

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00774/FUL	Claire Ringwood	2 nd May 2024

Address: 187 Yorkshire Street, Rochdale, OL12 0DS

Proposal: Change of use from office (E) to two retail units (E) at ground floor with alterations to form shop fronts including two self-contained flats at first floor and one self-contained dwelling (C3) at ground and first floor at side on Regent Street together with changes to fenestration

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/A
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 23 December 2024

SITE

The application site is a large two storey end of terrace building with a two storey rear gable that extends directly along the footpath with Regent Street. There is also a two storey building attached to the rear of the gable which is known as 22 Jermyn Street which contains two flats. The building is located on the corner of Yorkshire Street, Regent Street and Jermyn Street and is located within the Yorkshire Street Local Centre. The building is not in a Conservation Area and is not a Listed Building although it is designated a Non Designated Heritage Asset. The adjoining properties to the side are predominantly residential. The building is raised up from Yorkshire Street and accessed from external steps.

The submitted application form states the site has been vacant for 3 years and was used as offices by a firm of solicitors prior to this however, and officer site visit and images on Google StreetView show signage for a company called 'HomeCare' and more recently 'Learning Cubs' which has been confirmed by neighbouring residents.

The site is within a Defined Urban Area (UDP Policy G/D/1) and a Physical Regeneration Area (Policy G/R/1) along with being in a Local Centre (Policies G/S/1 and S/6). The site is also within an SSSI Impact Risk Zone, an Air Quality Management Area and a Key Route Network.

PROPOSAL

The application as submitted was for the change of use from offices (A2) to two retail units at ground floor and three self-contained flats at ground and first floor. The flats would comprise 2 bedrooms each. Two new shop fronts would be provided. Access into the flats would be from the front and rear yard of the site. A new access door will be created from the rear yard and two blocked up windows will be knocked through to create windows. Parking for one car is proposed to the rear along with bin storage. Opening hours of the proposed retail units would be 8am to 6pm each day.

The applicant's agent was informed of a number of concerns with the proposal on 1st March 2024 and advised that due to the level of amendments required, amended plans were not being invited and the application could be withdrawn or refused. The applicant's agent advised on the 1st March 2024 that they were out of the country for 12 days and would respond on their return. Officers requested an extension to the expiry date of the application on 4th March 2024 and chased the agent for an update on the 20th March 2024 to which the agent replied that amended plans were going to be submitted the following week. The agent was advised that amendments had not been invited but if they were, they would need to address all the points raised in the officer's original email of 1st March 2024.

The agent submitted amended plans on 8th April 2024. Officers considered these amendments and advised on 19th April 2024 that the amendments could not be accepted as the amendments were significantly different from the original submission. The amended plans included removing the proposed retail units on the ground floor and introducing two additional residential flats. This would require an additional fee and a full re-consultation. The agent was also advised that the loss of the ground floor to residential was contrary to policy. Saved UDP Policy S/6 states 'the conversion or redevelopment of vacant commercial premises to residential use will only be permitted in local centres that have a high overall vacancy rate and where it will assist regeneration.' It is clear that the premises has not been vacant for any period of time and the use of the ground floor for residential was not acceptable.

The agent was given until the 26th April 2024 to withdraw the application or the application would be refused on the original proposal as submitted. No further correspondence has been received from the applicant's agent and the decision has been taken to refuse the application on the original proposal.

PLANS AND DOCUMENTS SUBMITTED

Location Plan
Design & Access Statement
Received 18th July 2023

Drawing No: 2024/1 – Existing Basement and Second Floor Plan
Drawing No: 2024-2 – Existing Ground and First Floor Plan and Site Plan
Drawing No: 2024/3 – Existing Elevations
Drawing No: 2024/4 – Proposed Ground and First Floor Plan and Site Plan
Drawing No: 2024/5 – Proposed Elevations
Heritage Statement
Acoustic Survey and Assessment by Martin Environmental Solutions Ltd, Date: September 2023, Report No: 2580-1
Preliminary Roost Assessment by arbtech, Date: 17/11/2023, Status: Final, Issue 2.
Received 21st November 2023

Amended plans were submitted on 8th April 2024:
Drawing No: 2024/1 – Existing Basement and Second Floor Plan
Drawing No: 2024-2 – Existing Ground and First Floor Plan and Site Plan
Drawing No: 2024/3 – Existing Elevations
Drawing No: 2024/4 – Proposed Ground and First Floor Plan and Site Plan
Drawing No: 2024/5 – Proposed Elevations
Drawing No: 2024/6 – Proposed Elevations

RELEVANT SITE HISTORY

82/D13820 - Change Of Use Of Part Of Dwellinghouse To Shop. Approved.

