APPLICATION NUMBER: 19/01253/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01253/FUL	Mubeen Patel	24 November 2020

Address: Adjacent 13 Exeter Street Rochdale OL11 1JN

Proposal: Erection of 8no 4 bedroom dwellings

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

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/A

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

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: EH **DATE: 26 November 2020**

SITE

The application relates to a former garage site that lies between Durham Street and Exeter Street in Rochdale. In the period since the last authorised use of the land, it was used for some time as an informal builder's yard without the benefit of planning

permission. The application site area lies between the end terrace properties Nos. 13 and 15 Exeter Street and Nos. 22 and 34 Durham Street. The area is predominantly characterised by dense rows of traditional red brick terraced dwellings, with the ground floor units of those at 34-42 Durham Street being occupied by retail uses at ground floor level. The terraced row of dwellings at Nos. 13-23 Exeter Street is of modern construction but based largely on the traditional form. Exeter Street forms part of a one way system for vehicular traffic, with the flow funning from east to west.

PROPOSAL

Planning permission is sought for the erection of two terrace blocks consisting of four dwellings in the traditional form, with three storey flat roof outriggers to the rear of each property. The dwellings would be set back from the highway edge by approximately 4.8m and would include small single storey lean to entrance porches. Each dwelling would comprise four bedrooms including two in each roof space, a lounge, living/dining area, kitchen and bathroom.

Construction materials would be brickwork with stone/stone effect lintels and cills and grey concrete tiles. Small outdoor amenity spaces would be provided to the rear with one off street parking space provided to the front of each dwelling, 8 in total.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

The following policies of the adopted Rochdale Core Strategy are relevant:-

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**
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements
SD1	Delivering sustainable development

Saved Unitary Development Plan (UDP) policies:

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/1 Defined Urban Area

EM/7 Development and Flood Risk
EM/8 Protection of Surface and Groundwater

Supplementary Planning Documents (SPD):
Guidelines and Standards for Residential Development (June 2016).
Milkstone, Deeplish and Newbold (September 2010)

RELEVANT SITE HISTORY

19/00183/FUL	Erection of 4no' five bedroom dwellings - Resubmission of 18/01251/FUL – Refused, 21 May 2019 Reason: No dedicated off-street parking would be provided to serve the development in a densely populated inner urban area which already suffers from the impacts of a high level of on-street parking. The Council's Highways Officer has objected to the proposed development on highway safety grounds based on an assessment of the accident records which indicate that there have been four accidents associated with children emerging from behind parked cars at this location since 2009. The records indicate that there is an existing road safety issue in the area caused by on street parking and the insufficient parking provision proposed, along with the addition 4 x 5 bedroom properties, will exacerbate the existing situation and be likely to lead to more incidents at this location. As such it is considered that the proposed development does not provide adequate parking and would be detrimental to highway and pedestrian safety. The application is therefore contrary to Rochdale Core Strategy policies DM1, T2 and the National Planning Policy Framework.
18/01251/FUL	Erection of 4no' four bedroom dwellings. Withdrawn January 2019
07/D49610	8 terraced two and a half storey dwellings. Granted STC September 2007
04/D43793	Outline application for residential development. Granted STC August 2004
80/D11288	Change of use from garage site to builder's yard. Refused November 1980

CONSULTATION RESPONSES

Highways and Engineering –

26.10.2020

We have no objection to these proposals. This proposal will not generate any problematic volume of traffic. The applicant has provided 100% parking provision. This level of parking is not ideal but acceptable given the character of the local area and the close proximity to the Train Station. No changes are proposed to the Highways layout. We have no concerns regarding refuse collection. This proposal should not exacerbate any road safety issues in the area.

Should the applicant be granted consent we require a condition of planning that the footways fronting the development are reinstated upon completion with any damage to the surfacing being repaired. If necessary a dilapidation survey before development can be used to determine the current state of the footway.

16.11.2020

Durham Street and Exeter Street are both wide enough to allow access to the bays. Exeter Street will be tight with cars parked opposite but access should be possible.

Public Protection (Environment) –

Site Investigation and Assessment
Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination
ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be completed in full accordance with the approved recommendations.

United Utilities –

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Requests drainage conditions to be attached relating to the above advice.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, no observations have been received

Principle of Development

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

By virtue of the former use, the site constitutes previously developed land as per the definition of Annexe 2 of the National Planning Policy Framework. Policy C1 of the Rochdale Core Strategy seeks to maximise the potential of previously developed land, including empty homes and buildings, to contribute to the required deliverable five year supply of land for new homes. The same policy also seeks to ensure that sites for homes are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport. Policy C3 of the Core Strategy seeks to provide a range of housing types to meet different needs, and at densities that make efficient use of land. The Milkstone, Deeplish and Newbold Supplementary Planning Document (2010) seeks to encourage residential development in the area, including the provision of a greater mix of house types including larger homes.

