

APPLICATION NUMBER: 24/00286/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00286/FUL	Hamish Rigg	20/09/2024

Address: 31-33 First Floor, York Street, Heywood, Rochdale, OL10 4NN

Proposal: Change of use from nail bar into self-contained flat

PUBLICITY	Weekly list expired?	Y	Site notice expired?	n/a
	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?	N

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

RECOMMENDATION	Grant STC
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CHECKED AND SIGNED OFF BY: RK

DATE: 20/09/2024

SITE

The application relates to the first-floor of 31-33 York Street in Heywood Town Centre. It is an end of terraced property on the junction with Queen's Park Road. The first floor currently operates as a nail bar, while the ground floor is a florists.

York Street falls within Heywood Town Centre and the Defined Urban Area. It is a busy thoroughfare for pedestrians and vehicles, accommodating numerous shops, cafes, hot food takeaways and small businesses. The surrounding area is typically urban in character, including a mix of housing, shops and commercial units.

The applicant property falls within the vicinity of The Parish Church of St Luke, and 19 York Street- the former Vicarage, both of which are Grade II listed buildings.

The applicant property faces south, overlooking the public highway and Heywood Market. It is adjoined by no. 29 to the west and flanked by Queen's Park Road to the east. The rear boundary of the curtilage face north, bordering Stoke House, 1A Queens Park Road.

PROPOSAL

Permission is sought for the change of use of the first floor into a self-contained flat, including alterations to the internal layout to create a studio flat.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P1 Sustainable places

Adopted Rochdale Core Strategy (CS):

DM1	General Development Requirements
C1	Delivering the right amount of housing in the right places
SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development
C3	Delivering the Right Type of Housing
P2	Protecting and enhancing character
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General Development requirements

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

80/D11469 – Change of use from shop to estate agent – Grant STC

90/D24770C – Use of first floor accommodation as offices- Grant STC

CONSULTATION RESPONSES

Environmental Health 19/09/2024:

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

The unit constructed in line with the requirements of the submitted noise impact assessment to achieve the following internal noise levels

- *35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;*
- *30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;*
- *35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;*
- *40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.*

Upon completion and prior to occupation validation testing is carried out to ensure the internal and external noise levels have been achieved

The hours of construction are restricted to Monday-Friday 08:00-18:00 Saturday 09:00-14:00 with no work on Sundays or Bank holidays

Highways – 15/05/2024:

No objections

REPRESENTATIONS

Letters of notification were sent to surrounding properties 25/04/2024; no objections were raised.

ANALYSIS

Principle for development:

Permission is sought for the change of use of the first floor into a self-contained flat. Places for Everyone establishes the need for at least 616 net additional dwellings per year in Rochdale to meet the housing needs of the borough. Policy C1 of the Core Strategy aims to maximise the potential of previously developed sites within the urban area to achieve a target of 80% of new housing of previously developed land. The site falls within the 'defined urban area' as set out in Policy G/D/1 of the saved Unitary Development Plan (UDP). Furthermore, policy JP-H4 of PfE states that new housing should be delivered a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. Therefore, where possible concentrating a higher density of housing in town centres.

The principle for development relating to this application is therefore established by contributing towards additional housing supply, and in supporting development within the defined urban area and town centres.

Design: DM1 and P3

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. In addition, paragraphs 131 of the National Planning Policy Framework (NPPF) state 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 on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 139 states that development that is not well designed should be refused.

The proposed works include no external physical alterations to the property other than the replacement of windows pursuant to noise attenuation requirements. The character of the street scene would therefore be protected and the impact would be neutral. It should also be noted that nearby heritage assets, including St Luke's Church and no. 19 York Street will similarly be unaffected by the proposed change of use and their character and significance will be preserved. The design of the proposal is therefore acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity: DM1 and SPD

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Furthermore, policy DM1 of the Core Strategy requires development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, 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.

Owing to its town-centre location, the main consideration regarding the proposed change of use is the impact of the external noise levels on occupier amenity. The applicant has therefore submitted a ‘Noise Impact Report’ (Spratt and Hamer, 21969 V1, 13/09/2024), which found that background noise levels will result in an adverse impact on the proposed use as a self-contained flat.

Notwithstanding, the report confirms that by installing the recommended glazing ad ventilation, the required internal noise levels, as per the recommendations of the Council’s Environmental Health Officer, can be achieved. The Environmental Health Officer therefore raised no objections to the proposal, subject to a suitably worded condition requiring adherence to the proposed mitigation measures laid out in the noise impact assessment.

Separation distances:

Paragraph 4.1 of the ‘Guidelines & Standards for Residential Development SPD’ sets minimum space standards between new and existing residential developments in order to protect privacy and amenity. The windows to the front of the property, serving the studio bedroom/ living area do not directly face any properties and therefore complies with the SPD. Similarly, the windows overlooking Queen’s Park Road do not directly face any properties and therefore comply with the SPD. There are two windows at the rear of the property which face 1a Queen’s Park Road, with a separation distance of 7m. However, these windows do not face any habitable room windows, and as they serve the staircase and kitchen, are not considered habitable room windows themselves. As such they also comply with the SPD. The proposed change of use would therefore be acceptable in terms of occupier and neighbour privacy and outlook.

Space standards:

The Nationally Described Space Standards (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for application across all tenures.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5

The proposed flat would be a studio flat; a term which is not directly referred to in the NDSS. Studio flats are typically a one-bedroom, one person flat, set on a single storey. Therefore, their minimum gross internal area must be either 39 sqm with a bathroom, or 37 sqm with a shower room. The total internal floor space is approx. 50 sqm which includes a shower room. The proposal therefore complies with the NDSS.

It should be noted that an amendment has been made to create a new internal opening to remove the separate room to the front of the property. This was to ensure that the room would not be used as a bedroom as it did not comply with the NDSS minimum single bedroom floor area of 7.5 sqm.

Refuse Collection:

The plans indicate the storage of a bin within the existing rear yard, and collection to the rear as per the existing strategy. This is considered to be acceptable.

Highways: DM1 and T2, Appendix 5

Whilst the applicant has indicated no on-site parking spaces, the Council's Highways Officer raised no objections to the proposed development. The change of use is unlikely to generate a significant volume of traffic and the property is close enough to town centre amenities and transport links that off street parking is not essential.

RECOMMENDATION

Grant subject to the following conditions:

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:-

- Noise Impact Report (Spratt and Hamer, 21969 V1, 13/09/2024)
- Proposed elevations and layouts: CL 03245882/2
- Existing and proposed site plans: FO 042458882/4
- Location plan: CL 03245882/3

And the development shall be carried out in complete accordance with these drawings hereby approved.

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. No works for the replacement or insertion of any windows shall take place until full product specifications for the windows at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in line with the requirements of the submitted noise impact assessment (Spratt and Hamer, 21969, 13/09/2024) to achieve the following internal noise levels:
 - 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
 - 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;

- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter in perpetuity.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

5. The bin storage area as shown on the plan (Proposed elevations and layouts: CL 03245882/2) shall be made available for its intended purpose prior to the first occupation of the development hereby approved and retained as such thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

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.