APPLICATION NUMBER: 18/01096/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01096/FUL	Mubeen Patel	20 November 2018

Address: Land Adjacent To 158 Drake Street Rochdale OL16 1PX

Proposal: Erection of a building comprising of 5 self-contained flats with associated parking and 0.9m high boundary wall to front, side and rear - Resubmission of 18/00671/FUL

PUBLICITY	**Call up expired?**	Yes	**Site notice expired?**	N/a
	Neighbour letters expired?	Yes	**Press Notice expired?**	N/a

INTERESTS	**Officer dealing with planning matters / Councillor app?**	No	**Ten or more objections and recommendation to grant?**	No
	Decision maker management interest in site?	No	**Called up?**	No

COMMUTED SUMS / S106	**Commuted Sum paid / S106 completed?**	N/a
	Confirm if commuted sum / S106 for POS – copy of calculation spreadsheet on file?	N/a

HUMAN RIGHTS ACT	**Account has been taken of the Act's provisions.**
ENFORCEMENT?	

EIA	**Has a screening opinion been completed and saved to Onbase?**	N/a

RECOMMENDATION	**GRANT**

CHECKED AND SIGNED OFF BY: AT **DATE: 22.11.2018**

SITE

This application relates to a vacant site positioned on the corner of Drake Street and Ann Street, adjacent to 158 Drake Street. The site at present consists of small self-seeded trees, vegetation and building materials; it appears the site has also been used for some fly tipping. A building did exist on the site in the past and which infilled

this area of land, however the building has been demolished leaving a brownfield site.

The site is located within the Drake Street Local Centre. Surrounding neighbouring properties consist of typical town centre uses with retail units mainly at ground level with offices and residential accommodation on the floors above. A residential terrace block is positioned to the west with Rochdale Catholic Club positioned to the north west along Ann Street.

PROPOSAL

This application seeks permission for the erection of a building which would infill the current space between the gable end of 158 Drake Street and Ann Street. The proposed building would be two storeys high with further space provided within the roof area with rooflights provided to the front and rear roof slopes.

The building would provide five 1 bed apartments, two apartments each at ground and first floors with one apartment provided within the roof space. Each apartment would consist of an en-suite bedroom with a kitchen/living room area. Access into the flats would be provided from both the front and rear elevations of the building.

Car parking for two cars, bin storage and small yard areas would be provided to the rear of the building. The height of the building would be 6m to eaves level and 8.5m in height to the ridge of the dual pitched roof.

The application form submitted states that the building and boundary walls would be constructed of brick whilst the roof would be finished with tiles, the window frames would be of UPVC material with stone heads and cills and the rooflights would be of conservation style. The hardstanding areas would be of tarmac.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – Revised July 2018
National Planning Practice Guidance (NPPG)

Rochdale Core Strategy (CS) Adopted October 2016:

DM1	General Development Requirements
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
E1	Establishing thriving town, district and local centres
C1	Delivering the right amount of housing in the right places
C3	Delivering the Right Type of Housing
G9	Reducing the impact of pollution
T2	Improving Accessibility

Saved Unitary Development Plan (UDP) Policies:

S/6 District Centres Local Centres and Linear Commercial Areas

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development SPD

RELEVANT SITE HISTORY

86/D19295 - Single Storey Storage Building With Ancillary Parking – Refused

14/01445/FUL -Change of use of ground floor from offices to three retail units (use class A1) and creation of 4 self-contained flats to first floor including external alterations to all elevations – Approved

18/00671/FUL - Erection of a building comprising of 5 self-contained flats with associated parking and 1.8m high boundary wall to side and rear – Withdrawn.

CONSULTATION RESPONSES

Env Health - Noise/Odours –

The flats hereby approved shall not be occupied until works are carried out to ensure that noise levels do not exceed:-

o 35 dB(A) Leq (1 hour) in bedrooms with windows shut and other means of ventilation provided between the hours of 07:00 and 23:00;
o 30 dB(A) Leq 5 (5 minutes) in bedrooms with windows shut and other means of ventilation provided between the hours of 23:00 and 07:00;
o 35 dB(A) Leq (1 hour) in living rooms with windows shut and other means of ventilation provided between the hours of 07:00 and 23:00;
o 40 dB(A) Leq (1 hour) in all other habitable rooms with windows shut and other means of ventilation provided at all times.

