

Planning Statement

7-11 Oldham Road

Rochdale

OL16 1UA

Proposed Change of Use from Wine Bar (Sui Generis) to Shisha Cafe (Sui Generis).

October 2021

Building Design Services (BDS)

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1.0 INTRODUCTION

- 1.1 This planning statement is submitted by Building Design Services on behalf of the applicant Mrs Norin Akhtar who is the owner of the property at 7-11 Oldham Road in Rochdale. The building is occupied by shops and a takeaway at ground floor. The first floor is currently empty and was used as a Wine Bar a number of years ago.
- 1.2 In terms of retail, a key objective of national planning guidance is to deliver economic growth and prosperity through sustainable development. In order to achieve this in the borough it is important that we ensure sufficient land is available of the right type, quality and in the right places.
- 1.3 Further to the above, the NPPF states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
- 1.4 The applicant would like to work with the Council in order to secure approval for the proposed use.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site relates to No's 7-11 Oldham Road, a two-storey mid terraced property positioned in Rochdale town centre and located in the Rochdale Town Centre Conservation Area. The building is a Non-Designated Heritage Asset. The building is positioned close to a number of other heritage assets on Oldham Road and Drake Street which include Trafalgar Building (42-46 Drake Street), Iveson Brothers Warehouse, Champness Hall, The Fashion Corner, 57-59 Drake Street, and No.1 Oldham Road (Cask and Feather). A separate Heritage Statement has been submitted taking these into consideration.
- 2.2 The building has contemporary shopfronts at ground floor with doors to the right with significant glazing. The first floor of the building is finished in brick with arched design windows, the roof material is slate.
- 2.3 The retail shops along this terrace have been established for a number of years. There is also a further retail unit, cafes and night-time economy on surrounding terraces which add to the character of the area. The retail units have entrance doors to the front with large shop windows and similar sized fascia signs above all the retail units. The proposed first floor unit is accessed from the side and rear of the building.

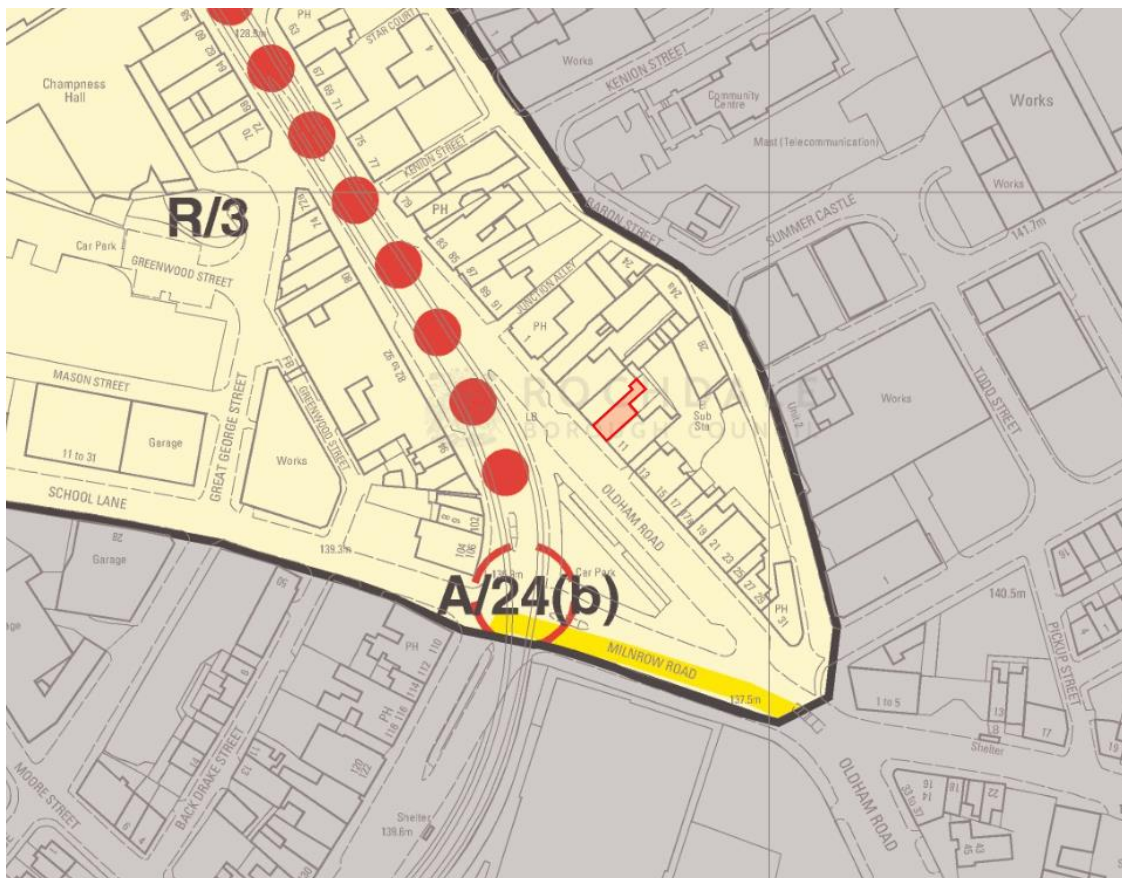


Image taken from UDP Proposals Map. The building is in the defined urban area and Town centre of Rochdale.

