

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01296/FUL

CASE OFFICER

Bob Melling

DETERMINATION DATE 02.02.2024 EXT OF TIME 23.02.2024

Address: 20 Mellalieu Street, Middleton, M24 5DN

Proposal: Conversion of basement area within existing apartment building to create one self-contained dwelling

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

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/A

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: TH

DATE: 22.02.2024

SITE

The application relates to no. 20 Mellalieu Street, a mid-terrace property located within the Middleton Town Centre Conservation Area. The dwelling has been converted into 5 self-contained flats, with a basement level which is ancillary to the residential use of the building. The subject property is a Non-Designated Heritage Asset (NDHA) and is set back some 2.5m from the highway. The front boundary is delineated by a low-level boundary wall with the refuse bins stored to the front of the property.

PROPOSAL

Permission is sought for the conversion of the basement into a self-contained dwelling comprising of one bedroom, a bathroom and a living/dining/kitchen area. The existing lightwells to the front would be enlarged and the cill level of the basement windows would be lowered by 0.1m. In addition, the ground level to the front of the lightwells would be lowered by approximately 0.26m. The submitted site plan indicates that the refuse bins would be relocated to the rear of the property.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

DM1	General development requirements
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
P1	Improving image
P3	Improving design of new development
SO4	Promoting a greener environment
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

23/00308/CPE Application for a certificate of lawfulness (existing) relating to the conversion of dwelling to 5 self-contained flats
Grant

23/00545/FUL Conversion of basement area within existing apartment building to create one self-contained dwelling
Withdrawn

CONSULTATION RESPONSES

Highways And Engineering

Highways have made comments on similar applications for this site and have expressed concerns regarding the lack of off street parking provision. This application now includes a formal parking survey along Mellalieu Street prepared by Fastnet. The findings of the survey would appear to show that there is latent on-street parking available along Mellalieu Street to accommodate parking generated by the proposed development.

As previously stated the development is in a relatively sustainable location so the shortfall in off street parking would not be sustainable reason for refusal.

The servicing arrangements for the building would remain unchanged.

If approved the development should not have any impact on road safety or highways capacity.

Highways raise no objection to this application and request no specific planning conditions.

Conservation And Design

Comments based on original plans (30th January 2024):

A very small amount of less than substantial harm could be interpreted from the widening of the basement light well and by instating a new mailbox on the main facade, although this isn't by a significant margin and could be justified/offset by the benefit of securing the optimum viable use of the building by instating a new unit here under what is now paragraph 208 of the NPPF.

Comments based on revised plans (22nd February 2024):

After viewing the most recently amended plans, the lowered levels to the coping surrounding the basement lightwell have a negligible effect on the significance of the listed building and is therefore permissible under the paragraph listed below.

Env Health - Noise/Odours

No objections.

REPRESENTATIONS

The application was publicised with a site notice, press notice and neighbour notification letters. No responses have been received.

ANALYSIS

Principle of Development

The application is located within an area identified as Defined Urban Area. As such, Policy G/D/1 of the saved UDP proposals map is relevant to any development at the site and this establishes that development should be concentrated in the urban area.

Policy C1 of the Core Strategy promotes the potential of previously developed sites, including empty homes and buildings within the urban area to achieve a target of 80% of new housing on previously developed land; and to ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport.

Policy C3 of the Core Strategy is also relevant and its aims are to:

- Ensure new development provides housing types that take account of local needs and aspirations; and
- Promote densities that make efficient use of land whilst delivering a range of housing to widen choice in the borough and reflect local character.

In respect of the above, the application site is located in a sustainable location in close proximity to Middleton Town Centre with good access to public transport links and local services.

Therefore, it is considered that the principle of development is acceptable.

Design and Heritage

Paragraph 135 of the National Planning Policy Framework (NPPF) requires new development to be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping.” In addition, new development should be “sympathetic to local character.”

Policies DM1 and P3 of the Core Strategy require development proposals to be “of high quality design and take the opportunity to enhance the quality of the area” and to “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.”

Policy P2 of the Core Strategy strives to “protect the borough’s heritage by... conserving, enhancing and utilising other non-statutory heritage assets of local interest.”

Paragraph 203 of the NPPF states “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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 or loss and the significance of the heritage asset.”

Paragraph 208 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Paragraph 212 of the NPPF states “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage

Sites, and within the setting of heritage assets, to enhance or better reveal their significance.”

The application property is located in the Middleton Town Centre Conservation Area and is identified as a Non-Designated Heritage Asset (NDHA). Therefore, consultation has been carried out with the Council's Conservation Officer.

The Officer raised no objections to the proposals. Whilst some less than substantial harm could be interpreted from the enlargement of the basement light wells, lowered cill levels, lowered ground level and the instatement of a new mailbox on the front façade, it is considered that this harm is outweighed by securing the optimal viable use of the building by creating an additional unit, in accordance with paragraph 208 of the NPPF.

