

APPLICATION NUMBER: 22/01494/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01494/FUL	Rosalind Gralton	30 March 2023

Address: Land Adjacent 147 Yorkshire Street Rochdale OL12 0DR

Proposal: Change of use of part of land to form extension to existing parking area and erection of 1.93m high fencing/gate

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 06/04/23

SITE

The site relates to an area of land to the west of 147 Yorkshire Street, Rochdale.

The land is paved over, and no structures are located on the site.

PROPOSAL

Planning permission is sought for the change of use of part of land to form extension to existing parking area and erection of 1.93m high green mesh anti-climb fencing and vehicle access gate located on the perimeter of the site. The vehicle access gate is located to the rear off the site, accessible off Jermyn Street.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3 – To improve design, image and quality of place

P1 – Improving image

P2 – Protecting and enhancing character, landscape and heritage

P3 – Improving design of new development

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Conservation And Design

The Council's Conservation Officer was consulted regarding the application. Their comments are copied below:

'The application site comprises a vacant area of land to the west of 147 Yorkshire Street. The proposal is for the use of the land for parking and the installation of new 1.9m high fencing around the site boundaries.

To the south-west of the site lies the Town Head Conservation Area, and a number of listed buildings, including 188 to 194 Yorkshire Street and the Ukrainian Catholic Church (both grade II).

This part of Yorkshire Street is characterised by three storey terraced properties, likely dating from the early 19th century. This includes the terrace immediately adjacent to the site and those along the southern edge of Yorkshire Street. These properties have undergone a number of alterations and the loss of historic features. As a result, much of the architectural interest in the buildings has been lost. Nevertheless, due to their age, they technically meet the requirements for inclusion on the Council's list of non-designated heritage assets.

Given the above, the proposal has the potential to impact on the setting and significance of both these designated and non-designated heritage assets, and a heritage statement is required in line with NPPF paragraph 194.

A brief heritage statement has been submitted. However, this refers only to The Ukrainian Church. It makes no reference to the Conservation Area or any of the other heritage assets, including the much closer listed buildings at 188 to 194 Yorkshire Street. Given these omissions, it is considered that the requirements of NPPF paragraph 194 have not been adequately fulfilled.

The site in its current condition does not positively contribute to the wider setting of the heritage assets. However, the installation of green anti climb mesh fencing would further detract from the appearance of the site, introducing an alien and intrusive feature into this part of Yorkshire Street. While it is acknowledged that there are other unsympathetic boundary treatments in the area. These are set back and less prominent from the main road. Given its prominent location and the proximity of the heritage assets, the proposal would result in less than substantial harm to the significance of the assets.

This harm has not been adequately justified. It needs to be balanced against any public benefits stemming from the proposal.

These concerns could potentially be overcome with an alternative boundary treatment, such as an appropriately detailed brick wall or decorative cast iron railings.'

Highways And Engineering

The Council's Highway's Engineers were consulted regarding this application. The response is copied below:

'The site is already used as an informal car park and the kerb to Jermyn Street has already been lowered to accommodate vehicular access into the site.

The alignment of the fence does not appear to enclose any part of the adopted highway.

The proposed gates are shown on the submitted plans to open into the site and we would ask that this arrangement is kept in place whilst the site is operational.

The proposed fencing affords some visibility for both drivers and pedestrians on the highway.

We would ask that vehicular access to the site remains from Jermyn Street and no such access is allowed directly onto Yorkshire Street.

In conclusion Highways raise no objection to this application subject to the requested conditions.'

REPRESENTATIONS

The application was advertised by way of neighbour notification and site notice. No representations were received.

ANALYSIS

The application site is within the Defined Urban Area under the Rochdale Unitary Development Plan. 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 130 of the NPPF seeks to ensure planning decisions will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, and 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

The proposal seeks to erect 1.93m high fencing and vehicle access gate. Accordingly, subject to an assessment of other development management requirements, the principle of development of change of use of the area to parking with proposed fencing is in accordance with the NPPF.

