ANALYSIS

Principle of Development

The proposed development is 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 principle of constructing a new apartments on a site within the urban area is therefore acceptable and in accordance with the adopted Core Strategy, saved policies within the Unitary Development Plan and the NPPF.

Further planning considerations will be considered below.

Design and character and appearance

Policies P1, P3 and P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations. Paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

PfE Policy JP-P1 sets out the ambition for Greater Manchester to become one of the most liveable cities in the world, consisting of a series of beautiful, healthy and varied places and sets out a number of requirements for new development to adhere to which generally conform to the guidance set out in the documents linked above. This includes creating places which respect and acknowledge the character and identity of the locality and are visually stimulating, creating interesting and imaginative environments.

The revisions to the NPPF in September 2023 are clear that development that is not well designed should be refused, and conversely, significant weight should be given

to development which reflects local design policies and government guidance on design.

The proposed front and side elevation will be red facing brick to match existing dwellings. This would be considered acceptable.

The proposed development does not continue the form and detailing of the existing terraced houses. The eaves and ridge height will be the same, however the windows do not continue the same detailing and the doors do not continue the same pattern. The fenestration on the rear elevation is inconsistent with the surrounding dwellings' rear elevations and is harmful to the character and appearance of the street scene, most particularly the window shapes and sizes. Altogether, this results in the proposal looking out of place in the street scene, and being harmful to the character and appearance of the area. Therefore the proposal does not accord with Policies P1, P2 P3 and DM1 of the Core strategy, relevant PfE policies and the NPPF.

Impact on Amenity

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

PfE Policy JP-P1 requires all new development to be "Comfortable and inviting, with indoor and outdoor environments, offering a high level of amenity that minimises exposure to pollution; and addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter. PfE Policy JP-H3 also establishes the requirement for new dwellings to be compliant with the Nationally Described Space Standards. This policy also requires all new dwellings to be built to the 'accessible and adaptable' standard in Part M4(2) of the building regulations.

Apartment 1 has an area of 66.67m², this does not meet the minimum area which is 70m². Apartment 2 has an area of 62.64m², the minimum is 70m². This contributes to a poor standards of amenity as the garden area is extremely small and paved. It is noted gardens are small within the surrounding area however the proposed garden is smaller in comparison and is to serve two dwellings rather than one. Overall the outdoor amenity space is constrained as it appears cramped and will not provide sufficient outdoor amenity space.

Apartment 1 Bedrooms 1 and 2 will also have a poor outlook as they will look onto the bin store for both apartments, the rear boundary wall will also block the outlook for both bedrooms at this ground level and is not considered acceptable.

The layout of the proposed development has sought to maximise capacity at this locations. This has resulted in an overall poor standard of amenity for future occupiers.

The Guidelines and Standards for residential development SPD set out space standards for new development. It sets out '21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage'.

The proposed development is approx. 14.6m from the rear development on Hilda Street and approx. 5.3m to the rear facing boundary. These distances fall short of the standards however it is acknowledged this is a characteristic of the area and is

considered acceptable. There has been previously been dwellings on this site and this is a contributing factor in why the separation distances are considered acceptable.

As such, it is considered that the proposals would comprise a poor standard of amenity for future occupiers and does not accord with the requirements of Policies DM1 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Highways and refuse collection

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 115 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.

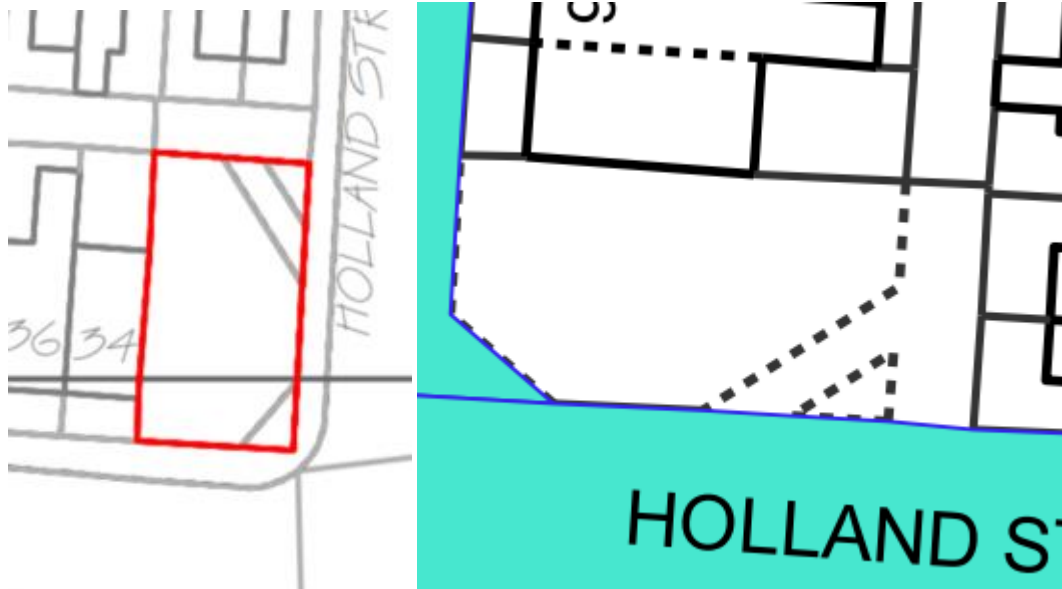
Paragraph 116 (d) of the NPPF states that application for development should allow for the efficient delivery of goods, and access by service and emergency vehicles. The *Guidelines and Standards for Residential Development* SPD states that bin storage areas that require excessive movements from the storage area to the street should be avoided and any bin storage areas and access arrangements, including access routes for collection vehicles, should be provided in accordance with all relevant legislation and guidance, such as any relevant local planning documents, Building Regulations and Highways requirements.