88/D22061 - Continued Use Of Ground Floor Of Premises As A Shop Without Compliance With A Previous Condition Restricting The Use To West Street Baptist Church Community Trust. Approved 21/07/1988.

06/D47232 - Change Of Use From Dwelling To Shops And Office At Ground Floor And 4 Self Contained Flats To First Floor. Refused 22/06/2006.

06/D47746 - Change Of Use From Dwelling To Offices At Ground Floor Level And 3 Self Contained Flats Above - Resubmission D47232. Refused 21/11/2006.

07/D48581 - Change Of Use From Dwelling To Three Offices And One Self Contained Flat. Approved 22/03/2007.

13/00673/FUL - Change of use from office to restaurant at ground and first floor levels including alterations to front and site elevations. Refused 03/09/2013.

14/00025/FUL – Change of use from office to restaurant at ground and first floor levels including alterations to front and side elevations -resubmission of 13/00673. Refused 09/04/2014. Dismissed at appeal 16/12/2014.

18/00020/HOUS - Installation of three new ground floor window openings in side elevation. Withdrawn 02/03/2018.

CONSULTATION RESPONSES

Conservation Officer

The property has been identified as a non-designated heritage asset due to its architectural and historic interest.

The application site is a prominent two storey building on the corner of Regent Street and Yorkshire Street. The main frontage onto Yorkshire Street is faced with red brick laid in a Flemish bond, with stone quoins on the corner and stone banding. The windows have stone lintels and sills, while there is an attractive semi-circular brick arch above the doorway. The slate roof is hipped with a surviving chimney. The Regent Street elevation has unfortunately been covered with a cement based render, but the original openings and detailing around the doors remain, although they have been painted.

The building is depicted on the first edition OS map dating from 1851:



Rochdale Borough Council publishes its list of non-designated heritage assets on its website, as well as criteria for considering new assets. This includes buildings that are of historic interest, including where they appear on the first edition OS map. As the property was constructed prior to 1851 and retains a number of original features, it is of historic interest, meriting inclusion on the Council's list of non-designated heritage assets.

Additionally, the fine detailing and the use of Flemish bond indicates that the property and its owners were originally of some status. Likely dating from the early 19th century, it would have been constructed at a time when the town was prosperous as a result of the textile trade. The survival of existing features means that the building is also of architectural interest.

Given that it meets the criteria for assessment as a non-designated heritage asset, an updated heritage statement should be requested, so that the significance of the host building and the impact of the proposal can be properly considered.

The impact of a development on a non-designated heritage asset is a material planning consideration. A balanced judgment should be had, having regard to the significance of the asset, and the scale of any harm or loss (NPPF paragraph 209).

The proposal seeks to convert the ground floor of the existing building from offices into two retail units, while the upper floor would be converted into two flats. A third residential unit would be created on the ground and first floors, facing onto Regent Street. As part of the conversion works two new shopfronts would be created along the Yorkshire Street elevation, along with new steps.

There is no objection to the conversion of the building, and it is noted that it is currently vacant in part. Finding a sustainable use for the building would help to ensure its future. However, I do have concerns about the external alterations required as part of these works. In particular the insertion of new shopfronts would result in the loss of many of the historic features along the ground floor, including the window sills and lintels and the brickwork. The loss of these features and the insertion of two modern shopfronts would undermine the neat proportions of the existing front elevation to its detriment. The changes to the frontage would also reduce the legibility of the building's past as a residential property.

The changes to the front elevation would result in harm to the significance of the non-designated heritage asset. The level of harm is considered to be less than substantial. This is a material consideration in the planning balance.

If the officer is minded to grant planning permission despite the above concerns, large scale details of shopfronts should be required by condition. The shopfronts should be of a traditional design to replicate the existing building rather than the modern glazed shopfronts currently proposed. Details of windows and doors should also be required. These should be either timber or aluminium. The applicant should also be advised that advertisement consent would be required for new signage.

