

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00967/FUL	Aimee Bovaird	26 October 2023

Address: Land Adjacent To Celsius Air Conditioning, 1 Well Street, Heywood, OL10 1NT

Proposal: Erection of a block of 4 no. 2-bed apartments

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	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: LA

DATE: 06.02.24

SITE

The site is a vacant parcel of land adjacent to Celsius Air Conditioning, 1 Well St. It is located on Manchester Street. This is a rectangular shaped parcel of land within a Mixed Employment Zone and the Defined Urban Area. It is located to the south of Heywood Town Centre. On the site currently are two existing hoardings, trees and vegetation. Although the site is within Flood Zone 1, it is within a Critical Drainage Area.

Immediately east of the site is a recently constructed commercial unit, west of the site are residential properties and the wider surrounding area is a mix of commercial and residential properties. A 3-storey block of flatted accommodation is sited to the opposite side of Manchester Street.

PROPOSAL

The application proposes the removal of the existing adverts and trees / vegetation and the erection of a block of 4 no. 2-bed apartments.

The apartments will each contain two bedrooms, one bathroom and a kitchen/ lounge area. The building is sited on the northern half of the site and parking (4 spaces) is proposed in the southern portion. Bin storage is located at the rear of the building, and a narrow strip of landscaping is proposed to the site's frontage on Manchester Street and along the northern elevation facing Bradshaw Street. Access into the site is from Well Street to the south.

The materials proposed materials are red brickwork and render. The height of the proposed eaves are approx. 5.5m and the ridge height is approx. 8m in height.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – December 2023

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E2	Increasing jobs and prosperity
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
P3	Improving design of new development
SO4	Promoting a greener environment
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EC/3 *Mixed Employment Zones policy to be read in conjunction with Core Strategy Policies E2 and E3 until replaced by Site Allocations or other DPD.*

EM/7 *Development and Flood Risk Policy to be read in conjunction with CS Policy G8*

EM/8 *Protection of Surface and Ground Water Policy to be read in conjunction with CS Policy G8*

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016).

RELEVANT SITE HISTORY

20/00454/FUL - Erection of one block of 6 apartments – Refused

22/00237/FUL - Erection of a block of 4 no. 2-bed apartments - Resubmission of 20/00454/FUL – Refused

CONSULTATION RESPONSES

Environment Agency

No objection. Advisories are made in relation to contaminated waste.

United Utilities

No objections.

Highways And Engineering

The following comments have been received,

'There have been similar planning applications for residential development on this site 22/00237 and 20/00454 and at that time Highways did not raise any objection to those applications.

This application provides four off street car parking spaces with access from Well Street which we would say is adequate taking into account the size of the development and its sustainable location. We would also ask that the parking area is appropriately surfaced and marked out and are SUDs compliant.

With regards to access to these spaces we would ask that no vehicular access is allowed directly off Manchester Street with Well Street being the only vehicular access into the site. The vehicular access to site from Well Street will also require a separate permission from the Council as Highway Authority and the approved vehicle access crossing must be in place prior to the development being brought into use.

The construction of the development will inevitably have an impact on the condition of the surrounding adopted highways therefore we would ask for a planning condition requiring a survey, including pictures to be taken by the developer of the footways

fronting the site prior to development so that a record is kept of the condition of the highway and that on completion of the development the highway is returned to its pre application condition.

The development would not have an undue impact on highway capacity and we do not feel it would raise any road safety issues as a result of development.

The submitted plans show a bin storage area which appears to be is accessible from Well Street, and Manchester Street has existing TRO's which restrict parking so we have no concerns regarding servicing.

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

Env Health - Noise/Odours

The following comments have been received,

This section has no objections in principle to the proposals, we would recommend the following conditions:

The homes are constructed in line with the submitted acoustic report to achieve the following internal and external sound 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;

Noise in external areas does not exceed 55dB(A)

Upon completion and prior to occupation validation testing is undertaken to ensure the required sound levels are being achieved.

Tree Officer

No comments received to date

Environment Protection

Environmental Health have asked for a Preliminary Risk Assessment prior to commencement if the application is approved.

Lead Local Flood Authority/Drainage

The following comments have been received,

'No proposed drainage details have been provided. With reference to UU safedig plans, the only public sewers in the highway are combined sewers. UU Developer Services will allow foul connection.

Driveways for the new development

The default position is that Rochdale Council requires Applicants to provide a permeable driveway for the car-parking with suitable open-graded, permeable subbase.