Prior to the first occupation of each flat hereby approved, a verification report shall have been first submitted to and approved in writing by the Local Planning Authority, confirming that the internal noise levels have been achieved.

Reason: In the interests of residential amenity and to ensure that future residents are adequately protected from unacceptable levels of noise in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Environmental Control (Landfill Gas) -

APAS CODE CW041

Preliminary Risk Assessment

Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report must be submitted to, and approved in writing by, the Local Planning Authority and shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not

suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority

Highways And Engineering –

The proposed scheme seeks to introduce residential units close to the town centre.

Given the proximity of the Town Centre I believe the site is sustainable and parking provision adequate.

I do not expect this proposal to impact negatively upon the surrounding highways.

United Utilities –

No objections. Recommends conditions requiring agreement of a sustainable surface water drainage scheme, and foul and surface water to be drained separately.

RBC Drainage –

No Drainage Proposals were submitted.

In view of the urban location, it likely that the discharge of surface water from the site will be to United Utilities' surface water combined sewers located on either Ann Street or Drake Street. Therefore, the Applicant will need to obtain approval from UU.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, no observations have been received.

ANALYSIS

Principle of development

The application site is within the Defined Urban Area as allocated under the Rochdale Unitary Development Plan. As such policy G/D/1 is relevant to any applications on the site and this establishes that development should be located in the urban area so as to support urban regeneration and protect the countryside.

The residential units proposed would also be located within the Drake Street Local Centre. Policy E1 of the Councils Core Strategy is therefore relevant and which states 'We will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of the boroughs town centres'.

The most relevant policy is C1 of the Core Strategy which establishes to;

- Maximise the potential of previously developed sites, including empty homes and buildings within the urban area to achieve a target of 80% of new housing of previously developed land; and
- 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 part of the above policies, the area is predominantly mixed-use retail and residential and therefore residential is considered as a complimentary use to the existing character of the area and is located in a sustainable area with good access and facilities and which makes efficient use of the land whilst delivering an appropriate use for the site. However, consideration is still required into the remaining material factors, these being amenity, design, highway safety and the environment.

In light of the above it is considered that the principle of providing residential units at the application site is acceptable. As mentioned, consideration is still however required into other material considerations.

Visual amenity

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.

Paragraph 127 of the revised National Planning Policy Framework states that 'decisions should ensure that developments will 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'. Policies P2 and P3 of the Core Strategy set out a requirement for good design, improved image and protection and enhancement of character, landscape and heritage.

The proposed building would appear as two storeys, with additional accommodation provided within the roof space with rooflights to the front and rear, thus three floors internally. The eaves and dual pitched roof would align with that of 158 - 156 Manchester Road on the eastern side, and would be set below the terrace dwellings on the opposite side of Ann Street to the west. The alignment of the proposed building including its height with the closest properties to the east respects the pattern of the building line and heights in the row of properties and is appropriate for the local character.

The building would be built of brick, with traditionally styled front and rear elevations. Windows at ground and first floor levels to the front, side and rear elevations would have a vertical emphasis and would be well proportioned, with stone heads and cills to reflect the neighbouring buildings as closely as possible. The rooflights would be of conservation style and small in size where their protrusion would be minimal over the roofslope to both the front and rear.

The plans submitted show a 0.9m low wall with coping stones would be constructed along the front, side and rear boundaries of the site. The walls given their height would retain an open aspect whilst the materials proposed would match those of the building. Similar low walls are located to the front of neighbouring buildings and are considered acceptable in this location providing a physical barrier between the highway and the site.

Given the details, it is considered the proposed building and boundary walls would appear acceptable to the site and visual amenity of the area and street scene which consists mainly of other similar retail/residential buildings. Furthermore, the external appearance and scale of the building would be appropriate and proportionate for this site and is considered to be acceptable.

Notwithstanding the details submitted, a condition should be attached to any approval for the materials of both the proposed building and walls to be submitted to and approved by the Council in order to maintain an acceptable visual appearance of the building and character of the area.

In light of the above, the proposal would result in no undue harm to visual amenity and would improve the overall character and appearance of the area and the street scene subject to the adherence of conditions. The application would therefore accord in this regard with policies DM1 and P3 of the adopted Core Strategy and the NPPF.

