

Officer Report

Case Reference: 25/00484/FUL
Location: Land Between 22 And 34 Durham Street Rochdale, OL11 1JJ
Proposal: Construction of a row of 4 no. 3 storey, 3 bed terraced dwellings
Recommendation: Approve with Conditions
Officer: Rosalind Gralton

SITE AND SURROUNDINGS

The site relates to a parcel of brownfield land between 22 and 34 Durham Street. The site is part of a wider vertical site, which spans between Exeter St and Durham St. This application relates to the northern half, on Durham St. The site is defined by a brick/concrete boundary and is predominately overgrown. The site has been in this condition for a significant amount of time with a variety of former planning applications.

The site is located within the Defined Urban Area and predominantly a residential area and does not benefit from any additional policy designations.

It is noticed that the site to the south has started construction following planning approval PL/2026/0168.

Proposal

The application seeks permission for the construction of 4 dwellinghouses in a terrace row. The properties are all two-storey with a converted loft. The proposed properties will be finished in a material palette to match the neighbouring properties.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE) The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024.

The following policies are relevant:

JP-S1 Sustainable Development

JP- H3 Type, Size and Design of New Housing

Adopted Rochdale Core Strategy (CS):

SO1 – To deliver a more prosperous economy

E1 – Establishing thriving town, district and local centres

E2 – Increasing jobs and prosperity

E5 – Encouraging the visitor economy

E6 – Supporting and diversifying the rural economy

SO2 – Creating successful and healthy communities

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

SO3 – Improving Design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO4 – Promoting a greener environment

G7- Increasing the value of biodiversity and geodiversity

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General Development Requirements

Unitary Development Plan (UDP):

G/R/1 – Physical Regeneration

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

NB: 19/01253/FUL relates to full parcel of land (extending from Exeter Street to Durham Street) and is therefore a larger site than this planning application relates to.

19/01253/FUL - Erection of 8no 4-bedroom dwellings – Refused 26/11/2020

All other applications relate to land considered within this current pre application enquiry and land to the north of the site, as with the most recent application on the site. It should be noted; these applications have since lapsed.

07/D496610 – 8 Terraced Two and a half storey dwellings – 25/09/2007 – Grant subject to conditions

04/D43793 – Residential Development – 18/08.2004 – Grant subject to conditions

80/D11288 – Change of use from garage site to builder's yard – Refuse 03/11/1980

Principle

The site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside. The site comprises previously developed land and is within Milkstone and Deepish ward, where under policy C2, additional homes will be delivered on vacant and underused sites to assist in the regeneration of this area.

As the site is located within the defined urban area, is previously developed land and is within a predominately residential area, in a sustainable location within reasonable proximity to local amenities and public transport facilities, the principle of residential development on the site is acceptable.

Design

The NPPF states 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.

PfE Policy JP-P1 is consistent with the aims of the NPPF requiring new development to be well-designed in that it too seeks to ensure that new development is distinctive with a clear identity that respects and acknowledges the character and identity of the locality and is visually stimulating, creating interesting and imaginative environments.

The proposed buildings would be a terrace row of 4 two storey dwellings with a pitched roof, akin to the design of neighbouring terraces across Durham Street.

The Council's Urban Design Officer was consulted on the scheme, and concerns were raised regarding the design of the dwellings. Amended plans were sought which added additional windows and brick detailing, in keeping with the adjacent traditional terrace row. These amendments are considered acceptable. Additionally, conditions are imposed to secure details of materials, window and door reveals, to ensure a high quality of design is maintained. In conclusion, it is considered the amendments address the concerns raised and are acceptable.

On balance, the proposals are of a design which is acceptable. The amendments sought have present a row of houses more in keeping with the character of buildings in the setting, and subject to conditions in relation to materials, window and door reveals and brick detailing, it is not considered the proposal would be unacceptable in respect of design, and would comply with Policies P1, P3 and DM1 of the Rochdale Core Strategy subject to conditions.

Occupier amenity

Policy JP-H3 of PfE states all new dwellings must comply with the Nationally Described Space Standards (NDSS).

The proposed dwellings are a 3-bedroom property across 3 floors. 5 bedspaces are provided, with bedrooms 1 and 3 being doubles and bedroom 2 being singles. The minimum bedroom sizes for one bedspace is 7.5m² and a bedroom width of 2.15m. A two-bedspace bedroom must be 11.5m² in area. The proposed bedroom 1 size is 11.6m², bedroom 2 9.5m², and bedroom 3 18m².

