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|-----------------------------------------|-------------------------------------------------------|
| <b>Application Number:</b>              | 24/00232/HOUS                                         |
| <b>Location:</b>                        | Prince House, 39 Rochdale Road, Middleton M24 2PT     |
| <b>Proposal:</b>                        | Proposed dropped kerb to the front of listed building |
| <b>Applicant:</b>                       | Mr H Ali                                              |
| <b>Case Officer:</b>                    | Bob Melling                                           |
| <b>DETERMINATION DATE</b><br>29.05.2024 | <b>EXT OF TIME</b>                                    |
| <b>RECOMMENDATION:</b>                  | <b>Refuse</b>                                         |

|                   |                                               |          |
|-------------------|-----------------------------------------------|----------|
| <b>DELEGATION</b> | <b>Applicant a Council Member or officer?</b> | <b>N</b> |
|                   | <b>Contrary to previous decision?</b>         | <b>N</b> |
|                   | <b>Called in or Planning Panel objection?</b> | <b>N</b> |

|                 |                                          |          |
|-----------------|------------------------------------------|----------|
| <b>COMMENTS</b> | <b>Planning Panel comments received?</b> | <b>N</b> |
|                 | <b>Neighbour comments received?</b>      | <b>Y</b> |

|                   |                                                                             |            |
|-------------------|-----------------------------------------------------------------------------|------------|
| <b>CONDITIONS</b> | <b>Pre-commencement conditions proposed?</b>                                | <b>N</b>   |
|                   | <b>Pre-commencement conditions agreed (or notification period expired)?</b> | <b>N/A</b> |

### **Location**

The application relates to the Grade II listed 39 Rochdale Road in Middleton. The adjoined pair of semi-detached dwellings were designed by renowned local architect Edgar Wood and erected in 1892. The site is also located within the Middleton Town Centre Conservation Area.

Historically, vehicular access was provided to the rear, accessed through a gated alleyway off Cleworth Road. However, an unauthorised vehicular access has been created to the front of the property, where there is an existing bus stop.

### **Description of Proposal**

Permission is sought for a dropped kerb to serve the existing, unauthorised vehicular access to the front of the host property.

### **Relevant History**

N/A

### **Township/Member comments**

N/A

## **Consultee responses**

### **Transport For Greater Manchester**

The site visit was undertaken and it was determined there is no safe alternative location for the bus stop, as such the proposal for a dropped kerb to facilitate a driveway would result in the removal of the bus stop.

The TfGM Shelters has confirmed that they would not support the removal of the bus stop for the proposed dropped kerb.

### **Highways And Engineering**

The applicant has without consent created a vehicular access onto the highway at a location in direct conflict with the existing Bus Stop.

This proposal is a safety issue placing vehicles in conflict with pedestrians using the bus stop and should be removed.

The kerb height at this location should be maintained to ensure people with mobility impairments can access buses stopping at this location. Dropping the kerb would make the bus stop unusable for people with mobility impairments.

We do not consent to this work on the highway.

Cost for the repairs of any damage to the location apparent by crossing the footway at this location will be passed to the residents.

The use of this point as an access is a road safety issue and dropping the kerb would be contrary to our approach to ensuring mobility for all persons using this bus stop.

The applicant should investigate use of historic parking to the rear of their property.

We object to this proposal on Road Safety grounds.

### **Conservation And Design**

I have no comments to make on the dropped kerb as the works are to the highway only.

## **Representations**

Letters of notification were sent to surrounding neighbours, a site notice posted in the vicinity and an advertisement published in the local newspaper. Six letters of support have been submitted, five of which are from the application property.

The letters outline that the proposal will prioritise accessibility and safety for everyone in the neighbourhood.

## **Policy**

### **National**

National Planning Policy Framework (NPPF) – December 2023  
National Planning Practice Guidance (NPPG)

### **Sub-Regional**

## Places for Everyone Joint Development Plan (PfE)

### Local

#### Saved Rochdale Unitary Development Plan (UDP) 2006:

**G/D/1** Defined Urban Area

#### Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19<sup>th</sup> October 2016. The following policies are relevant:

**DM1** General Development Requirements  
**T2** Improving Accessibility

Supplementary Planning Documents (SPD): Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016).

### Amendments

N/A

### Assessment

**Design:** DM1 and P3

The proposed works are to the highway only and therefore no concerns are had regarding design.

**Amenity:** DM1 and SPD

The proposed works are to the highway only and therefore no concerns are had regarding amenity.

**Highways and Parking:** DM1 and T2

Paragraph 115 of the NPPF states. *“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.”*

There is an existing bus stop in place which extends across the length of the current vehicular gap in the boundary wall. The kerb height in this location enables pedestrians with impaired mobility to access and egress buses from this stop.

Consultation has been carried out with Transport for Greater Manchester (TfGM) who have responsibility for this bus stop. TfGM have confirmed that there is no safe alternative location for the bus stop, as such the proposal would result in the removal of the bus stop. On this basis, TfGM have objected to the proposal.

The Highways Authority have also objected to the proposal on highway safety grounds. The proposal would place vehicles in conflict with pedestrians using the bus stop. Moreover, it would make the bus stop unusable for people with impaired mobility.

It is acknowledged that the work has already been carried out to install the vehicular access, however this does not benefit from planning permission.

Therefore, the proposal would place vehicles in conflict with pedestrians using the existing bus stop in front of the site, resulting in an unacceptable impact on highway safety. Moreover, it would unacceptably harm the usability of the bus stop for people with impaired mobility. As such, the proposal fails to comply with policies T2 and DM1 of the Core Strategy and paragraph 115 of the NPPF.

#### Other considerations

The proposed dropped kerb would be associated with the unauthorised vehicular access which has been created in the front boundary wall of the Grade II listed 39 Rochdale Road. These works have been passed onto the Council's Planning Enforcement Team for investigation.

#### **Recommendation: Refuse**

1. The proposed dropped kerb would have an unacceptable impact on the usability of the existing bus stop to the front of the application property for people with impaired mobility. No safe alternative location for the bus stop has been identified and the proposal would result in the loss of the existing bus stop. In addition, the proposal would place vehicles in conflict with people using the bus stop. The proposal would be detrimental to highway safety and pedestrian accessibility, contrary to policies DM1 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.

#### **Article 35 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.

|                         | <b>Date</b> | <b>Officer</b> |
|-------------------------|-------------|----------------|
| <b>Report Completed</b> | 20/05/2024  | Signed: BM     |
| <b>Authorisation</b>    | 29/05/2024  | Signed: RK     |