

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00573/FUL	Hamish Rigg	30/09/2024

Address: Land on Egerton Street (pre. New Jerusalem Church), Middleton, M24 4QD

Proposal: Erection of a food and beverage pod and bin store together with the installation of 20no. EV car charging units and ancillary enclosed electrical substation.

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: Ryan Killeen

DATE: 16/10/2024

SITE

The application relates to an area of cleared land, measuring approx. 842m², on Egerton Street in Rhodes, Middleton. Rhodes is a suburb adjacent to Junction 19 of the M60, predominantly comprised of traditional terraced housing. Manchester Old Road (A576), a key thoroughfare connecting Middleton to the M60 and the northern suburbs of Manchester, runs through its centre, accommodating various businesses, shops, public amenities, and Rhodes Business Park.

The immediate vicinity is mostly residential, with several houses overlooking the site. The site is bound by Egerton Street to the west, Walker Street to the North, and Manchester Old Road to the south. To the east, the site borders no. 656 Manchester Old Road and Little Heaton Residential Home, as well as the curtilage of All Saints Church, a non-designated heritage asset, which contains a Grade II listed war memorial.

PROPOSAL

Permission is sought for the creation of an electric vehicle charging area surfaced almost entirely by tarmac, and a single storey food and beverage unit. The proposed site includes 20 parking bays served by 10 charging units, an electrical substation in the north-west corner of the site, a bin store, and a post locker.

The site would be accessed via the existing entrance on Egerton Street, opposite the eastern elevation of 105 Walker Street. Proposed boundary treatments include a 1.7m high black timber fence along the eastern border, as well as a 1.5m high brick wall along the southern half of Egerton Street and the corner with Manchester Old Road.

The food and beverage unit would be located to the south of the site, adjacent to Manchester Old Road, fronting the pavement and public highway. The unit would measure 3.4m (height) X 12.7m (width) X 3.8m (depth). It would comprise a flat roof, off-white render, timber panelling, and would be accessed from the car park. Separate advertisement consent has been sought for proposed signage on Manchester Old Road.

RELEVANT PLANNING POLICY

National guidance:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional policy:

Places for Everyone Joint Development Plan – March 2024

JP-S1- Sustainable development

JP-S2- Carbon and energy

JP-G8- A net enhancement of biodiversity and geodiversity

JP-P1- Sustainable places

JP-P2- Heritage

Local policy:

Adopted Rochdale Core Strategy (CS)

SO3 - Design

SO4 - To promote a greener environment

SO5 - To improve accessibility and deliver sustainable transport

P2- Protecting and enhancing character, landscape and heritage

P3 - Improving design of new development

G1 - Tackling and adapting to climate change

G3 - Renewable and low carbon energy developments

G7- Increasing the value of biodiversity and geodiversity

T1 - Delivering sustainable transport

DM1- General Development requirements

RELEVANT SITE HISTORY

06/D48382: Outline application for the erection of one block of 8 apartments – Grant
STC

CONSULTATION RESPONSES

Urban Design:

Objection based on the following reasoning:

The application is recommended for refusal on the basis that the proposed development would be unduly harmful to the character and appearance of the area through poor layout & building design, along with ineffective screening. It is not considered that the site constraints have effectively been considered in respect of the design of the proposed development.

Heritage and Conservation 03/10/2024:

It is in close proximity to All Saints Church, which is a non-designated heritage asset, and the grade II listed war memorial which lies within its grounds. The impact on these heritage assets is a material consideration in the planning balance.

The site is separated from these assets by housing and the Church and war memorial are relatively enclosed and set back from the building line, with mature vegetation. Given these factors, it is considered that any harmful impact on the significance of the heritage assets would be limited.

That being said, I am supportive of the concerns raised by the Urban Design officer.

Greater Manchester Ecology Unit 13/09/2024:

Objection due to lack of biodiversity net gain.

The applicant has stated that proposed the development is exempt from mandatory biodiversity net gain under the de minimis rule. I however disagree. The site is clearly vegetated and would be best described as either brownfield or grassland, based on

google earth and streetview. The area of vegetation is also clearly in excess of the 25sqm threshold.