Furthermore, the proposed relocation of the refuse bins to the rear of the property would better reveal the significance of the NDHA. This would also accord with paragraph 3.12 of the Council's SPD for residential development, which requires refuse bins to be stored out of public view.

Lastly, the proposed development would be constructed in materials to match existing, which is considered acceptable.

In light of the above, the proposed development would accord with Policies DM1, P2 and P3 of the Core Strategy, the SPD and the NPPF.

Impact upon Amenity of Neighbouring Uses

Paragraph 191 of the NPPF states, “planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”

Paragraph 135 of the NPPF states, “planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Policies DM1 and G9 of the Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

Noise and Disturbance

The proposed dwelling is located within the basement of an existing residential property which comprises 5 self-contained flats. The Council's Environmental Health Officer has been consulted on the proposals and has raised no objections. As such, it is considered that the proposed dwelling would not result in any significant increase in noise and disturbance.

Neighbour Amenity

The fenestration for the dwelling would measure some 21m to the nearest residential property on the opposite side of Mellalieu Street. As such, it is considered that the

proposed development would not result in any undue impact on the residential amenity of neighbouring properties.

Occupier Amenity

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. Table 1 sets out the minimum gross internal floor area requirements for new dwellings, across a varying number of bedrooms, occupants and floors.

Below is an extract from the NDSS, which specifically details the Gross Internal Area requirements for new one bedroom apartments where one individual resides.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	Built-in storage
1b	1p	39 (37)	1.0

The Gross Internal Area totals approximately 48.6sqm. The proposal therefore meets the minimum Gross Internal Area identified in the NDSS.

Furthermore, the NDSS also prescribes minimum bedroom sizes. For a bedroom to provide one bedspace, it has to have a floor area of at least 7.5m² and is at least 2.15m wide. The submitted plans indicate that the proposed bedroom would have a width of 3.37m and a floor area of 13.8m². Therefore, the bedroom would meet the minimum bedroom size as prescribed in the NDSS.

Despite the above, it is not considered that the proposed dwelling would be provided with a sufficient amount of natural light or outlook. The internal floor levels would be approximately 1.32m below the ground level from outside and the retaining walls of the lightwells would measure 0.9m from the windows. Moreover, a low parapet around the edge of the lightwells would increase the effective depth to 1.45m. It is considered that this would unacceptably foreshorten the outlook from the habitable room windows. The existing boundary wall, which measures some 2.36m away, would make matters worse.

Whilst the windows would face almost directly south, it is not considered that this would sufficiently mitigate the loss of light, particularly during the darker winter months. Moreover, reference has been made in the submitted plans to the '1/20th of floor area rule for windows'. However, it is noted that this refers to ventilation standards prescribed by building regulations.

Overall, it is considered that the proposed flat would have a subterranean feel with an unacceptable provision of light and outlook, thereby creating inadequate living conditions for the future occupant.

In light of the above, it is considered that the proposal would provide insufficient living accommodation for the future occupant, which would be contrary to Policy DM1 of the Core Strategy, the SPD, and the NPPF.

Access, Highways and Parking

Policy T2 of the Core Strategy establishes that "In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through." Policy T2

also acknowledges that development that offers greater access for all forms of travel will assist the borough's continuous improvement to becoming more sustainable, healthier, greener and prosperous. Additionally, there is a requirement for developments to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the Core Strategy. 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.

It is noted that the proposal does not include off-street parking. At present a large footway to the front of the premises and kerbside parking is used to accommodate existing residential properties. The Highways Officer has noted that the proposal is likely to create additional parking demands. However, the Officer concluded that the proposal would not have a detrimental impact on road safety or highway capacity.

The submitted formal parking survey indicates that there is latent on-street parking available along Mellalieu Street to accommodate parking generated by the proposed development. Moreover, the development in a relatively sustainable location with good access to public transport provision.

For these reasons, the proposal is considered to be acceptable and in accordance with Policies T2 and DM1 of the Core Strategy, the SPD and the NPPF.

Other Matters – Plans

It is important to note that the proposed front elevation appears to show the basement windows fully exposed. However, when viewed from the front, the windows would be partly obscured due to the ground level to the front and the proposed parapet.

RECOMMENDATION

1. The proposed flat would give rise to an unacceptable level of residential amenity for the future occupant due to a lack of natural light and outlook to habitable rooms within the flat. The proposal therefore fails to accord with policy DM1 of the adopted Rochdale Core Strategy, the Council's 'Standards and Guidelines for Residential Development' 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.

Notes for Applicant:

1. For the avoidance of doubt, this decision relates to the following list of plans:

Location Plan. Drg no. (02)001

Existing & Proposed Plans & Elevations. Drg no. (02)002. Rev E

Report Author Bob Melling