

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01260/FUL

CASE OFFICER

Majid Mir

DETERMINATION DATE 15.01.2024 EXT OF TIME 21/06/2024

Address: 296 Yorkshire Street Rochdale OL16 2DR

Proposal: Change of use and conversion of dwelling to retail unit (Use Class E) on ground floor and one self-contained flat (Use Class C3) at first and second floors, including installation of shop front and part single storey part two storey rear extension (Resubmission of 22/00901/FUL)

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

DELEGATION	Significant departure from local plan?	Y	Contrary to national policy?	Y
	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/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 21 June 2024

SITE

The application relates to a two-storey mid terrace residential property constructed of red brick positioned towards the corner of Yorkshire Street and Edward Street. The neighbouring end terrace property at No. 298 is 3 storeys high and consists of a retail shop at ground floor level. The property has a two storey outrigger to the rear and a large yard area. Parking for approximately 2 vehicles can be provided on the hardstanding to the rear with access taken off Back Bradshaw Street.

The dwelling is positioned outside the local centre of Yorkshire Street to the east.

PROPOSAL

This proposal seeks permission for the change of use and conversion of the ground floor of 296 Yorkshire Street from residential use to a retail shop and the creation of one self-contained residential unit over first and second floors (second floor within the roof). A new glazed shopfront including access is proposed along the front elevation whilst the existing single-storey outrigger would be demolished and replaced by a part two-storey / part single-storey extension that would extend almost the full width of the property and having a combined projection of 5.2m (2-storey 2.9m).

In regards to the proposed flat, it would be accessed via the existing external door site to the front of the property. An internal bin store is proposed on the ground floor and accessed from the hallway. At first floor level the application proposes a lounge / kitchen, bathroom and bedroom with ensuite, and a second bedroom is proposed on the second floor.

Two off-street parking spaces at the rear are proposed.

There have been multiple applications that relate to the site recently (21/00589/FUL, 22/00051/FUL and 22/00901/FUL). All sought planning permission to create a self-contained flat on the upper floors and a retail unit on the ground floor. The previous applications have all been refused planning permission.

The key differences to refused application 21/00589/FUL are:

- One flat over two upper floors instead of two flats,
- Provision of two rear parking spaces, and
- Amendment to rear extension design, reduced projection of 2-storey element.

In regards to application 22/00051 and 22/00901/FUL, the application proposals are identical with the only difference in submission being the accompanying Sequential Assessments

The applicant sought to appeal 22/00901/FUL but were unable to provide a valid appeal submission within the relevant time limit and as such the Inspectorate turned away the appeal. The current application is identical in form and has provided only the same documentation as the applicant wished to appeal should the determination remain a refusal.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P1	Sustainable Places
JP-J1	Supporting Long-Term Economic Growth
JP-J4	Industry and Warehousing Development
JP-S4	Flood Risk and the Water Environment
JP-C8	Transport Requirements of New Development
JP-S1	Sustainable Development
JP-H1	Scale, Distribution and Phasing of New Housing Development
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing

Adopted Rochdale Core Strategy (CS):

DM1	General Development Requirements
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
E1	Establishing thriving town, district and local centres
C1	Delivering the right amount of housing in the right place
C3	Delivering the Right Type of Housing
G9	Reducing the impact of pollution
T2	Improving Accessibility
Appendix 5	Schedule of Parking Standards

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centres
S6	District Centre, Local Centres and Linear Commercial Areas

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

05/D46247 – Construction Of Additional Storey To Existing Dwelling Including First And Single Storey Rear Extensions. Erection Of Rear Boundary Wall And Gate Posts To Form Garage. Decision: Refused.

21/00589/FUL – Change of use and conversion of dwelling to retail unit on ground floor and two self-contained flats at first and second floors including two storey rear extension and installation of shop front. Decision: Refused. Reason for refusal:

- 1. The application site is located outside of a local centre and the applicant has failed to undertake a sequential assessment to demonstrate that there are not any sequentially preferable sites available. The proposed retail use would*

therefore have a harmful impact on the vitality and viability of the nearby Yorkshire Street local centre. It would conflict with Policy E1 of Rochdale's Core Strategy, the town centre first approach set out in paragraph 86 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance.