United utilities 04/09/2024:

No objections and advice issued

Highways 16/09/2024:

No objections

Greater Manchester Fire Service 16/09/2024:

No objections, subject to recommendations

Environmental Health 20/09/2024:

No objections

REPRESENTATIONS

A site notice was displayed at the site, and letters of notification were sent to surrounding properties. Three objections were raised which relate to the following issues:

1. The increase in fast food outlets within the area and the impact on people's health.

Officer's response:

Whilst the council acknowledges the need to limit the number of fast food outlets in the borough, the application does not indicate that the food and beverage unit will supply fast food, and will instead offer a small scale refreshment offering ancillary to the main use.

2. The potential increase in litter associated with the food and beverage unit.

Officer's response:

Whilst the council acknowledges concerns relating to an increase in litter, such matters can be dealt with by way of condition.

3. The potential for the site to become associated with antisocial behaviour and illicit activity.

Officer's response:

Whilst the council acknowledges concerns relating to anti-social behaviour, it is not considered that the proposed use will attract an increase in anti-social behaviour over an existing vacant site.

4. Increased traffic congestion posing a risk to safety, particularly associated with customers of the food and beverage unit.

Officer's response:

Matters relating to highways safety and function are discussed in the 'Highways' section of this report.

5. Noise and disturbance associated with the food and beverage unit.

Officer's response:

Matters relating to noise and disturbance are discussed in the amenity section of this report.

6. Reduced parking availability for local residents.

Officer's response:

Matters relating to parking are discussed in the 'Highways' section of this report.

7. Harmful visual impact on local character.

Officer's response:

Matters relating to character and appearance will be discussed in the 'Design' section of this report.

8. Safety concerns relating to the proposed electrical equipment and substation.

Officer's response:

The Council's Environmental Health Officer has been consulted and raised no safety concerns in relation to the proposed electrical equipment on site or proposed use of the site. The security of any electrical sub-station would rest with the site owner/occupier.

9. Impact on property values.

Officer's response:

Whilst the council acknowledge concerns relating to property values, this is not a material planning consideration.

ANALYSIS

Principle for development – sustainable transport and low carbon technology:

The National Planning Policy Framework sets out the need for sustainable development, including under section 9 which deals with promoting sustainable transport. Paragraph 108 seeks to identify development opportunities which integrate existing and proposed transport infrastructure and which make net environmental gains. Furthermore, paragraph 116 states that new development should be design to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Furthermore, policies JP-C5 of the 'Places for Everyone Joint Development Plan' T1 of the 'Core Strategy' collectively seek to deliver a sustainable transport network in accessible locations, as well prioritising low-carbon modes of travel to meet regional and borough wide targets on climate change.

In light of the above, the proposed development is considered to make a positive contribution towards creating sustainable transport networks in suitable locations. The site falls within the borough's defined urban area– as per UDP policy G/D/1- where the core strategy seeks to concentrate the majority of new development. The proposed site's primary use as an EV charging area would be well suited to a high density residential setting where there are numerous car owners and a lack of existing EV charging points. Furthermore, the site is located close to Junction 19 of the M60 and the A576, not only ensuring integration with existing transport infrastructure, but also offering EV facilities to a high number of vehicle users passing through the area.

As a facility for EV charging, the proposed development would also go towards encouraging the growth of low-carbon travel and making net environmental gains. Not only does this comply with the aforementioned transport policy, but it supports national and regional policy on promoting a greener environment and tackling climate change. Section 14 of the NPPF concerns meeting the challenge of climate change, and under paragraph 161 states that local planning authorities should support low carbon energy solutions. Similarly, PfE policy JP-S2 aims to deliver a carbon neutral Manchester by 2038 including by incorporating adequate electric vehicle charging points into new development. Policies G1 and G3 also endeavour to promote development with environmental benefits and lower carbon emissions, though both policies have been superseded by PfE policy JP-S2.

The proposed scheme will help to encourage the uptake of electric vehicles as a recognised sustainable form of transport, and as a low-carbon technology, ultimately reducing the region's carbon emissions.

In light of the above, the principle for development lies in the scheme's positive contribution towards sustainable transport, through its urban and residential setting, and its proximity to existing transport networks, together with its promotion of electrical vehicles and lower carbon technologies in the efforts towards a greener future. The proposed development therefore complies with the National Planning Policy Framework, 'Places for Everyone' policies JP-C5 and JP-S2, and Rochdale's Core Strategy policies T1, G1, and G3.