The minimum NDSS internal standard for a 4-bedroom, 6 bedspace property across 3 floors is 112m². The proposed minimum space standards for the internal floorspace of all properties is exceeded. (119m²). In addition, each property has a private rear garden area which provides additional outdoor space.

Each bedroom shown meets the minimum bedroom requirements of 11.5sqm for a double bedspace and 7.5sqm for a single bedspace (with a minimum width of 2.15m). The requirements of the NDSS are therefore met. Each habitable room would benefit from adequate light, and no concerns are raised in this respect. It is noted the upstairs master bedroom would only be served by two rooflights, sited slightly above 1.8m in this instance. It is not considered this wouldn't provide sufficient outlook.

Impact on surrounding residential properties

Core Strategy Policy DM1 requires, amongst other things, that development proposals are compatible with surrounding land uses and that they do not adversely affect the amenity of residents.

The Council's 'Guidelines and standards for residential developments SPD' provides guidance on design of residential development. Section 4.1 of this states:

'The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

(i) 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage (Figure 2);

(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);

(iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room (Figure 4).'

Section 4.3 states 'Exceptions to these minimum space standards may be acceptable in some circumstances and applications will be considered on their individual merits. For example, where the character and density of the surrounding area would be best preserved by reduced distances and this would not detract from the general levels of privacy and amenity typical in the area, then exceptions may be made.'

The proposed dwellings would face directly onto the side elevation of an industrial building on the northern side of Durham Street. This is consistent with the neighbouring terraces and would be in keeping with the street scene. It is not considered this outlook would be considered detrimental to the amenity of that occupier, not the amenity of the industrial unit.

The distance to the rear boundary of the site is 7.5m. While this falls below the 10.5m required in Section 4 of the SPD, the dense nature of the surrounding terrace properties would mean this is typical of the character of the area and would not be unacceptable from a design perspective. Additionally, it is not considered the occupiers of the proposed habitable room windows at the rear of the property would be unacceptably overlooked by the proposed development, and reasonable space is available for a similar development on the northern half of the site to come into fruition. As a result, the proposed dwellings would be acceptable when considering the amenity of the occupiers.

In relation to the rear elevation, the proposals would face onto a construction site for the erection of 4 terraced properties, the southern half of the site. Officers are mindful any development secured shall not prejudice the amenity of the residential properties on the land to the south of the site. The property's rear first floor windows, relating to Bedroom 2, are the closest rooms to the rear boundary and are 7.5m from the rear boundary of the site. While this is substantially lower than the SPD requirements, this is relative to the window-to-window distances experienced by the adjacent terraces. The depth of the property, including the outrigger, is 10m. For comparison, the nearest adjacent terraced property at No 13 has a depth of 16m including the outrigger. As such, while the projection of the proposed outrigger is slightly beyond the building line of the terraces, the overall layout would result in the buildings appearing less intrusive than those currently either side of the plot. In the instance a development of terraces came forward on the opposite site, it is considered that with the proposed site's layout in mind, the rear facing windows would be able to have a reasonable window to window distance.

It is acknowledged that the properties located on the surrounding perimeter will be impacted as a result of the presence of the proposal replacing land which was previously undeveloped. It is noted however the proposal would provide valuable housing for the borough and has been designed sensitively with the adjacent properties in mind. A landscaping plan is secured via condition to ensure suitable fencing and soft landscaping is incorporated into the scheme. The case officer is aware a 'landscaping plan' has been approved as part of the approved plans, however further detail shall be provided with the attached condition.

The Council's Environmental Health Officer was consulted regarding the application. A condition was requested regarding hours of construction to avoid disruption to residents. Suggested hours are between 8:00-18:00 Monday - Friday 08:00-13:00 Saturdays and no work on Sundays or Bank Holidays. Officers have considered the requested conditions against the NPPF tests (paragraph 55). Controlling the hours of construction is rarely necessary as it is controlled by other legislation should it present as a statutory nuisance. Again, considering the small-scale nature of the proposed development, it is not considered necessary to control the hours of construction.

The proposed development would therefore be in accordance with the requirements of Core Strategy Policies P1, P3 and DM1, and the policies within the NPPF.