- 2. The proposed residential unit (bedsit) at first floor level would not result in a satisfactory standard of amenity for the future occupiers. The proposed unit would not offer a sufficient standard of amenity for the future occupiers due to the substandard floor space which does not meet the minimum requirements of the 'Technical Housing Standards - Nationally Described Space Standards'. As such the application is considered to be contrary to the relevant parts of Policy DM1 of the Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the requirements of the National Planning Policy Framework.*
- 3. By reason of its siting, size and design, the proposed extension to rear would result in an undue loss of amenity for the neighbouring occupiers of No's 294 and 298 Yorkshire Street due to a loss of light and outlook from the first floor windows and an overbearing impact on the rear outdoor amenity space. As such, the proposed development would fail to accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.*
- 4. The applicant has provided no dedicated parking for the proposal. As a result of the inadequate provision of off-street parking, the proposed development would significantly increase the instances of hazardous parking and congestion and be detrimental to both highway safety and the living conditions of nearby residents, contrary to Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework*

22/00051/FUL – Change of use and conversion of dwelling to retail unit on ground floor and one self contained flat at first and second floors including installation of shop front and two storey/single storey rear extension - Resubmission of 21/00589/FUL. Decision: Refused. Reason for refusal:

- 1. The application site is located outside of a local centre and the applicant has failed to undertake a suitable sequential assessment to demonstrate that there are not any sequentially preferable sites available. The proposed retail use would therefore have a harmful impact on the vitality and viability of the nearby Yorkshire Street local centre. It would conflict with Policy E1 of Rochdale's Core Strategy, the town centre first approach set out in paragraph 86 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance.*

22/00901/FUL - Change of use and conversion of dwelling to retail unit (Use Class E) on ground floor and one self-contained flat (Use Class C3) at first and second floors, including installation of shop front and part single storey part two storey rear extension - Resubmission of 21/00589/FUL. Reason for refusal:

- 1. The application site is located within an out-of-centre location and the applicant's sequential assessment has failed to demonstrate that there are not any sequentially preferable sites available. The proposed out-of-centre retail use would therefore have a harmful impact on the vitality and viability of the nearby local centres. It would conflict with Policy E1 of Rochdale's Core*

Strategy, the town centre first approach set out in paragraph 86 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance.

CONSULTATION RESPONSES

Highways And Engineering

There have been a number of similar application for change of use of the existing property and Highways have consistently raised concerns in regard to parking provision and the impact the retail proposal would have on existing on street parking and therefore road safety.

The submitted application form indicates that there would be no additional parking provision as part of the development proposals so Highways stance on this application is unchanged. The existing parking provision on Yorkshire Street and Edward Street is already oversubscribed and any additional on street parking either from customers or staff of the proposed retail unit would impact on road safety around the adjacent junction. Additional on street parking around this location would also impact on existing residential parking provision and therefore residential amenity.

As on street parking space is very limited around the proposed retail premises we have concerns in regards to servicing such as deliveries or collections and where this will take place. Larger service vehicles will have difficulty servicing from Edward Street because of double parking around the junction which increases the potential of servicing from Yorkshire Street. As there is no available space in the existing parking bays it is likely that service vehicle will double park which would obstruct the carriageway. Yorkshire Street is a classified road, part of the Councils strategic highway network and traffic sensitive. This double parking would interrupt the free flow of traffic and have a detrimental impact on road safety and highways capacity.

In conclusion Highways cannot support this application for the reasons outlined above.

Env Health - Noise/Odours

No comments received to date

GM Fire Service

No comments received to date

REPRESENTATIONS

Letters of notification were sent to neighbouring properties and a site notice was placed in the vicinity of the site. One letter of objection received, raising the following concerns:

- Concern too many commercial properties on Yorkshire Street are vacant. 40% are vacant.
- One more building has just been turned into a takeout/restaurant and does not seem to be doing well.
- Change of use from residential area into a commercial area will impact on noise. Already impacted by noise by busy road.
- Proposed will lead to increase in traffic and cause more accidents on Yorkshire Street, which is already congested. Noted that there had been another accident in the last few months.
- Parking is limited. Addition of commercial property reduce parking spaces for residents.

