**APPLICATION NUMBER: 21/00187/FUL**

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER | DATE |
|---|---|---|
| 21/00187/FUL | Jake Powell | 31/01/2023 |

**Address:** 12 South Parade, Rochdale, OL16 1LR

**Proposal:** Change of use from retail (Class E) to hot food takeaway and restaurant (Sui Generis) at ground and first floors, erection of first floor extension above existing single storey rear extension including installation of extraction flue and external staircase to provide access to proposed second floor self-contained flat - Resubmission of 20/00594/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 |

| | |
|---|---|
| **RECOMMENDATION** | **REFUSE** |

**CHECKED AND SIGNED OFF BY: AT** **DATE: 03.02.2023**

## SITE

The application site relates to the three storey No. 12 South Parade. It is one of a terrace of properties, which lie on a prominent corner on the junction of South Parade and Drake Street. The properties date from the early part of the 19th century and retained original features. They had been subject to a number of harmful alterations, including inappropriate windows, shopfronts and extensions. The property was targeted as part of the Heritage Action Zone and has received grant funding to reinstate historic features, including timber shopfront, windows and new roof, which have since been implemented.

The rear elevation of 12 South Parade backs onto properties along Fleece Street and is partially screened from public viewpoints by these buildings.

The site is within the boundaries of Rochdale Town Centre as well as the Rochdale Town Centre Conservation Area. No. 7 South Parade is a locally listed building (non-designated heritage asset).

## PROPOSAL

The application seeks retrospective permission for the change of use of the building, enabling the ground and first floors to be used as a takeaway/restaurant, with a new apartment to be created on the second floor.

No proposed hours of use are outlined.

As part of the works, a two storey pitched roof rear extension is proposed, along with a new flue and external staircase.

## RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

| | |
|---|---|
| **DM1** | **General development requirements** |
| **SO1** | **Delivering a more prosperous economy** |
| **E1** | Establishing thriving town, district and local centres |
| **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** |
| **P2** | Protecting and enhancing character, landscape and heritage |
| **P3** | Improving design of new development |
| **SO5** | **Improving accessibility and delivering sustainable transport** |
| **T2** | Improving accessibility |

Unitary Development Plan (UDP):

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

**G/S/1** **Hierarchy and Role of Centres** *Policy to be read in conjunction with CS Policy E1 until replaced by Site Allocations or other DPD.*

BE/17 New Development Affecting Conservation Areas *Policy to be read in conjunction with CS Policy P2 until replaced by Site Allocations or other DPD.*

Supplementary Planning Documents (SPD):

Guidelines & Standards for Hot Food Takeaway Uses' (April 2015, updated February 2017)

'Guidelines and Standards for Residential Development (June 2016).

Shop Fronts and Security Shutters Supplementary Planning Document (SPD)

## RELEVANT SITE HISTORY

| | |
|---|---|
| 22/01149/ADV | Assorted illuminated and non-illuminated fascia, hanging and awning signs (part retrospective). Grant subject to conditions. |
| 22/00519/DOC | Submission of details to comply with condition 3 (Colour Finishes) of planning permission 20/00817/FUL. Request Completed. |
| 20/00817/FUL | External repairs, re-roofing, new fenestration and traditional timber shopfronts to 12 properties within the town centre of Rochdale as part of the South Drake Street Heritage Action Zone. Granted . |
| 20/00594/FUL | Change of use from (Class E) retail premises to hot food takeaway and restaurant (Sui Generis) at ground and first floors, including installation of new shop front, erection of a first floor extension above existing single storey rear extension, install etc. Withdrawn. |
| 94/D31143 | Change Of Use From Retail To Office. Grant subject to conditions. |
| 85/D17576 | Conversion Of Part Of Existing Shop To Separate Shop Unit With New Shopfront. Grant. |

## CONSULTATION RESPONSES

**Environment Agency 22/11/2021**

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Consider how people will be kept safe from the identified flood hazards
- Consider how a range of flooding events (including extreme events) will affect people and property
- Take the impacts of climate change into account
- There is no assessment of the impact of climate change using appropriate climate change allowances (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances)

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

**Environment Agency 05/01/2023**

The report now identifies the fluvial flood risk associated with the existing and proposed development is potentially significant. When assessed against Environment Agency / Defra research Flood Risk Assessment Guidance for New Development (FD2320) there is likely to be a potential hazard rating of "danger to most" in relation to the occupants of the development if they attempt to access/egress the development during a flood event.

