APPLICATION NUMBER: 18/01200/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01200/FUL	Michael Atkinson-Smith	29 January 2019

Address: Land Adjacent To 143 Jubilee Road Middleton M24 2LY
Proposal: Erection of one block of 8 flats with associated parking

PUBLICITY	**Call up expired?**	YES	**Site notice expired?**	YES
	Neighbour letters expired?	YES	**Press Notice expired?**	N/A

INTERESTS	**Officer dealing with planning matters / Councillor app?**	NO	**Ten or more objections and recommendation to grant?**	NO
	Decision maker management interest in site?	NO	**Called up?**	NO

COMMUTED SUMS /	**Commuted Sum paid / S106 completed?**	N/A
	Confirm if commuted sum / S106 for POS – copy of calculation spreadsheet on file?	N/A

HUMAN RIGHTS ACT	**Account has been taken of the Act's provisions.**
ENFORCEMENT?	

EIA	**Has a screening opinion been completed and saved to Onbase?**	N/A

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: AT **DATE: 29.01.2019**

SITE

The application relates to a vacant plot at the site of a previously demolished building within a mixed row of convenience retail, hot food and other uses on an otherwise predominantly residential street in Middleton. No. 140 Jubilee Road stands directly facing, a hot food takeaway with a residential use at first floor level stands to the

west, a vacant retail unit last used as a hair salon with separate residential accommodation above lies to the east and a row of garages and an electricity substation lie to the rear. The application site extends to include part of a former garage site behind Nos. 135-139 Jubilee Road and adjacent to Grove Road. No. 23 Grove Road lies to the north of the proposed parking area.

PROPOSAL

The application proposes the erection of an apartment block comprising 8 no. units; six of which would contain a lounge/kitchen, bathroom and one bedroom, and two of which would contain a lounge/kitchen, a bathroom and two bedrooms.

The front part of the building along Jubilee Road would match the form and height of the adjoining building at No. 143 Jubilee Road. A large double storey outrigger would be erected in a perpendicular alignment to the rear, with the roof adjoining to the rear dormer that would be installed to the rear of the front section of the building. A small communal garden area, two small private garden areas, a refuse store and cycle parking facilities would be positioned to the rear.

A parking area would be provided on vacant land to the north west of the site adjacent to Grove Road which would be accessed through the existing vehicular access to the rear off Grove Road. A 1.8m high fence would be erected along the boundary shared with the rear outdoor area of No. 145 Jubilee Road.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2018
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

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

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**
P1	Improving image
P3	Improving design of new development
SO4	**Promoting a Greener Environment**
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
DM1	General development requirements
SD1	Delivering sustainable development

Saved Unitary Development Plan (UDP) policies:

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/1 Defined Urban Area

EM/7 Development and Flood Risk
EM/8 Protection of Surface and Groundwater

Supplementary Planning Documents:
Oldham and Rochdale Residential Design Guide SPD
Guidelines and Standards for Residential Development (2016)

RELEVANT SITE HISTORY

05/D45656 Change of use from shop to hot food takeaway. Withdrawn August 2005.

91/D27617 Two shops with living accommodation at first floor level. Granted STC January 1992

91/D27112 Two terraced houses. Refused October 1991

CONSULTATION RESPONSES

Drainage - **Summary:** No Drainage Proposals were submitted. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained in the most sustainable way. The drainage scheme for the development shall be in accordance with the NPPG's hierarchy, in the following order of priority: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; or to a combined sewer. In the event of surface water discharging to sewerage, the rate of discharge shall be restricted to the lowest possible rate. Prior to connection to the sewer, the flow rate shall be agreed with United Utilities, who own the public sewer in vicinity; the connection point shall also be agreed with UU. Foul & surface water system shall be separate and only combined at the site's final outfall manhole i.e. in accordance with Building Regulations Part H5 (2010). With regard to the discharge flow rate calculation, it is noted that part of the site is greenfield (grass) and part is tarmac and a building. Therefore, the Applicant's Drainage Designer should consider that the site's surface water discharge should be as close to greenfield runoff as practical. Contact the Drainage Officer for further discussion.