- Extension will impact on light entering habitable rooms of neighbouring property. Already receives limited light due to neighbouring property.

Officer comments: Relevant elements of the comments have been discussed in the analysis section of the report.

ANALYSIS

Material Change

The application is the same as the previous planning application (22/00901/FUL) which was refused planning permission. Since the determination of the application, the Places for Everyone Joint Development Plan (PfE) was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. It is not considered this has any significant bearing on the application proposals.

Principle of development

The application site is located in an area designated as the 'Defined Urban Area' in Rochdale Borough Council's UDP Proposals Map. This is a general policy which seeks to ensure that new development is concentrated within the urban area in order to support urban regeneration and protect the countryside. The application site is located just outside of the Yorkshire Street Local Centre but is otherwise unallocated.

The house is already in residential use as 2-bedroom dwelling with a lounge, dining room and kitchen, plus attic storage space. The proposed residential unit will be smaller and provide less flexibility for likely occupants. However, there is no net loss of a residential unit and it remains an appropriate use and in keeping with the surrounding area. It is therefore consider that there is no conflict to Core Strategy (CS) Policy C3.

The other element is the creation of a retail unit outside of a local centre to which CS Policy E1 is the most pertinent development plan policy in respect of assessing the principle of the proposed retail development.

Amongst other matters CS Policy E1 seeks to promote the viability and vitality of the borough's town centres. This supports a town centre first approach to encourage a vibrant economy and meet the day to day needs of the borough's residents. It also requires the application of a sequential approach for main town centre uses where the application site is not in an existing centre. Additionally, paragraph 91 of the National Planning Policy Framework (NPPF) also states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

CS Policy E1 also only supports the provision of small scale shops and services to meet local needs outside centres where;

- i. They are in a location that is not, or will not be, reasonably served by an existing or proposed centre or local shop;
- ii. There are no suitably vacant shops nearby; and
- iii. They will be accessible to local residents/workers on foot.

Paragraph 91 of the NPPF also requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraph 92 of the NPPF sets out the following:

'Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

Before going on to state at paragraph 95:

'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused'.

The Planning Practice Guidance (PPG) provides additional guidance on the implementation of the sequential test through plan-making and decision-taking. Of key importance to the application proposals it sets out the following in paragraph 011 (Reference ID: 2b-011-20190722):

'Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.'

The application is supported by the same sequential assessment as provided with the previous refusal. The information contained within is now significantly out of date and no further updated assessment has been undertaken to consider whether sequentially preferable sites are available at the time of the current application. For this reason the Sequential Assessment is clearly unacceptable for its intended purpose, even before detailed consideration. Nonetheless the officer's assessment previously made on this report under 22/00901/FUL is summarised below.

The amended sequential assessment considered the Yorkshire Street Local Centre, Halifax Road Local Centre, and Whitworth Street Local Centre. These three centres were considered with the sequential test provided for planning application 22/00901/FUL. The scope of the assessment area was considered proportionate to the proposals and was accepted.

Nevertheless, it is considered that the submitted sequential assessment has not been carried out in accordance with local and national policy and guidance, and fails to adequately demonstrate the sequential test has been passed.

The applicant has stated within the sequential assessment that the unit would likely come forward for convenience retail however no occupier has been identified. The applicant has set out its requirements which include an existing building, capable of comfortable conversion, car parking spaces, outside area for refuse storage, location on an accessible road with footfall traffic, and provision of between 45-55 square meters of ground floor retail space.

The planning officer for planning application 22/00901/FUL stated the following in regards to the sequential test:

"The criteria used for the applicant's selection process is not considered to be in accordance with national policy and guidance which requires flexibility on format and scale. This is particularly relevant given the proposal is for a speculative

convenience retail store with no occupier requirements. The requirement for car parking for a convenience retail unit of this scale is not considered necessary and demonstrates no flexibility on format. It is entirely typical of similar scale and located convenience retail units to operate successfully within local centres without onsite dedicated parking. Similarly the need for an existing building would expressly preclude any vacant land within local centres which could be capable of accommodating such a unit. Finally, and importantly, the flexibility of scale presented allows for a range of just 10sqm. Given the proposal is not for any identified occupier, and is based on a floorplan which shows a back-of-house kitchen and WC as being larger than the sales floor area, this requirement is considered overly rigid and unjustified. This again fails to meet the NPPF and PPG requirements to have regard for flexibility in format and scale.

