

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01236/FUL

CASE OFFICER

Michael Atkinson-Smith

DETERMINATION DATE 30.01.2024 **EXT OF TIME** 09.07.24**Address:** 44-46 Yorkshire Street Rochdale OL16 1JW

Proposal: Change of Use of Vacant Retail Premises (Class E) to 26 Flats (C3 Use) with commercial use (Class E) retained at part-ground floor / basement level, together with a roof extension and other associated elevational alterations (Part-retrospective)

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/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION**GRANT Subject to Conditions****CHECKED AND SIGNED OFF BY:** RG**DATE:** 9th July 2024

SITE

The application relates to 44-46 Yorkshire Street. The site is bound by Yorkshire Street to the north, Baillie Street to the south, retail development to the east, with further retail uses and the historic Pack Horse Yard abutting the site to the west. The site is separated from the neighbouring retail development on the east by The Bank passageway which provides access between Yorkshire Street and Baillie Street. The application building is currently vacant but was most recently occupied by Poundworld until their departure in 2018.

44-46 Yorkshire Street was formerly two separate buildings that have been merged to form one single unit. The building spans the full length of The Bank, and as a result of the steep change in levels the Yorkshire Street elevation is two storeys in height whereas the Baillie Street elevation is four storeys in height.

The application building has been significantly altered over the years. Internally, the formerly separate buildings have been merged. Externally, the Baillie Street elevation has been rebuilt. The contrasting brick and jointing where the reconstructed Baillie Street frontage meets the (likely original) side elevation is visible. The rebuilt elevation has itself undergone alteration with the majority of its window openings being bricked-up. To the Yorkshire Street elevation, a modern ground floor shopfront has been installed, including signage and roller shutters. The eastern elevation abutting The Bank also features signage and roller shutters, as well as a circa 1980s red brick façade to the ground floor level. Above the modern shop front on the Yorkshire Street elevation is an art deco style frontage, which may be an example of building re-fronting, which was typically undertaken on buildings in prominent locations to reflect the change in architectural fashion. The first floor windows on this elevation have also been blocked up.

The existing building is constructed of red brick, with a flat roof constructed of modern materials. The art deco style frontage to Yorkshire Street appears to be constructed of constituted stone.

The principal access to the building is the shopfront entrance on Yorkshire Street. A secondary entrance exists on the eastern elevation, as well as personnel doors providing access via Baillie Street.

The application site is located within the Rochdale Town Centre Conservation Area, and lies in proximity to a number of listed buildings which are designated heritage assets as defined by Annex 2 of the National Planning Policy Framework (NPPF). The site is also located in the boundary of the Town Centre and the Defined Urban Area. The northern part of the site lies within the Primary Shopping Area.

PROPOSAL

Full planning permission is sought for an amended version of the proposals previously approved under 22/00968/FUL. The application is submitted in full as the proposed changes go beyond the scope of a Section 73 or Section 96a application permitted under the Town and Country Planning Act (1990).

The proposed changes are:

- Provision of four additional residential apartments at ground floor level;

- Re-instatement of Nos. 44-46 Yorkshire Street into two independent retail units and to omit the previously approved smaller retail units opening out onto The Bank;
- Amendment to Yorkshire Street shopfront arrangement to centrally position the entrances, with the art deco design style being retained;
- Stepped access to be provided to the Yorkshire Street shopfronts, with level access provided at the northern corner to replicate the historic access arrangement;
- Inclusion of additional window openings in the Baillie Street elevation;
- Relocation of the entrance to the apartments to a central position on The Bank, utilising the existing opening;
- Relocation of bin store and bicycle parking to basement level.