Section 5.1 of the report suggests there is no history of flooding to the location from the "Environment Agency's online records of historic flood events in the area". It is not clear what records have been consulted but the Environment Agency's data provided in appendix C clearly identifies that the location has recorded fluvial flooding on at least 2 occasions.

For this development, the safety of the occupants would be reliant on them receiving and acting upon flood warnings. Prior evacuation or containment within the upper levels of the development would be required to be considered safe. This is referred to in section 6.3. The FRA has not provided an emergency evacuation plan or identified what the duration of flooding is likely to be in an event, but at this location this is likely to be a matter of several hours rather than days. The LPA/emergency planners should consider this in relation to agreeing the details of any emergency evacuation plan.

We suggest that the LPA consults the emergency planners/ services, about whether 'safe' access/ egress can be achieved through a flood warning and evacuation plan. If you have any doubts you may wish to request this prior to determining the application or request one by condition on any approval.

Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

We have provided advice on the likely duration, depths, velocities, and flood hazard rating against the design flood event for the development proposals. This indicates that there could be a danger to most people.

The Planning Practice Guidance (paragraphs 044, 045, 047 and 048) to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

**Environmental Health**

This section has no objection in principle to the proposal, we would recommend a condition requiring the design details of the noise impact assessment are implemented in full, and upon completion validation testing is undertaken to ensure the following noise levels are being met within the residential property, whilst the food outlet is operational:

• 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.

We would also recommend that the hours of operation are restricted to:

Monday-Saturday 10:00-23:00
Sundays and bank holidays 10:00-22:00

**Conservation Officer**

12 South Parade lies within the Rochdale Town Centre Conservation Area. It is one of a terrace of properties, which lie on a prominent corner on the junction of South Parade and Drake Street. The properties date from the early part of the 19th century and retained original features. They had been subject to a number of harmful alterations, including inappropriate windows, shopfronts and extensions. The property was targeted as part of the Heritage Action Zone and has received grant funding to reinstate historic features, including timber shopfront, windows and new roof.

The restored properties along South Parade, including no. 12 make a positive contribution to the Rochdale Town Centre Conservation Area. The rear elevation of 12 South Parade backs onto properties along Fleece Street and is partially screened from public viewpoints by these buildings.

The proposal is for the change of use of the building, enabling the ground and first floors to be used as a takeaway/restaurant, with a new apartment to be created on the second floor. As part of the works, a two storey flat roof rear extension is proposed, along with a new flue and external staircase. Confusingly the existing elevations do not reflect the current appearance of the building. The new shopfront is not shown and the annotations refer to painted brickwork and roller shutters, which have been removed. The existing plans and proposed drawings need to be updated, as it is not entirely clear what works are proposed to the building. Similarly we do not appear to have any side elevations/sections. These also need to be provided.

The heritage statement is also unclear, as it refers to the building prior to the HAZ project works being carried out. This needs to be updated so that it reflects the building in its current state and properly details the works to be carried out.

The works to the rear include a new two storey flat roof extension replacing the existing single storey lean-to. The two storey extension would have a boxy appearance, which would relate poorly to the proportions and form of the host property. While it would not be readily visible from public viewpoints, the form and design of the extension would not reflect the high quality of design, expected within Conservation Areas. The roof form of this element should be reviewed and the staircase located internally within the extension.

The flue is a particular concern. It would be a large structure, which would extend above the eaves of the existing property and would be visible from public viewpoints. The heritage statement acknowledges that overall the proposal would result in less than substantial harm to the designated heritage asset, as a result of the insertion of a flue.

It states that this new flue is essential to enable the building to function as a takeaway, and for it to be brought back into use. The NPPF confirms that public benefits may include securing the optimum viable use for a heritage asset. However, there is nothing to indicate from the information provided that the current proposal would be the building's optimum viable use or that a flue of the size and scale currently proposed is essential to achieving this. Furthermore, the ground floor unit of the building appears to currently be in use and not vacant as indicated within the heritage statement? This needs to be clarified. If it is the case that the building is occupied, then the argument that there would be public benefits from bringing the building back into use would not apply.

As it stands the proposal would result in less than substantial harm to the designated heritage asset. This harm has not been adequately justified or mitigated. The public benefits identified to date would not outweigh this harm. It would conflict with NPPF paragraph 202 and Rochdale CS policy P2.

