

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER    | DATE                          |
|-----------------|-----------------|-------------------------------|
| 23/00787/FUL    | Claire Ringwood | 18 <sup>th</sup> October 2023 |

**Address:** 111-113 Oldham Road, Rochdale, OL16 5QT

**Proposal:** Change of use from former dental practise (Use Class E) to 4 self-contained apartments (Use Class C3) with associated cycling and refuse stores (retrospective)

|           |                            |   |                       |     |
|-----------|----------------------------|---|-----------------------|-----|
| PUBLICITY | Weekly list expired?       | Y | Site notice expired?  | N/A |
|           | Neighbour letters expired? | Y | Press Notice expired? | N/A |

|            |                                                             |   |                                        |   |
|------------|-------------------------------------------------------------|---|----------------------------------------|---|
| DELEGATION | Significant departure from local plan?                      | N | Contrary to national policy?           | N |
|            | Applicant a Council Member or officer?                      | N | Contrary to previous decision?         | N |
|            | Major with 10 or more objections and recommending approval? | N | Called in or Planning Panel objection? | N |

|          |                                   |   |
|----------|-----------------------------------|---|
| COMMENTS | Planning Panel comments received? | N |
|          | Neighbour comments received?      | N |

|     |                                                  |     |
|-----|--------------------------------------------------|-----|
| EIA | Screening opinion completed and saved to OnBase? | N/A |
|-----|--------------------------------------------------|-----|

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

|                |                             |
|----------------|-----------------------------|
| RECOMMENDATION | GRANT subject to conditions |
|----------------|-----------------------------|

CHECKED AND SIGNED OFF BY: RG

DATE: 20 October 2023

## **SITE**

The application relates to a pair of adjoining two-storey terraced buildings, both of which have two-storey part-width rear extensions set within a shared rear yard.

The most recent active use of the premises appears to have been as dental surgery, which, given the planning history, can be assumed to have related to both storeys of both buildings. The terrace is traditional in overall character with some attractive architectural elements (notwithstanding relatively recent alterations) though the buildings are not listed or locally listed buildings and do not form part of a Conservation Area.

The site includes a paved rear yard (shared between 111 and 113) with gated access onto Back Oldham Road, which provides vehicular access onto Wood Street. The site is adjoined to the south by a building in use as flats, at the rear by a two-storey building comprising flats and to the north by a disused premises, the lawful use of which is unclear. Surrounding uses are otherwise a range of commercial and residential.

## **PROPOSAL**

The application is for the change of use of the buildings to provide 4 x 1 bedroom apartments, one each at the ground floor of both buildings, and a further two at first floor and within the roofspace. Works have already been commenced some years ago but not completed or occupied. New rooflights to the front and rear and proposed to replace existing rooflights. The ground floor flats would be accessed from entrances at the rear and the upper flats have separate access from the existing front entrances.

All of the flats would be configured with shower room/bathroom and kitchen at the rear with lounges and bedrooms at the front and in the roofspace.

The shared rear yard could be used as outdoor amenity space for occupants of the flats and bin and cycle storage is also proposed in the rear yard.

## **RELEVANT PLANNING POLICY**

### **National Guidance**

National Planning Policy Framework (NPPF) September 2023

National Planning Practice Guidance (NPPG)

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

SP2 The Spatial Strategy for the borough  
SP3/R The Strategy for Rochdale

SO1 To deliver a more prosperous economy  
SO2 To create successful and healthy communities  
SO3 To improve design, image and quality of place

SD1 Delivering sustainable development

E1 Establishing thriving town, district and local centres  
E1/R Establishing Rochdale as a thriving town centre

E3 Focusing on economic growth corridors and areas

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

P1 Improving image  
P2 Protecting and enhancing character, landscape and heritage  
P3 Improving design of new development

T2 Improving accessibility

G9 Reducing the impact of pollution

DM1 General development requirements

#### Unitary Development Plan (UDP):

G/D/1 Defined Urban Area  
G/R/1 Physical Regeneration  
G/S/1 Hierarchy and Role of Centres  
S/6 District Centre, Local Centres and Linear Commercial Areas

#### Supplementary Planning Documents (SPD):

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

### **RELEVANT SITE HISTORY**

84/D17454 - Change Of Use From Shop And Offices To Dental Surgery. Approved 07/02/1985.

PREAPP/00122/22 – Residential development - 4 apartments. Observations sent 29/03/2023.

#### 115 Oldham Road

17/00165/FUL - Change of use and conversion of former dental practice to 3 self-contained flats including alterations to front elevation – Resubmission of 16/00602/FUL. Approved 25/04/2017.