Greater Manchester Police - Design For Security - No comments received to date

Highways And Engineering - The parking provision for this proposal is slightly below what we would recommend for a development with this combination of unit sizes. I do however believe the parking provision made to be within acceptable limits. The access to the site is well established and acceptable. The road layouts will not change as a result of this proposal. We cannot identify any issues with servicing this property. There will be no material Traffic increase as a result of this development, we do not therefore believe there to be any additional Road Safety issues as a result of this proposal. We have no objection to this development as proposed.

Public Protection (Environment) - No comments received to date

Public Protection (Noise / Odours) - No comments received to date

United Utilities - **Summary:** A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way (in accordance with the NPPG hierarchy).

The Coal Authority - Material Consideration - I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the application site is subject to likely historic unrecorded coal mine workings at shallow depth. This planning application is supported by a Rotary Borehole Site Investigation report dated October 2017 and prepared by Geoinvestigate Ltd. The report notes that 2No. Rotary Boreholes were drilled on the site underneath the area of the new development. The boreholes were drilled to a depth of 30m within which no voids, cavities or broken ground, indicative of the presence of mine workings, were encountered. Based on these findings the report author notes that shallow workings are not expected to occur below the site within the 30m depth of the borehole investigation. On the basis of the information submitted, and the professional opinion of the report author set out therein, the Coal Authority has no objection to proposed development.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted in the vicinity. Two letters of objection have been received citing the following concerns:

- The dedicated parking area would be insufficient due to its limited accessibility which may lead to increased parking on Jubilee Road which already is subject to parking pressures due to the presence of existing businesses.
    - *Addressed in the Highways, Parking and Accessibility section.*

- The use of the parking area would lead to a loss of privacy and noise/disturbance for residents of the neighbouring social housing blocks and residents on Grove Road due to the open nature of the railings which form the boundary treatment.
    - *Addressed in the Impact on Residential Amenity section.*

ANALYSIS

Principle of Development and Contribution Towards Housing Supply

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. Policy SD1 of the adopted Rochdale Core Strategy – Delivering Sustainable Development states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The aim is to secure development that improves the economic, social and environmental conditions in the area.

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. The core application site is considered to represent previously developed land by virtue of being the site of a former building and its associated curtilage. The associated proposed external parking area represents a mix of previously developed and greenfield land, but within the urban context and in light of the former use as a garage site could reasonably be considered to also constitute previously developed land. Policy C1 of the Rochdale Core Strategy seeks to maximise the potential of previously developed land, including empty homes and buildings, to contribute to the required deliverable five year supply of land for new homes. The same policy also seeks to ensure that sites for homes are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport. Policy C3 of the Core Strategy seeks to provide a range of housing types to meet different needs, and at densities that make efficient use of land.

On the basis that the proposal would make use of previously developed land and would make a valuable contribution to housing supply within the Borough, whilst being in a sustainable location within close proximity to local amenities and public transport facilities, it is considered that the principle of development is therefore acceptable in principle in accordance with 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. However, the application is additionally subject to an assessment of matters such as amenity, highway safety and the environment to ensure its acceptability.

Layout, 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, and can also improve health, safety and the environment and reduce long-term costs. As such the policy requires all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design. Policy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 127 of the 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 surrounding area is predominantly residential in character, with a mix of building styles including post-war semi-detached dwellings and terraces. The immediate row of buildings in which the proposed apartment block would stand is varied in building

form, height and age. The proposal would result in two storey building next to single storey building but this is an existing feature and not necessarily unacceptable given the predominant two storey height of surrounding buildings. The building would continue the form of the adjacent two storey building it would be adjoined to and replicate the brick pier detailing. The application of a rendered finish at first floor level to the front is not necessarily unacceptable given the prevalence of such finishes in the immediate vicinity.

The position of the front door in the front elevation and the corresponding window above does not result in a satisfactory standard of design and visual appearance. The first floor window heights and proportions would also not correspond with those of the adjoined building. Forward roof lights are employed in the vicinity but the proposed roof lights to the front which are spaced to suit the internal layout represent poor spacing and rhythm.

To the rear, the rear dormer would be disproportionately large, especially in terms of width and proximity to rear eaves line. The two storey dual pitched roof outrigger to the rear would be built out from the dormer which represents a very poor standard of design. The projection of this rear building section is also significant and would be clearly visible from Grove Road. The windows within the rear dormer are not considered to be appropriately positioned and there would be an inconsistent approach to first floor rendering, with it being applied to some elevations but not all.

