

APPLICATION NUMBER: 22/01487/FUL

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER | DATE           |
|-----------------|--------------|----------------|
| 22/01487/FUL    | Ryan Killeen | 6 January 2023 |

**Address:** Land At Dexine Rubber Co Ltd Spotland Road Rochdale OL12 0AU

**Proposal:** Two storey mixed-use building comprising industrial unit (Use Class B2) at ground floor with offices at first floor (Use Class E), including associated landscaping and parking - Resubmission of 22/01123/FUL

|           |                            |   |                       |   |
|-----------|----------------------------|---|-----------------------|---|
| 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 |
|-----|--------------------------------------------------|---|

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

|                |        |
|----------------|--------|
| RECOMMENDATION | REFUSE |
|----------------|--------|

CHECKED AND SIGNED OFF BY: AT

DATE: 15.01.2023

## **SITE**

The application relates to a circa 450m<sup>2</sup> plot of land to the south of Spotland Road, set just north of the Coldwall industrial estate and immediately west of no.209 Spotland Road, an end-of-terrace dwelling. To the west of the site is Spotland Bridge Funeral Directors, a two-storey early C20 red brick and sandstone building with slate roof which is recognised as Non-Designated Heritage Asset. The site falls within the Spotland Bridge Conservation Area, an extensive area set around an industrial townscape comprising the Grade II listed Spotland Mill, 150m northwest of the site.

## **PROPOSAL**

Planning permission is sought for the erection of a two-storey mixed use building comprising general industrial use at ground floor (Use Class B2) with offices above (Use Class E).

The building has a rectangular floor plate with a simple dual-pitch gable roof form, with a feature corner to the northwest of the building, which utilises curtain wall glazing and brick detailing.

The application is broadly reflective of the previously approved 22/01123/FUL in terms of siting, scale and use.

## **RELEVANT PLANNING POLICY**

### **National Guidance**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **Adopted Rochdale Core Strategy (CS):**

- E2 Increasing jobs and prosperity
- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- T2 Improving accessibility
- DM1 General development requirements

### **Unitary Development Plan (UDP):**

G/D/1 Defined Urban Area  
E/C/3 Mixed Employment Zones

### **Supplementary Planning Documents (SPD):**

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

## **RELEVANT SITE HISTORY**

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22/01123/FUL  | Two storey mixed-use building comprising industrial unit (Use Class B2) at ground floor with offices at first floor (Use Class E), including associated landscaping and parking – Approved November 2022                                                                                                                                                                                                                                                                                                                                                                                                 |
| 20/01193/FUL  | Full application (part retrospective) for the demolition of on-site buildings including the existing mill building, the erection of 10 industrial units (E and B2 Use Classes), together with the creation of a service yard, car parking and substation; the erection of 2 dwellings (4 bedroom semi-detached units), together with the creation of parking areas for existing units and parking for proposed units and the alteration of the existing access -Resubmission of 19/00804/FUL – Approved Feb 2021                                                                                         |
| 19/00804/FUL  | Full application (part retrospective) for the demolition of on-site buildings including the existing mill building, the erection of 12 industrial units (B1 and B2 Use Classes), the refurbishment and minor alteration of existing industrial buildings together with the creation of a service yard and car parking; the erection of 4 dwellings (2no 4 bedroom semi-detached units), together with the creation of parking areas for existing units (39 spaces) and parking for proposed units (74 spaces, including 2 disabled units) and the alteration of the existing access – Approved Nov 2019. |
| 18/00727/HYBR | Hybrid planning application (part outline and full): Outline application (including access) for the demolition of the former mill buildings, the erection of up to 47 dwellings and vehicular access; Full application for demolition of the former mill buildings and the refurbishment of the existing steel framed industrial building including vehicular access and service yard - Finally disposed of Sept 2020.                                                                                                                                                                                   |

## **CONSULTATION RESPONSES**

### **Highways And Engineering**

The access to the site is adequate for a development of this scale and the volumes and types of traffic it might attract.

The car parking for the proposal is limited. We do however accept that the site could make use of the adjacent associated site. We also accept that the location is highly sustainable only a short walk from a busy bus route and a local centre. There is also a significant residential area in close proximity which could provide many staff homes in walking distance from the development. No sustainable objection could be made regarding this aspect of the application.