RELEVANT PLANNING POLICY & LEGISLATION

Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
Equality Act 2010

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide
National Model Design Code
Building for a Healthy Life Toolkit

Sub-Regional Policy

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 to the determination of this application:

JP-S1: Sustainable Development
JP-P1: Sustainable Places
JP-P2 Heritage
JP-H3: Type, Size and Design of New Housing
JP-C6: Walking and Cycling

Adopted Rochdale Core Strategy (CS):

SO1	To delivery a more prosperous economy
E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
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
C4	Providing affordable homes
C8	Improving community, sport, leisure and cultural facilities

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
SO4	Promoting a green environment
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T1	Delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centre
S/3	Primary Shopping Areas
BE/18	Changes of Use to Buildings in Conservation Areas

Supplementary Planning Documents (SPD):

Oldham and Rochdale Residential Design Guide SPD
Guidelines and Standards for Residential Development SP
Climate Change Adaption SPD

RELEVANT SITE HISTORY

22/00968/FUL of	Change of use from retail premises (Class E) to a mixed use retail at basement and ground floor (7 retail units) and 22 flats (C3 Use) at ground first and second floors together with a roof extension and alterations to fenestration and other associated external alterations to elevations. Granted STC April 2023
--------------------	---

CONSULTATION RESPONSES

Conservation Officer

The revisions have diluted the quality of the scheme and it would result in less than substantial harm to the significance of the Conservation Area. This harm needs to be weighed against any identified public benefits.

Planning permission has previously been granted for the conversion and extension of the existing building to create a mix of residential and retail units (22/00968/FUL refers). This proposal seeks to reduce the amount of retail space and increase the number of residential units to 26. The key design changes include the loss of shopfronts along The Bank, and alterations to the fenestration across the building.

I have the following comments and concerns regarding the revised scheme:

- The loss of the retail units along The Banks is regrettable. The creation of shopfronts along the Banks would have ensured active frontages, along this important pedestrian route. To ensure that active frontages are proposed, the commercial units along The Bank should also have shopfronts, designed to reference those along Yorkshire Street.

- The residential entrance along the Banks should be designed to reference the detailing of the shopfronts. This is so that there is a coherent design approach which continues across the development.
- The fenestration along The Banks needs reviewing. Windows should be simplified, and should be positioned so that the windows at upper floors match those at ground floor. At the moment, the number of different windows and their design give this elevation a somewhat incoherent appearance.
- The treatment of the Baillie Street elevation is not entirely clear. The elevations appear to indicate steps up to the entrance (the entrance door is positioned midway up the building above the steps), but the section shows these to be within the building? Is it that the doors are proposed to be recessed? This needs to be clarified and details of the shopfront along this elevation provided, so that this can be properly assessed. As above, the design of this shopfront should continue the design of shopfronts elsewhere in the building.
- Further details are required in relation to the proposed platform outside the shop units along Yorkshire Street. Large scale details of the new shopfronts are also required (noting that they have changed from the previously approved scheme).
- Windows and doors should be aluminium or timber. The use of UPVC on this building in the Rochdale Town Centre Conservation Area would not be acceptable. Details of windows should be required by condition
- The windows along Baillie Street have been amended and increased in number. The vertical emphasis on this elevation was important in creating a contemporary façade. The current scheme has watered down this approach, with the effect of reducing the overall design quality.

Overall, I am concerned that the changes have diluted the quality of the scheme, contrary to NPPF paragraph 140. The scheme as currently proposed would have a detrimental impact on the character and appearance of the Conservation Area, contrary to the requirements of the 1990 Act. The proposal would result in less than substantial harm to the significance of the Conservation Area as a heritage asset. This harm needs to be weighed against any identified public benefits (NPPF paragraph 208).

Greater Manchester Ecology Unit [Summary]: - GMEU commented on a similar application (22/00968/FUL) previously. As the proposals are similar, and the same ecology report has been submitted, which is still valid, our previous comments remain valid. A condition relating to biodiversity enhancements and informatics in respect of bats & nesting birds have been recommended.