The proposal would not preserve or enhance the character and appearance of the Conservation Area and would not meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Highways**

As this development is within the defined town centre area and there are similar established uses within the same block Highways raise no objection to this application and request no specific highway conditions.

**Drainage**

I have reviewed the FRA submitted for this application. Taking a practical view, the extension makes no difference to the existing runoff from the site, nor is the roof large enough to warrant any drainage attenuation system. I don't see any need for a Drainage Condition to be imposed upon the Applicant. Because this shop is in Flood Zone 3, the owner should be signed up to the EA flood warning system, whether or not they have an extension.

**REPRESENTATIONS**

The application was publicised by way of neighbour notification letters, a site notice and press advert. No representations were received.

## ANALYSIS

### Principle of Development

*Restaurant/Takeaway*

The application site is allocated as Defined Urban Area under the Rochdale Unitary Development Plan. Saved policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

Paragraph 86 of the NPPF states that planning policies should be positive and promote competitive town centre environments. It states that Local Planning Authorities should, amongst others, promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Core Strategy policy E1 states that the Council will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough, further stating that the council will seek to protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non-A1 retail and retail uses within Primary and Secondary Shopping Frontages, although it is recognised that some non-retail uses would complement the shopping role of the Town Centre.

Policy C6 of the CS, relating to the improvement of health and wellbeing, sets out that the Council will not allow the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits.

The Council adopted a Supplementary Planning Document, '*Guidelines & Standards for Hot Food Takeaway*' and this therefore forms a significant material consideration in the determination of the application. The SPD relates to 'A5' use, however it is acknowledged that in light of the amendments to the Use Classes Order in September 2020, 'A5' is to be taken as 'Sui Generis' Hot Food Takeaways.

Considering the proposed use is both a restaurant/hot food takeaway within the Rochdale Town Centre, a highly sustainable location with a variety of uses, Officers are satisfied that the proposed use would be suitable, and therefore acceptable in principle.

*Residential*

Within the defined urban area the principle of residential use is acceptable and such a use would contribute towards meeting the Council's housing targets which are set out in policy C1 of the Core Strategy as 460 net additional dwellings per year. There should however still be assurances that the application comprises sustainable development and achieves an acceptable level of residential amenity whilst still protecting matters such as visual amenity and highway safety.

Policy E1 of the Rochdale Core Strategy states that the Council will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the Borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations. Specifically, the CS notes that town centres have the potential to play an important role in providing new quality housing in sustainable locations.

Paragraph 23 of the NPPF sets out that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

It is noted that the application would retain an active commercial frontage in the street scene within the town centre shopping area. The change of use to residential would be limited to the second floor, which was previously operated as commercial space. The NPPF and Core Strategy are both clear that residential development within existing centres is to be encouraged, where it does not explicitly damage the viability and vitality of the centre or detract from the provision of other employment space. It is therefore considered that the change of use of the second floor of the building from retail space to residential is acceptable in principle.

**Design and Impact on Heritage Assets**

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. 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.

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.

Paragraphs 126 and 130 of the National Planning Policy Framework (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, which is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

12 South Parade lies within the Rochdale Town Centre Conservation Area. It is one of a terrace of properties, which lie on a prominent corner on the junction of South Parade and Drake Street. The properties date from the early part of the 19th century and retained original features. They had been subject to a number of harmful alterations, including inappropriate windows, shopfronts and extensions. The property was targeted as part of the Heritage Action Zone and has received grant funding to reinstate historic features, including timber shopfront, windows and new

roof. The restored properties along South Parade, including no. 12 make a positive contribution to the Rochdale Town Centre Conservation Area.

It is noted that the proposed elevations indicate that the brickwork on the front elevation at first and second level is 'painted brown' however upon a site visit Officers note this is not the case. The provided plans therefore inaccurately represent the site, and therefore Officers cannot assess the impact of the proposed development.

Notwithstanding the inaccurate plans, the application has been amended to retain the historic shopfront implemented within the Heritage Action Zone scheme to the front of the property. By retaining this shopfront, Officers are largely satisfied that the proposal would have an acceptable impact on the character and appearance of the area and heritage assets in regards to the front elevation.