The road layout is suitable for this proposal.

Servicing from the development is expected to be infrequent and done so in small commercial vehicles. The expectation is they will make informal use of the parking area for short periods when loading and unloading.

We have no concerns regarding the road layout at this location.

We have no road safety concerns at this location.

We have no sustainable objections to these proposals.

#### Env Health - Noise/Odours

The submitted noise impact assessment, demonstrates that the required noise conditions will be met with door open or closed. I take your point regarding impulse noise, I would say that the noise climate of the area is that of industry and the report shows that it will be controlled to the conditioned levels, however given there close proximity the residents will hear it but not a level that is likely to give rise to complaints.

#### Conservation Officer

The site is in the Spotland Bridge Conservation Area, so we need to consider the impact on this and adjacent non-designated heritage assets.

Historically, there were buildings on the site, so in principle I have no issues with built form being reinstated. That being said, I have a number of concerns with the current scheme. In its current form it neither preserves nor enhances the character and appearance of the Conservation Area:

- The proposed scale and massing of the building has resulted in a cramped form of development
- The proposed height fails to take into account the slope of the site down the hill.
- The design is of concern, and it is not clear how it relates to the surrounding area. In particular I have concerns with the blocked up ground floor windows
- The building does not really successfully turn the corner

#### United Utilities

Summary: Recommend Standard Drainage conditions

#### Lead Local Flood Authority/Drainage

Summary: Advice provided, recommend standard drainage condition similar to UU

#### Environmental Control (Landfill Gas)

No comment.

### **REPRESENTATIONS**

Letters of notification were sent to all surrounding properties, a notice was posted in the vicinity of the site and an advert was issued in the local press. No responses were received.

## **ANALYSIS**

### **Principle of Development**

The application site falls within a mixed employment zone as set out under saved UDP Policy EC/3. Appendix 3 of the adopted Rochdale Core Strategy states that Saved UDP Policy EC/3 should be read in conjunction with Policy E2 and E3 of the Core Strategy.

Policy E2 seeks to ensure a sufficient supply of suitable land, buildings and infrastructure in the right places to support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous economy. In respect of sites in the north of the borough (such as the application site), Policy E2 seeks to Protect existing employment zones, and employment (B1 – B8) sites and premises (over 0.2ha) and support their retention and redevelopment for employment uses.

The application proposes a two-storey mixed use building comprising office and general industrial space. Given that both uses proposed are complementary of employment generating uses, subject to an assessment of other development management requires, the principle of development of the proposed development is acceptable and in accordance with Policy E2 of the adopted Core Strategy and the National Planning Policy Framework.

### **Design, Character and Heritage**

In considering whether to grant planning permission for a development which affects a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 197 goes on to state that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Where a development would lead to less than substantial harm to a designated heritage asset, paragraph 202 of the NPPF requires Local Planning Authorities to consider this harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The revisions to the NPPF in July 2021 establish very clearly that development which is not well designed should be refused, and conversely, significant weight should be given to development which reflects local design policies and government guidance on design. In support of this, the Government have produced a suite of guidance documents including Building for a Healthy Life (BHL), the National Model Design Code (NMDC) and the National Design Guide (NDG) which form a material consideration in the assessment of the design of development proposals, and aid Local Authorities and developers alike in understanding if development proposals are well-designed.

The NPPF seeks to encourage well-designed, beautiful places, which are a key component of sustainable development. Building on this, the NDG advises that the scale, appearance materiality and detailing of buildings as key components for well-designed places, and states the importance of using a sound understanding of the features of the site and surrounding context to inform well-designed development proposals, which should also be influenced positively by the history and heritage of the site and its surroundings.

The site falls within the Spotland Bridge Conservation Area which spans an area of circa 17.3ha, predominantly to the south and west of the site, but also encompassing small areas to the north and east. The Conservation Area is designated as such due to its special historic and architectural interest, which is mainly focussed around the area's distinctive industrial townscape which illustrates how the cotton industry created modern Rochdale and notably includes the Grade II listed Spotland Mill. The character of the Conservation Area lies in its surviving expression of this historic development, and typified by its materiality, key views and separation of buildings into three distinct areas representative of the advances in technology which supported the expansion of the area.