Greater Manchester Police – Design for Security - No comments received to date

Highways and Engineering - We have no objections to this development as proposed. This is a town centre location with amenities and public transport hubs within walking distance. Please note however residents will be subject to the same loading/servicing restrictions as surrounding businesses. Vehicular access to these locations is restricted to ensure pedestrian safety within the town centre. The residential units will not be exempt of these restrictions.

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

Urban Design - Standalone comments not required.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice displayed adjacent to the site, and a press notice published in the local newspaper. No representations have been received.

ANALYSIS

Principle of Development

The application site lies within Rochdale Town Centre as defined by the proposals map under saved policy G/S/1 of the Rochdale UDP. Policy E1 of the adopted Rochdale Core Strategy sets out that the Council will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the Borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the Borough. Policy C1 of the Core Strategy promotes the potential of previously developed sites, including empty buildings within the urban area to achieve a target of 80% of new housing of previously developed land; and to ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport. Policy C3 of the core strategy is also relevant and its aims are to;

- Ensure new development provides housing types that take account of local needs and aspirations;
- Promote densities that make efficient use of land whilst delivering a range of housing to widen choice in the borough and reflect local character;

In respect of the above policies, the site is located in the town centre and the area is predominantly mixed-use retail/residential and therefore a mixed use scheme with retail and residential is considered as a complimentary use to the existing character of the area with good access and facilities. There is an aspiration to increase the number of residential properties in the town centre in line with government guidance.

In light of the above it is considered that the principle of providing retail and residential accommodation is acceptable at the application site. Further material considerations are considered below.

Character, Appearance & Heritage Impacts

Concern was originally raised over the replacement of the proposed ground floor commercial units lining The Bank passage with residential accommodation on amenity grounds, but also over the loss of an opportunity to enhance the medieval commercial character through the provision of smaller retail units, as well as the loss of an opportunity to significantly enhance the pedestrian experience of the passage through providing commercial frontages. However, on visiting the site internally as well as externally, the officer is satisfied that the floorspace required to provide suitable access to smaller retail units would make those proposals unviable. As a result of agreed changes to the internal main living spaces to remove the proposed artificial ceilings from the plans, the opportunity to retain the larger window openings has been presented, which is considered to result in a significantly greater appearance to the building elevation running along passage than otherwise would've resulted. The proposed changes to fenestration detailing are considered to help to address some of the concerns of the Conservation Officer in respect of window detailing. Opportunities should be explored through future advertisement consent to provide legibility and presence to the corner of Yorkshire Street and The Bank.

Changes have been proposed to the position of the residential entrance from the originally permitted scheme. Further amendments have been made throughout the application process to provide a higher quality entrance hall to benefit the experience of traversing through The Bank passage. Again, the experience of the development when viewed as a whole would benefit from a cohesive approach to signage across the development which can be picked up within the required application(s) for advertisement consent.

Amendments have been secured to the Baillie Street elevation and access to the proposed ground floor commercial unit. A high quality wheelchair lift is now proposed internally to serve the proposed hospitality use, with a strategy for access for motorised wheelchairs proposed by the applicant. The Yorkshire Street retail frontages have been amended by relocating the entrances to a central position on each unit, whilst preserving the art deco styling. These changes are considered to be acceptable. Full details of the stepped and level access arrangements that would replicate the historic arrangement are to be secured through condition. The proposed window and door material samples received as detailed within the application are considered to be broadly acceptable. It is considered that the colouration details of the framework should be consistent across the whole development to ensure a cohesive design language is implemented and retained. A condition is recommended to secure the proposed RAL colour of the shopfront framework and its retention. However, window framework in the cladded sections, notably on the Baillie Street elevation, has the potential to be jarring against the proposed cladding if installed in a different colour and affect the rhythm and design language of the building. On this basis, a condition is therefore recommended requiring that the window framework is powder coated to match the cladding colour. This will provide greater visual interest to the Baillie Street elevation and provide an additional element of depth.