If the Applicant wants to use 'traditional materials' i.e. concrete, (non-porous) tarmac or standard block paving they must make an planning application, which must include an alternative soakaway.

You are no longer allowed to simply drain a new driveway or parking area to the roof drainage system because the public sewer system is not designed to cater for such flows and historical connections have made the system subject to sewage flooding. United Utilities Developer Services, who manage the public sewer system will not grant permission to drain driveways to the public sewer system, unless it can be demonstrated by the Applicant that permeable driveway provision is impractical for the site.'

Environmental Control (Landfill Gas)

No comments received to date

Gtr Manchester Ecology Unit

The following comments were received,

'Summary

The only significant ecological issue is how adequate mitigation for the loss of the vegetation on the site will be provided.

Protected Species

The site cover under 0.05ha of disturbed ground in a highly urbanised part of Heywood separated from any semi-natural habitat by roads and buildings. The only structure on the site is a billboard and trees on-site consist of young self-seeded willows and birch. The site is very unlikely to have any protected species issues. No further information or measures are required.

Nesting Birds

The young trees and shrubs have low to moderate potential for nesting birds. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment and in addition now Places for Everyone (PfE) has been through Inquiry, thematic policies in the plan can now be given 'great weight' in planning decisions. This includes the BNG Policy.

The proposed development will result in the loss of a number of small native trees and vegetation associated with disturbed ground. This will be replaced primarily with building and hardstanding with a narrow strip of amenity landscaping along the road

frontage. It is very unlikely that biodiversity net gain could be achieved on-site based on this layout. Mitigation/enhancement for nesting birds can be achieved on site through provision of bird boxes on the new build.

Whilst net gain on-site is very unlikely, given the scale of the site the biodiversity unit loss will only be around 0.2 biodiversity units. (six small urban trees and 0.03ha of brownfield land). Currently financial compensation is being calculated at around £16k per biodiversity unit. Alternatively, the developer may own land nearby where off-site mitigation could occur, through for example the planting of 15 native trees. (Whilst only six are being lost the net gain calculator takes in to account how long the trees take to grow hence 15 are required to fully mitigate).'

Further comments were received,

'I have no issues with the bird box proposals which can be conditioned or the with the development progressing down the financial contribution route to achieve biodiversity net gain'

Urban Design

The following comments were received (summary),

'Several concerns flagged in the Officer's report in the earlier planning application (22/00237/FUL) are still prevalent. Whilst the revised design is an improvement from the previous application, it still falls some way short of being described as a 'high quality design'. Reservations remain regarding the lack of amenity space offered by the development. Plans and elevations should be shown in context.'

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. A site notice was displayed in the vicinity of the site. One objection has been received and has raised the following points,

- There will be an increase in parking issues
- The area of land appears small for the proposed development
- Businesses surround the proposed site and residential flats are not acceptable.

ANALYSIS

Principle of Development

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

Saved UDP Policy EC/3 prohibits residential development, including change of use, in mixed employment zones because it is not employment generating and is likely to conflict with other uses in the area. However, the saved policy should be read in conjunction with Core Strategy policy E2 which allows non-employment uses including housing where there is a proven lack of demand for the site for a suitable employment use and it would not impact on the ability of existing businesses to operate satisfactorily. The site area that lies within the designated Mixed Employment Zone is

0.03 hectares and Policy E2 does not restrict changes of use of employment sites of less than 0.4 hectares. On that basis, the proposed change of use does not conflict with the development plan policies in regards to the loss of employment land.

Annexe 2 of the National Planning Policy Framework defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes, amongst others, land in built-up areas such as private residential gardens. The site would predominantly therefore, be considered to comprise previously un-developed, or Greenfield, land, and partly previously developed land (PDL).

Policy C1 of the Core Strategy outlines that the Council will promote the reuse and regeneration of vacant and underused previously developed sites, seeking to provide 80% of new housing on PDL. Although the site is part greenfield and part PDL, it is in a sustainable location within walking distance of Heywood Town Centre and bus stops on Manchester Street to travel further afield. The latest published information suggests that the Council can demonstrate more than a five year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs. Policy C3 relates to the delivery of the right type of housing in the right locations.

