

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01122/FUL	Rosalind Gralton	26 April 2023

Address: 82 Yorkshire Street Rochdale OL16 1JU

Proposal: Change of use of first floor and second floor from retail (Use Class E) to 2 no. self-contained flats (Use Class C3), insertion of windows to side and rear elevations, access door to the front elevation, and installation of gate to side for pedestrian access

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?	Y

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

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 18 October 2023

SITE

The site relates to a three storey building on the southern side of Yorkshire Street. The ground floor currently occupies a ShoeZone retail store, with office and storage ancillary to the retail use located at first and second floor.

To the south of the building is the former Wheatsheaf Shopping Centre. To the east is an alleyway leading to a dead end, between 82 and 84 Yorkshire Street.

The site is located within Rochdale Town Centre and is part of the defined urban area. The site is 37m north of the Rochdale Town Centre Conservation Area, and is part of a row of terraced properties all of varying ages, with historic extensions and alterations. Evidence of former windows and a doorway are shown on the side elevation between the alleyway, showing these windows blocked up and rendered.

The application property is rendered on the north eastern and northern elevations. The site is not adjacent to any listed building and would not be considered to impact on the setting of the building.

PROPOSAL

The proposal relates to the change of use of first floor and second floor from retail (Use Class E) to 2 no. self-contained flats (Use Class C3), including alterations to the property.

One additional window would be inserted at the rear elevation, while nine windows would be reinstated on the side elevation, including an additional window on the side elevation.

An access door would be added to the front elevation, the existing shutter would be removed and a replacement gate installed to the side for pedestrian access.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO2 – Creating successful and healthy communities

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

C2 – Focusing on regeneration areas and economic growth corridors/ areas

C3 – delivering the right type of housing

SO3 – Improving design, image and quality of place

P1 – Improving image

P2 – Protecting and enhancing character, landscape and heritage

P3 – Improving design of new development

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

05/D45627 – Installation of New Shop Front – Grant subject to conditions 17.08.2005

85/D17690 – Alterations to shopfront – Grant subject to conditions 22/04/1985

79/D09824 – New Shop Front and Alterations to Shop Premises

CONSULTATION RESPONSES

Highways And Engineering

The Council's Highway's Officer was consulted and their response is provided below:

First Response:

'The proposed development is within Rochdale Town Centre and therefore it has excellent links to local amenities and public transport. Taking into account the location of the property we would, on this occasion except the fact that the application proposals does not include any parking provision.

If approved the development would not have any impact on road safety or highway capacity.

The only issue from a highways perspective is how the property will be serviced and in particular refuse collection. If approved there would be a substantial increase in refuse collection and bin storage from this area as the existing use will be retained along with the existing servicing requirements of the adjoining businesses.

The submitted plans show 4 bins to serve five dwellings which is substantially below the potential 20 domestic bins and this number of bins is likely to obstruct servicing or access to adjoining properties. Prior to Highways supporting this application we would require a servicing statement from the applicant.'

Second Response (31/08/2023):

'As the new proposal is for 2 apartments the highways impact is substantially reduced especially with regards to the refuse generated by the development. The size of the development we believe would not now warrant the need for a Service Management Plan as previously requested.

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

Conservation And Design

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

'The application site forms part of a group of three terraced properties, located on Yorkshire Street, between the Rochdale Town Centre and Town Head Conservation Areas. The buildings are depicted on the first edition OS map and Town Plan from 1851. The application building appears to have been much altered, with replacement windows, render and a modern shop front. Nevertheless, the properties retain some architectural and historic interest.

The proposal seeks to convert the upper floors of the unit to residential. There is no heritage objection to this use.

The proposal includes a single new window on the side elevation and the unblocking of windows on the side elevation. The design and access statement states that the existing windows are UPVC but they appear to be timber. Details of new windows should be required by condition and they should be fabricated of timber or aluminium. The new rooflights should be conservation style and set flush with the roof. The proposed gate would be set to the rear of the property and would not have any visual impact on key public viewpoints.

Subject to the above, there are no heritage objections to the proposal.'

GM Fire Service

No objections, advice provided regarding the installation of domestic sprinkler systems.

Env Health - Noise/Odours

Following amended plans received 09/05/2023, the following response was provided regarding the a Noise Impact Assessment being subject to a planning condition. The Environmental Health Officer's comments are as below:

'We would agree that a NIA assessment as a condition is acceptable, we would want the nia to show that the internal noise levels are achieved.

- *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.*

We would also like a further condition requiring upon completion and prior to occupation validation testing is undertaken to ensure the required sound levels are being achieved.'

REPRESENTATIONS

Two representations were received. One objection was received from 80 Yorkshire Street stating the proposed stairs to be used is built on land owned by No 80 and not No 82.