The building materials required to be submitted by virtue of Condition 5 of the previous planning permission ref. 22/00968/FUL have been provided and agreed to be acceptable. Some concern was raised over the colour treatment of the proposed cladding but given the limited nature of colour choices available and the subjective nature of colour selection, the proposed material is, on balance, considered to be acceptable. A condition is, however, recommended requiring that the inset to provide a reveal on the Baillie Street elevation is not less than the width of a standard brick header face (102.5mm), which is a fairly consistent reveal depth along Baillie Street and will assist in ensuring visual depth.

Similarly, a condition is recommended requiring a minimum of 110mm in respect of window reveals on brick built elevations. It is noted that the condition relating to windows and doors requiring cross section detailing has not been satisfied within this application. On this basis it is therefore considered reasonable to specify the minimum acceptable design standard that ensures a suitable degree of elevational depth that is characteristic of the area.

The Council's Conservation Officer notes that certain changes from the previously approved scheme have diluted its overall design quality in some respects, notably in relation to the elevational detailing and fenestration on the Baillie Street elevation. The vertical emphasis and striking contemporary appearance have been lost as a result of the amendments.

Whilst strong demand for smaller start up units in Rochdale Town Centre is widely known, it is acknowledged that the changes between external & internal floor levels along The Bank are not ideal for providing commercial frontages. On this basis, the replacement of the previously permitted ground floor retail units fronting The Bank is considered to be acceptable.

The amended scheme seeks to replace the commercial frontages along The Bank with residential units and a re-located main entrance to the residential accommodation. The initial proposal as submitted was unacceptable for reasons of residential amenity, although amendments have been secured which would allow for the retention of the larger window openings lining The Bank passage whilst also allowing for greater outlook and light ingress. Coupled with the amendments to the proposals in respect of raised ceiling heights within ground floor units 3-6 to provide less cramped and quirkier main living spaces, this trade-off is considered to be acceptable in the planning balance.

Within the wider planning balance, various levels of harm have been identified, notably in relation to the living conditions of future occupiers of ground floor apartments 3-6 by their very provision, and the elevational treatment of the Baillie Street elevation. The harm to The Bank has been mitigated through the retention of the full size existing windows as a result of the internal amendments regarding ceiling heights. These amendments were secured during the course of the planning application. The Baillie Street elevation remains disappointing in respect of fenestration detailing, but on balance it can be considered that the bringing back of the building into its optimum viable use outweighs the less than substantial harm caused to the significance of the Rochdale Town Centre Conservation Area.

Whilst certain design elements of the proposal can be considered to be poorer than the originally permitted scheme, when taken as a whole the scheme can still be considered to result in a positive impact overall insofar as the development seeks to achieve the creation of high quality residential accommodation in Rochdale Town Centre and the provision of three new commercial units, with one earmarked to contribute to Rochdale Town Centre's growing evening economy.

The proposed scheme is therefore considered, subject to the suggested conditions, to be acceptable and in compliance with Places for Everyone Joint Development Plan policies JP-S1, JP-P1, JP-P2, JP-P4, JP-H3 adopted Rochdale Core Strategy policies P2, P3 & DM1, the Shopfronts & Security Shutters SPD, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Living Conditions and Amenity Standards

The living conditions of the future occupiers were highlighted as a major area of concern within the originally submitted proposals on the basis of insufficient outlook, lack of privacy and security concerns should windows be left open to enable purge ventilation. As such, amendments have been secured to the proposals to remove the internal artificial ceilings within the main living spaces of the affected dwellings at apartment nos. 3-6, to enable the retention of the existing full height window openings with opening lights at a high level and privacy obscuration to be provided at the lower level. The effect of this is that whilst the outlook would be limited, the vertical windows would allow for sufficient natural light penetration in this particularly constrained location and the privacy of the occupiers would be protected. To support the provision of high quality living accommodation, the applicant has agreed to carefully consider the internal decorative finishes in attempt to retain where possible the original structural features, including external walls, as decorative items to create unique and bespoke living spaces and to compensate for the relative lack of outlook. No additional comments have been put forward by the Council's Public Protection Officer. A variation of the previously recommended condition in respect of internal noise verification prior to occupation has been carried over.