Residential amenity

Policy DM1 of the adopted Core Strategy states that all development proposals should be compatible with surrounding land uses and should not adversely affect the amenity of residents, in addition to requiring a number of other basic planning considerations.

Policy G9 of the Core Strategy sets out that the Council will seek to reduce all forms of pollution by requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

It has already been established that the principle of providing residential accommodation at the site is acceptable. The area is established as mixed use, within a local centre, and the proposal would therefore be in keeping with existing land uses around the area. It is however important to ensure that the proposal would not impact unduly on matters such as noise and other pollution effects, with regards given to the impact of each flat within the building as well as the impact of the development upon existing surrounding properties.

To assess the above, consultations have been undertaken with the Council's Public Protection Officers relating to noise, and they have confirmed no objection to the application. However, a condition is recommended to control noise levels and a verification report is required to be submitted to the Local Authority prior to the occupation of the flats confirming suitable internal noise levels have been achieved to ensure future residents are adequately protected from unacceptable levels of noise.

In respect of other matters, it is important that the development provides adequate space about buildings, with paragraph 5.2 of the Councils SPG 'Guidelines and Standards for Residential Development' recommending that a minimum separation distance of 21 metres should be provided between principal elevations of opposing dwellings and a distance of 14 metres between principal and secondary elevations. Where these separation distances cannot be achieved proposals should be "compatible with the density and character of surrounding development".

Assessing the proposal it is considered that there would be no concerns regarding the distance to the rear of the building, with the development facing onto the proposed car parking area which would serve the site, and beyond this, a detached garage and the side elevation of the residential dwelling No.17 Ann Street. This dwelling has a kitchen window at ground level and a bathroom window at first floor level in its side elevation, however the kitchen window as existing is being impeded by the garage at the site and the first floor window serves a bathroom and not a habitable room, and a distance of approximately 17m would be maintained between the proposed building and the side elevation of No.17 Ann Street. In light of the above, the distance is considered acceptable in this location given the density and character of the surrounding area.

However the distance from the western side elevation of the proposed building to the gable elevation of 160b Drake Street would be approximately 11.5m. This neighbouring property has two small windows at first floor in its gable elevation; the windows serve a landing and a WC. It is acknowledged that the development fails to achieve the separation distances recommended under the SPG. It is noted however that the distance between the habitable room windows of the proposed building and the gable elevation of 160b Drake Street is not dissimilar to the distances seen on existing properties within the area, particularly further down Drake Street and is considered acceptable in this location.

Given the above distances seen around existing neighbouring properties, it is considered that the distance currently proposed from the front elevation to the properties opposite (17m) would be compatible with those seen within the area and would adequately provide the level of amenity that would be expected at a residential property within this area. With this in mind, it is considered that although the distances set down within the SPG could not be achieved, the development would still comply with its requirements, in so much as the proposal would be compatible with the density and character of the surrounding development.

Three windows are also proposed in the eastern side elevation of the proposed building, two windows would serve bathrooms and the second floor window would be a secondary window to a bedroom. The windows would directly face the gable elevation of 158 Drake Street, however, the windows would not be habitable room windows or primary windows (second floor) and therefore they would not detrimentally impact on residential amenity.

The plans submitted also indicate that two first floor office windows positioned in the western side elevation of the 158 Drake Street would be obscurely glazed, 158 Drake Street is in the ownership of the applicant and therefore the obscurity of these windows can be controlled by condition which would restrict detrimental overlooking on to the proposed development.

With regard to the living conditions of future occupiers of the property, it is noted that each habitable room within the building would be provided with natural light and ventilation, with an outlook to the streets on the front, side and rear of the property. Each property would have its own WC and washing facilities.

A bin storage area would be provided to the back of the site away from the main public vantage points from Drake Street and Ann Street. It is considered a bin store should be provided to secure the bins in their proposed are by way of condition.

In light of the above, it is considered that the development would provide adequate space about buildings, so as to protect future residents from any excessive levels of overshadowing and/or loss of privacy and a good standard of living accommodation. The application is therefore acceptable in this respect and would meet with the expectations of Policies DM1 and G9 of the Rochdale Core Strategy, along with the relevant requirements of the National Planning Policy Framework.

Highway Safety

Policy T2 of the adopted Core Strategy relates to accessibility and Policy DM1 requires all development to provide satisfactory vehicular access with adequate parking and manoeuvring arrangements provided.

