

APPLICATION NUMBER: 23/00477/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00477/FUL	Rosalind Gralton	26 July 2023

Address: 84-86 Yorkshire Street Rochdale OL16 1JX

Proposal: Change of use of first and second floors from commercial to 6no' x 1 bedroom flats including extension to roof to create 1no' x 1 bedroom and 1no' x 2 bedroom flats together with new shopfront and alterations to fenestration (re-submission of 21/01522/FUL)

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?	Y

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: 13.12.23

SITE

The application site is a three storey building, which is located on Yorkshire Street.

The existing building is red brick with a flat roof and uniform square openings along the upper floors. The ground floor of the building is used for retail. At three storeys, the existing building is one of the tallest within this part of Yorkshire Street, comparable to the now closed Wheatsheaf Shopping Centre which sits to the rear of the building. Most other commercial properties are two or three storey, though generally the three-storey buildings are older and built to lower floor-ceiling height resulting in buildings of less height / mass.

The south elevation is to a side service alleyway which falls in level to the rear of the building. The rear of the building is to a narrower alley between the building and Wheatsheaf Centre. There are steps down to a rear door to the building with steps rising up again from the well to rear entrance to the adjacent property to the north. Emergency / service accesses open up onto the side and rear alley from the premises and those adjacent.

The site is located within the defined urban area. The site is not within a conservation area, however is located close to the boundaries with the Rochdale Town Centre and Town Head Conservation Areas. There are several non-designated heritage assets close to the site, including the White Hart public House, and the adjoining run of shops to the east (102 to 114 Yorkshire Street) as well as 87 to 89 Yorkshire Street on the north side of Yorkshire Street. The site is approximately 50m south east of the Grade II listed Reed Hotel.

PROPOSAL

The proposal seeks to convert two floors of vacant storage space ancillary to retail use (Class E) to eight flats, and erect an upward roof extension with a Mansard roof design and dormer windows and doors. The size of the flats are provided below:

Unit 1: 1 bedroom, 41m²
Unit 2: 1 bedroom, 64m²
Unit 3: 1 bedroom, 43m²
Unit 4: 1 bedroom 42m²
Unit 5: 1 bedroom, 66m²
Unit 6: 1 bedroom, 44m²
Unit 7: 1 bedroom, 45m²
Unit 8: 2 bedroom, 76m²

The flats would be split between three flats at both first and second floor, and two flats at third floor/ roof level. The proposals would enlarge existing window openings and propose new windows across all elevations. A dormer window design and balcony area is proposed at third floor/roof level for the occupants of units 7 and 8.

A communal entrance will be provided to Yorkshire Street on the right hand side of the building beside the retained retail unit. A basement level is located on the building to the rear but is not part of the conversion. It is not certain, but it is understood this remains part of the retail unit lease.

A new bin store is proposed in the side alley along the side elevation to serve the residential units and retail unit.

Material finish to the third floor extension is proposed for finish in a hung tile cladding material with a mansard roof design. The elevations will be marginally set back from the parapet of the existing flat roof.

Value Added

This application is a resubmission of a previously refused application. The proposal shows clear differences to the previously refused application, in relation to the design of the proposed upward extension.

Extensive advice was offered by the LPA to the applicant during the course of this current application with various drafts submitted, in relation to design matters and particularly with regard to residential amenity. It was suggested the mansard roof design was removed and the scope of eight flats were reduced to enhance the residential amenity of occupants. The plans to be determined were submitted by the agent to the case officer on 18/10/2023. The only difference in these plans to the originally submitted plans, relate to the location of the bin store.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

21/01522/FUL - Change of use of first and second floors from commercial to residential and construction of third floor for residential (8 units in total, Use Class C3) – Refusal 13/05/2022

CONSULTATION RESPONSES

Conservation And Design

The application site is a three storey building, which is located on Yorkshire Street.

The existing building is red brick with a flat roof and uniform square openings along the upper floors. The ground floor of the building is used for retail. At three storeys, the existing building is one of the tallest within this part of Yorkshire Street, comparable to the Yorkshire Street elevation of the now closed Wheatsheaf Shopping Centre.

The site is not within a conservation area and is not in itself of any architectural or historic merit. However, it is located close to the boundaries with the Rochdale Town Centre and Town Head Conservation Areas. There are also several non-designated heritage assets close to the site, including the White Hart public House, and the adjoining run of shops to the east (102 to 114 Yorkshire Street) as well as 87 to 89 Yorkshire Street on the north side of Yorkshire Street.

Given the proximity to the Conservation Areas, any development on the site has the potential to impact on their setting. Any development also has the potential to impact on the setting of the nearby non-designated heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Conservation Areas are designated heritage assets for the purposes of NPPF chapter 16. Any harm to the significance of designated heritage assets requires clear and convincing justification. NPPF paragraph 202 states that where a development proposal would 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.