Contamination

Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place. As part of the application the applicant has submitted a Phase I Preliminary Risk Assessment which has concluded an intrusive investigation should be undertaken to ensure the most up to date geotechnical parameters for the design foundations, floor slabs and pavement construction are gained. In addition, soil samples shall be taken for chemical analysis.

The Council's Environmental Protection Officer was consulted on the application and proposed a pre-commencement condition relating to a Phase I Site Investigation condition and details of remedial work. A separate condition is attached to ensure a validation study is also provided and a satisfactory quality of land is provided to ensure the land properties are safe for future end users. Subject to this the requirements of the Core Strategy and NPPF are considered to have been met.

BNG & Ecology

Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at

least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. PfE Policy JP-G8 also states that through local planning and associated activities a net enhancement of biodiversity resources will be sought where relevant. In particular, development will be expected to achieve a measurable net gain in biodiversity of no less than 10%. Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The site is considered to be worth 0.17 units, which is of limited value locally. The majority of units will be lost as part of the development. GMEU have been consulted and raised no objections, they are satisfied compensation can be achieved from purchasing off site habitat units. The statutory BNG condition is applied.

It was not considered a preliminary ecological appraisal was required for this application. Further mitigation provided by biodiversity enhancements such as bat and bird boxes and landscaping, to comply with the policy requirement of the CS. Any potential threat to nesting birds or bats in the existing building on site could be dealt with via an informative reminding the applicant of the statutory protection afforded to these species.

In order to comply with the requirements of the above CS Policies, mitigation is provided by conditions securing biodiversity enhancements such as bat and bird boxes and landscaping. Any potential threat to nesting birds or bats in the existing building on site could be dealt with via an informative reminding the applicant of the statutory protection afforded to these species.

Drainage

The site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). The site is therefore suitable for residential development in this respect, subject to appropriate wastewater and surface water disposal to reduce the risks of flooding or aquatic pollution elsewhere.

Given the scale of the development, it is considered that both the Building Regulations and United Utilities offer suitable consenting regimes that do not need to be replicated by the Planning system.

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.

The Council's Highways Officer was consulted on the application. The Officer noted that the proposal does not provide any off-street parking, however is within close proximity to public transport (approximately 80m west of a bus stop), within walking distance (less than a 300m walk) of Rochdale Train Station, and Milkstone Road local centre is located 80m away. While driveways on the properties may have been considered preferable to provide off street parking and comply with the Council parking standards, the Highways Officer confirms the revised standpoint in this location is that driveways could be unexpected and cause issues with people pulling out unexpectedly. As such, the provision of no dedicated parking is considered acceptable in this instance.

Recommendation: Approve with Conditions

Condition(s) (8)

- 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 The development hereby approved shall be carried out in complete accordance with following plans, files and documents:-

- Site Location Plan and Existing Site Plan - 595-001-0001 Rev A
- Amended Proposed Elevations - 597-001-0006 Rev A
- Amended Proposed First Floor Plans - 597-001-0004 Rev A
- Amended Proposed Ground Floor Plan - 597-001-0003 Rev A
- Proposed Roof Plan in Context - 597-001-001

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 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. Prior to first occupation of any dwelling, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: 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 and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 4 No above ground construction works shall take place until samples on site and full specifications of materials to 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. The development shall be carried out in accordance with the approved details. These materials shall include red brick to the elevations and natural slate to the roof.

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 Notwithstanding the development hereby approved, no above ground construction works shall take place until detailed designs of the window and door reveals, at a scale of not less than 1:50, to be used on the development hereby approved, have been submitted to and approved in

writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and in accordance with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

- 6 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy Policy G6 and G7 and the National Planning Policy Framework.

- 7 Before the development hereby permitted is occupied, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to occupation of the final dwelling.

Reason: In the interests of visual and residential amenity and in accordance with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 8 No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements pursuant to that phase of development has been submitted to and approved in writing by the Local Planning Authority. Such measure shall include, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') The duly approved scheme shall be implemented in full prior to final occupation of the phase of development to which the measures relate and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Approval Reason(s) (1)

- 1 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.

Informatives (1)

- 2 All bats and their roosts are protected by law under the provisions of the Wildlife and Countryside Act 1981 (as amended) and they should therefore always be taken into account when any work is being done on buildings which are known to be used by bats or have potential as bat roosts. Should bats be found on site, work should be ceased and contact Natural England for further advice.