

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00664/FUL	Rosalind Gralton	4 September 2023

Address: 73 Yorkshire Street Rochdale OL16 1DB

Proposal: Change of use of first and second floor beautician shop (Class E) to no1 three bedroomed flat (Class C3) with changes to fenestration on the rear second floor elevation

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	N	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/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 22 January 2024

SITE

The site relates to the first and second floor of Yorkshire Street, previously used as a beauty salon but is now vacant. The ground floor is not part of the application but is in use for clothing retail. Opposite the site on Yorkshire St, is Shoezone. The shop on the corner of Yorkshire St and Reed Hill is a charity shop. A Hot food Takeaway, Dixy Chicken is located north west of the property, at 4-2 Reed Hill. The site incorporates a small internal courtyard, with pedestrian access from Hunters Lane via door and covered external walkway shared with Dixy Chicken.



The internal courtyard is surrounded by buildings at three storey on 3 out of 4 sides. Inside the courtyard is a large silver flue serving the takeaway, taking fumes out of the ground floor to above second floor. At roof level, netting surrounds the courtyard. Two air conditioning units are located within the courtyard on the rear of 2-4 Reed Hill

On the application property (73 Yorkshire Street), at first floor at rear elevation facing the rear/ western elevation of Dixy Chicken, external metal bars are fixed across the window.

The site is within the Defined Urban Area, Rochdale Town Centre and its Secondary Shopping Area. The site is not located within a Conservation area but is located in close proximity to Toad Lane Conservation Area, Rochdale Town Centre Conservation Area, and the Town Head Conservation Area. The site is not a Listed Building, but is approximately 30m away from The Reed Public House; a Grade II Listed building.

PROPOSAL

Planning permission is sought for the change of use of first and second floor beautician shop (Class E) to no1 three bedroomed flat (Class C3) with changes to fenestration on the rear second floor elevation, which comprises the enlargement of a rear facing window to serve bedroom no. 3.

Pedestrian access is proposed via the rear, however this would extend beyond the red line boundary denoted on the submitted Site Location Plan. Pedestrian access is also available through the retail unit fronting onto Yorkshire Street at existing ground floor level. Both points of access are shared by the adjoining commercial uses.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1 – To deliver a more prosperous economy

E3 – Focus on economic growth corridors and areas

SO2 – To create successful and healthy communities

C1- Delivering the right amount of housing in the right places

C3- Delivering the right type of housing

SO3- To improve design, image and quality of place

P3- Improving design of new development

SO5- To improve accessibility and deliver sustainable transport

T2- Improving accessibility

DM1- General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

G/S/1 & S/5 – Town Centres

S/4 - Secondary and Central Shopping Areas

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

07/D48632 – Change of Use from Class A1 to Class A2 (Financial and Professional Services) – Grant subject to conditions 19/03/2007

CONSULTATION RESPONSES

Highways And Engineering

The Council's Highways Engineers were consulted on the application and their response is as follows:

'There are a number of highway issues arising from this application.

The application site is within the town centre with its amenities and public transport links and there is adequate public parking within close proximity, therefore we have no concerns regarding the lack of parking provision.

The use of the current premises would generate a similar servicing requirement to the proposed use and therefore we raise no concern on this issue.

If approved the development should not have any impact on road safety or highways capacity on the wider highway network.

Highways raise no objection to this application, and request no specific planning conditions.'

Lead Local Flood Authority/Drainage

No comments to make

Env Health - Noise

The Council's Environmental Health Officer has been consulted on the application and their comments are provided below:

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

The homes are constructed in line with the submitted acoustic report to achieve the following internal 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;'*

Conservation And Design

The Council's Conservation Officer was consulted on the application and their comments are provided below:

'The application site is a mid-terrace, three storey property on Yorkshire Street. The site is not within a Conservation Area, but is close to three conservation areas, as detailed above.

A building is depicted in this location on the first edition OS map. However, the brick work of the front and gable elevations are constructed in a stretcher bond, indicating that they have been rebuilt. It is not known whether any of the older structure was retained as part of these rebuilding works.