On the basis that the proposal would make use of previously developed land and would make a valuable contribution to housing supply within the Borough, whilst being in a sustainable location within close proximity to local amenities and public transport facilities, it is considered that the principle of development is therefore acceptable in accordance with saved Policy G/D/1 of the Rochdale Unitary Development Plan, Strategic Policies C1, C3 and SD1 of the adopted Rochdale Core Strategy, the Milkstone, Deeplish and Newbold Supplementary Planning Document (2010) and the requirements of the National Planning Policy Framework in respect of housing supply and sustainability. However, the application is additionally subject to an assessment of matters such as amenity, highway safety and the environment to ensure its acceptability.

Layout, Design and Appearance

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. Policy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 127 of the Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

The immediate surrounding area is predominantly residential in character, with the prevailing form of residential development being dense rows of traditional red brick terraces, although there are pockets of more recent development but largely based on the traditional layout and form. The design of the proposed terraced dwellings in the street is considered important in defining the character of this particular street, and should be taken into account with any proposal on the site, with care taken to ensure that the application is compatible with these surroundings and reflects the existing character of the area.

The eaves height, window positioning and overall height and pitched roof design to the front of the proposed terraced blocks would be acceptable given each individual row of dwellings in the immediate vicinity is slightly different in appearance. However, it is considered, the lean to porch element would not match the appearance of neighbouring terraced rows and would appear out of character and harmful. It is considered that the alteration in design along the front elevations when compared to the simple form of terraces along these streets would appear alien to the street scene and would cause undue harm to visual amenity. On this basis, the design of the principal elevation is unacceptable along both street scenes.

Furthermore, the existing terraces along these streets constitute the presence of strong building lines. Therefore the proposed set back positioning of the proposed terraces from the highways, when taking account of the proximity of neighbouring buildings in the immediate vicinity of the site, and the contribution the straight linear building line makes to the overall character of the street scene, this would be compromised and therefore harm the character of the area.

Turning to the rear elevations, there would be two large three storey flat roof outriggers, each shared between two dwellings. These would be much larger in size than those of neighbouring terrace to the west and are therefore considered inappropriate in design. The insertion of large flat roofed outriggers that would take up a large portion of the roof would appear incongruous, prominent and visually intrusive. Whilst large rear flat roof dormer extensions do exist in the area, in this particular location it is considered that the presence of other, unsympathetic large flat roof constructions does not justify allowing another one, in addition these dormers are likely to have been constructed under Permitted Development. As a result the proposed rear outriggers are considered unacceptable in design and appearance. The outriggers would also constitute a large amount of brick on its rear facing elevations, and given the lack of openings would appear at odds and incongruous in appearance from side streets and when viewed from rear facing windows of neighbouring properties.

Given the above and when compared to the existing neighbouring properties, it is considered that the proposed dwellings to the rear would appear excessive in terms of their scale and would as such be overly dominant. The second storey design is considered to be unacceptable, contributing to the bulk and massing of the property, and would be wholly out of keeping with surrounding properties. The design of the property would be contrary to both local and national policy, not reflecting the identity of local surroundings and would be detrimental to the existing character and appearance of the area. The outriggers would introduce intrusive additions into the roof planes and would spoil the relatively uniform roofscape of the surrounding area. Also, they would not be well proportioned and would compound the already excessive density of the immediate area resulting in a cramped and visually intrusive form of development

Therefore, by reason of their design, layout scale, bulk and massing, the proposed dwellings would have a detrimental impact on the character and appearance of the street scene, be inappropriate in design and disproportionate in size. The proposed development fails to improve the character and quality of the area and is therefore contrary to policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' and the National Planning Policy Framework.

Impact on Residential Amenity

Paragraph 127 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users. Core Strategy policy DM1 sets out basic planning considerations that apply to development, including that proposals are compatible with surrounding land uses and do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. The Council's adopted SPD '*Guidelines and Standards for Residential Development'* (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Each dwelling would be served by a small but acceptably sized rear yard/garden area which would, in many cases, be larger than those in the immediate vicinity.

The habitable room windows in the front elevation of the terrace along Exeter Street would be approximately 16m from the corresponding habitable room windows in the facing front elevations of Nos. 20-24 Exeter Street. Whilst the distance from the habitable room windows of the terrace facing Durham Street would be approximately 20m to the mainly blank elevation of the industrial building opposite.

Whilst the separation distance of Exeter Street would be significantly below those required by the SPD, paragraph 4.3 states: '*Exceptions to these minimum space standards may be acceptable in some circumstances and applications will be considered on their individual merits. For example, where the character and density of the surrounding area would be best preserved by reduced distances and this would not detract from the general levels of privacy and amenity typical in the area, then exceptions may be made*.' Given that the immediate area is characterised by a tight building layout producing similar separation distances between neighbouring buildings it is considered that the window to window separation distances are typical of the surrounding area and as such an exception can be made in this instance. This can also be said of the relationship between the rear elevation main living/dining area and upper floor bedroom windows of the two terraces which would directly face each other at a distance of approximately 10m.