### **CONSULTATION RESPONSES**

#### **Environmental Health**

*No comments on the planning application however, pre-application comments advised:*

The units should be designed to meet the internal noise levels set out below, as we would also request pre-occupation validation testing to be conditioned it would be at the developers risk to cut corners.

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

- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Upon completion and prior to occupation validation testing is carried out.

## **Highways**

The application site is close to public transport links and the town centre with its amenities, therefore an objection on the lack of parking may not be sustainable.

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

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

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

*Highways Officers were asked to clarify the location of bin storage for the occupiers of the first floor flats who would not have direct access from the rear of the buildings:*

We would say that these regulations apply mainly to new builds as presumably some kind of servicing arrangements already exist on the building to be converted. In certain cases we can ask for a Servicing Method Statement as a planning condition especially when a large number of residential units are involved.

## **REPRESENTATIONS**

The application has been publicised with neighbour notification letters. No letters of representation have been received in respect of this application.

## **ANALYSIS**

### **Principle of Development**

The proposal involves the change in the authorised use of the buildings to residential use. Some works (external and internal) were undertaken some years ago apparently as part of the intended residential conversion of the buildings, for which permission was not sought or granted. However it does appear that the buildings have not been occupied for residential purposes, and as such the lawful use remains as its most recent active use, as a dental practice.

The site is within the defined urban area as identified by saved UDP policy G/D/1. The site is also within a defined linear commercial area, identified as the 'Oldham Road–Milnrow Road linear commercial area' by saved UPD policy S/6. This policy notes that the conversion or redevelopment of vacant commercial premises to residential use will only be permitted in local centres that have a high overall vacancy rate and where it will assist regeneration.

Core Strategy E1 *Establishing thriving town, district and local centres* explains the ways in which the Council will seek to promote the viability and vitality of the borough's town centres, district centres and local centres.

Policy E1 seeks to focus new town-centre development to relevant locations, but does not provide specific protection of existing commercial premises within the defined local centres. Therefore saved policy S/6 remains the most relevant policy in relation to changes to the use of the buildings at this time.

The application is supported by a Linear Commercial Area Assessment highlighting the 23 buildings within the row. This shows 13 of the buildings have residential uses at first floor level and 6 of the buildings, including the application site are vacant. The submitted Planning Statement notes the buildings have been vacant for over 11 years. Saved Policy S/6 does not qualify what should be considered a high overall vacancy rate however, taking into account there is a high vacancy rate, including the application site which has been vacant for a long period and there are other buildings, particularly 115 Oldham Road, in residential use, the proposed use would contribute to the area with a mix of community, commercial and residential properties and would integrate well in the area.

The proposed development is a conversion and so it is a previously developed site, although the proposal is for one type of dwelling type and size, due to the size of the application building this is considered acceptable in this case. Policy C1 of the Core Strategy outlines that the Council will maximise the potential of previously developed sites, the Local Planning Authority is also mindful that paragraph 60 of the NPPF whereby to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The proposal would bring a vacant site back into use and therefore the principle of development is considered acceptable subject to other materials considerations detailed below being acceptable.

### **Visual Amenity**

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

Paragraphs 126 and 130 of 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, which 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 existing unauthorised alterations to the front elevation of the buildings detract from the previous appearance of the buildings and these would have required planning permission. However it appears very likely that these works are now immune from enforcement due to the passage of time and it is also noted that similar works to 115 Oldham Road were approved in the context of the unauthorised works already having been completed and there is a degree of consistency between the three properties.

The only external alterations are to replace the existing rooflights and in order to achieve the required internal noise levels, replacement windows and doors may also be required. This will achieve a slight improvement in the appearance of the buildings from the front.

As such, the proposed change of use is in accordance with Policies DM1 and P3 of the adopted Core Strategy, as well as the National Planning Policy Framework.

### **Residential Amenity**

Core Strategy Policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and

occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 130 f) of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

#### *Impacts on neighbouring amenity*

As limited external extensions are proposed the proposal would not give rise to any neighbour impacts in terms of visual intrusion, loss of light or overshadowing to any of the surrounding residences.

Section 4 of the Guidelines and Standards for Residential Development SPD relates to 'New Residential Development'. In particular, paragraph 4.1 details the minimum space standards relating to all new residential development, in respect of residential and occupier amenity. The rear of the properties face onto the front elevation of dwellings on Back Oldham Road, this elevation includes a number of windows which are understood to serve habitable windows. In terms of mutual privacy for future occupants of the site and the occupants these existing dwellings, the separation distances between windows serving habitable rooms set out in the SPD would be achieved.