The proposal is for internal works and the enlargement of a second floor window on the rear elevation. The new window is shown to be UPVC. Given the location on the rear, the lack of visibility from public viewpoint and that the site is not within a conservation area, the use of UPVC is not objected to in this instance.

The proposal would not adversely affect the significance of nearby heritage assets. No objections'

REPRESENTATIONS

The application was publicised by way of site notice, press notice and neighbour notification. No responses were 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 applications 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.

The site is located Rochdale Town Centre and within its Secondary Shopping Area to which saved UDP Policy S/4 relates. This UDP policy seeks to restrict ground floor changes of use in these areas to only 'shops, food and drink outlets and financial and professional services'. This policy is focused solely on ground floor uses, which in the case of this application would be retained. It is necessary to read Saved Policy S/4 alongside policy E1 of the Core Strategy.

Policy E1 states the council will seek to focus retail, leisure cultural office residential and other development to promote the viability and vitality of town centres, by *'Protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non-A1 retail and retail uses within Primary and Secondary Shopping Frontages'* however also diversify at upper floors, stating the Council will *'Support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/ theatres and quality housing on appropriate sites, or through conversion of upper floors, which will enhance the vitality of the centre, making it a more vibrant, active and safer place in the afternoon and evening;'*

This policy aspiration is consistent with NPPF paragraphs 90(f) and 124(d) which seek to recognise the benefits of making effective use of land and buildings and the contribution residential uses at upper floors can make to the vitality and viability of town centres.

It is acknowledged the application site relates to an upper floor former Class E unit, to be converted to residential use (Class C3). Whilst the council seeks to retain commercial uses in the town centre where feasible, the conversion of the upper floors only to a residential use would comply with Core Strategy Policy E1 and the NPPF. In tandem to this, Policy C2 of the Rochdale Core Strategy states the Council will focus on regeneration and delivery of new homes, specifically in Rochdale town centre, where the council will maximise opportunities for new residential development in and around the town centre. Additionally, Policy C1 states in the south of the borough the council will 'deliver a majority of new homes to reflect its accessibility to the core of the city region, and the opportunities that exist for new housing' and this will be done by 'deliver new homes in regeneration areas ... and focus new housing in or close to key economic growth corridors/ areas and town centres'.

As such, the conversion of the unit, in principle would achieve the aims of both Policy E1, C2 and C1 of the Core Strategy, and satisfy S/4 of the Saved UDP.

Accordingly, subject to an assessment of other development management requirements, the principle of development of the proposed change of use is acceptable and in accordance with Policy C2, C1 and E1 of the adopted Core Strategy, and Saved Policy S/4 of the UDP, and the National Planning Policy Framework.

Heritage and Visual Amenity

Policies DM1 and P3 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 126 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 130 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.

Policy P2 refers to protecting and enhancing character, landscaping and heritage.

The proposed change of use would replace an existing window at the rear elevation on second floor for a larger window. The site is not within a conservation area, however is close to three conservation areas. The Council consulted the Conservation Officer regarding the proposals, and concurs with their view, that given the proposed external alterations are to the rear, of limited public visibility, no objections are raised. The proposal would not be considered unacceptable in design or heritage terms.

Residential Amenity

Paragraph 130 of the NPPF states '*Planning policies and decisions should ensure that developments: f) 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*'

The Council's 'Guidelines & Standards for Residential Development SPD' in Section 4.10 discusses Changes of Use.

'When considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants. For example, residential uses may not be appropriate in certain commercial areas or above hot food take away shops as future residents could suffer from noise and smells nuisance or disturbance from activity late into the evening and early morning and this could affect the operations of the existing businesses.'

The proposal would convert part of the first and second floors into one three bedroom flat. Bedroom 1 would be 16sqm, Bedroom 2 30sqm and Bedroom 3 10sqm. With reference to the Technical Housing Standards – Nationally Described Space Standards, Bedroom 3 would measure 1.8m wide, and therefore Bedroom 3 would not be considered a suitably sized bedroom in this respect. Bedrooms 1 and 2 would be able to accommodate two bedspaces each.