Design:

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes onto state that planning decisions should ensure that new developments are visually attractive as a result of good architecture, materiality, layout, and landscaping and are sympathetic to local character and history, including the surrounding built environment. On the contrary, Paragraph 139 reads that

development that is not well designed should be refused. In order to assist LPAs in considering if development is 'well-designed' the National Design Guide has been produced to establish the 10-characteristics of well-designed places.

Furthermore, PfE policy JP-P1 requires all new development to respect and acknowledge the character and identity of the locality in terms of design, siting, scale and materials used. Policies P3 and DM1 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, 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.

Permission is sought for the erection of a single-storey food and beverage unit fronting Manchester Old Road, together with 20 car parking spaces with associated EV charging ports and an electrical substation. In light of its form, scale, layout and materiality, the proposals would provide a clear and harmful juxtaposition between the proposed development and the surrounding built environment, the latter being predominantly characterised by traditional and corresponding two-storey terraced houses, comprising original features, red brick, and slate roof tiles, or in some cases render. The proposals include only limited screening, therefore exposing the harsh contradiction between the proposed development and its surroundings.

During the hours of darkness, the lighting columns would illuminate the site. Given that the site would be served by 5 such columns, the density in which they are arranged would illuminate the site much more than the more sparsely illuminated street network and would present prominently from surrounding public vantage points.

The proposed single-storey food and beverage unit would appear wholly incongruous, given its difference in height, form, and materiality to the surrounding buildings. The proposed unit comprises a single-storey and a flat roof, neither of which are features of the immediate vicinity. Regarding the proposed materiality, there is a lack of detail within the plans to comprehensively assess their impact, and further information is required. Notwithstanding, the drawings refer to render and vertical cladding panels, and whilst render is used within the locality, the proposed unit appears unresolved, lacking in quality, and unsympathetic to the traditional context.

The unit's visual harm would be exacerbated by its prominent position on Manchester Old Road, and its adjacent position to No. 656 which, whilst semi-detached, takes the form of a traditional terraced dwelling formed from traditional materials, albeit with the front elevation having now been rendered. The proposed facility would also face inwards to the forecourt other than a serving hatch and secondary window to Manchester Old Road, which would do little to provide an active frontage to this well trafficked highway. With regards to the serving hatch, it is noted that it would sit above an existing grass verge which is beyond the red edge of the development, and would clearly lack any functionality.

Overall, the design of the proposed development is unacceptable as it would unduly harm the character and appearance of the street scene through poor layout, building design, and ineffective screening. The proposed development fails to integrate with its surroundings and would appear wholly incongruous and detrimental, and therefore fails to comply with the requirements of the National Planning Policy Framework in respect of the need for development to be well-designed, Policy JP-P1 of the Places for Everyone Joint Development Plan Document, and Policy P3 of the Rochdale Core Strategy.

Heritage:

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Paragraph 206 states that any harm to, or loss of, the significance of a designated or non-designated heritage asset should require clear and convincing justification. Policy JP-P1 of Places for Everyone states that Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy. Policy P2 of the Core Strategy promotes the protection and enhancement of key heritage assets and their visual amenity.

In addition, paragraph 200 of the NPPF says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submission includes a heritage statement (Zest, ZST-820, July 2024) which acknowledges the Grade II listed monument within the grounds of All Saints Church, yet makes no attempt to determine its significance. Furthermore, the heritage statement disregards All Saints Church as a non-designated heritage asset as it is not listed on the council's website. Annex 2 of the NPPF defines NDHAs as including buildings identified which have a degree of significance meriting consideration in planning decisions because of their heritage interest, but which do not meet the criteria for designated heritage assets. It is noted that All Saints Church on Manchester Road does not appear on the Council's list of NDHAs, however the list isn't exhaustive and is frequently updated. Given the church's association with the listed war memorial, its architectural merit, and contribution to the street scene, it would be considered an NDHA. As such, the supporting heritage statement does not sufficiently outline the significance of any nearby heritage assets nor the impact of the proposed development on their significance.

Notwithstanding, the Council's Conservation Officer has been consulted on this application, and concluded that seeing as the Church and listed monument are set back from the road, screened by vegetation, and separated from the site by nos. 654 & 656 Manchester Road, the impact of the development will be limited, and would not undermine their historical significance. Therefore, despite the absence of a robust and comprehensive heritage assessment, the proposal would not be considered to harm the significance of any nearby heritage assets, in accordance with the NPPF, PFE policy JP-P1, and Core Strategy policy P2.