On the basis that the proposal would make use of a sustainably located site and would make a valuable contribution to housing supply within the Borough, in proximity to amenities and public transport facilities, it is considered that the principle of development is therefore acceptable in accordance with the Council's employment land policies, saved Policy G/D/1 of the Rochdale Unitary Development Plan, Strategic Policies C1, C3 and SD1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework in respect of housing supply and sustainability.

Further planning matters are considered below.

Design and Appearance

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. This policy requires all new developments to adhere to high quality design and Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

In addition, Core Strategy policy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

The Council's Urban Design Officer has been consulted and raised a number of concerns over the design of the proposed development which are summarised below:

1. Materials:
A combination of render and brick are proposed and these materials are considered to age / weather poorly.
2. Detailing / character:
There is no architectural detailing in the proposed scheme and within the surrounding context of the area there are aspects of existing buildings which could be adapted from. The proposed development has an awkward junction between where the wall and the window meets the roof. There are also elevations with little fenestration. The justification for a deferring roof form is unclear. The three front doors also look unusual on what should be considered an established frontage this is because they are inconsistent. The differing roof form through dropping lower at the rear elevation also furthers the poor design of the front three doors.
3. Layout: Opportunities to create a strong active frontage have not been taken. The car park dominates the frontage, and the limited landscaping this is proposed is not effective.

The design of the proposal should not draw from poor precedents that have been built post-millennia as these developments are not considered high quality development within the current National Planning Policy Framework.

The Urban Design Officer has raised concerns with detailing on the fenestrations of the proposed development, *'There is no specific detail attributed to the brickwork and considering there are several elevations without much fenestration, it would be hoped that the designer may have gone into further detail regarding the materials. The rear elevation in particular is poorly designed as it lacks any relief or detail. This would end up resembling a large, monotonous wall'* this is considered poor design.

The proposed bin store is located at the rear of the development and will be bounded by fence posts. This will not be visible from the highway however to access the bin store, the occupiers would have to go out the front door fronting Manchester Street and walk towards well street and access the site through the carpark. This is also considered poor design and could be considered an inconvenience for occupiers.

In light of the above, it is considered that the design of the proposals are of poor design and do not accord with policies C3, DM1 and P3 of the adopted Core Strategy, and the National Planning Policy Framework.

Landscaping and ecology

Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Trees that are removed should be replaced at a ratio of 2:1 to mitigate for the loss of their amenity value and environmental benefits. Core Strategy Policy G7 (Increasing the value of biodiversity and geodiversity) states that the Council will ensure that features of biodiversity and geodiversity importance are given full and appropriate recognition and protection, and no development should result in a net loss of biodiversity or geodiversity interest.

The application proposes the removal of 6 trees consisting of small native trees - 5 Willows and a Birch tree. The plans do not show how the tree losses will be compensated for. Only a narrow strip of amenity landscaping is proposed and as such the application has failed to demonstrate how the tree losses will be compensated for at

a ratio of 2:1 as required by policy G6. Furthermore, the nominal landscaping within the proposed development is ill-considered and ineffective. NPPF requires developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping (para 135) – the proposed development has failed to achieve this.

From an ecological perspective, GMEU have been consulted and have noted the loss of native trees and vegetation and found that it is very unlikely biodiversity net gain can be achieved on this site, based on the proposed layout. Although it is possible to enhance nesting birds by the provision of bird boxes on the site, the loss of trees and vegetation cannot be compensated for on-site unless the layout was to change. To fully mitigate the losses, around 15 native trees would be required to be planted. No details have been provided to the LPA to demonstrate whether it would be possible to have avoided the losses e.g. within a different layout, or to mitigate the losses on-site via a different scheme, before the LPA should consider off-site compensation, as required by the NPPF (para 186).

For the reasons above, the proposed development has failed to demonstrate compliance with landscaping and ecology policies G6 and G7 in the Core Strategy and guidance with the NPPF.

Residential Amenity

Core Strategy policy DM1 requires all development proposals, including extensions and alterations, to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Policy C6 seeks to improve health and wellbeing of residents by ensuring that new housing is good quality and not overcrowded. Paragraph 127 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users. The Council's adopted Supplementary Planning Document '*Guidelines and Standards for Residential Development*' (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

Space standards

With regards to occupiers of the apartments themselves and amenity of neighbours, section 4.1 of the SPD requires a distance of 21m between direct facing habitable room windows at an upper floor level AND 10.5m from a principal window in an upper floor and a directly facing boundary of the curtilage. It also requires '14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room'.

Properties opposite the proposed site on Manchester Street are at a distance of 17m. These separation distance are not considered acceptable as they fall short of the minimum requirements..