Greater Manchester Ecology Unit

The Bat Survey Report provided to inform the proposals has assessed the buildings to be developed as having the potential to support bats, but no actual bat emergence or activity surveys have been undertaken to confirm whether the buildings do actually support a bat roost. The preliminary survey was carried out in November, when bats are largely inactive and can be difficult to detect.

I would advise that further bat surveys are needed to inform the application. Surveys must be carried out at a suitable time of year when bats are most active (March to September inclusive) and by suitably qualified persons. All UK bats and their resting places carry a high level of legal protection.

Highways

Highways main concern regarding this application is how the retail elements would be serviced and the potential impact on road safety.

The application site is directly on a very busy junction of Regent Street and Yorkshire Street, which is a classified road, and is also on a signalised pedestrian crossing. To

the rear of the site is Jermyn Street which has a narrow carriageway and appears to be over-subscribed with on street parking. The site is therefore in a traffic sensitive location and the impact of additional servicing in this area is of concern.

The proposed retail development will generate a higher servicing demand than the existing use and our concern is that this servicing will take place either on Regent Street or Yorkshire Street. Parked service vehicles would obstruct movements around the junction or restrict visibility for both vehicles and pedestrians around the pedestrian crossing. Service vehicles parked on Jermyn Street would fully occupy the carriageway blocking any vehicular access along it.

Highways cannot support this application because the additional servicing of the development is likely to have a detrimental impact on road safety and the free flow of traffic on the strategic highway network.

Transport for Greater Manchester

TfGM have reviewed the supporting documentation for this application and have no comments in respect of the proposals.

Environmental Health (Noise)

We would have no objection in principle to the proposals. We would recommend a condition requiring the measures outlined in the submitted acoustic report are carried out units to ensure the following internal noise levels:

- 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

As the plant serving the retail units has not yet been determined I would suggest that prior to installation an addendum to the NIA is submitted to show compliance with the above condition.

Upon completion and prior to occupation validation testing is carried out.

Environmental Protection (Air)

No comments at the time of writing.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours. Six letters of representation have been received in regards to:

1. The proposed development does not provide sufficient parking to include the footfall from the proposed retail units which will result in a detriment to highway safety;

2. The building has not been vacant for 3 years as stated in the application form. The building has been occupied by Home Care for You as offices over the last few years and at the back of the property a constant stream of tenants resided there until its sale last year;
3. Currently it has 2 self-contained flats at the back (Jermyn Street entrance) with 2-4 residents living there since work was completed a few months ago and there is a sign at the front advertising 'Learning Cubs – small group tuition classes' to be opened soon, work has started on this;
4. The proposed shopfronts will change the character of the architecturally very attractive and unique properties;
5. Loss of privacy and security;
6. Noise and disturbance;
7. Too many commercial buildings in the area;

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1: Sustainable Development
JP-J1: Supporting Long-Term Economic Growth
JP-H3: Type, Size and Design of New Housing
JP-G8: A Net Enhancement of Biodiversity and Geodiversity
JP-P1: Sustainable Places
JP-P2: Heritage
JP-C8: Transport Requirements of New Development

Rochdale Core Strategy:

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

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C2	Focusing on regeneration areas and economic growth corridors/areas
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

SO4	Promoting a greener environment
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
G9	Reducing the impact of pollution, contamination and land stability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements

Relevant saved Rochdale Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centres
G/S/2	Regeneration of Centres
S/6	District Centre, Local Centres and Linear Commercial Areas

Supplementary Planning Documents (SPD):

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

ANALYSIS

Principle of development and impact upon neighbouring residents

The application site is allocated as a Defined Urban Area under the Proposals Map of the Unitary Development Plan (UDP). Policy G/D/1 of the UDP aims to locate new development in the urban area in order to support urban regeneration and to protect the countryside. Paragraph 11 of the NPPF sets out the 'presumption in favour of sustainable development' and states that development plans should be approved without delay. Having specific regard to residential developments, paragraph 60 of the NPPF requires Local Planning Authorities to "support the Government's objective of significantly boosting the supply of homes". Paragraph 70 of the NPPF also states that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area'.

The proposed residential element of the proposal would result in the formation of three self-contained residential flats. It is not considered that the provision of three residential units within this building, when considered as part of a mixed use development, would be unacceptable in this area subject to other material planning considerations being acceptable. However, planning permission has not been given for two existing dwellings to the rear of the site (22 Jermyn Street) and new windows and doors have been inserted. The submitted Location Plan outlines this area in blue which is outside the application site however, there is only planning permission for one flat on the first floor (application ref: 07/D48581) which included part of the first floor now being proposed as a separate flat. The use of this building is therefore unlawful and should be regularised and officers consider the unauthorised flats should be assessed alongside the proposal currently submitted.