The Conservation Area does not currently benefit from a dedicated appraisal, however the positive characteristics of the conservation area are easily read from public vantage points along Spotland Road, Rooley Moor Road and Mellor Street; the townscape of the Conservation Area covers an eclectic mix of architectural styles, forms and massing, however it is typified through vernacular terraces and industrial workplaces such as the aforementioned Spotland Mill.

This townscape is evident along Spotland Road, and the areas immediately adjacent to the application site. However it is noted that the area to the south has accommodated a substantial business park at the expense of former mill buildings, and, taking into account the historic existence of the buildings on the site, and the uncharacteristic break in the building line along Spotland Road, the site is able to

accommodate the building and, to an extent, could accommodate a building which does not strictly adhere to traditional architecture. Furthermore, given the views offered when travelling east along Spotland Road and the commanding, elevated position of the site when approaching this way, there is an opportunity to create a landmark feature which screens the industrial units to the rear and reinstates the historic pattern of development.

It is noted that planning permission ref. 22/01123/FUL relates to a development of a similar layout, scale and to an extent, architectural detailing, which incorporates brick detailing and glazed curtain walling. The previously approved development features measures to reduce the visual impact of the massing by breaking up the roof form and has included more appropriate fenestration (including ground floor fenestration to Spotland Road) to better assimilate with the positive characteristics of the Conservation Area. This scheme followed-on from discussions with the applicant and suggestions made by the Local Planning Authority.

The proposed development is of a single, unbroken massing which, whilst maintaining the ridge orientation of the adjacent terrace, appears conspicuously deeper and of a much greater scale than the immediately adjacent terrace and other nearby buildings on Spotland Road, and as such, would be harmful to the character and appearance of the street scene. A number of concerns are also raised in respect of the detailing of the building; the Spotland Road facing elevation includes brick panels to create the effect of bricked-up windows, subsequent presenting a blank elevation in this highly prominent location in addition to square proportioned first floor fenestration which cumulatively produce a dead frontage which would be unsympathetic to the character of Spotland Road and the wider Conservation Area, where buildings typically include vertically proportioned fenestration at ground and upper floor levels fronting the highway.

Additional features of poor design are also noted in the height of the eaves, ridge height and scale of the roof which would sit uncomfortably with the adjacent terrace and fails to take account of local topography and the fall in the levels to the west, the unresolved appearance of the west facing elevation, which includes an excessive amounts of glazing and a single arbitrarily placed window, and the use of uPVC across the development including windows, soffits, fascia boards and rainwater goods which are neither of a high quality, nor are sympathetic to the traditional material palette of the Conservation Area.

It is noted that the scheme would provide *some* benefit to the visual amenity of the area, screening the industrial development to the south, however, particularly when approaching from the east, this effect would be limited where existing buildings already do provide some screening. Notwithstanding, as outlined, this benefit is limited in the overall planning balance and should not preclude the significant harm to the character of the Spotland Bridge Conservation Area through the placement of a building which would not be well-designed at a prominent location in the street scene.

Taking into account the above, the proposed development would not contribute positively towards, and would appear at-odds with, the character of the Spotland

Bridge Conservation Area and would comprise an incongruous and unsympathetic addition at a prominent location within the street scene which subsequently causes less than substantial harm to the Character of the aforementioned Conservation Area.

The proposal therefore fails to meet the expectations of Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and ultimately, the development proposals would not be well-designed as clearly set out within the principles of the National Design Guide and as per paragraph 134 of the National Planning Policy Framework, planning permission should be refused.

### **Impact on Surrounding Land Uses**

Policy DM1 of the adopted Core Strategy requires all new developments to demonstrate that they are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that new developments 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 adopted Supplementary Planning Document '*Guidelines and Standards for Residential Development*' (2016) contains a number of guidelines and requirements for the design and layout of new housing in order to preserve the amenity standards for surrounding residents.