3.0 PROPOSED DEVELOPMENT

- 3.1 The applicant is applying for planning permission to change the use of the first floor of the property from a Wine Bar (Sui Generis) to a Shisha Cafe (Sui Generis). The ground floor units would remain separate from the tshisha cafe, similar to the existing situation.
- 3.2 Most of the building internally would be predominantly left as existing and where partitions need to be created, these would be done with high quality materials.
- 3.3 Access into the building would remain to be provided from the side of the building with a further access provided to the rear for staff to empty bins fire escape etc. Internally toilets would be provided to the back of the building with a counter area, storage and office behind with a large open area that would be set with seating areas and tables for customers. The property has a small yard area, this would provide for a bin storage area.
- 3.4 The property does not provide any parking, but the area has a number of car parks in the vicinity as well as on street car park for customers to use.
- 3.5 Shisha pipes use tobacco sweetened with fruit or molasses sugar, which makes the smoke taste more aromatic. Smoking shisha in cafes around the town appears to be a socially attractive thing to do and often attracts young people. The average length of a shisha smoking session is around one hour.



Aerial View of Oldham Road and the site



Above image shows the detached property with neighbouring shops at ground floor level.

4.0. INVOLVEMENT

- 4.1 No formal pre-application advice in this instance has been sought from the Council. Hopefully the scheme put forward is an acceptable proposal proving quality development in this area.
- 4.2 This planning Statement has been submitted as part of this planning proposal to provide a reasoned justification of the proposal using local and national planning policy and guidance.
- 4.3 The issues of Highways safety, amenity of the surrounding area, design and the principle of the development are taken into consideration in the assessment below.

5.0 HISTORY

- 5.1 A history check has been undertaken which has revealed the below planning history for the site, the relevant planning history includes;

Use Of Ground Floor Of No. 9 Oldham Road As Wine Bar And Alterations To Frontage.

7-11 Oldham Road Rochdale

Ref. No: 87/D20241 | Received: Thu 26 Feb 1987 | Validated: Fri 27 Feb 1987 |
Status: Unknown

Use Of First Floor Of Premises As Wine Bar Restaurant.

7-11 Oldham Road Rochdale

Ref. No: 86/D19945 | Received: Thu 20 Nov 1986 | Validated: Tue 25 Nov 1986
| Status: Unknown

6.0 RELEVANT PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Rochdale's Core Strategy was adopted in July 2016 and is the key Development Plan Document. It replaces significant elements of the existing Unitary Development Plan as the document that sets out the long-term strategic policies for Rochdale's future development and will form the framework that planning applications will be assessed against.
- 6.3 The Core Strategy seeks to deliver sustainable development and growth in accordance with the objectives of the National Planning Policy Framework (NPPF). It aims to increase investment in the borough and to make it a more prosperous place by 2028. The Core Strategy will have a major role in guiding the regeneration of the borough, building on the investment that has already taken place in some areas and identifying where to focus on next.
- 6.4 It looks to build on the borough's assets, heritage and identity and on its connections and relationships with neighbouring towns. In particular, the borough needs.
- 6.5 The following Local Plan policies have relevance to the proposal:

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
G9	REDUCING THE IMPACT OF POLLUTION
T2	IMPROVING ACCESSIBILITY

NPPF (2019)

- 6.6 The NPPF clearly states 'that the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). Paragraph 10 confirms that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'. Paragraph 11 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that 'for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 130 of the NPPF, advises that Planning policies and decisions should ensure that 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.

Paragraph 111 of the NPPF 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 general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

In terms of retail uses the NPPF states at Paragraph 123;

“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

6.7 National Planning Practice Guidance (NPPG)

The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

7.0 ASSESSMENT

- 7.1 The shisha cafe unit proposed would be located in Rochdale Town Centre. Policy E1 of the Council 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. To do this we will:
- Support meeting local shopping needs in existing local centres where there is an opportunity for appropriate development.
- 7.2 The application site is 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.
- 7.3 The proposed change of use of the building would reuse a site which in this current climate is empty for business due to the effect of the pandemic, and the site would appear unsightly in this prominent location. The property is in need of investment to bring the building back to a suitable functional use and where it would not have a negative impact on the surrounding area.
- 7.4 The site is well located in relation to typical family housing accommodation as well as flats where the proposed use would complement the existing make-up of the area by providing a choice of food retail in the area.
- 7.5 The effect on residential amenity by reason of noise or other nuisance would be minor given its location amongst other similar uses and by virtue of its location in the local centre. The acoustics report submitted demonstrates that the development in this local centre location amongst other noise generating uses would be acceptable and not significantly impact on residential amenity.
- 7.6 It is also considered that the proposal would not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Highway's safety is further discussed in the relevant section below.
- 7.7 The town centre is characterised by a number of smaller units with a good proportion of food and drink outlets. The types of uses within the centre, along with its proximity to high density residential areas, create a vibrant local centre with few vacant premises. It is considered that the introduction of one additional unit at first floor level in this location would add to the vibrancy of the Local Centre and would be an appropriate use at this site.
- 7.8 In respect of part of the above policies, the area is predominantly mixed-use retail and residential and therefore a shisha cafe 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.
- 7.9 In light of the above it is considered that the principle of providing a shisha cafe at the application site is acceptable.
- 7.10 Policy DM1 of the Core Strategy sets out a number of basic planning considerations that apply to all development. Further to this, paragraph 17 of the NPPF, containing the 'core planning principles', advises**

that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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.