#### *Quality of accommodation for future occupiers*

The Nationally Described Space Standards is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable for applications across all tenures. Table 1 sets out the minimum gross internal floor area requirements for new dwellings, across varying number of bedrooms, occupants and floors. The submitted floor plans show the ground floor flats measures 52m<sup>2</sup> and the first floor flats measure 71m<sup>2</sup>.

Below is an extract from the Nationally Described Space Standards, which specifically details the Gross Internal Area requirements for new 1 bedroom apartments.

| <b>Number of bedrooms (b)</b> | <b>Number of bed spaces (persons)</b> | <b>1 storey dwellings</b> | <b>2 storey dwellings</b> | <b>Built-in storage</b> |
|-------------------------------|---------------------------------------|---------------------------|---------------------------|-------------------------|
| 1b                            | 2p                                    | 50                        | 58                        | 1.5                     |
| 2b                            | 3p                                    | 61                        | 70                        | 2.0                     |

It is noted that no details on the intended number of occupants has been submitted. However, the proposed internal layout is acceptable with good circulation space and adequate sized rooms. New rooflights are proposed to the second floors and although there are no direct views from these windows, it is considered that these rooms will achieve an adequate level of light. The proposal is therefore considered of a size suitable to accommodate two individuals per flat. The internal stacking is generally acceptable and although there are lounges over bedrooms, Building Regulation approved document E regulates the impact and air borne sound between dwellings. The rear yard will provide some outdoor amenity space for future occupants.

In terms of the noise environment for the future occupants, the site adjoins a major road and is located near to the railway line and a number of businesses (including the neighbouring heating supply business) all of which might give rise to concerns in terms of potential noise nuisance. The Council's Environmental Health officer has

advised that the units need to be designed to meet specified internal noise levels and a pre-occupation validation test be submitted by way of a suitable condition.

In light of the above, the proposal provides an acceptable level of amenity for future occupiers of the proposed flat and subject to relevant conditions is in accordance with policy DM1 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

## **Highways**

Core Strategy Policy DM1 states that all development proposals will be expected to demonstrate that they provide satisfactory vehicular access, with adequate parking, manoeuvring, and serving arrangements taking into account the proposed use and location. Policy T2 states that the Council will improve accessibility by locating development where good access to public transport is available or can be provided, backed by measures to reduce the need for travel and effective provision for cyclists, pedestrians and people with impaired mobility. NPPF paragraph 111 notes 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 proposal does not include any off-street parking however, owing to the relatively sustainable location of the application site near to Rochdale town centre and in close proximity to public transport services, the lack of any dedicated parking is considered acceptable in this instance.

Cycle storage and bin storage is proposed to the rear of the site, and as the existing buildings would have been serviced, the residential use would not increase the servicing requirements by an unacceptable amount. The occupiers of the first floor flats do not have direct access to the rear yard and would therefore be required to carry their waste to the rear of the site. Although this is not ideal, similar servicing arrangements would have existed when the buildings were occupied and this is a similar scenario with other properties within the vicinity.

For these reasons, it is considered that the proposal would have an acceptable impact on highway safety and the application would comply with adopted Rochdale Core Strategy policies T2 and DM1, the Residential Development SPD and the National Planning Policy Framework.

## **RECOMMENDATION**

### **GRANT subject to the following condition(s):**

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 and documents:

Drawing No: 22.2935.SC1.1 – Scheme 1 Proposed Floor Plans  
Drawing No: 22.2935.SC1.2A – Scheme 1 Proposed Elevations  
Drawing No: 22.2935.SC1.3A – Existing & Proposed Site Plans  
Received 21<sup>st</sup> July 2023

Site Location Plan  
Received 4<sup>th</sup> October 2023

and the development shall be carried out in accordance with the approved drawings.

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. The dwellings hereby approved shall be designed and constructed to ensure that indoor noise levels do not exceed:

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

Prior to the first occupation of each dwelling hereby approved, an acoustic verification report shall have been first submitted to, and approved in writing by, the Local Planning Authority, confirming that the above levels have been achieved.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in accordance with Policies DM1 and G9 of the Rochdale Council Core Strategy and the National Planning Policy Framework.

4. The dwellings hereby approved shall not be occupied until such time as the proposed bin storage area and cycle storage area as indicated on Drawing No: 22.2935.SC1.3A – Existing & Proposed Site Plans have been provided and made available for use. The facilities shall thereafter be retained for their intended purposes.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and in the interests of visual amenity in accordance policies DM1, T2 and P3 of the adopted Rochdale Core Strategy 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.