

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01078/FUL	Claire Ringwood	21 st December 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 1.725m high fencing/gate/brick wall (resubmission 22/01494/FUL)

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

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

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

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

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: RG

DATE: 22 December 2023

SITE

The site relates to an area of land to the west of 147 Yorkshire Street. The land is paved over and no structures are located on the site although at the time of the Planning Officers site visit the area was being used for parking.

PROPOSAL

Planning permission is sought for the change of use of the land to form an extension to existing parking area including the erection of a new boundary wall and railing measuring 1.725m in height consisting of brick piers, wrought iron railings and a black iron gate to Jermyn Street. The existing concrete/tarmac surface is to remain.

PLANS AND DOCUMENTS SUBMITTED

Location Plan

Drawing No: 21.2753.1A – Existing Details

Drawing No: 21.2753.2B – Proposed Details

Heritage Statement

Received 2nd October 2023

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

22/01494/FUL - Change of use of part of land to form extension to existing parking area and erection of 1.93m high fencing/gate. Refused 06/04/2023.

This application for refused for the following reasons:

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.

CONSULTATION RESPONSES

Conservation And Design

The previous consultation response advised “These concerns could potentially be overcome with an alternative boundary treatment, such as an appropriately detailed brick wall or decorative cast iron railings.” I see that the present submission is for a gate comprised of these materials so therefore I think other issues relating to harm to the conservation area have been resolved now.

Highways And Engineering

This application is a resubmission of application 22/01494 and having reviewed the submitted plans it would appear that the alignment of the fence and position of the gates are very similar to that previous application to which we did not object.

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.

REPRESENTATIONS

The application was advertised by way of neighbour notification letters and a site notice. No representations have been received.

ANALYSIS

Principle of development

The application site is within the Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any application 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 135 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 1.725m high boundary fence consisting of brick piers, wrought iron railings and a black iron gate to Jermyn Street. Accordingly, subject to an assessment of other development management requirements, the principle of development for the change of use of the area to parking with the proposed boundary 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 203 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 205 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.'*

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 proposal is for the change of use of the land to form an extension to the existing parking area including the erection of a new boundary wall measuring 1.725m in height consisting of brick piers, wrought iron railings and a black iron gate to Jermyn Street. The Council's Conservation Officer raised concerns with the previously refused application for the installation of a green anti-climb mesh fence however, they advised that "these concerns could potentially be overcome with an alternative boundary treatment, such as an appropriately detailed brick wall or decorative cast

iron railings.” The proposal has been amended in line with these comments and the previous concerns raised have now been resolved. As such, the proposal is considered acceptable and would not be harmful to the setting of the identified adjacent heritage assets.

Paragraph 29 of the National Design Guide includes landscaping – including boundary treatment - as one of the ten characteristics that defines well designed places. Paragraphs 131 and 135 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 Core Strategy 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 1.725m brick and iron fence will be visible due to its corner position however, it is located on the busy A58 (Yorkshire Street) and there are more industrial type buildings to the north. The brick and iron detailing will be more in keeping with the character of the streetscene and it is not considered to result in an incongruous addition nor detrimental to the character and appearance of the area. The application would therefore in accordance with Core Strategy Policies P3 and DM1 and policies contained within the NPPF and NDG.

Highways and Access

The proposal results in a vehicle access gate to the rear of the site via Jermyn Street. The Council’s Highways Engineers were consulted regarding the application and raised 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 Core Strategy and Paragraph 115 of the NPPF.

RECOMMENDATION

GRANT subject to the following condition(s):

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and documents:

Location Plan
Drawing No: 21.2753.2B – Proposed Details
Received 2nd October 2023

and the development shall be carried out in accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full

specifications of materials to be used externally on the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

4. The proposed gates hereby approved shall open into the site only and away from the highway and this arrangement shall be retained and maintained thereafter whilst the site is operational.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of road safety in accordance with Policy T2 of the Rochdale Core Strategy and the NPPF.

5. The vehicular access to the site hereby approved shall remain from Jermyn Street and at no such time is access allowed directly onto Yorkshire Street.

Reason: In the interests of road safety in accordance with Core Strategy Policy T2 and the NPPF.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.