APPLICATION NUMBER: 19/00505/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00505/FUL	Mubeen Patel	18 July 2019

Address: 99 Yorkshire Street Rochdale OL16 1DW

Proposal: Change of use of first and second floors to form 3 flats (1no. 2 bedroom flat and 2no.studio flats) including installation of external staircase and first floor door opening to rear elevation following removal of air conditioning units and signage to rear elevation

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?**	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/a
	Neighbour comments received?	N

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

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

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT **DATE: 25.07.2019**

SITE

The application site relates to 99 Yorkshire Street which is a commercial premises currently unoccupied but previously in use as a Class A2 office for a Solicitors firm. The site is adjoined on either side by A1 retail shops and is built up to the footway of Yorkshire Street at the front elevation. Hardstanding is provided to the rear of the site adjoining the highway of Hunters Lane. The site is located in the Town Head Conservation Area and in Rochdale main town centre, as such the surrounding area is predominately commercial.

PROPOSAL

The application proposes to change the use of the first and second floor levels of the property into three residential units. The first floor would provide 1no. 2 bedroom flat (50m2) whilst the second floor would provide 2no.studio flats, (30m2 & 25m2). The proposal also includes the installation of an external staircase and insertion of a door opening at first floor level to the rear to provide separate access for the proposed residential units.

The 2-bed flat at first floor would provide bedrooms, lounge/kitchen and a bathroom whilst the studio flats would provide lounge/bedroom area with a separate shower room.
The existing air conditioning units and signage on the rear elevation of the property would be removed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Rochdale Core Strategy:

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

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
C3	Delivering the Right Type of Housing
G9	Reducing the impact of pollution
T2	Improving Accessibility

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
S/6	District Centres Local Centres and Linear Commercial Areas

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

RELEVANT SITE HISTORY

13/01136/ADV - One externally illuminated fascia sign on front elevation and one non-illuminated fascia sign on rear elevation - Approved

09/D52508 Change of Use from Retail (A1) to Office (A2) Use – Granted Subject to Conditions

09/A5809 Externally Illuminated Fascia Sign And Non - Illuminated Wall Mounted Sign - Resubmission A5797 - Granted

09/D5797 One Illuminated And Two Non-Illuminated Fascia Signs To Building - Refused

89/D23180 Satellite Receiver Dish – Granted Subject to Conditions

CONSULTATION RESPONSES

Highways and Engineering
Due to the Town Centre location I have no objection to this proposal.

Conservation and Design

99 Yorkshire is located within the Town Head Conservation Area. Whilst the property is shown on the Frist Edition O.S. Map it is evident that it has been largely overhauled during the late 20th century.

The change of use of the first and second floors to residential is considered to have a neutral impact on the designated heritage asset (NPPF, paragraph 192). The proposal will retain the external features as existing on the frontage of the property, again having a neutral impact on the designated heritage asset (NPPF, paragraph 192).

To conclude, there are no objections raised in relation to this proposal. The proposal will have a neutral impact upon the designated heritage asset (NPPF, paragraph 192).

Environmental Health (Noise)

The below are the required standard for residential, the applicant should supply appropriate documentation the development will comply with the below levels:

- 35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm
- 30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am
- 35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm
- 40dB(A) Leq (1 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

The building standards compliance may be sufficient to demonstrate the levels will be achieved, otherwise a noise survey may be required.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice displayed adjacent to the site, and a press notice published in the local newspaper. No observations have been received.

ANALYSIS

Principle of development

The residential units proposed would be located within the Main Rochdale Town Centre. Policy E1 of the Council Core Strategy is therefore relevant and which states 'We will focus retail leisure, cultural, office, residential and other development to promote the viability and vitality of the boroughs town centres'.

It is noted that the most relevant policy is C1 of the Core Strategy which promotes the potential of previously developed sites, including empty homes and buildings within the urban area to achieve a target of 80% of new housing of previously developed land; and to ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport.

Policy C3 of the core strategy is also relevant and its aims are to;

- Ensure new development provides housing types that take account of local needs and aspirations;
- Promote densities that make efficient use of land whilst delivering a range of housing to widen choice in the borough and reflect local character;

In respect of the above policies, the site is located in the town centre and the area is predominantly mixed-use retail/residential and therefore residential is considered as a complimentary use to the existing character of the area with good access and facilities. There is an aspiration to increase the number of residential properties in the town centre in line with government guidance.

In light of the above it is considered that the principle of providing residential accommodation is acceptable at the application site. Further material considerations are considered below.

Visual amenity and Impact on Conservation Area

Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Saved UDP Policy BE/17 only permits development that preserves or enhances the character and appearance of the conservation area.

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Paragraph 190 of the NPPF states that LPAs 'should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The NPPF at Paragraph 192 advises that when determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

The application site is located within the Town Head Conservation Area. Whilst the property is shown on the Frist Edition O.S. Map it is evident that it has been largely overhauled during the late 20th century.

The change of use of the first and second floors to residential is considered to have a neutral impact on the designated heritage asset (Conservation Area). The proposal will retain the external features as existing on the frontage of the property, and the external staircase and door opening would be on the less prominent rear elevation away from the main public vantage points between two large outriggers of the neighbouring properties. Subject to condition for further details of the materials, external finish, design and colour of the staircase and door to be submitted and approved, the proposed external changes on the visual appearance of the building are considered acceptable.