On the basis of the amendments secured, it is considered that the proposed development would comply with Places for Everyone Joint Development Plan policy JP-P1, policies DM1 & G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Highways Impacts

The scheme will not provide car parking spaces but will provide 100% secure cycle parking on site which significantly exceeds the policy requirement set out in the Core Strategy of 1 space per 5 dwellings. Given the highly accessible town centre location, future occupiers will have access to the bus station, Metrolink and Rochdale Railway Station as well as public car parking areas. The Highways Officer has been consulted and does not raise any concerns in respect of parking. However, it is noted that residents will be subject to the same loading/servicing restrictions as surrounding businesses. Vehicular access to these locations is restricted to ensure pedestrian safety within the town centre. The residential units will not be exempt of these restrictions.

A communal bin storage area would be provided at basement level, with service lift access to Baillie Street to be managed by a commercial management company. A single Eurobin accessed via a chute would be provided for disabled occupiers, with access to be controlled through a bespoke key / fob system. Given the unsuitability of Pack Horse Yard for bin storage, this bin would be collected from Yorkshire Street. A Service Management Plan for waste collection is recommended to be secured via condition.

Subject to the suggested servicing condition, the application would accord with adopted Places for Everyone Joint Plan policy JP-C6, adopted Rochdale Core Strategy policy T2 and the National Planning Policy Framework.

Bicycle Storage

The previously approved bicycle storage facilities are proposed to be relocated from the residential entrance hallway to a secure storage area in the basement level, accessed via a lift. The proposed relocation can be considered to represent an improvement in terms of layout and the encouragement of use.

As such, the proposed development would accord with adopted Places for Everyone Joint Plan policy JP-C6, adopted Rochdale Core Strategy policy T2 and the National Planning Policy Framework.

Designing out Crime

The application is accompanied by a Crime Impact Statement (CIS), prepared by Greater Manchester Police on behalf of the applicant. The CIS includes an overview of local crime statistics, an assessment of the proposed development and subsequent recommendations aimed at reducing opportunities for crime and the fear of crime.

Whilst the CIS has not been updated since its submission in support of planning application ref. 22/00968/FUL, the recommendations relating to entry into the units, apartment security, secure cycle and bin store, alarms and CCTV provision, appropriate lighting, management and maintenance plans as well as construction measures remain valid and relevant.

A condition has been recommended requiring all suggested measures in the CIS to be fully implemented. Subject to the suggested condition the proposed development would accord with adopted Places for Everyone joint development plan policy JP-P1, adopted Rochdale Core Strategy policies DM1 & P3 and the National Planning Policy Framework.

Ecology & Biodiversity

Condition 12 of the previous planning permission ref. 22/00968/FUL has not be carried over as it related to the requirement for a further daytime bat survey to be undertaken if the development had not commenced by 14th July 2024. The development has already commenced so this previous condition can be considered to be redundant.

A compliance condition to ensure the suggested biodiversity enhancement measures in line with the requirements of Condition 11 (Biodiversity enhancements) of the previous planning permission has been recommended.

Subject to the suggested conditions and informatives, it is considered that the proposed development would not cause any significant harm to local biodiversity. The proposals would therefore accord with Core Strategy Policies G6 and G7, UDP Policy G/8 and the NPPF.

Flood Risk & Drainage

The scheme represents a conversion and a change of use. No drainage conditions are therefore required. Sewerage and Drainage connection modifications will be dealt with by Building Control.

Contamination

This matter was not addressed in the granting of the previous planning permission ref. 22/00968/FUL. Given the advanced nature of the conversion works, it would not be reasonable or appropriate at this stage to apply additional watching brief or remediation conditions.