In regards to the rear, the application has been amended to propose a pitched roof two-storey extension to replace an existing single storey rear extension. The amended extension is now considered to relate well to the existing structure, sharing a similar roof form and avoiding a blocky appearance as previously proposed. Whilst it is not ideal that the staircase would external, considering the location of the back of the property is hidden from view by the properties along Fleece Street, Officers do not consider this to warrant refusal. The proposed extension and external staircase is therefore considered to have an acceptable impact on the site, and a neutral impact on the Rochdale Town Centre Conservation Area.

Finally, the application proposes a flue to the rear. This flue would be a large, unsightly addition to the building and as it would extend above the eaves of the existing property, and there are gaps in properties along Fleece Street, the flue would be viewable from public viewpoints. The provided heritage statement outlines that the proposed flue "may have a less than substantial impact on the Conservation Area", however that the location "will ensure it is not a prominent feature", and that "the public benefits of the change of use and continued occupation of the site would far outweigh the small harm".

Whilst the continued use of the site is beneficial, no evidence has been presented that the site was vacant, and therefore the justification for this flue holds little weight. Furthermore, the applicant makes reference to other flues within the vicinity, such as that at No. 13, however this flue was not granted permission and is unauthorised. Notwithstanding the inaccurate plans, by reason of its scale, design, and siting, the proposed flue would also have a detrimental impact on the character and appearance of the area, resulting in less than substantial harm to the Rochdale Town Centre Conservation Area. This harm has not been suitably justified and would not be outweighed by any public benefit.

As such, by reason of inaccurate plans, Officers are unable to assess the impact of the proposed development with regards to visual amenity and impact on heritage assets. Notwithstanding the inaccurate provided plans, by reason of the scale, design and siting of the proposed ventilation flue to the rear of the site, it would appear as an incongruous addition to the site, and Officers consider that the proposal would have an unacceptable impact on the character and appearance of the site, and would result in less than substantial harm to the Rochdale Town Centre Conservation Area, in conflict with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, in addition to the National Planning Policy Framework.

**Residential Amenity**

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 130 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.

*Noise and Disturbance*

These uses within this area are mixed at ground floor level, although are predominately Class E and Sui Generis. Many properties within this area above ground floor level are residential. The proposed conversion of the property to residential on the second floor, with a restaurant/takeaway below would share an acceptable relationship with neighbouring properties, and would not result in any significant increase in noise and disturbance. The Council's Guidelines and Standards for Hot Food Takeaway Uses Supplementary Planning Document (SPD) 2015 contains similar objectives.

However, the application has been reviewed by the councils Environmental Health Officer (Noise and Pollution) who raised some concerns with the proposal given the close proximity of the proposed residential unit to the proposed ventilation flue. To overcome these concerns, a condition is recommended requiring the design details of the noise impact assessment are implemented in full, and upon completion validation testing is undertaking to ensure the following noise levels are being met within the residential property, whilst the food outlet is operational:

• 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.

In regards to the proposed restaurant/takeaway use, the application does not propose any opening hours. In line with the recommendation of the Environmental Health Officer, Officers would consider it appropriate to attach a condition to the permission in the event of an approval to limit the hours of use of the restaurant/takeaway to the following:

Monday-Saturday: 10:00-23:00
Sundays and Bank Holidays: 10:00-22:00

With these conditions in mind, it is considered that the proposal would comply with Policies DM1 and G9 of the adopted Core Strategy and the Council's Hot Food Takeaway Uses SPD and the NPPF.

*Occupier Amenity*

The Nationally Described Space Standards is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for application across all tenures. Table 1 sets out the minimum gross internal floor area requirements for new dwellings, across varying number of bedrooms, occupants and floors.

Below is an extract from the Nationally Described Space Standards, which specifically details the Gross Internal Area requirements for new 1 bedroom apartments where one individual resides.

| **Number of bedrooms (b)** | **Number of bed spaces (persons)** | **1 storey dwellings** | **Built-in storage** |
|---|---|---|---|
| 1b | 1p | 39(37) | 1.0 |
| 1b | 2p | 50 | 1.5 |

In assessing this application, the table below sets out the GIA of each unit. It is noted that no details on the intended number of occupants have been submitted. However due to the sizing of the proposed unit, it is likely that each would accommodate one to two individuals.

| **Unit** | **No. of occupiers** | **Gross Internal Area ($M^2$)** | **Required GIA ($M^2$)** | **Difference ($M^2$)** |
|---|---|---|---|---|
| Residential Unit (1b1p) | 1 | 58 | 39 | +19 |
| Residential Unit (1b2p) | 2 | 58 | 50 | +8 |

Regardless of the number of occupiers, the proposed residential unit would meet the requirements of the Nationally Described Space Standards, in terms of overall floor space and room sizing and Officers therefore consider that in this regard the level occupier amenity would be satisfactory. The proposal would provide adequate light and outlook for all habitable rooms.