The adjacent end-of-terrace, no.209 Spotland Road is a residential dwellinghouse, to which the requirements of the SPD apply. The proposed development would include a deeper floor plate than the adjacent terrace. However in assessing the impact of the proposed building, it is noted that the rearwards projection relative to the dwelling would comply with the standards set out in section 5.9 of the SPD, and would have an acceptable impact on the occupiers of no.209 in this regard. Furthermore, it is noted that the rear yard of no.209 is particularly constrained in respect of its recreational and functional value, due to its size and the area occupied by the existing rear extension. It is also noted that rear facing principal windows to habitable rooms are set to the eastern side of the rear elevation, further mitigating any impact.

The application is also supported by a Noise Impact Assessment, which includes a baseline study of the site, and software based acoustic modelling to assess the impact which a general industrial use may have on any surrounding residential occupiers.

Noise within the units is assumed to be 85dB  $L_{Aeq}$ , which would be the limit beyond which would require action to reduce operator exposure. Modelling also takes account for the rear roller shutter being both opened and closed, where it would not be possible to control this feature via planning. The report suggests that noise impacts of 40 dB  $L_{Aeq}$  daytime and 35 dB  $L_{Aeq}$  night time would have a negligible impact.

The modelling sets out expected noise levels at points along the external elevations of nearby buildings reaching as high as 38 dB  $L_{Aeq}$  when the roller shutter is down, and 44 dB  $L_{Aeq}$  when it is retracted. The report concludes that no specific mitigation measures would be required as the assumptions in the modelling are based on a worst case scenario and only marginally exceed the negligible impact figures.

The report does not take account of the possibilities of impulsive noises associated with general industrial noises such as hammering, sawing etc. which due to their sound profile typically appear audible above the acoustic background. The Council's Environmental Health Officer does not consider such matters to be of concern given the noise climate of the area, which to the south is already dominated by industrial activity, and to the north, Spotland Road.

It is noted that the office space would benefit from permitted development rights to change to residential under Class MA, Part 3 of Schedule 2 of the GPDO, however, one of the prior approval matters is to consider the impact of noise from adjacent commercial premises, and it would therefore be unreasonable to revoke permitted development rights.

Therefore, in light of the above, the proposals would accord with the requirements of Policies DM1 and G9 of the adopted Core Strategy and the National Planning Policy Framework.

## **Highways**

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site, on the approved site plan of the permission for the wider Dexine Site redevelopment ref. 20/01193/FUL, is shown to include space for 12no. parking spaces.

Whilst the cumulative impact of the loss of 12 parking spaces, and the increased parking requirement through the introduction of offices, could be great, taken in the context of this busy industrial estate, the Council's Highways Officer does not consider that the impact would be so severe as to warrant refusal, particularly in light of the site's sustainable location.

The site includes satisfactory arrangements for manoeuvring larger vehicles and servicing requirements, and as such, the proposed development would accord with

policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

## **Other Matters**

### *Drainage*

The site does not propose any significant areas of hardstanding, however would require drainage proposals to be in accordance with the drainage hierarchy set out in NPPG. Both United Utilities and the Council's Drainage Engineer have accepted that drainage proposals can be required via pre-commencement condition. Subject to this condition, the proposals would be in accordance with the relevant paragraphs of the NPPF and Policy G8 of the Core Strategy.

### *Ecology*

The site is currently cleared and does not include any ecological value. The necessary biodiversity enhancement measures can be achieved through via condition, subject to which the application would accord with the NPPF and Policy G7 of the Core Strategy.

### *Land Contamination*

The applicant has provided a Phase I, II and III report which concludes with a remediation strategy for the site. The Remediation measures are considered appropriate and proportionate for the development and the submission of a validation statement prior to first occupation of the building is to be required via condition to ensure the suitability of the site for its proposed use. Subject to this condition, the requirements of Policy G9 and the NPPF will have been met.

## **Balancing Act**

Where a development would lead to less than substantial harm to a designated heritage asset, paragraph 202 of the NPPF requires Local Planning Authorities to refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

The proposals would result in less than substantial harm to the character of the Spotland Bridge Conservation Area through the erection of a wholly inappropriate form of development which is not well-design and would subsequently respond poorly to the positive physical characteristics of the designated heritage asset.