The current site has been vacant for a number of years; as such the proposed development would be quite intensive by comparison. The site is located within a local centre and therefore in an accessible location. The plans submitted show 2 car parking spaces would be provided to the rear of the property for residents. Given the

local centre location, this is considered sufficient provision for a development of this size in a location as sustainable as this (close to the main town centre and on a major bus route); as such the amount of parking provided is considered acceptable.

The highways officer has been consulted and does not raise any concerns and does not expect this proposal to impact negatively upon the surrounding highways.

Bin storage would be provided in the rear yard area where refuse would also be collected.

Given the details, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. The application is as such acceptable and would accord with policies T2 and DM1 of the Core Strategy and the NPPF.

RECOMMENDATION – Approve subject to condition

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:-

- Location Plan 1:1250
- Existing and Proposed site plans, ground floor plan and boundary walls DrawingNo1348/1A
- Street Scene, Section, first floor and second floor plan, Drawing No.1348/2A
- proposed Elevations, Drawing No. 1348/3A

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 Unitary Development Plan and the National Planning Policy Framework.

3 Notwithstanding any description of materials in the application, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the building and boundary walls have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the window heads on the front, side and rear elevations shall be stone with angled edges as shown on the approved plans. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

4 No above ground works shall take place until full details of the windows and doors, including sections at a scale of not less than 1:20 to demonstrate: the longitudinal and cross-sectional detailing, depth of recess, cill and lintel

detailing, and means of opening together with any finished treatment and depth of reveals, including samples if so required, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter so maintained.
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

5 No above ground works shall take place until full details of the construction and design of a refuse recycling/bin store has been submitted for the written approval of the Local Planning Authority. The duly approved facility shall be provided and made available for use before the first occupation of any of the dwelling units hereby approved.

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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) prior to first occupation of the building hereby permitted the office windows in the first floor on the western side elevation of 158 Drake Street facing the application site shall be fitted with textured glass which obscuration level no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

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

o 35 dB(A) Leq (1 hour) in bedrooms with windows shut and other means of ventilation provided between the hours of 07:00 and 23:00;
o 30 dB(A) Leq 5 (5 minutes) in bedrooms with windows shut and other means of ventilation provided between the hours of 23:00 and 07:00;
o 35 dB(A) Leq (1 hour) in living rooms with windows shut and other means of ventilation provided between the hours of 07:00 and 23:00;
o 40 dB(A) Leq (1 hour) in all 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 the interests of residential amenity and to ensure that future residents are adequately protected from unacceptable levels of noise in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8 No development shall take place until a scheme for the design and construction of ‘hard’ landscaping treatment and marking out of the access to the site and the parking spaces shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed surface treatment of the parking areas, paths or

other hard-surfaced areas and any furniture, (including any benches, lighting columns, bollards and gates etc). The approved scheme shall be fully implemented before any of the uses hereby approved are first brought into use and retained thereafter.

Reason: To ensure safe and convenient access and parking arrangements in accordance with policies DM,1 and T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: This application proposes to develop the site. This condition would ensure safe development of the site in the interest of future occupiers, and to prevent pollution of the water environment.

9 No development shall take place until a site investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:
i) a survey of the extent, scale and nature of contamination
ii) an assessment of the potential risks to:
o human health,
o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archaeological sites and ancient monuments;
iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, saved Policy EM/8 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: This application proposes to develop the site. This condition would ensure safe development of the site in the interest of future occupiers, and to prevent pollution of the water environment.

10 No development shall take place until a foul and surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions and inclusive of how the scheme shall be managed after completion, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, foul and surface waters shall be drained on separate systems and the surface water drainage scheme shall accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority. The development shall be

completed, maintained and managed in accordance with the approved details.

Reason: To ensure the appropriate disposal of foul and surface waters and to manage the risk of flooding and pollution in accordance with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage is an early activity in the construction process and it is in the interest of all stakeholders to ensure that an acceptable scheme is agreed before development commences on site.

11 No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding; (vii) measures to control the emission of dust and dirt during construction, including a wheel washing facility; and (viii) a scheme for recycling/disposing of waste resulting from construction works.
The duly approved CMS shall be adhered to throughout the construction period.
Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of policy DM1 and G9 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby uses and highway safety prior to commencement of any building or engineering works on site.

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:

Report Author Mubeen Patel