Planning Obligations and Viability

CS Policy DM2 requires developers to provide, or contribute towards the cost of physical, environmental and social infrastructure that is needed because of proposed development; and or to mitigate the impact of development, through planning obligations and agreements, if the development would otherwise have a negative impact on the delivery of a strategic objective. However, this policy also requires consideration to be given to the need to ensure that schemes remain viable whilst taking into account the need for contributions. Normally a proposal of this scale would be required to provide open space, education and affordable housing contributions.

Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage. The weight to be given to a viability assessment is a matter for the

decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The Applicant has provided the same viability appraisal submitted in support of planning application ref. 22/00968/FUL, which has not been updated to reflect the project values associated with the current proposal.

Previous assessment found that it would not be viable to provide the required planning contributions, as detailed below:

Public Open Space and Formal Sports

The Council's Recreational open Space in New Housing SPD sets out a requirement for developments of more than 10 dwellings to either provide informal open space on site, or to contribute towards offsite provision. There is also a requirement for contributions towards local formal sport provision.

Affordable Housing

The provisions of Policy C4 and the Council's Affordable Housing SPD, set out a starting point requirement of 15% of homes to be affordable, or 7.5% of Gross Development Value (GDV). This policy also sets out that the council will take a number of factors into account when negotiating the level of affordable housing including the need to deliver other planning objectives with a higher priority, and the economic viability of the development.

Whilst it has not been appropriately updated to support the current planning application, the viability information previously provided demonstrated that to provide contributions including affordable housing through onsite delivery or offsite contributions would not be economically viable. It is not considered that the modest increase in unit numbers would significantly change this position and as such as such the tests set out in CS policy DM2 are considered to have been met.

Education Contributions

The provision of 4 additional residential units triggers the threshold for consideration of the requirement for financial contributions towards education provision. However, given the nature of the development, the unit sizes and the town centre location, it is not considered that any significant additional pressure on primary and secondary education provision would result from the scheme. Education contributions can therefore be considered not to be required in this particular instance.

Viability conclusions

The applicant has supplied the Council with a viability appraisal that demonstrated that the previously permitted scheme was not financially viable and that there would be a significant deficit. This appraisal was independently reviewed during the course of determination of planning application ref. 22/00968/FUL and the conclusions remained the same, i.e. there would be a deficit against the benchmark return of £385,273 demonstrating that the scheme was unable to provide any contributions.

Whilst a revised viability appraisal has not been submitted in support of this application, the relatively modest increase in number of residential units alongside the additional costs associated with design interventions to render the amended

scheme acceptable in planning terms can reasonably be considered to have a negligible impact overall on the financial viability of the scheme. As such the tests set out in CS policy DM2 are considered to have been met.

Whilst the scheme would not deliver contributions, the development of this site will bring a longstanding vacant unit back into active use and deliver a high quality housing offer within the town centre. Taking into account the development as a whole, it is considered that the wider public benefits of this town centre regeneration proposal outweigh the absence of Section 106 contributions.

Conclusion

The provision of a mixed use scheme with retail at ground floor and high quality modern apartments will positively impact on the vitality and viability of Rochdale Town Centre and will widen the residential offer within the town centre close to public transport and key facilities. This will bring economic benefits of greater footfall within the town centre.

Whilst the proposal will result in less than substantial harm to the significance of the Rochdale Town Centre Conservation Area through watering down of previously approved proposals within its setting, this harm is outweighed by the clear and demonstrable public benefits associated with the introduction of a high quality mixed use scheme, which accords with the vision, strategic and policy objectives of the adopted Rochdale Core Strategy and the National Planning Policy Framework. The proposed amendments to the original proposal have been sufficiently justified in the application and the overall impact of the development would still bring notable improvements to the character of the site and its setting when compared to its current state.

Whilst the scheme would not deliver contributions, the proposal will support the redevelopment of a brownfield site within a sustainable town centre location, which will further act to achieve the regeneration objectives of the Council and contribute to the enhancement of Rochdale Town Centre.