Amenity:

The National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM1 of the Core Strategy requires all development to be compatible with surrounding land uses, in terms of its impact on those uses as well as future residents. DM1 also requires all new development to mitigate against any negative impacts due to noise or light pollution.

In terms of the above, the main consideration is the impact of noise and light pollution, associated with the EV parking area, on local residents in the surrounding houses on Egerton Street and Walker Street. Given the site's proximity to Junction 19 of the M60, as well as the proposed food and beverage unit, it is reasonable to assume that the proposed EV charging points could serve motorway users passing through the area, in addition to local residents.

The majority of vehicles would exit the site towards Manchester Old Road, which would mean that car headlights would shine directly towards ground floor habitable room windows on no. 105 Walker Street and no. 1 Egerton Street, as indicated by the “swept path analysis: ZST-0100-02” submitted alongside the report. This would adversely affect the amenity of residents within those properties, especially at night, and particularly given that the affected windows serve habitable rooms where residents spend prolonged periods of time.

Residents of houses surrounding the site are likely to be negatively affected by noise associated with the proposed development, including car engines (where combustion engine vehicles may use the food and beverage component of the proposals), car doors, and car speakers. Whilst there is the potential for disturbance from cars in any suburb or residential area, the proposed development is more likely to exacerbate the issue due to the increased concentration of cars, and the anti-social hours at which they would be coming and going. Given that surrounding housing stock is generally older, residents would rely on traditional methods of ventilation such as opening windows and doors which would exacerbate the acoustic impacts of the development.

Overall, the proposed use as an EV charging area is not considered appropriate given the surrounding area's primary residential use. The frequent comings and goings of vehicles during the day, and at times during the night, would cause significant disturbance to the amenity of surrounding residents through noise and light pollution. The proposal therefore does not comply with the National Planning Policy Framework, Policy JP-P1 of the Places for Everyone Joint Development Plan Document, and Policies G9 and DM1 of the Rochdale Core Strategy.

Biodiversity net gain (BNG):

Paragraph 180 of the NPPF states that planning policies should minimise impacts on and providing net gains for biodiversity. PFE policy JP-P8 aims towards a net enhancement of biodiversity, by enhancing the restoration of existing habitats or adequately mitigating or compensating for any harm to biodiversity. Policy G7 of the Core Strategy states that no development should result in a net loss of biodiversity or geodiversity, and that overall development in the borough should result in a net gain.

In addition to the above, as of 2nd April 2024, a net gain of 10% is mandatory for all development in England under Schedule 7A of the Town and Country Planning Act 1990. In the application form, the applicant claims that the development is exempt for statutory BNG requirements as the site is considered ‘de minimis’ as per The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

However, in order to meet the de minimis exemption, the site must not be considered a priority habitat and must be less than 25m². A ‘priority habitat’ refers to any habitat specified under section 41 of the Natural Environmental and Rural Communities Act, including ‘grassland’. Greater Manchester Ecology Unit concluded that the site is considered grassland or brownfield, and as the site measures approx. 842 m², would not be considered de minimis.

The application therefore cannot demonstrate legal compliance with S.7a of the 1990 Act which constitutes a reason for refusal.

Notwithstanding the above, were the application to be considered exempt under the de minimis criteria, the provisions of Paragraph 180 of the NPPF and PFE Policy JP-G8 in

respect of providing a net gain to biodiversity would still apply to the proposed development.

Upon a site visit by officers, it is clear that there is an abundance of grasses, shrubs, and wildflowers covering the majority of the site. Permission is sought to cover the entire site in asphalt and a small area of pebbles. In the absence of a biodiversity matrix, it is not possible to conclude the specific impact upon biodiversity that the development would have. However, it is clear that the post-development biodiversity value of the site would be drastically worse than the existing.

With reference to the mitigation hierarchy of Policy JP-G8 of PfE, the application fails to mitigate any harm to biodiversity and does not compensate for this loss. Furthermore, no assessment has been made to demonstrate that quantifiable BNG has been set out in the application. As such, in addition to S.7a of the 1990 Act, the proposal fails to comply with Paragraph 180 of the National Planning Policy Framework, policy JP-P8 of the Places for Everyone Joint Development Plan, and Policy G7 of the Rochdale Core Strategy.

