APPLICATION NUMBER: 22/00527/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00527/FUL	Majid Mir	13 July 2022

Address: Land Opposite 17 Water Street, Rochdale OL16 1TL

Proposal: Use of land to form vehicle parking area - Resubmission of 21/01170/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?	N

EIA	**Screening opinion completed and saved to Onbase?**	N

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**Grant subject to conditions**

CHECKED AND SIGNED OFF BY: AT **DATE: 15.07.2022**

SITE

The application relates to a plot of land sited on Water Street. The land is located on the opposite side of 9 to 17 Water Street. There are a number of car parks located on the southern side of Water Street.

Robinson Street is to the south of the site and links Water Street and Kenion Street. Robinson Street has restricted access for only pedestrians. Additionally, the level of the street climbs upwards as you travel from Water Street towards Kenion Street. The grade II listed Waterside House and Rochdale Town Centre Conservation Area are located to the west of the site.

The site is currently unused with overgrown vegetation.

PROPOSAL

The proposal seeks to clear out the existing overgrown vegetation and to use the land as for car parking. A retaining wall and railing would be constructed along the boundary to the south.

Permeable block work

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
DM1 General development requirements
G6 Enhancing Green Infrastructure
G7 Enhancing the value of biodiversity and geodiversity
G9 Reducing the impact of pollution
E2 Increasing jobs and prosperity
E3 Focusing on economic growth corridors and areas

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EC/3 Mixed Employment Zones

RELEVANT SITE HISTORY

93/D29366	Landscaping And Associated Works. Decision: Approved.
21/01170/FUL	Use of land to form vehicle parking area for 4 cars. Application withdrawn.

CONSULTATION RESPONSES

Tree Officer
No comments received to date

Gtr Manchester Ecology Unit
The following comments have not altered from those submitted in 2021 for 21/01170/FUL, as follows: -

Thank you for consulting the Greater Manchester Ecology Unit on the above application. I have considered the submitted information and have no specific comments to make on this application.

As with most planning applications the following general advice applies:
• Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.
• Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.
• Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application. In this case I would recommend that additional planting of locally native species occurs as part of the scheme. This can be secured via condition.

Cadent Gas Limited (National Grid)
No comments received to date

Highways And Engineering
We have no objections to this proposal.

Whilst the layout is not ideal it can operate safely.

Water Street is often a relatively quiet road compared to other town centre roads.

The business making use of this area will not generate an abundance of vehicle movements for this staff parking area.

The applicant should be advised to reverse into the area and enter the highway in a forward gear.

The applicant should be advised to not overfill the car park or overhang the footway.

REPRESENTATIONS

Letters of notification and site notice was placed in the vicinity of the site. No representations have been received.

ANALYSIS

Principle of Development

The site falls within the defined urban area, as set out under saved UDP policy G/D/1, which seeks to ensure that new development, wherever possible and appropriate, is concentrated within the urban area in order to support urban regeneration and to protect the countryside. The site is currently undeveloped which includes overgrown vegetation.

Along the south side of Water Street from Molesworth Street to Drake Street, there are numerous car parks. Access to these car parks is from Water Street. The use of the land as car parking area would be the same as what is found on a large proportion of the land on the south side of Water Street.

The site is located on the periphery of Rochdale Town Centre and within the Mixed Employment Zone (EC/3 of the UDP). Owing to the size and layout of the site, it is of limited use and would only be possible to be used as parking space or greenspace. The site would allow for the use of the land for the purpose of parking vehicles but for a small number.

In light of the above, the proposed development is acceptable in principle, subject to considerations identified below.

Visual Amenity

The NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Developments should be visually attractive, as a result of good architecture, layout and appropriate and effective landscaping, should be sympathetic to local character and history and should establish or maintain a strong sense of place, using the arrangements of street, spaces and buildings to create attractive, welcoming places.

Further to the above, Policy P3 of the adopted Core Strategy requires all new developments, including associated landscaping, regardless of location in the borough, by adhering to high standards of design and enhancing the boroughs identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape and materials. Policy P2 of the Council's adopted Core Strategy requires development to protect and enhance character, landscape and heritage.

The proposed development would see a retaining wall constructed to the rear from blockwork and a railing constructed for safety purposes. The use of stone for the retaining wall would have been preferable, however, on balance the proposed alterations to the site would have minimal visual amenity impact and on the character of the surrounding area and buildings. Furthermore, the clearance and use of the land would bring an unkempt plot of land into use. Details of the proposed railings and retaining wall have not been provided, as such it is considered appropriate to add a condition requiring these details to be provided.

As such the proposal would be acceptable and would accord with policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity

Paragraph 185 of the NPPF also 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. Paragraph 130 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. 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.

Considering the siting and size of the proposed development, it is considered that the proposal would not cause any substantive harm to nearby occupiers. As such it is considered that the proposal not unduly impact on the amenity of the occupants of neighbouring properties and would be in accordance with policies DM1, G9, the SPD 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'. Whilst Paragraph 111 of the NPPF 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'.

Though the layout of the site is not ideal, the highways department have raised no objections to the proposal, noting that Water Street is relatively quiet road and the use of the proposed car parking area would not generate an abundance of vehicle movements. The highways department have requested that the applicant is advised that vehicles should reverse into the area and enter the highway in a forward gear. Additionally, highways department have advised that the car park area should not be overfilled and vehicles should not overhang the footway. An informative is considered appropriate.

It is therefore considered that the proposal would not result in undue harm to highway safety and would comply with policies T2 and DM1 of the Core Strategy.

Ecology

Policy G7 of the Core Strategy states aims to protect and enhance the borough's wildlife habitats and species and key natural resources and features. Policy G7 states that no development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain.

The Ecology consultee has requested the applicant is advised that if any protected species are identified when undertaking work, ecological advice should be sought. Additionally, the ecology department has requested the addition of two conditions; The first relates to the safeguarding the habitats of nesting bird by avoiding work being undertaken during bid nesting season unless suitable checks for active birds nest has been undertaken. It is noted that no ecology survey was provided with the application form, and as such it is unknown if there are any nesting birds on the site or any other protected species for that matter. To safeguard protected species, it is considered appropriate to add a condition requiring development is restricted during nesting season, unless suitable checks have been undertaken to ensure there are no nesting birds. The second condition relates to biodiversity enhancement. The

proposed development would risk the potential loss of biodiversity. As such it is considered appropriate to add a condition requiring a native landscape planting scheme.

With the addition of the conditions, the proposed development is considered to accord with policy G7 of the Core Strategy and the NPPF.

RECOMMENDATION

1. The development must be begun not later than three years beginning with the date of this permission.

   Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:

   - Vehicle Parking Area, Proposed Plan & Sections. Drawing no: dwg-tjba-nk law-17 water st-290520. Revision: P3

   and the development shall be carried out in accordance with these drawings hereby approved.

   Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of the retaining wall and railings have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

   Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

   (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

   (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced

within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped and to ensure biodiversity net gain in accordance with policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

   Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

2. Vehicles should reverse into the area and enter the highway in a forward gear. Additionally, the car park area should not be overfilled and vehicles should not overhang the footway.

Report Author Majid Mir