The proposed bin store is at the rear of the development, this is not considered to require excessive movement and considered acceptable however there are no details of a covered bin store area and this has contributed to the poor outlook for bedrooms as previously mentioned.

Rochdale Core Strategy sets out in Appendix 5 the minimum number of spaces required, for 2+ bedroom apartments 2 spaces per dwelling are required. Highways have not raised any objection in regards to parking.

It is noted that the proposals do not include the provision of any off-street parking spaces which is largely a characteristic shared with surrounding terraced dwellings, and on-street parking is generally a common feature in the area.

The Council's Highways Officer has been consulted and has raised concerns over the proposed development as the red edge of the development extends onto the adopted highway. It is the front boundary wall which extends onto the adopted highway, there is also an unadopted path in the south east corner of the site. Highways have raised concerns about this as it is likely to have attained highways rights by express dedication.



The above plans demonstrate how the red edge encroaches on the adopted highway shown in blue. This also shows the footpath at the corner of the site, this has been paved and is now an established part of the footpath.

The applicant has submitted an application for the proposed stopping of the highway however it is pending determination. Therefore at the time of determination of this planning application, the highways objection still stands. The application will have a negative impact on highway rights and consist of an illegal obstruction on the highway, this does not accord with the NPPF as it states development should, 'give priority first to pedestrian and cycle movement, both within the scheme and with neighbouring areas'. As the proposal would impact highway by reducing it, this is not considered acceptable.

The proposal does not accord with the requirements of Policies T2 and DM1 of the adopted Core Strategy and the National Planning Policy Framework and Places For Everyone.

Drainage

Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. To that effect the Council will ensure that new development does not lead to any form of increased flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensure prudent use of water resources. The NPPF also establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

The Council's Drainage Officer has been consulted and raised the issue that the applicant has not provided any details of drainage connections and recommends the applicant consult with United Utilities.

As part of the application process United Utilities has been consulted and they have stated that a public sewer crossed the site and they would not permit building over it. No such details have been provided with the application. If the application was to be

approved these matters would need to be resolved and the applicant would be advised to contact United Utilities directly, and it may result in changes being required to the proposed development, depending on the location of the sewer.

Other matters

The applicant has set out in their supporting documents the land was sold by Rochdale Council and would be suitable for residential development. The LPA accepts the principle of development for housing is acceptable, however this proposal is not sympathetic to the existing terraced housing. The applicants own supporting information states the site may support one residential property or a continuation of the existing terraced property. As previously mentioned this proposal is does not contribute a high standard of design and does not considered to accord with Policies P3 and DM1 of the Core strategy, relevant PfE policies and the NPPF.

Conclusion

In conclusion the principle of development for residential housing on this site is acceptable. However this proposal is for two apartments that consist of a poor standard of design due to not conforming with the surrounding character of the area. The plot is considered overdeveloped as it cannot provide a high standard of amenity for future occupiers. The proposal would not comply with Guidelines and Standards for Residential Development' (June 2016) SPD and the National Planning Policy Framework. The proposal would result in the development extending onto the adopted highway and building over an unadopted path and this is considered unacceptable and would not accord with the requirements of Policies T2 and DM1 of the adopted Core Strategy and the National Planning Policy Framework and Places For Everyone.

RECOMMENDATION

REFUSE for the following reason:

1. By reason of internal layout the proposal would result in a poor standard of amenity for future occupiers as both apartments do not meet the minimum standards and Apartment 1, bedrooms 1 and 2 would have a poor outlook. The proposed development is also poor design and would be harmful to the character and appearance of the surrounding area. As such the proposal would not comply with policies DM1, P1, P2, P3 and C3 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development' (June 2016) SPD and the National Planning Policy Framework and relevant policies in Places for Everyone.
2. By reason of the proposal encroaching on the unadopted highway this would have negative effect on pedestrians using the highway and footpath, and would be unacceptable in regards to highway safety. As such the proposed development fails to accord with Policies T2 and DM1 of the adopted Core Strategy and the National Planning Policy Framework and Places For Everyone.

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.

Notes for Applicant:

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

Block Plan/Site Plan – DWG 1 OF 4 Rev C

Proposed 2.No 2 bed self contained apartments on vacant land - DWG 4 OF 4 Rev C

Proposed 2.No 2 bed self contained apartments on vacant land – DWG 3 OF 4 Rev D

Proposed 2.No 2/3 bed self contained apartments on vacant land – DWG 2 OF 4 Rev D

Report Author Aimee Bovaird