NPPF paragraph 203 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement should be had, having regard to the scale of any harm and the significance of the heritage asset.

As noted above, the existing building is not of any particular architectural or historic merit. Its flat roof form and massing at third storey is at odds with the prevailing development, which largely comprise more traditional narrow forms, with dual pitched roofs.

As a result of its incongruous form, height and poor quality shop front and signage, it is considered that the existing building has a slight negative impact on the setting of the Conservation Area.

This planning application follows on from a previously refused scheme for the conversion of the building and the construction of an additional storey (21/01522/FUL refers). This scheme was refused for four reasons; one of which being the impact on designated and non-designated heritage assets.

Following on from this refusal, the applicant has revised their proposal. They now propose to convert the existing building into 6 residential units. The design of the upwards extension has now been revised to a mansard roof. 3D elevations have been provided, which show the buildings immediately adjoining and an area of the Wheatsheaf building which is to the rear. The Wheatsheaf buildings along Yorkshire Street are not shown.

The extended building is shown to be the same height, as the Wheatsheaf buildings to the rear. However, this part of Wheatsheaf is set back from the road and set behind the buildings along Yorkshire Street. As a result, this part of the former shopping centre does not play a prominent role in the streetscene along Yorkshire Street. This would not be the case with the proposal, which fronts directly onto Yorkshire Street and as a result of the upwards extension would be significantly taller than its immediate neighbours and would be an incongruous and intrusive feature in the streetscene.

As it stands, the building is a feature looking along Yorkshire Street, towards both the Rochdale Town Centre and Townhead Conservation Areas. However, it is not overly prominent in views into these Conservation Areas.

The proposed scheme would change this. The increased height and subsequent bulk at four storeys, the nominal set back and the use of cladding would markedly increase the prominence of the building, in views along Yorkshire Street. It would be an intrusive feature, which would detract from the setting of both the Rochdale Town Centre and Townhead Conservation Areas.

Overall, the level of harm to the significance of these Conservation Areas would be less than substantial. There would not appear to be any public benefits which would outweigh this harm. It would conflict with the requirements of NPPF paragraph 202.

The proposed development would neither preserve nor enhance the character and appearance of either the Town Head or Rochdale Town Centre Conservation Areas. It would not meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed development would be visible in some views of 87 to 89 Yorkshire Street. The increased height of the development site, combined with the poor design and incongruous material palette would detract some attention away from this NDHA. The overall level of harm would be relatively minor, however nevertheless this harm is not considered to be adequately mitigated or justified.

Given the position of the application site in relation to 102 – 114 Yorkshire Street, views of these NDHAs and their significance are unlikely to be affected by the development.

Env Health - Noise/Odours

No comments received to date

Highways And Engineering

29/06/2023 - First response

As with the previous application for this building Highways main concern is refuse collection and its impact on the highway network.

From the submitted plans it would appear that there is both internal and external bin storage. The internal bin storage seems to require a new opening onto Yorkshire

Street and appears not to be directly accessible or convenient for residents and it is unclear how these bins would be managed for collection. As shown on the submitted plans the development would require 4 large paladin type bins and if these were left out on the highway they would obstruct pedestrian access on Yorkshire Street.

The external bin storage is included within the site edged red and would therefore indicate that this would be a permanent arrangement. The area identified is on the side access which was formerly known as Acker Street and is likely to have some highway status. The enclosure of the highway may require a formal closure which and if this is the case the closure should have been included within the application.

As the site is within the town centre the lack of parking provision should not be an issue.

The development should not have any impact on road safety on the wider highway network.

At this stage Highways are unlikely to support this application because of the issues with refuse collection highlighted above.

05/10/2023 – Following submission of draft plans showing 4 flats, and amendments to bin storage

'I have doubts over the practicalities of the proposed arrangement. Could we ask for a Servicing Management Plan to ensure that the long term storage of bins on Acker Street and Yorkshire Street is not an issue.'

05/12/2023 – Following agents email to determine application on plans submitted 18/10/2023

The increase in apartments will obviously have a substantial increase on servicing demand and bin storage requirements

The bin storage area identified on the amended plans would not seem to have the capacity to accommodate the amount of refuse generated by the all of the proposed uses within the development.. Additional apartments also raise concerns on how the bins and the storage area would be managed not only on collection days but on a permanent basis hence our previous request for a SMP.

We have concerns in relation to its ease of access for all of the users within the building especially the ease of access for the residential use In practical terms the majority of apartments are remote from the bins and the isolated access from Yorkshire Street may mean that the bins are not likely to be used in their proposed location. We would suggest that the bins are likely to be stored either on Acker Street or Yorkshire Street which would raise an objection from Highways and we cannot support the latest proposals.

REPRESENTATIONS

The application was publicised by way of neighbour notification, site notice and press notice. No representations were received.