The proposals are those which were originally submitted as part of planning application ref. 22/01123/FUL which were amended following extensive discussion between the Local Planning Authority and the applicant. No justification has been provided in support of the proposals other than the supporting documentation which was previously submitted other than that the applicant does not wish to deliver the extant permission.

It is clearly set out within the adopted Core Strategy that the Development Plan seeks to improve the image of the borough as a destination of choice for businesses, and planning decisions should make the best use of land to attract businesses, with a focus on the best, most accessible locations (SO1).

The development would accommodate a SME developer which currently operates in the Borough, and the applicant has raised the possibility that the business may relocate outside of the Borough should planning permission be refused. Weight is afforded to the proposals under Policy E2, which seeks to ensure a sufficient supply of suitable land, buildings and infrastructure in the right places to support the creation and retention of successful businesses and increase the number and quality of jobs.

The development would increase the supply of office and industrial space in the borough, albeit marginally given the small scale of the proposals, and whilst the development is supported by Policy E2, the weight afforded is only moderate.

As assessed above, the proposals would result in less than substantial harm to the Character of the Spotland Bridge Conservation Area. The degree of this harm is not insignificant however due to the extent of the visual harm caused by the development through its failure to be well-designed. Furthermore, paragraph 134 of the NPPF is very clear as to the approach which should be taken in determining planning applications where the proposed development is not well-designed, which would be considerably more applicable in a visually sensitive location such as a Conservation Area.

Accordingly, there are no public benefits which would outweigh the harm identified to the significance of the designated heritage asset. The proposal would conflict with NPPF paragraphs 202 and 203, as well as Rochdale CS policy P2 and saved policy BE17.

The proposal would neither preserve nor enhance the character and appearance of the Conservation Area and would not meet the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Other Matters*

No concerns have been raised in respect of the impact of the development on surrounding land users through increased noise and disturbance, and the development would not negatively impact local highway or pedestrian safety. The development would also comply with requirements in respect of ecology. Limited economic benefit is also noted to be provided through the construction phase of the development. Taken cumulatively however, these matters weigh neutrally in the overall planning balance and do not influence the outcome of the above assessment.

#### **RECOMMENDATION**

**REFUSED** for the following reason(s):

1. By reason of its unbroken massing, poor elevational treatment and use of unsympathetic materials, the proposed development would comprise an incongruous addition at a prominent location within the Spotland Bridge Conservation Area which fails to sit sympathetically with, and contribute positively to, the high-quality visual characteristics of the Conservation Area. The development includes a plethora of features, which taken individually or cumulatively, would not be well-designed in accordance with the detailed guidance set out within the National Design Guide and would result in less than substantial harm to the character of the Spotland Bridge Conservation Area. This harm is not sufficiently mitigated, justified, or outweighed by public benefit. Accordingly, the development fails to meet the aspirations and expectations of Policies P2, P3 or DM1 of the adopted Rochdale Core Strategy or National Planning Policy Framework and would not comply with the legislative requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **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. The Local Planning Authority had previously worked pro-actively and had agreed solutions with the applicant in order to make the development acceptable under the previous planning application. In this case it was not possible to approve the application.

### **Notes for Applicant:**

For the avoidance of doubt, this decision relates to the following plans:

CIE-SVA-ZZ-ZZ-DR-A-2000 - Location Plan, Existing Site Plan  
CIE-SVA-ZZ-ZZ-DR-A-2001 rev. A - Proposed Site Plan  
CIE-SVA-ZZ-ZZ-DR-A-2005 rev. B - Proposed Ground Floor Plan  
CIE-SVA-ZZ-ZZ-DR-A-2006 rev. D - Proposed First Floor Plan  
CIE-SVA-ZZ-ZZ-DR-A-2007 rev. B - Proposed Roof Plan  
CIE-SVA-ZZ-ZZ-DR-A-20010 rev. B - Proposed Elevations and 3D  
CIE-SVA-ZZ-ZZ-DR-A-20011 rev. A - Proposed Elevations (2)  
CIE-SVA-ZZ-ZZ-DR-A-20012 - Existing and Proposed Street Scene

Report Author Ryan Killeen