However, serious concern is raised with regards to the relationship between the bedroom windows in the side elevations of the outriggers which would directly face each other at a distance of approximately 4m. As such a significant degree of overlooking and loss of privacy is inevitable in to bedroom windows of neighbouring properties to detriment of future occupiers as the outriggers are in close proximity to each other.

Therefore, in respect of residential amenity, the application is considered to be unacceptable as a significant amount of overlooking and loss of privacy of the neighbouring habitable rooms would occur. As such the proposal is contrary to Policy DM1 of the adopted Rochdale Core Strategy, the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development', and the National Planning Policy Framework.

Highways, Parking and Accessibility

Core Strategy policy T2 states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Core Strategy policy DM1 requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Developments are required to provide parking in compliance with the Council's Car Parking Standards as set out in Appendix 5 of the adopted Rochdale Core Strategy, this is a maximum standard.

Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and 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 of the road network would be severe.

The site is accessible as it is within an existing densely built up area of inner Rochdale and within walking and cycling distance of the town centre, with good access to local public transport provision including Rochdale Railway Station and Metrolink Station. The local area provides a range of retail, leisure and community uses to benefit the local community so that the need to travel by private car for day to day needs is reduced in comparison to less dense suburban residential areas. As such, it is not considered that the level of vehicle movements a development of this size would generate would be problematic on the surrounding highway network.

The application provides one dedicated parking space per dwelling, eight in total. In assessing the impact of the proposals, consultation was carried out with the Council's Highways Officer who has raised no objection to the proposed development on road safety grounds. The Highways Officer notes that although the level of parking proposed is not ideal it is acceptable given the character of the local area and the close proximity of the dwellings to the Train Station. Both Durham Street and Exeter Street are wide enough to allow access to the parking spaces to the font of the dwellings.

No changes are proposed to the Highways layout and refuse collection would be similar to neighbouring dwellings.

Therefore, the proposed development would be located in a sustainable location and would provide a level of off-street parking and would not have a severe impact on the highway network and would be in accordance requirements of Core Strategy policies DM1 and T2, and with paragraph 109 of the NPPF.

Flood Risk and Drainage

Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year).

No detailed drainage proposals were submitted with the application and as such those details would therefore need to be secured through condition. Consultation with United Utilities has brought to light that a public sewer runs across the site which in the event of any subsequent approval would need to be addressed. Any future approved scheme would also need to ensure the drainage of the site via separate systems for foul and surface water and that a sustainable drainage system is installed in accordance with the NPPG hierarchy. Subject to a suitably worded condition in respect of the above, the requirements of Core Strategy policy G8, saved UDP policies EM/7 and EM/8 and the NPPF will have been met.

Land Contamination

The NPPF and Core Strategy Policy G9 state that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

Given the pollution-sensitive nature of residential uses, it is recommended that prior to commencement of any development a Phase I Report (Preliminary Risk Assessment) should be completed to assess the actual and/or potential contamination risks at the site. Where the Phase 1 Report identifies potential unacceptable risks, a suitable investigation, risk assessment and remedial action should be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

It is therefore concluded that, subject to appropriate conditions in respect of the above, the requirements of Policy G9 of the Core Strategy and the National Planning Policy Framework in relation to land contamination will have been satisfied.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development, by virtue of its design, layout, scale, bulk and massing, would result in visually intrusive, incongruous and poorly designed dwellings to the detriment of the character and appearance of the area. The front porch elements would be inappropriate in context, the proposed rear outriggers would have an inappropriate flat roof design, would not be well proportioned and would compound the already excessive density of the immediate area resulting in a cramped and visually intrusive form of development, whilst the setback positioning of the terraces from the highways would compromise and undermine the presence of strong building lines. Therefore, The proposed development fails to improve the character and quality of the area and is therefore contrary to policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' and the National Planning Policy Framework.

2. By reason of the positioning of the habitable room windows in the side elevations of the proposed outriggers which would result in bedroom windows directly facing each other at a distance of 4m, a significant amount of overlooking and loss of privacy would occur to the detriment of future occupiers. As such the proposal is contrary to Policy DM1 of the adopted Rochdale Core Strategy, the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development', 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:

INFORMATIVE:

For the avoidance of doubt, this decision notice relates to the following list of submitted plans / drawings:

- As Existing Location Plan
- As Proposed Site Layout
- As Existing Site Layout
- As Proposed Elevations
- As Proposed Floor and Roof Layout

Report Author Mubeen Patel