ANALYSIS

The application site is within the Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

Policy C2 of the Rochdale Core Strategy states the Council will focus on regeneration and delivery of new homes, specifically in Rochdale town centre, where the council will maximise opportunities for new residential development in and around the town centre. Additionally, Policy C1 states in the south of the borough the council will 'deliver a majority of new homes to reflect its accessibility to the core of the city region, and the opportunities that exist for new housing' and this will be done by 'deliver new homes in regeneration areas ... and focus new housing in or close to key economic growth corridors/ areas and town centres'.

Accordingly, subject to an assessment of other development management requirements, the principle of development of the proposed change of use is acceptable and in accordance with Policy C2 of the adopted Core Strategy and the National Planning Policy Framework.

Heritage

When making a decision on a planning application for development that affects a listed building or its setting, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities 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.

The 1990 Act also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This duty goes beyond just decisions on permissions and applies to the exercise by the local authority in all of its functions under the planning acts.

NPPF paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Rochdale CS policy P2 seeks to protect the borough's heritage by conserving, enhancing and promoting key heritage assets, which include listed buildings and conservation areas.

The building location is with a group of individual commercial buildings with an alley to its southern side elevation, the grouping wrapped around the Wheatsheaf Centre (closed) on the south side of Yorkshire Street. No one building dominates the streetscene which presents as the hill begins to crest to the east of the building. Similar commercial buildings are found north of Yorkshire Street, but the feel is more open through the number of side streets. West and south the Exchange Centre buildings are substantially larger as a group, but its position downhill removes the prominence visually at the location of the site.

The proposal seeks to add an additional storey repeating the flat roof with the storey nominally set back from the existing façade. The additional storey, facilitated through a mansard design roof, would be clad in a hung tile. The upwards roof extension would not be subservient to the original building, would be an incongruous and intrusive addition within the streetscene and would detract from the setting of the Rochdale Town Centre and Townhead Conservation Areas. The extension would

change the building from appearing not overly prominent when looking towards both Conservation Areas, to appearing overly prominent to appearing out of scale within its context when viewed along Yorkshire Street.

A minor level of harm is identified to the non-designated heritage asset of 87-89 Yorkshire Street, however this harm has not been adequately mitigated or justified.

The harm to the significance of the identified heritage assets would be considered less than substantial, and would neither preserve nor enhance the character and appearance of either the Town Head or Rochdale Town Centre Conservation Areas. It would not meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

Paragraph 130 of the NPPF states *'Planning policies and decisions should ensure that developments: f) 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'*

The Council's 'Guidelines & Standards for Residential Development SPD' in Section 4.10 discusses Changes of Use.

'When considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants. For example, residential uses may not be appropriate in certain commercial areas or above hot food take away shops as future residents could suffer from noise and smells nuisance or disturbance from activity late into the evening and early morning and this could affect the operations of the existing businesses.'

In relation to the proposed flats, the proposal would convert the existing first and second floors and would extend habitable space to roof level. No bedspaces are indicated on plans however square metre measurements are noted.

With reference to the Technical Housing Standards document (2016), 2 of the 7 one bedroom flats would meet the space standards size for 2 persons, with 4 of those 7 suitable for only one bedspace. Unit 8, the two bedroom flat, would be suitable for up to 4 bedspaces. All of the bedrooms are at least 2.15m² in width and have an area of at least 7.5m², and therefore accord with guidance for at least one bedspace per room. In the instance this application would be approved, it would be requested the number of bedspaces be indicated on plans in order to provide certainty regarding sizes.

Section 4.1 of the Council's Guideline's and Standards for Residential Development SPD states

'Although it is expected that most new development will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings. The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

(ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);'

In relation to the proposed outlook of the flats, concerns are raised

Proposed Units 2 and 5, with windows to front elevation at first and second floor are generally considered acceptable in providing an outlook that is not unexpected in a town centre location, i.e. some foreshortening of views and lack of visual interest in places, no overlooking (or unacceptable so) and windows should receive adequate daylight, however no assessment is provided to quantify daylight levels in habitable rooms.

However, Units 1, 3, 4, 6 7 and 8, would suffer from a poor level of outlook or amenity to at least one habitable room considered to have inadequate outlook and receipt of daylight, leading to insufficient natural daylight penetrating into rooms. This result in unacceptably poor residential amenity, even allowing for a town centre location and relevant expectations. Specific to Unit 7, the scale of the Wheatsheaf building behind the application site would mean the bedroom and balcony of Unit 7, faces directly out onto a roofslope. Unit 1 and 4 would suffer a worse degree of amenity, given all windows in the south eastern corner of the building would be in darkness as a result of its location.