Whilst the officers have reservations, as set out later in this report, as to whether all potentially suitable sites have been identified, the submitted assessment identifies 3 units. The first two of these are discounted and are considered by the council to be less suitable sites than the application site. The third site relates to 105 Halifax Road lying on the same A58 road as the application site just 8 minutes' walk from the site but within the Halifax Road Local Centre.

The assessment discounts 105 Halifax Road on the basis of car parking, servicing, and scale. As previously set out, the scale of unit proposed and speculative nature of the application is not considered to show a clear requirement for dedicated car parking spaces. Nonetheless, road-side car parking bays are situated to the front of the property whilst car parking also appears to be provided to the rear of the property off Athol Street. The ability to service the property would not be notably different from the application site so it is unclear how this makes the site unsuitable, particularly given other sites along the same local centres will be serviced presently. Finally, 105 Halifax Road is discounted on account of its size despite no information being provided on the size of this unit. As previously highlighted, the rigidity applied to the scale of proposal is not considered in accordance with national policy and guidance. Fundamentally, the commercial element of the application proposal is broadly for a small unit capable of providing convenience retail in an accessible area with a significant footfall and residential catchment. It is unclear how the site of 105 Halifax Road does not conform to this description. It is therefore considered that this site has been discounted without sufficient justification.

Overall it is clear that the applicant's assessment of the sequential test has taken an approach which has failed to appropriately and proportionately consider flexibility with regards to format and scale. The requirements set out in their assessment have clearly been put forward to rigidly represent the property which is already in the ownership of the applicant. This does not protect the vitality or viability of local centres and would not meet the requirements of the NPPF, PPG or the CS policy E1."

It was noted in the received objection that there were a significant number of commercial properties within the Yorkshire Street Local Centre that are vacant. In the previous application, the planning officer undertook site visits (during the morning and evening) and found that there did appear to be approximately 15 or so commercial properties that were closed during parts of the morning and evening. A further site visit has been undertaken for this application. The site visits were undertaken in the morning and the evening like the previous site visits. It was found that there were approximately 9 or so commercial properties that were closed during the morning and evening. It is

noted that there appears to be some units that have changed names/businesses. Whilst there may be other reasons why these properties were closed and they may not necessarily be vacant, there is evidence of what appeared to be longer term vacancy and at least one 'to let' sign and two others that were clearly vacant.

The submitted report has carried out a desk based assessment but there are no details to show these properties which can be seen in the local area have been considered and if they have, why they are not been considered viable options. It is considered that the assessment does not contain sufficient information on alternative sites within the Yorkshire Street Local Centre which could be capable of accommodating the development.

Overall the submission is entirely out of date, fundamentally flawed in its approach and methodology, and unable to demonstrate the proposals compliance with the sequential test as required by local and national planning policy. The proposal would result in unnecessary further sprawling of retail use outside of the centre and would be detrimental to its vitality and viability.

Design and appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. Additionally Policy P3 of the adopted Core Strategy requires buildings to contribute positively to the townscape. 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 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. Paragraphs 135 also states that developments should be sympathetic to local character, including the surrounding built environment

The design of the proposed shopfront and the rear extension are the same as the previous application. The officer considered that the proposal in relation to design was acceptable. There has been no material change in policy since the adoption of the PfE that would make the design of the proposed development unacceptable. As such it is considered that the design of the proposal is acceptable and would accord with policies DM1 and P3 of the Core Strategy, PfE, SPD and the NPPF.

Amenity - Living conditions

Policy DM1 of the Core Strategy sets out a number of basic planning considerations that apply to all development. Further to this, paragraph 135 of the NPPF advises that 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. Additionally, paragraph 191 of the NPPF states that 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.