As such, it is not considered that the change of use and minimal external alterations would cause any harm to the character and significance of the building and Town Centre Conservation Area. In this regard, the proposal is considered to accord with paragraph 192 of the NPPF, in that it would put a portion of the heritage asset to a viable use.

Residential amenity

Policy DM1 of the Core Strategy sets out a number of basic planning considerations that apply to all development. Further to this, paragraph 127 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.

Policy G9 of the Core Strategy sets out that the Council will seek to reduce all forms of pollution by requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

The area is mixed use within the town centre, and the proposal would therefore be in keeping with existing land uses around the area. Paragraph 85 of the NPPF advises that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. Rochdale's adopted Core Strategy supports this approach and seeks to ensure that town centres are mixed and inclusive and provide good quality housing, to encourage a vibrant day and night time economy.

In respect of the residential amenity of the future occupiers of the flats, it the Council's SPD 'Guidelines and Standards for Residential Development' recommends

that a minimum separation distance of 21 metres should be provided between principal elevations of opposing dwellings and a distance of 14 metres between principal and secondary elevations. Where these separation distances cannot be achieved proposals should be "compatible with the density and character of surrounding development".

Assessing the proposal, there are no concerns regarding the distance to the rear of the building which would have an outlook onto a car park. However, the distance from the front elevation of the building to the buildings opposite would be approximately 14m. It is acknowledged that the development fails to achieve the separation distances recommended in the SPD, however it is noted that this is a town centre conversion and there is no opportunity to achieve increased distances. It is considered the future occupants of the residential units would be provided with adequate privacy, light and outlook given the nature of the surrounding area where buildings by their nature are set closer together. It is also noted that each habitable room within the building would be provided with natural light and ventilation, with an outlook onto Yorkshire Street or the car park to the rear of the property

Noting that the site lies within a busy town centre area and is surrounded by noise generating uses, it is considered that future occupiers would be likely to reasonably expect a degree of noise and disturbance living within this largely urban area. The Council's Public Protection (Noise) department have assessed the proposals particularly levels of amenity when considering the operations of the ground floor retail use and the external noise factors within this location. Public Protection (Noise) have recommended a condition to ensure the proposed residential accommodation is designed in a manner to achieve specified noise levels.

In respect of the internal space of future occupiers, the proposal includes provision of a flat at first floor level with two double bedrooms, each bedroom would provide 10.9sqm of floor space whilst the flat as a whole would provide 50sqm of space. Given the number of bed spaces provided the flat has the potential to provide accommodation for four people. With regard to the internal space of the proposed dwelling, the document 'Technical Housing Standards – Nationally Described Space Standards (2015)' offers guidance on the minimum amount of internal space to be made available in new dwellings. Whilst not formally adopted by the Council, the document provides an indication of the amount of internal space that is sufficient to provide a satisfactory standard of amenity to the future occupants of a dwelling. The guidance document suggests that at least 11.5msq of floor space should be provided for two bed spaces, whilst 70m^2 is the minimum gross internal floor area that would be satisfactory for a 2bed four person flat. In the case of the proposed flat, the bedroom spaces and the total internal floor area at 50sqm would be significantly below the minimum requirement of the nationally described space standards which is not considered to result in a satisfactory standard of amenity for the future occupants of this flat.

Similarly, in terms of the two studio flats proposed at second floor, each studio includes provision of a double bed, whilst the studio units would provide 25sqm and 30sqm of total floor space. Given the number of bed spaces proposed, each studio has the potential to provide accommodation for two people. The guidance document suggests that 50sqm is the minimum gross internal floor area that would be satisfactory for a 1bed two person flat. In the case of the proposed studios, the total internal floor areas proposed would also be significantly below the minimum requirement of the nationally described space standards which is not considered to result in a satisfactory standard of amenity for the future occupants.

Therefore, having regard to the above, although a satisfactory level of outlook, light, ventilation would be provided, it is considered that the proposed development would not result in a satisfactory standard of living space for the future occupiers. None of

the residential units proposed would offer a sufficient standard of amenity for the future occupiers due to the limited floor space which does not meet the minimum requirements of the 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.

Highway Safety

The site is located within the town centre and no dedicated parking spaces are proposed. Given the town centre location, future occupiers will have access to the bus station, metrolink and Rochdale Railway Station as well as public car parking areas, the site is therefore highly accessible. The highways officer has been consulted and does not raise any concerns. The application is as such acceptable and would accord with policies T1 and DM1 of the Core Strategy and the NPPF.

RECOMMENDATION - REFUSE

1. The proposed residential units would not result in a satisfactory standard of amenity for the future occupiers due to the substandard floor space of the units including inadequately sized bedrooms which do not meet the minimum requirements of the 'Technical Housing Standards - Nationally Described Space Standards'. As such the application is contrary to the relevant parts of Policy DM1 of the adopted Rochdale Core Strategy, the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) 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 / documents:

- Site Location Plan
- Existing and Proposed Block Plan
- Existing Details – Drawing Number 19.1992.1
- Scheme Details - Drawing Number 19.1992. SC1.1B

Notes for Applicant:

Report Author Mubeen Patel