Section 4.1 of the Council's Guideline's and Standards for Residential Development SPD states

'Although it is expected that most new development will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a

significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings. The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

(ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);'

No windows are located on the side/rear wall of No 2 Reed Hill at first floor. One window is located at second floor; planning permission (Ref 09/D52623) from 2009 shows this is in use as a staff room to the adjacent hot food takeaway and former restaurant. This window would directly face a habitable room window within 4.5m. This would directly face into a habitable room window with a 3.9m window to window distance. As such, this would fall far below the required distances, and would fall far below 14m, and fail to meet the required privacy distance for occupants.

In relation to outlook of the flats, the proposed outlook and light into the property would be restricted by virtue of the site's position with built form up to three storeys facing north west. All windows facing onto the yard (Main bathroom and bedrooms 1 and 3) would have a 3.9m distance to the rear/side wall of No 2 Reed Hill. As such, this falls far below the 14m required, and would fail to provide any acceptable level of outlook for the occupant.

While to the east outlook is available at second floor, this would be at oblique angles only and not provide sufficient daylight into the property throughout the day. The bedrooms would have poor access to natural light, and the limited natural light available would only be emphasised by the deep bedrooms and small windows comparable to the size of the rooms. The outlook available to the east at second floor would therefore not overall provide a sufficient level of light or outlook to the occupiers of the flat. At first floor, built form is surrounded at all levels, and therefore no sufficient level of outlook is provided.

The Council's Environmental Health Officer was consulted regarding noise, to ensure a high standard of amenity can be ensured for occupiers. Given the town centre location, some degree of noise is to be expected in this area, and therefore a condition regarding internal sound levels is attached to the decision notice, including a validation report to be submitted upon completion and prior to occupation. A large flue is located in direct outlook of first and second floor of the property, with netting atop the eaves of the property. While the Environmental Health Officer has not provided as to how the flue in such close proximity may impact the amenity of residents by noise or odour, it's siting in such close proximity (approximately 2.5m) to a residential property would add further to the poor standard of amenity the occupants would experience.

Additionally, waste storage is proposed externally in the courtyard currently shared with the takeaway. While no issues of this have been raised by highways or environmental health, no details of an external formalised bin store has been provided.

In conclusion, the proposed flat, by reason of poor outlook, inadequate size, and privacy distances, would result in an unacceptable level of amenity to the occupants of the proposed flat by reason of poor outlook, cramped living conditions, and overlooking. As such, the proposals would fail to comply with Policies C2, P1, P3 and DM1 of the Rochdale CS, and policies contained within the NPPF.

Highways

Relating to sustainable transport, Paragraph 111 of the NPPF states '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.'

Policy DM1 sets out the general development requirements and establishes that proposals should demonstrate they 'mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary' and 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'.

The Council's Highway's Officers were consulted on the application. Given the site's town centre location it was not considered necessary to require dedicated car parking. The existing servicing of the building would be considered similar to the proposed use, and therefore no concerns are raised to this regard. As such, it is considered the development should not have any impact on road safety or highways capacity on the wider highway network, and no objection or planning conditions are requested. Waste storage for the flat is provided in the ground floor rear yard.

RECOMMENDATION: Refuse

1. The proposed development involves the creation of habitable rooms with severely limited and poor quality outlook that represents poor design and would result in an unacceptable level of amenity for future occupants. By virtue of the location, orientation and scale of the proposals and the neighbouring properties, this limited outlook would also result in unacceptable levels of natural daylight to habitable rooms. Overall these conditions would not provide high quality accommodation and would represent a poor standard of living for occupants. As such the proposals would be contrary to policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.
2. The proposed development will result in residential accommodation at second floor which would directly face into a window of No 2 Reed Hill, and would fail to meet the Council's guidance in respect of privacy distances. As a result of the development, the proposal would result in an unacceptable privacy impact upon the occupants of the development, and would result in a poor level of amenity. The proposal would be contrary to policies P3 and DM1 of the adopted Rochdale Core Strategy, the Council's 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.