There were concerns in regards to the excessive projection of the rear extension, with the planning officer for application 22/00901/FUL noting that the scale of the proposed extension exceeds the standards set out in section 5 Guidelines & Standards for Residential Development SPD. However, the planning officer for application 22/00051/FUL stated that there were mitigating factors that needed to be considered. In regards to the proposed 2-storey element, the depth was only marginally in excess of the limit (0.23m). In regards to the single-storey element of the extension, it was less than the existing depth and the existing outrigger exceeded the guidance. As such it is considered that the depth of the proposed extension is acceptable.

The planning officer for application 22/00901/FUL concluded that on balance, the proposal would not unduly impact on residential amenity of existing and future occupiers of neighbouring properties or the living standards of the host property.

There has been no material change in policy since the adoption of the PfE that would make the proposed development unacceptable in terms of impact on the amenity of the neighbouring properties or the occupiers of the application property. As such, the proposed development though not in accordance with SPD guidance, is found that on this occasion the proposal to be acceptable in regards to policy DM1 of the Core Strategy, PfE, SPD and the NPPF.

Noise

Policies DM1 and G9 of the adopted Rochdale 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.

No response has been received from Environment Health (noise).

The proposed hours of operation for the retail element have not been provided, however a condition can be attached to limit the hours of opening so that these would not be at anti-social times. This would also ensure that no significant level of noise and disturbance would be caused to the future occupiers of the self-contained flats, by comings and goings of customers at times when it would reasonably expect a degree of peace and quiet. Furthermore, given the existing retail unit at No.298 and the noise levels already created from the busy Yorkshire Street and nearby local centre, it is not considered that the activities associated with the proposal would be significantly more harmful than those generated from the existing uses.

No details of any plant has been provided. A planning condition can be added to approve detail of any plant installed in connection with the retail unit to protect the amenity of existing and proposed residents.

As such, subject to the addition of the relevant conditions, it is considered that the proposal would accord with policies DM1 and G9 of the adopted Core Strategy and the NPPF.

Highways

With any application for new development it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established 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 of the Core Strategy 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. Development proposals are required to satisfy the Council's accessibility hierarchy and in all circumstances, 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.

Policy JP-C7 of the PfE, states that we will support development that makes appropriate provision for deliveries and servicing in terms of road safety, traffic congestion and environmental impacts, in accordance with Policy JP-C8.

Paragraph 115 of the 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'.

Highways department have raised concerns in regards to the parking arrangements and servicing of the proposed retail shop, and the potential impact on local parking capacity and highway safety. However, it is noted that this objection was not raised in a previous application (22/00051/FUL). The site plan shows that there would be two parking spaces accessed off Back Bradshaw Street. It was noted by the officer in a previous application (22/00051/FUL), that this arrangement was not necessarily ideal, but other properties set precedent. It was concluded that subject to a condition to keep parking space free from obstruction (i.e. goods, products, materials, refuse) at any time, the proposal would accord with policy T1 and DM1. Furthermore, it was noted that the applicant property is located within a sustainable location in terms of accessibility to local shops, services and facilities and it is located on a public transport corridor and in walking distance of the town centre.

As such, subject to the addition of the relevant conditions, it is considered that the proposal would accord with policies T1 and DM1 of the adopted Core Strategy, PfE and the NPPF.

RECOMMENDATION

Refuse planning permission for the following reason:

1. The application site is located within an out-of-centre location and the applicant's sequential assessment has failed to demonstrate that there are not any sequentially preferable sites available. The proposed out-of-centre retail use would therefore have a harmful impact on the vitality and viability of the nearby local centres. It would conflict with Policy E1 of Rochdale's Core Strategy, the town centre first approach set out in paragraph 86 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process and advise of document requirements however the required information to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area were not provided.

Notes for Applicant:

INFORMATIVE:

1. For the avoidance of doubt, this Decision Notice relates to the following drawings:-

Site location plan

Existing & proposed block plans. Drawing number: 20.2343.2B

Existing details. Drawing number: 20.2343.1A

Scheme 2. Drawing number: 20.2343.SC3.1A

Scheme 3 – proposed elevations. Drawing number: 20.2343.SC3.2B