It is also noted that that lounge / dining in Units 2 and 5 have very deep plan and a single window to front. It is likely both will be gloomy in the deeper recess of the room requiring artificial light for a good deal of the daytime. Unit 3 and 6 would have outlook facing directly onto the side elevation of No 82 Yorkshire Street, 4.5m away. Given the setback of these side elevation windows from the streetscene, it is unlikely an adequate level of daylight would be achieved throughout the day for a high standard of living.

The cause of the unacceptable amenity is the combination of the narrow alleys to rear and south side elevations and that the opposing view in both cases is to a large expanse of blank brick wall. Unattractive to view, oppressive by proximity and considered too high so that it effectively blocks sunlight penetration to floors one and two except when the sun is directly overhead for limited times of the day and year in summer months only.

Other aspects of residential amenity related to noise / odours / fumes that can accompany town centre locations for flats is considered to be acceptable through use of acoustic attenuation of glazing and potential use of mechanical ventilation / purge options. These matters were not discussed with the applicant but in the instance of approval, could be evidenced / secured through relevant planning condition(s).

In conclusion, the proposal fails to provide a high level of amenity, by reason of adequate light and outlook, for the occupants of the proposed flats. This is contrary to objectives in Policies P3 and DM1, SPD Guidelines and Standards for Residential Development' (June 2016), and policies contained within the NPPF.

Waste storage

Policy DM1 of the Core Strategy states *'all development proposals will be expected to demonstrate that they: [...] (e) Provide satisfactory vehicular access with adequate*

parking, manoeuvring and servicing arrangements taking into account of the proposed use and location'

The proposals includes provision of a bin storage area internally accessed via the communal entrance to the property.

The increase in apartments will obviously have a substantial increase on servicing demand and bin storage requirements. The Council's Highways department were consulted on the proposals has raised objection on concern that the proposed bin storage area would not have capacity to accommodate the amount of refuse created by the 8 proposed flats. Additionally, concerns are raised on how this bin storage would be managed both on collection days but also a permanent basis, particularly in relation to their ease of access given a separate access door from Yorkshire Street. Highways therefore are of the view the proposed bins would result in being stored on Acker Street or Yorkshire Street which they are unable to support.

It is considered the bin storage proposed would likely be inadequate for the size of the development and no alternative space has been explored which would result in an acceptable arrangement.

As a result, the proposal fails to meet requirements in respect of waste storage and directly contrary to Policy DM1 (e) of the Core Strategy and the NPPF.

Access

The site's location within the town centre this is undoubtedly a highly sustainable location accessible from a wide variety on non-car modes. No car parking is proposed or sought.

Cycle parking is proposed and highways have provided no comment on this element of the proposals. In relation to proposed vehicle parking and cycle parking only, the proposal is considered acceptable.

Permitted development

As highlighted within the previous refusal, 21/01522/FUL recognition has been given that there are permitted development rights associated in the reuse of upper floors / buildings from commercial to residential use, i.e. Schedule 2, Part 20, Class AA – *new dwellinghouses on detached buildings in commercial or mixed use* (SI 2020/755). This includes additional floors to commercial buildings. However, those rights have their own requirements and conditions, including a prior approval process which requires a decision to be reached having regard to variety of matters set out under Conditions AA.2.(1) (a) to (j). This includes (e) the external appearance of the building with focus on principal elevation and other elevation to highway; (f) availability of natural light to all habitable rooms; (g) amenity to adjacent existing premises; (h) noise from commercial premises and (i) whether the use would impinge on other trade and activities in the area.

The applicant is not seeking prior approval. But had it done so the same issues under (e) and (f) found unacceptable in this application would apply.

RECOMMENDATION: Refuse

1. The proposed development through its poor quality design, appearance and use of incongruous materials to the proposed third floor extension will lead to unacceptable harm to the appearance of the building and street scene, including less than substantial harm to matters of heritage importance relating

to the setting and views to and from the adjacent Town Centre and Town Head Conservation Areas and other non-designated heritage assets. No public benefits have been identified that would outweigh this harm. The proposal is therefore contrary to policies P1, P2 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The proposed development will result in residential accommodation at first and second floors with habitable rooms on rear and southern side elevations that have severely limited outlook and will receive limited amounts of natural daylight by reason of close proximity to adjacent commercial buildings, that would have a detrimental impact upon on the residential amenity of future occupants of the flats that they would reasonably expect to enjoy, by way of overbearing impact, visual intrusion and loss of light, contrary to policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.
3. The proposed development does not provide adequate provision of bin storage to meet the needs of the future residential uses by reason of its access, size of storage proposed and number of bins required. The proposal is therefore considered likely to have an unacceptable impact on the highway by bins being stored on Acker Street or Yorkshire Street. No Servicing Management Plan has been submitted which would alleviate these concerns. The development is therefore contrary to policies G9 and DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans to the extent required. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development.

Notes for Applicant:

None

Report Author Rosalind Gralton