Officer Response: The application form states a Certificate B was signed with the application with Notice served on 6th November 2022. The proposed works would not allow for unauthorised works where ownership of land, or agreement of ownership is not secured. This is covered by separate legislation which planning does not extend to.

ANALYSIS

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.

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'.

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 of the adopted Core Strategy and the National Planning Policy Framework.

Heritage

When making a decision on a planning application for development that affects a listed building or its setting, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The 1990 Act also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This duty goes beyond just decisions on permissions and applies to the exercise by the local authority in all of its functions under the planning acts.

NPPF paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Rochdale CS policy P2 seeks to protect the borough's heritage by conserving, enhancing and promoting key heritage assets, which include listed buildings and conservation areas.

The application site forms part of a group of three terraced properties, located on Yorkshire Street, between the Rochdale Town Centre and Town Head Conservation Areas. The proposal seeks to convert the upper floors of the unit to residential. The proposal includes a single new window on the side elevation and the unblocking of windows on the side elevation.

Whilst it is noted that designated and non-designated assets are in the general vicinity of the application site, the site is screened from these by virtue of Wheatsheaf Shopping Centre to the South, and the distance from the conservation area to the south west. The application property, and the terrace of which it is part of, have been extensively altered however do retain some historic and architectural value. It is noted the design and access statement states that the existing windows are UPVC

but they appear to be timber. Additionally, the proposed gate would be set to the rear of the property and would not have any visual impact on key public viewpoints.

Details of new windows, rooflights and gate are secured via condition to overcome any heritage concerns. As such, subject to conditions, no objections are raised and it is considered that the proposed development would have a neutral impact on these designated heritage assets. As such, the proposal is not considered to have any unacceptable impact upon adjacent heritage assets, and is compliant with Policy P2 of the Rochdale CS, and the relevant policies contained within the NPPF.

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 C1 of the Rochdale Core Strategy seeks to maximise the potential of previously developed land 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.

The proposed change of use would introduce an access door to the front of the building, would reinstate windows and install a replacement gate to the side (eastern) elevation, and would introduce an additional window at the rear elevation.

It is noted no sill detail has been provided on the side elevation additional window, which, while not preferable, would not be considered to result in an unacceptable degree of harm to the appearance of the building. The general size of the existing windows are to be matched in the proposed replacement. A gate with railings is proposed to the side elevation.

Subject to details relating to materials, the proposal would not be considered unacceptable in design 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.'

In relation to the proposed flats, the proposal would convert part of the first and second floors above an existing retail unit into two residential flats with two bedspaces each. Both would measure 50sqm, and would accord with the technical housing space standards.

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);'

In relation to outlook of both flats, the proposed outlook and light into the property would be in accordance with guidance, with these utilising existing windows on the northern elevation of the property. The distance to the opposite first floor flat would be 12.9m. While this does not meet the required 14m of the guidance, given the commercial nature of the area, it is considered on balance, these small breaches in distances would be considered part of the established urban grain and therefore acceptable.

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 pre-commencement condition regarding the submission of a noise impact assessment, including details of required internal noise levels, is secured to the decision notice. A verification report is also required within the condition wording.

In respect of amenity in regard to odour, a waste management condition is proposed relating to the bin store, to ensure safe storage of bins which would not impede residential amenity.

In conclusion, subject to the proposed conditions, the proposal would be compliant with Policies C2, 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 Officer's were consulted on the application. Following consultation on the amended scheme with 2 units only. As such, Highways raise no objection to the application and hold no concerns regarding servicing, and request no specific planning conditions. Nevertheless, the proposal would still raise concerns of how the number bins would be managed in tandem with commercial waste without impeding the amenity of adjacent residents, and for that reason a waste management condition is secured to the permission.

The development would not have any impact on road safety or highway capacity, and as such, the proposal, subject to conditions, would meet the requirements of Policies DM1 (d) and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approve subject to 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:-

Proposed Side Elevations UD-491
Proposed Rear Elevations UD-491
Proposed Front Elevations UD-491-03
Proposed Level 0 and Site Plan UD-491 received by the Council 09/05/2023
Proposed Level 1 & Level 2 Floor Plan UD-491-001 received by the Council 11/10/2023

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 development shall take place until a Noise Impact Assessment (NIA) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, these shall aim to achieve the following maximum internal noise 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.*

Following the submission and approval of the aforementioned NIA, 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 including within any replacement windows.

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 and the National Planning Policy Framework.

Reason for pre commencement condition: In the interest of occupier amenity, an understanding of noise levels and mitigation measures is required.

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications of window materials and doors be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

5. No part of the development shall be occupied until such time as details for the siting, servicing and design of refuse/recycling bin store(s), including details of where the bins are to be stored for collection and overnight, has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved refuse and recycling scheme shall be retained as constructed for its intended use 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.