That the principal entrance to some flats would be though the rear alleyway would be far from ideal in terms of layout, and whilst dedicated cycle and refuse storage areas are welcomed, their position is unsatisfactory in terms of visual appearance and security.

Whilst overall the scale and form of the front section of the building facing Jubilee Road are broadly acceptable, taken as a whole, the proposed scheme is considered to represent a poor standard of design and an overdevelopment of the plot. As such the application is considered contrary to the requirements of Core Strategy policies DM1, C3 and P3, the Oldham and Rochdale Urban Design Guide SPD and the NPPF.

Impact on 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. 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.

That the only windows of the front ground floor flat (flat 1), including the bedroom, would open directly onto the street in an undesignated but still present suburban commercial parade would not result in a satisfactory standard of privacy for the future occupiers of this dwelling. In addition, the bedroom window would be positioned not more than 2m from the entrance to the adjoining hot food takeaway which would clearly not result in an acceptable relationship between these incompatible uses. The impact of the hot food takeaway on the first floor front unit would be less than ideal, but not necessarily sufficient to warrant a refusal of planning permission solely in this respect given the close proximity of other residential properties to the existing hot food takeaway.

Each individual unit would be small but not necessarily unacceptably so. The communal outdoor amenity space would not result in a satisfactory degree of privacy for the occupants of flats 2 and 3 given that their habitable room windows, including bedrooms, would open directly onto it. The private outdoor amenity space of flats 2

and 3 would be directly overlooked by the Juliet balcony of flat 5. To a lesser but still substantial degree, the spaces would be overlooked by the bedroom window of flat 5 and the lounge/kitchen window of flat 7. The platform access to the first floor living accommodation of No. 145 Jubilee Road would also result in a significant lack of privacy for the outdoor amenity spaces of flats 2 and 3, the lounge/kitchen window of flat 3 and the bedroom window of flat 6. The land to the rear of 145 Jubilee Road, whilst clearly currently underused, would also be highly overlooked at a direct angle.

No section drawing showing the finished floor level of flat 8 in relation to the roof lights offering the only outlook have been provided, but the position of the roof lights does not appear to indicate that a satisfactory degree of outlook would be achieved. Flats 2 and 3 would be especially poorly served in terms of outlook; flat 2 as a result of a significant tunnel effect in respect of the bedroom window resulting from the double storey outrigger and the neighbouring single storey rear extension of No. 143 Jubilee Road; and flat 3 as the outlook from the lounge and bedroom facing west would be only 3.2m which is well below the minimum 10 metres required by the SPD. The bedroom of flat 3 would also be particularly negatively impacted upon by the existing extraction unit of the neighbouring hot food takeaway at No. 143 Jubilee Road which would be sited in close proximity and would likely be in use at times when the occupiers of this residential unit would be expected to be at home.

An objection has been raised in respect of the potential for loss of privacy and disturbance caused by use of the proposed parking area in relation to dwellings on Grove Road. No. 23 Grove Road would share a close relationship with the parking area but would be shielded by its own close boarded timber fence. Whilst some disturbance from car engines and doors may arise, this is not uncommon in a residential setting and it is not considered that a sustainable refusal reason could be raised in this respect. The communal outdoor area of Nos. 135-139 Grove Road would be visible, as at present, through the existing otherwise unshielded railings. Whilst this is not ideal given that there would be some intensification of the use of the land in question, it is noted that the entire boundary treatment is formed of railings and the communal rear garden is therefore already significantly overlooked. There is presently nothing to prevent access to the land immediately to the rear and so whilst it is underused at present; it is not considered that it would be reasonable to expect the applicant to provide a more substantial boundary treatment to the benefit of the occupants of those dwellings.

Notwithstanding the above, taken as a whole, the scheme as proposed would not offer a satisfactory standard of amenity for the future occupiers of most units and would result in undue overlooking of land associated with the neighbouring property at No. 145 Jubilee Road. As such the application is considered contrary to the relevant parts of Policy DM1 of the Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the requirements of the National Planning Policy Framework.

Highways, Parking and Accessibility

Core Strategy policy T2 states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Core Strategy policy DM1 requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location. Developments are required to provide parking in compliance with the Council's Car Parking Standards as set out in Appendix 5 of the adopted Rochdale Core Strategy. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and 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 of the road network would be severe.