Additionally, whilst it is also noted that the proposal neglects to provide a suitable outdoor space for the occupiers to enjoy, this would on balance be acceptable as the proposal would not accommodate families, and there are locations within the vicinity that could provide a similar function.

However, significant concern is raised by the proposed access to the residential unit. Access to the residential unit would be via an alleyway adjacent beneath No. 17 Fleece Street. Whilst it is noted that this access is gated, Officers consider that this access is improper and unviable, resulting in an enclosing and overbearing impact on the future occupiers of the residential unit and would not result in a satisfactory standard of occupier amenity.

By reason of the proposed access, the proposal would not provide an acceptable level of amenity for future occupiers in conflict with policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

**Highways**

Policy T2 of the Core Strategy sets out that development and infrastructure 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 will have priority, while providing reliable journey times for those travelling through. Developments are required to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the CS.

The application site is in a sustainable area within the Rochdale Town Centre, and there are similar established uses within the vicinity. Therefore the proposed use of a restaurant/takeaway would be suitable at this location.

In regards to the proposed residential use, the site is located within a short distance to local amenities and public transport therefore the lack of proposed parking would not result in a detrimental impact to highway congestion. The Council's Highways Officer has been consulted on the application and has raised no objection to the proposal.

However, Officers note that no information has been provided with regards to bin storage and the proposed method of dealing with refuse collection for both the residential unit and the restaurant/takeaway. Whilst this lack of information in other permissions could be overcome by way of a suitably worded condition, considering the constraints of the site, particularly the limited rear space between the application site and properties at Fleece Street, in addition to improper access, Officers have significant concern.

For these reasons, it is considered that the applicant has failed to clearly indicate an acceptable refuse area and servicing arrangement, and therefore the proposal would fail to comply with Policy T2 of the adopted Rochdale Core Strategy.

**Drainage and Flood Risk**

Paragraph 155 of the NPPF 2018 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. 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 application site is location in Flood Zone 3. Rochdale Town Centre was flooded on Boxing Day in 2015 and flood risk is therefore a risk to future occupiers of the site.

The Environment Agency have been consulted and state that there is likely to be a potential hazard rating of "danger to most" in relation to the occupants of the development if they attempt to access/egress the development during a flood event." Furthermore, the safety of occupants would rely on them receiving and acting upon flood warnings, with prior evacuation or containment within the upper levels considered safe, especially noting that flood events are more likely to cover several hours rather than days.

Therefore, it is considered a relevant condition should be attached to any approval to ensure a Flood Evacuation Plan is in place for future occupants of the site, with those details to be agreed prior to occupation.

In light of the above, the FRA acknowledges the risks to future occupants of the proposed units. A relevant condition is recommended, stipulating the agreement of evacuation measures (which will include flood warning notifications) prior to occupation.

The application has also been reviewed by the Councils Drainage Officer, who raised no objection to the proposed development, and agreed with the recommendation of

the EA. Subject to this condition, the application therefore accords with the advice of Policy G8 of the adopted Core Strategy and the NPPF.

**RECOMMENDATION**

**REFUSED for the following reason(s):**

1. By reason of the scale, design and siting of the proposed ventilation flue, the proposal would have an unacceptable impact on the character and appearance of the area, and would result in less than substantial harm to the Rochdale Town Centre Conservation Area, which is not outweighed by public benefits. The proposal is therefore in conflict with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. By reason of the enclosed and overbearing access to the rear entrance of the second floor apartment, the proposal would not provide an acceptable level of amenity for future occupiers, in conflict with policy DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.

3. Due to the absence of appropriate arrangements for the storage of waste bins within the site, the proposed development would be likely to lead to bins being stored on the footway adjacent to Fleece Street, to the detriment of pedestrian safety and visual amenity. The proposed development is therefore contrary to policies P3, T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

**Procedure Statement**

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development.

**Notes for Applicant:**

For the avoidance of doubt, this decision relates to the following plans:
P01 A Existing plans
P02 B Proposed plans including location and site plan
P03 B Proposed Elevations and flue details

Report Author Jake Powell