Heritage and Design

Section 16 (2&3) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *"in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it."*

Paragraph 197 of the NPPF states that *"In 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"*.

Paragraph 199 of the NPPF states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional.

Paragraph 201 goes on to say that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The site lies north east of the Town Head Conservation Area, and a number of listed buildings, including 188 to 194 Yorkshire Street and the Ukrainian Catholic Church (both grade II). This part of Yorkshire Street is characterised by three storey terraced properties, likely dating from the early 19th century. It is noted adjacent non-designated heritage assets, however the officer concurs with the conclusions of the conservation officer, whereby much of their architectural value has been lost.

'The site in its current condition does not positively contribute to the wider setting of the heritage assets. However, the installation of green anti climb mesh fencing would further detract from the appearance of the site, introducing an alien and intrusive feature into this part of Yorkshire Street. While it is acknowledged that there are other unsympathetic boundary treatments in the area. These are set back and less prominent from the main road. Given its prominent location and the proximity of the heritage assets, the proposal would result in less than substantial harm to the significance of the assets.'

As such, it is considered the proposal would result in less than substantial harm to the setting of the identified adjacent heritage assets. Within the submitted project statement, it is noted the railings are proposed as a result of anti-social behaviour, fly tipping and illegal parking on the site, and the railings will seek to formalise and restrict parking on the site, and in turn, reduce crime on the site. It is not considered these public benefits would outweigh the proposed harm to the setting of the heritage assets in this instance, and the proposal would fail to enhance or preserve their setting.

Paragraph 29 of the National Design Guide includes landscaping – including boundary treatment - as one of the ten characteristics that defines well designed places. Paragraphs 126 and 130 of the NPPF state good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further to this, Rochdale CS Policy P3 requires all new developments to adhere to high standards of design, ensuring it enhances the borough's identity and sense of place, by respecting context where it is positive.

In this instance, the proposed 1.9m high green anti climb mesh style fencing, would be highly visible on a corner plot, in a prominent location on the A58 (Yorkshire Street). While it is noted the site north of the application site appears more industrial in nature, the prominence of the fencing when viewed from the footway would appear at odds with the character of the streetscene. As such, the proposed low quality, overly high fencing, combined with the siting on a corner plot, would result in an incongruous addition and would result in harm to the detriment of the character and appearance of the area. The application would therefore fail to accord with CS Policies P3, DM1 and policies contained within the NPPF and NDG.

Highways and Access

The proposal results in a vehicle access gate to the rear off the site via Jermyn Street. The Council's Highways Engineers were consulted regarding the application,

with no objections to the proposed fence and access gate provided the existing arrangement is maintained. The application would therefore be in accordance with Policy T2 of the Rochdale CS and Paragraph 111 of the NPPF.

RECOMMENDATION

Reasons for refusal:

1. As a result of its height, siting, scale and design, the proposed fencing would be an intrusive, incongruous addition to the character and appearance of the surrounding street scene. Taken as a whole, the proposal fails to produce a satisfactory standard of design and does not take the opportunity to improve the character and quality of the area. The application is therefore contrary to the requirements of Policies DM1 and P3 of the adopted Rochdale Core Strategy, and guidance contained within the National Design Guide and policies within the National Planning Policy Framework.
2. The proposed development would, by reason of its height, siting and design would fail to safeguard the significance of the adjacent Town Head Conservation Area, nor preserve or enhance the identified Grade II listed buildings, or adjacent Non-Designated Heritage Assets, and would result in less than substantial harm to their significance, which is not justified, mitigated, or outweighed by public benefit. On this basis the application is contrary to Policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy 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:

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

- ☐ Site Location Plan
- ☐ Existing Block Plan/Elevations 21.2753.1A
- ☐ Proposed Block Plan/Elevations 21.2753.2A

Report Author Rosalind Gralton