Notwithstanding the above, the building to which the application relates is located within the Yorkshire Street Local Centre whereby saved Policy S/6 (District Centre Local Centres and Linear Commercial Areas) of the UDP is relevant. In such areas this policy allows a wide range of uses including shops, financial/professional services and food and drink outlets. As such Policy S/6 does generally support the use of retail units in

local centres, however only where the proposal *'will be compatible with surrounding land uses and will not harm local residential amenity'*.

With regard to compatibility with the surrounding area, the application site occupies a corner plot with predominantly commercial properties to the west and south, residential dwellings to the east, and to the north are industrial units. As such the property is located in a generally mixed use area of the local centre. The property currently has a permitted use as an office and in this terrace row of ten properties, currently four have commercial uses, including the application site, a textile shop (No.191), a toys, vapes and mobile accessories shop (No.193) and a hot food takeaway (No.205) with the remaining buildings in residential use.

The application site is located next to a residential property and the proposed retail units are considered to impact on the amenity of this neighbouring property as steps along the whole frontage are proposed which would allow customers of the retail units to be within close proximity to the neighbouring property's front door and windows which would lead to loss of privacy, overlooking, noise and disturbance. Although some noise and disturbance would be expected given the property lies within a local centre and is on a busy main road, officers are of the opinion that the harm to residential amenity would exceed that which would be considered reasonable due to the intensification of use of the application site at ground floor and as this section of Yorkshire Street is more residential in character.

The Council's Environmental Health officer has reviewed the application and advised that there is no objection in principle to the proposals subject to a condition regarding internal noise levels and the installation of any plant serving the proposed retail units however, this does not take into account noise and disturbance from outside the building.

As mentioned above, a retail and residential use would be acceptable in this location if it was in accordance with Policy S/6 of the UDP. However, the proposal fails to comply with Policy S/6 as it is considered harmful to local residential amenity and as such the principle of development is considered unacceptable and contrary to Policy S/6 of the UDP, DM1 of the Rochdale Core Strategy and the Council's Guidelines and Standards for Residential Development SPD.

Visual amenity and impact on a non-designated heritage asset (NDHA)

The impact of a development on a non-designated heritage asset is a material planning consideration (NPPF paragraph 209). A balanced judgement should be had, having regard to the significance of the asset and the scale of any harm or loss.

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image. Policy P2 seeks to conserve, enhance and promote key heritage assets and utilise heritage assets positively and intelligently to strengthen identity and image, in addition to requiring new development to integrate successfully with the key natural features of the borough. Further to the above, Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and enhance the borough's identity and sense of place.

Policy JP-P2 of PfE states 'we will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings'.

The property has been identified as a non-designated heritage asset due to its architectural and historic interest and is a prominent two storey building faced with red brick, architectural features and a slate roof and chimney. Unfortunately, the Regent Street elevation has been covered with a cement based render and one door opening (which has been closed up) has had a window inserted into it but the original openings and detailing around the doors remain. The building is depicted on the first edition OS map dating from 1851.

The Council's Conservation Officer has reviewed the application and advised that an updated Heritage Statement was required so that the significance of the building and the impact of the proposals can be properly assessed. This matter has not been addressed. The Conservation Officer raised no objection to the conversion of the building as finding a sustainable use for the building would help ensure its future however, concerns were raised in regards to the external alterations proposed. The changes to the front elevation would result in harm to the significance of the non-designated heritage asset and the level of harm is considered to be less than substantial which is a material consideration in the planning balance.

The insertion of new shopfronts would result in the loss of many of the historic features along the ground floor, including the window sills and lintels and the brickwork. The loss of these features and the insertion of two modern shopfronts would undermine the neat proportions of the existing front elevation to its detriment. The changes to the frontage would also reduce the legibility of the building's past as a residential property.

As such, the proposal is considered unacceptable for the reasons given above and is contrary to Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy, Policy JP-P2 of PfE and the NPPF.

Residential amenity - living conditions for future residents

Paragraph 131 of the National Planning Policy Framework advises that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Further to the above are the considerations of the Council's Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

The impact on the neighbouring properties has been covered in the principle of development above however, the proposal also needs to be assessed in terms of its impact on the living conditions for future occupiers.

The Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for application across all tenures. Whilst not a standard formally adopted by the council it has been used more recently to seek to improve the size and quality of new homes in the borough it has become part of the Council's adopted framework PfE. Table 1 of this document sets out the minimum gross internal floor area requirements for new dwellings, across varying number of bedrooms, occupants and floors.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

Internal floor areas were not initially provided however, the amended plans (although not being considered as part of this application) did provide the following measurements:

Flat 1 (first floor) – 1 x 2 bedroom = 64sqm

Flat 2 (first floor) – 1 x 2 bedroom = 54sqm

Flat 3 (ground/first floor) – 1 x 2 bedroom = 57sqm

It should be noted that the officer's initial concerns with the proposal requested internal floor areas to be provided to ensure the proposed flats met the NDSS. The amended plans removed a bedroom to Flat 2 and Flat 3 and labelled them as 'Home Office'. Although this internal layout is not being considered as part of this application it should be noted that Appendix 2 – Glossary of the Council's Guidelines and Standards for Residential Developments SPD provides the meaning of 'habitable rooms' as *spaces within a home where the occupants are likely to spend significant amounts of time*. The glossary continues that *the Council may take into account the future likely use of proposed and existing rooms in determining whether they should be considered 'habitable'*. There is the potential in this instance for a 'home office' to be used as a bedroom which would not be acceptable as the proposed dwellings are below the NDSS requirement.

Notwithstanding this, Flat 2 and Flat 3 do not meet the NDSS requirements for a 2 bedroom property and there are concerns with the living/kitchen to bedroom ratio where the living room/kitchen is small compared to the bedroom space.

There is also a concern with the level of light to Flat 3 which would only have a small ground floor window to the living room facing into the communal yard. Officers do not consider that this provides an adequate level of light or outlook to this room to future occupants of this flat.

An 'open yard' is proposed at the rear where the submitted Site Plan shows one car parking space along with bin storage. It is not clear where bin storage exists for the existing flats at 22 Jermyn Street although it is assumed they would also be located within this yard. The proposal would therefore require bin storage for two retail units and five flats. Due to the constrained nature of the 'open yard' it is not clear whether a) a car would fit into this space and whether a parking space in this context is necessary and b) whether adequate bin storage is provided. Although bin storage could have been addressed had the application been acceptable in all other regards, there are concerns in regards to the loss of privacy, overlooking and noise and disturbance to future residents of Flat 3 due to the use of this yard by other residents and the use of the ground floor as two retail units.

In light of the above the proposed development is considered harmful to the living environment of future occupiers of proposed Flat 3 in terms of loss of light and outlook,

loss of privacy, overlooking and noise and disturbance. The proposal is therefore contrary to Policy DM1 of the Core Strategy, the Councils SPD and the NPPF.

Highways

Policy T2 of the adopted Core Strategy is regarding improved accessibility and parking. Policy JP-C8 of PfE states 'we will require new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments'.

As highlighted above, one car parking space is proposed however, due to the sustainable location of the application site, had the application been acceptable, a car free development could potentially have been agreed along with appropriate bin storage.

The Council's Highways Officer has reviewed the application and their main concern relates to the retail element of the proposal and how these would be serviced. The application site is directly on a very busy junction of Regent Street and Yorkshire Street, which is a classified road and is also on a signalised pedestrian crossing. To the rear of the site is Jermyn Street which has a narrow carriageway which appears to be over-subscribed with on street parking. The site is therefore in a traffic sensitive location and the impact of additional servicing in this area is of concern.

The proposed retail development will generate a higher servicing demand than the existing use and Highways are concerned that this servicing will take place either on Regent Street or Yorkshire Street. Parked service vehicles would obstruct movements around the junction or restrict visibility for both vehicles and pedestrians around the pedestrian crossing. Service vehicle parked on Jermyn Street would fully occupy the carriageway blocking any vehicular access along it. Highways advised they cannot support the application due to the detrimental impact the additional servicing of the development is likely to have on road safety and the free flow of traffic on the strategic highway network.

As such, the proposal is contrary to Policy T2 of the Core Strategy, Policy JP-C8 of PfE and 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. Policy JP-S4 of PfE states 'an integrated catchment-based approach will be taken to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk, by: 2) Working with natural processes and adopting a natural flood management approach to slow the speed of water drainage and intercept water pollutants'.