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 111 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.

The Council's Highways Officer has been consulted and raised no objections to the development. The officer concluded that access to the site is suitable for the proposed use, and that the scheme is unlikely to generate any significant volumes of traffic and would therefore have an acceptable impact on highways safety.

With reference to the objections raised by residents in relation to traffic congestion and increased parking demand, it is acknowledged that the proposed development will attract more cars to the area. However, the proposed use is predominantly a car park, and whilst it is intended specifically for EV charging, customers using the food and beverage pod are likely to use the on-site parking spaces, for a short period of time, which would not result in an increase in on-street parking.

Furthermore, traffic congestion and parking demand are considered to be reasons for refusal only if they pose a risk to highways safety. Whilst the proposed development could theoretically increase traffic congestion and parking demand, it is unlikely to be to the extent whereby it would threaten highway safety. The development is therefore acceptable in accordance with the NPPF, and policies DM1 and T2 of the Core Strategy.

Other matters:

Drainage:

Rochdale Core Strategy policy G8 and saved UDP policies EM/7 and EM/8 are relevant policies relating to drainage and flood risk. Policy G8 requires that new development does not lead to any form of increased flooding or impeded natural water and flood risk management.

As part of the application process both United Utilities and Lead Local Flood Authority were consulted. United Utilities raised no objections, however no response was given by the LLFA. Nevertheless, it was considered that due to the nature of the development, matters relating to surface water run-off and foul sewage could be dealt with by condition, in the event of an approval, and therefore the LPA raises no objections on these grounds.

RECOMMENDATION

Refusal is recommended for the following reasons:

1. By virtue of its poor layout, building design, ineffective screening and concentration of lighting, the proposals would fail to suitably assimilate with their surroundings and would represent a wholly incongruous and inappropriate form of development that would be unduly harmful to the character and appearance of the street scene and wider surroundings. In failing to take account of positive characteristics of the surrounding built environment, or producing a scheme of any design merit, the development falls far below the threshold of being considered well-designed and therefore fails to comply with the requirements of the National Planning Policy Framework, Policy JP-P1 of the Places for Everyone Joint Development Plan Document, and Policy P3 of the Rochdale Core Strategy.
2. The frequent comings and goings of vehicles would give rise to undue disturbance through noise associated with the use of the proposed development to the detriment of the amenity of surrounding residents. Furthermore, given the proximity of nearby dwellings and their orientation in relation to the vehicular access of the proposals, the amenity of the occupiers of no. 105 Walker Street, and in particular, no.1 Egerton Street would be unduly harmed by the shining of car headlights into their habitable rooms. The proposal therefore fails to comply with the requirements of the National Planning Policy Framework, Policy JP-P1 of the Places for Everyone Joint Development Plan Document, and Policies G9 and DM1 of the Rochdale Core Strategy.
3. In the absence of a completed statutory biodiversity metric, the proposals cannot demonstrate compliance with the statutory requirements of Section 7A of the Town and Country Planning Act 1990 (as amended) in respect of meeting the biodiversity gain objective. The proposals, by reason of their complete loss of on-site habitat without adequate compensation also fail to deliver a measurable enhancements to the natural environment and as such, the proposals fail to comply with Paragraph 180 of the National Planning Policy Framework, policy JP-G8 of the Places for Everyone Joint Development Plan, and Policy G7 of the Rochdale Core Strategy.

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 plans:

- Planning Statement – ZST-811 (Zest, August 2024)
- Heritage Statement – ZST-820 (Zest, July 2024)
- Alfen Double Pro Line Charging Point Details: ZST-0000-07-03
- Finishes Plan – ZST-0000-12
- Proposed site plan – ZST-0000-03
- Signage: ZEST-0000-11-01
- Charging point elevations: ZST-0000-08-04
- Lighting design: ZST-0000-13
- Ductwork layout: ZST-0500-02
- Street scene drawings from Egerton Street and Walker Street: ZST-0000-09
- Location plan: ZST-0000-01
- Swept path analysis: ZST-0100-02
- Street scene elevation from Manchester Old Road: ZST-0000-09
- Proposed elevations 2: ZST-0000-09
- Proposed floor/elevations: QS030089