The proposal therefore comprises sustainable development and it is recommended that planning permission is granted subject to the suggested conditions.

RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - BM/0623/BAILLIE/BR13 Rev. A – Stair Setting Out and Door & Window Schedule
 - BM/0623/BAILLIE/BR9 Rev. A – Section B', Detail Section 2
 - BM/0623/BAILLIE/BR6 Rev. B – Proposed Elevations 1
 - BM/0623/BAILLIE/BR7 Rev. C – Proposed Elevations 2
 - BM/0623/BAILLIE/BR2 Rev. A – Proposed Basement & LGF Plans
 - BM/0623/BAILLIE/BR3 Rev. E – Proposed Ground Floor Plan
 - BM/0623/BAILLIE/BR4 Rev. A - Proposed Floor Plans 2
 - BM/0623/BAILLIE/BR5 Proposed Roof Plan

- BM/0623/BAILLIE/BR10 Rev. C Window and Door schedule
- Shopfront Specification received 03.05.24
- BM/1223/BAILLIE/BR100 Existing and Proposed Site Plan
- BM/1223/BAILLIE/BR102 Existing Elevations
- BM/1223/BAILLIE/BR102 Existing Plans
- 22017 (FE) 2002 Existing Block Plan
- External Levels

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

2. The development hereby permitted shall provide not more than 324m² of floorspace for use within Use Class E of the Town and Country Planning (Use Classes) Order (as amended). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 3 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the commercial units hereby approved shall not be changed to use of another use class outside of Class E except with the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and in the interests of protecting the vitality and viability of town centres in accordance with adopted Places for Everyone Joint Development Plan policy JP-P1, Policies E1, E2, E3, P1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. The development hereby permitted shall not be carried otherwise than in accordance with the Construction Environmental Management Plan (CEMP) by Cassel & Fletcher, Reference YSR dated 29/06/2023, received by the Local Planning Authority on 30th June 2023 in relation to planning permission 22/00968/FUL.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, policies DM1, P3, T2, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The development shall not be carried out otherwise than in accordance with the approved materials details comprising:
 - Vimzinc standing seam cladding, RAL 8004 for the new roof extension;
 - Vimzinc Flat Lock Panel, RAL 8004 for cladding to new feature bay windows, under shopfronts and surrounding new apartments entrance;
 - Vimzinc Flat Lock Panel, RAL 7016 over new shopfronts and apartments entrance.
 - Aluna Window in anthracite grey (RAL 7016) where it relates to brickwork elevations.

Where the window framework relates to cladded sections, the window framework shall be powder coated to match the RAL colour (8004) of the approved cladding. The colour treatment of all window and door framework shall be retained thereafter. For the avoidance of doubt, the shopfront

framework shall also be finished in RAL 7016 and retained as such thereafter.

Where the Vimzinc Flat Lock Panel cladding is utilised on the Baillie Street elevation, the minimum depth of reveal in relation to the surrounding brickwork shall not be less than 102.5mm.

Reason: To raise the standard of design more generally in the area and protect the character, appearance and significance of the Rochdale Town Centre Conservation Area in accordance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

5. The development hereby approved shall not be carried out otherwise than in accordance with the approved window and door schedule ref. BM/0623/BAILLIE/BR10 Rev. C. For the avoidance of doubt, the depth of the window reveal on brick elevations shall not be less than 110mm. The installed windows and doors shall be retained thereafter in accordance with the approved details.

Reason: to protect the character and appearance of the Rochdale Town Centre Conservation Areas, in accordance adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6. The development hereby approved shall not be carried out otherwise than in accordance with the Biodiversity Enhancement Scheme document prepared by Rachel Hacking Ecology ref. RHE.3234, dated 27.06.2023. The approved scheme of biodiversity measures shall be retained thereafter.