As there are no external alterations to hardstanding nor roof changes there is no need for a drainage condition. The proposal is therefore in accordance with Policy G8 of the Core Strategy, Policy JP-S4 of PfE and the National Planning Policy Framework.

Ecology

Policy G7 states that development proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned, and damage to habitats is minimal and alternative habitat provision is effective in maintaining those species. Policy G7 continues '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'. Chapter 15 of the NPPF establishes that local authorities should aim to protect and enhance biodiversity. Policy JP-G8 of PfE states that 'through local planning and associated activities a net enhancement of biodiversity resources will be sought'.

The application is supported by a Preliminary Roost Assessment which has been reviewed by the Council's Ecologist. The Council's Ecologist has advised that the assessment concluded the building has the potential to support bats, but no actual bat emergence or activity surveys have been undertaken to confirm whether the buildings do actually support a bat roost. The preliminary survey was carried out in November, when bats are largely inactive and can be difficult to detect. As such, further bat surveys are needed which must be carried out at a suitable time of year when bats are most active (March to September inclusive) and by suitably qualified persons as UK bats and their resting places carry a high level of legal protection.

In light of the above, the proposal has failed to demonstrate whether the building supports a bat roost and therefore the application is contrary to Policies G6 and G7 of the Core Strategy, Policies JP-G6, JP-G7 and JP-G8 of PfE and the NPPF.

Biodiversity Net Gain

As of 2 April 2024, Biodiversity Net Gain Requirements apply to all minor applications for full planning permission. Some development may be exempt from this requirement. The application site includes an open yard which comprises all hardstanding. No vegetation or habitats exist and there are therefore no existing biodiversity units and no habitat is lost. As such, the proposal is considered exempt from BNG entirely.

RECOMMENDATION

REFUSE for the following reasons:-

1. By reason of its poor design, the proposed shopfront is considered to undermine the proportions of the existing front elevation of the non-designated heritage asset to its detriment which reduces the legibility of the building's past and which results in harm to the significance of the non-designated heritage asset. The proposal is therefore contrary to Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy, Policy JP-P2 of PfE and the NPPF.
2. The proposed residential units at Flat 2 and Flat 3 would result in an unsatisfactory standard of amenity for the future occupiers due to the substandard floor space which does not meet the minimum requirements of the 'Technical Housing Standards - Nationally Described Space Standards'. Flat 3 would also be provided with an inadequate level of light and outlook and the proximity of a habitable window to the communal yard would lead to an unreasonable level of loss of privacy, overlooking, noise and disturbance from other future occupiers and the retail units. As such the application is contrary to Policy DM1 of the Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016)' and the requirements of the NPPF.

3. Due to the proximity of the proposed retail units to the very busy junction of Regent Street and Yorkshire Street, which is a classified road and on a signalised pedestrian crossing, along with the narrow carriageway on Jermyn Street to the rear, the proposed retail units are considered to generate a high service demand where parked service vehicles would either obstruct movements around the junction, restrict visibility for both vehicles and pedestrians or by blocking the carriageway. The proposal has provided insufficient information to demonstrate servicing arrangements which would avoid having a detrimental impact on road safety on the strategic highway network which is contrary to Policy T2 of the Core Strategy, Policy JP-C8 of PfE and the NPPF.
4. The application has failed to provide sufficient information to demonstrate protection from harm for bats as a protected species and therefore the application is contrary to Policies G6 and G7 of the Core Strategy, Policies JP-G6, JP-G7 and JP-G8 of PfE and the NPPF.

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:

Location Plan

Design & Access Statement

Received 18th July 2023

Drawing No: 2024/1 – Existing Basement and Second Floor Plan

Drawing No: 2024-2 – Existing Ground and First Floor Plan and Site Plan

Drawing No: 2024/3 – Existing Elevations

Drawing No: 2024/4 – Proposed Ground and First Floor Plan and Site Plan

Drawing No: 2024/5 – Proposed Elevations

Heritage Statement

Acoustic Survey and Assessment by Martin Environmental Solutions Ltd, Date: September 2023, Report No: 2580-1

Preliminary Roost Assessment by arbtech, Date: 17/11/2023, Status: Final, Issue 2.

Received 21st November 2023

The applicant is advised that the two dwellings at 22 Jermyn Street do not have planning permission.