The site is accessible as it is within an existing densely built up area of Middleton and within walking and cycling distance of the town centre, with fair access to local public transport provision. In assessing the impact of the proposal, consultation was carried out with the Council's Highways Officer who notes that the parking provision for this proposal is slightly below what would be recommended for a development with this combination of unit sizes. However, the Officer considers that the amount of parking provision would be within acceptable limits given the location. No road safety, access, servicing or excessive traffic generation issues were identified and as such no objections were raised by the Highways Officer. The provision of dedicated cycle parking facilities is welcomed, although the design of such provision and siting in respect of the likely security impacts would need to be addressed.

The plans do not indicate any opening of the boundary treatment to the west of the rear access onto Grove Road, although it would not necessarily be reasonable to resist this, subject to appropriate treatment of the opening and security measures which could be controlled through condition in the event of any future granting of planning permission for the site.

In light of the above, the proposal is adjudged to be satisfactory in respect of parking and highways impacts and the application therefore complies with policies T2 and DM1 of the adopted Rochdale Core Strategy and the NPPF.

Land Contamination and Coal Mining Risk

The NPPF and Core Strategy Policy G9 state 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 submitted Rotary Borehole Site Investigation Report and Coal Mining Risk Assessment dated October 2017 were reviewed by The Coal Authority, which confirmed that the development site lies within a Coal Mining High Risk Area. The Coal Authority records indicate that the application site is subject to likely historic unrecorded coal mine workings at shallow depth. The submitted report notes that 2No. Rotary Boreholes were drilled on the site underneath the area of the new development. The boreholes were drilled to a depth of 30m within which no voids, cavities or broken ground, indicative of the presence of mine workings, were encountered. Based on these findings the report author notes that shallow workings are not expected to occur below the site within the 30m depth of the borehole investigation. On the basis of the information submitted, and the professional opinion of the report author set out therein, the Coal Authority has no objection to proposed development.

The submitted geo-investigation report acknowledges that the scope of the assessment was limited to assessing the site for the presence of shallow mine workings. As such, the potential presence of any ground contaminants has not been addressed and therefore prior to any subsequent development a Phase I Report (Preliminary Risk Assessment) would be required to assess the actual and/or potential contamination risks at the site. It is therefore concluded that, subject to an appropriate condition 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 would have been satisfied.

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. The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year).

No detailed drainage proposals were submitted with the application and as such those details would therefore need to be secured through condition. Consultation with United Utilities has brought to light that a public sewer runs across the site which in the event of any subsequent approval would need to be addressed. Any future approved scheme would also need to ensure the drainage of the site via separate systems for foul and surface water and that a sustainable drainage system is installed in accordance with the NPPG hierarchy.

RECOMMENDATION

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1. The proposed development would constitute an over-development of the plot; resulting a disproportionately large outrigger to the main building to the rear and a rear dormer of excessive scale and width. That the two storey outrigger would adjoin to the proposed dormer represents a particularly poor standard of design. The proposed fenestration detailing to the front elevation and on the rear dormer are unacceptable in terms of proportion and position and the materials detailing is inconsistent. The entrance to the rear units would not contribute to a good standard of legibility and the layout of private and communal amenity space, unsecured cycle storage and refuse store are ill-considered. Taken as a whole, the proposed scheme is considered to represent a very poor standard of design and layout which would be significantly detrimental to the character and appearance of the area, notably as viewed from Grove Road to the west. As such the application is considered contrary to the requirements of adopted Rochdale Core Strategy policies DM1, C3 and P3, the Oldham and Rochdale Urban Design Guide SPD and the requirements of the National Planning Policy Framework.

2. The proposed development would not result in a satisfactory standard of residential amenity for the future occupiers of the proposed dwellings through lack of privacy and/or outlook. The levels of privacy and functionality of the proposed outdoor amenity areas are also unsatisfactory. The rear of No. 145 Jubilee Road would also be unduly overlooked. As such the application is considered to be contrary to the relevant parts of Policy DM1 of the Core Strategy, the Supplementary Planning Document 'Guidelines and Standards for Residential Development (2016) and the requirements of 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:

INFORMATIVE:

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

- Site Location Plan
- 18.1815.1A Existing Site Plan and Details
- 18.18152A Proposed Site Plan
- 18.1815.3B Proposed Floor Plans
- 18.1815.4A Proposed Elevations

Report Author Michael Atkinson-Smith