- 7.11 It has already been established above that the principle of providing a shisha cafe use at the site is considered acceptable. The area is established as mixed use, 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, as well as the impact of the development upon existing surrounding properties.
- 7.12 In relation to noise, it should be acknowledged that there would be some noise from neighbouring commercial land uses at ground floor and surrounding night time economy as well as from road noise from the busy Oldham Road. Because of its previous use as a Wine Bar and location, and the noise from neighbouring uses, it is not considered to have a significant impact on the amenity of future occupiers or from external noises.
- 7.13 In terms of noise from the shisha cafe proposed, given its location and detached nature away from residential dwellings, neighbouring residents of surrounding properties would still enjoy peace and quiet during the evening and night where they can relax and sleep in a quiet environment with little disturbance. The hours of operation have been reduced as much as possible during the weekdays, so noise and disturbance is kept minimum.
- 7.14 A bin storage area would be provided to the back of the site away from the main public vantage points of Oldham Road. It is considered the proposed bin store area would provide secure and separate storage of bins for the cafe.
- 7.15 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 along with the relevant requirements of the National Planning Policy Framework.
- 7.16 **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.**

Paragraph 130 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.

- 7.17 In relation to the building there would be no external alterations, the applicant may replace an existing door in the side elevation of the building which is required for access. Any proposed door would not appear out of character. The public benefits of the change of use and continued occupation of the site for the future would have a neutral impact on the heritage assets and therefore should be supported.

- 7.18 In light of the above, the proposal would result in no undue harm to visual amenity and would retain the overall character and appearance of the area and the street scene. The application would therefore accord in this regard with policies, the NPPF and SPD.
- 7.19 **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.**
- 7.20 As part of the strategy to reduce reliance on the private car, the Town Council is keen to encourage the use of sustainable modes of transport. Walking, particularly over shorter distances, is an important mode of transportation for journeys such as visiting shops and going to school. It is beneficial to personal health and is environmentally friendly. There is a need to ensure that routes for pedestrians are pleasant and direct as well as safe. Encouraging walking can reduce the number of car journeys made and thus contribute to reducing congestion and pollution levels.
- 7.21 The proposed development would provide no parking spaces. It should be noted that the town centre is served by a train station, where it is only a 5min walk from the site which has recently undergone infrastructure and service improvements. The railway station is well integrated into the town centre. The role of the bus to enhance linkages to the rail stations, as well as its role as a transport mode more generally is also important.
- 7.22 The current site has been vacant, as such the proposed development would be quite intensive by comparison. The site is located in the town centre and therefore in an accessible location. Given its location along a main road, with excellent bus links and parking available on streets and in the surrounding vicinity, and in car parks. As such, although no parking spaces are proposed, this would be sufficient provision for a development in a location as sustainable as this (in a town centre and on a major bus route); as such no parking is justified and adheres with the aims of Rochdale Plan.
- 7.23 It is not expected that this proposal would impact negatively upon the surrounding highway network by future occupiers, parking restrictions are in place where poor and awkward parking would be avoided.
- 7.24 In addition, the occupancy of the building will mainly be from professionals who work within a walking distance or locals who would in most cases not be relying on a car or have car ownership. As such the need to provide dedicated parking in this location is further reduced. A push towards greener methods of transport such as walking, and cycling is the aim for this proposal.
- 7.25 Given the details, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. As set out above, the site is located within a highly sustainable and accessible location, amongst town centre amenities and rail and bus public transport facilities and within reasonable walking distance of public car parks and these factors would be considered favourably in determining the acceptability of the scheme. The presence of parking restrictions in the area would also control any potential increases in on-street parking.
- 7.26 As demonstrated, this would be in accordance with Policies of the Councils Local Plan and the NPPF where the proposal would not have a **severe** cumulative impact to warrant refusal of the application.
- 7.27 It is not expected that this proposal would impact negatively upon the surrounding highway network.
- 7.28 Bin storage would be provided in the rear storage area where refuse would also be collected from.
- 7.29 Therefore, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. The proposed development as demonstrated would be in accordance with

Policies T1 and T2 of the Councils Local Plan and the NPPF where the proposal would not have a severe cumulative impact to warrant refusal of the application.

8.0 CONCLUSION

- 8.1 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would provide good quality retail development which would provide a service to the local community and bring a positive contribution into the local area of Rochdale without creating a significant detrimental impact on the amenity of the local occupiers and residents by way of noise, odour, and opening hours and should be approved.

APPENDIX