Reason: In the interests of preserving and enhancing the natural environment in accordance with adopted Places for Everyone joint development plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. The development shall not be carried out otherwise than in accordance with the physical security measures specified in the approved Crime Impact Statement (ref: 2022/0275/CIS/01) unless otherwise agreed in writing with the local planning authority.

Reason: In order to ensure that the development is safe to use and access and to reduce the risk of crime, in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies DM1 & P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8. The development hereby approved shall not be carried out otherwise than in accordance with the recommended glazing and wall ventilation specifications as detailed in the Noise Assessment ref. E19371. BS8233 prepared by SBM Safety Solutions, dated 14.09.22 and the construction specifications detailed on the approved Proposed Floor Plans 2, drawing no. BM/0623/BAILLIE/BR4 Revision A.

Notwithstanding the above, no dwelling hereby approved shall be occupied until such time as verification testing has been undertaken in the residential units to demonstrate that the following maximum internal noise levels have been achieved, with the results of the verification testing having been submitted to and approved in writing by the Local Planning Authority:

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

Reason: In the interests of safeguarding the living conditions of future residents in accordance with Places for Everyone Joint Development Plan policy JP-P1, policies DM1 & G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

9. Notwithstanding any details included within the application, no part of the development shall be occupied until a refuse and servicing strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of refuse storage types, locations and appearance including routes for collection. The site will be serviced in accordance with the approved strategy thereafter.

Reason in the interests of visual, commercial & residential amenity and highway safety in accordance with adopted Places for Everyone joint development plan policies JP-S1 & JP-P1, policies DM1, P3 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.

10. The opening hours of the commercial ground floor units hereby permitted shall be restricted to between the hours of 07.00 and 23.00 on Monday to Saturday and between 07.00 and 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the living conditions of future residents in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 & G9 of the Rochdale Core Strategy and the National Planning Policy Framework.

11. Notwithstanding any details contained within the application, the development hereby approved shall not be occupied until such time as full details of an external lighting scheme have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the safety & security of residents and to ensure a satisfactory standard of design and visual appearance in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. Notwithstanding any details contained within the application by virtue of Condition 2, no works to the public highway to provide stepped and level access to the Yorkshire Street commercial units shall until such time as a fully detailed scheme of works has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, these plans should be based on the submitted Entrance Step Details drawing re. 22.B.13814/50 but must clearly show the stepped access arrangements not protruding beyond the apparent building line demarcated by Nos. 40 & 42 Yorkshire Street.

Once approved, the approved stepped & ramped access arrangements shall be installed as per the approved plans and retained and maintained as such thereafter.

Reason: In the interests of pedestrian & highway safety and accessibility, along with ensuring a satisfactory standard of design and visual appearance in compliance with adopted Places for Everyone joint development plan policies JP-P1, JP-P2, JP-P4 and JP-C5, policies DM1, P2, P3 and T2 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 13 The Class E commercial unit fronting Baillie Street hereby approved shall not be brought into first occupation until such time as the mechanised stair lift as detailed on drawing no. BM/0623/BAILLIE/BR2 Rev A has been installed in accordance with the approved plans. The stair lift shall be retained and made available at all times for its intended use thereafter.

Reason: In the interests of providing suitable accessibility for all in accordance with adopted Places for Everyone joint development plan policy JP-P1, policies DM1, P3 and T2 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Equalities Act 2010.

14. Notwithstanding any details contained within the application, no works to install the steel or iron railings along The Bank shall be undertaken until such time as a detailed scheme of works has been submitted to and approved in writing by the Local Planning Authority. The duly approved installations shall be installed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity in accordance with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 & P3 of the adopted Rochdale Core Strategy, saved policy BE/17 of the Rochdale Unitary Development Plan, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

Notes for Applicant:

INFORMATIVES:

All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010). Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0345 1300 228.

All nesting birds are protected under the Wildlife and Countryside Act 1981. Should any nesting birds or evidence of nesting birds be found prior to or during development, work must stop immediately and Natural England contacted for further advice.