The separation distances between the proposed development and the existing commercial at the rear of the development unit is approx. 4m. This will reduce light entering the building and does not meet the minimum separation distances of '10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room'. This will contribute alongside the separation distances at the front of the property to an overall poor standard of residential amenity.

Apartment 3 bedroom 2 does not appear to directly look onto the Celsius building as the floor plans have not been drawn within the context of their surroundings therefore it is hard to establish how much their view will be obstructed from the building, however it is likely to have an impact on how much light and outlook they will have. . This is again emphasised by the separation distances not being met.

Apartment 2 will have a dark kitchen area and an unattractive outlook onto the façade of the Celsius Building. This is considered poor amenity as there is limited outlook. There is also no amenity space for occupiers, and very limited landscaping which appears as an afterthought.

The Technical Housing Standards – Nationally Described Space Standards are not an adopted policy however they provide guidance on what is an acceptable room size to provide a satisfactory level of amenity for occupiers. An acceptable standard of amenity is required by the Core Strategy and a high standard is required by the NPPF. The minimum gross internal floor area of a two bedroom apartment with four bed spaces should be 70m². None of the proposed flats meet this minimum requirement, apartments one, two and three are 64m² and apartment four is 62m².

Overall taking all the matters above together, the proposed development does not provide a satisfactory standard of amenity for future occupiers owing to the inadequate separation distances from the adjacent building, inadequate light and outlook, and also the inadequate size of the proposed apartments. The proposal does not comply with accord with policies DM1, C3, P3 and C6 of the adopted Core Strategy, Guidelines, Standards for Residential Development SPD and the National Planning Policy Framework.

Noise Impacts

A Noise Impact Assessment has been submitted and the Council's Environmental Health Officer has advised if the application is approved a condition should be attached to ensure suitable noise levels are achieved.

The proposed development does not provide a satisfactory standard of amenity for occupiers. This does not accord with Policy DM1 of the Core Strategy and relevant NPPF Policies.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Parking standards in the Rochdale Core Strategy state that 2+ Bedroom Houses and Dwellings outside Town Centres must provide 1.25 spaces per dwelling, meaning the proposed development should provide 5 car parking spaces. The development is proposing 4 spaces, however the Council's Highways Officer has been consulted and

raised no objections, on balance, having regard to the size of the development and its sustainable location.

Subject to conditions, it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

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. To that effect the Council will ensure that new development does not lead to any form of increased flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensure prudent use of water resources. The NPPF also establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

The site lies within a Critical Drainage Area and is subsequently supported by a Flood Risk Assessment.

The Council's Drainage Officer has been consulted and raised no objections subject to if the application is approved a pre commencement condition would be attached to provide a suitable drainage scheme.

Subject to an acceptable drainage scheme being submitted to and approved by the LPA as required by a suitable condition, the requirements of Policy G8 of the Core Strategy and the requirements of the National Planning Policy Framework would have been met.

Contamination

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

The Council's Public Protection Officer has been consulted and raised no objections subject to a preliminary risk assessment being carried out prior to commencement of development.

Subject to an appropriate condition and subsequent actions in respect of the above, the requirements of Policy G9 of the Core Strategy and the National Planning Policy Framework in relation to land contamination and land stability would have been satisfied.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development represents poor design for reasons including: it lacks visual interest and character, poor use of fenestration; failure to provide a strong active frontage to Manchester Street; and inadequate consideration and incorporation of effective landscaping. Overall the proposed development is not well designed and fails to accord with policies C3, C6, DM1 and P3 of the adopted Core Strategy, and the National Planning Policy Framework.
2. The proposal does not provide a satisfactory standard of amenity for future occupiers owing to the inadequate separation distances from the adjacent building, inadequate light and outlook, and inadequate size of the proposed apartments. No external amenity space is provided for occupants, nor usable landscaped areas. Altogether the proposed development has failed to demonstrate that it will create a residential environment that promotes wellbeing and that offers a high standard of amenity for future users, and as such does not accord with policies DM1, C3, P3 and C6 of the adopted Core Strategy, Guidelines and Standards for Residential Development SPD 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 avoidance of doubt the decision related to the following plan-

Proposed Floor Plans – 23.3184.2A
Proposed Front and Rear Elevations 23.3184.3B
Proposed Side Elevations 23.3184.4A
Proposed Site Plan 23.3184.5