

Officers Report

Case Reference: 25/00990/FUL
Location: 122-124 Hark To Towler Bury New Road Heywood Rochdale OL10 4RG
Proposal: Change of use from a Public House (Sui Generis) to 2 no. retail units (Class E) on ground floor and 2 no. self-contained flats (Class C3) on first floor with alterations to fenestration and insertion of new windows and doors to the rear and side elevations
Recommendation: Approve with Conditions
Officer: Aimee Bovaird

The site relates to Hark To Towler, 122-124 Bury New Road Heywood. The building is unoccupied and was previously a pub with a flat on the first floor. North of the site is residential properties and opposite the site is a row of terraced two storey houses. West of the site is a small, grassed hill area. The site makes up a row of commercial properties.

The site fronts Bury New Road and sits within the Defined Urban Area, and is also within the Bury New Road, Summit, Local Centre which runs from no. 96 to 122 (evens), in Heywood. The building is a non-designated heritage asset.

The application seeks a change of use from a public house to two retail units falling under Class E. One unit will be a hairdressing salon, and one unit will be a retail use. At first floor level two flats are proposed, one will be a one-bedroom flat and the other a two bedroom flat.

External alterations will consist of removing existing signage. Changes to the fenestration are proposed, on the rear elevation additional and replacement doors are proposed, windows are proposed at first floor level on the rear and left elevation.

Bin and cycle storage is to be provided, however no details of this have been provided.

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-H1 Scale Distribution and Phasing of New Housing Development

JP-H3 Type, Size and Design of New Development

JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

C1 Delivering the right amount of housing in the right places

C3 Delivering the right type of housing

P1 Improving image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

G7

DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

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

REPRESENTATIONS

Letters of notification have been sent out to surrounding occupiers. One comment has been received asking parking to be considered and road use in the area.

Principle of Development

The proposed application 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 latest published information suggests that the Council can demonstrate more than a five year supply of housing land based on the Core Strategy target; however this does not preclude the promotion of sustainable development where this can assist in delivering additional housing to meet local needs.

Rochdale Unitary Development Policy S/6 sets out that 'the development of, or change of use to, shops, financial and professional services, food and drink outlets, offices, community and cultural facilities and other uses appropriate to a district or local centre will be permitted provided that: a) It will be of a scale and character appropriate to the size, role and function of the centre or area; and b) It will be compatible with surrounding land uses and will not harm local residential amenity.'

The proposal would consist of the change of use to a commercial/retail unit (Class E) within a defined local centre (Bury New Rd, Summit) under saved UDP Policy S/6 and therefore complies with the policy.

The principle of development is considered acceptable. Further planning matters are considered below.

Visual Design and Heritage

Policy P2 of the Rochdale Core Strategy states 'we will protect and enhance the borough's character, utilising the potential of these assets in development and regeneration schemes'. Similarly, Policy P3 states we require all new developments to adhere to high standards of design 'Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general'.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Additionally, Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 216 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'

Paragraph 215 states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The proposed external alterations consist of replacement and additional doors on the rear elevation, replacing a window with a door and moving two existing doors on the ground level on the left elevation and adding a window at first floor level on the left elevation. The proposed changes to the rear elevation will not be seen from the highway and are considered acceptable. The changes to the left elevation will have limited views from the highway, the proposed windows should be timber, this has also been outlined in the submitted Heritage Statement. On balance the changes are not thought to have a negative impact on the street scene. The render is to be repaired and repainted to match the existing and this is considered acceptable.

Following consultation with the Conservation Officer they have no objections to the proposed development.

On balance the proposed development is considered an acceptable design and accords with Policy DM1 and C3 of the Core Strategy and relevant NPPF policies.

Impact on Occupiers and Surrounding Land Users

Policy DM1 of the adopted Core Strategy requires that all development proposals are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents. Development should also not affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy and development should mitigate against any impacts due to noise, dust, light and odour pollution.

The Nationally Described Space Standards sets out minimum requirements for room sizes, the proposed flats will comply. All habitable rooms have sufficient light and outlook.

The Guidelines and Standards for residential Development sets out the minimum space standards affecting existing residential properties, 21m between directly facing principal windows of habitable rooms, at an upper floor level. The proposed development does not meet these minimum standards because it is 19m from the residential properties opposite. On balance this is considered acceptable particularly given that the first floor of the building is already in use as a flat.

Noise

One of the key issues to consider is noise and whether the occupiers of the proposed flats will suffer unacceptable levels of noise disturbance due to the proximity of the flats to the road and being above retail and commercial units. The Councils Environmental Health Officer has been consulted and at the time of writing this report no comments have been received. Due to a NIA being submitted as part of the application it is not unreasonable add a condition if the application is approved

ensuring compliance with this report. The opening hours stated in the application are 09:00 – 23:00 seven days a week.

As such, the proposal would provide an acceptable standard of amenity for future and surrounding occupiers and does not accord with Policy DM1 or relevant policies in the NPPF.

Highway safety

Policy T2 of the Core Strategy requires that development comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and serving arrangements, taking into account the proposed use and location.

As part of the application process the Council's Highway Officer has been consulted and raised no objection. They have set out that the site is located close to Heywood Town Centre and it is in a sustainable location and welcome the provision of a bike storage. The proposed use would also have a comparable, theoretical intensity to that of the use of the pub, which was historically established over a significant period of time, with no apparent inherent road safety issues. No details of the bin provision and cycle storage have been provided, this can be conditioned.

The application is acceptable in respect of highway safety and is in accordance with the requirements of policy T2 and DM1 of the adopted Core Strategy.

SUMMARY OF CONSULTATION RESPONSES

Highways And Engineering

No objection.

Env Health - Noise/Odours

No comments received to date.

Conservation

No objections.

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.[AC1]

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Condition(s) (5)

- 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 :-

- Site Location
- Proposed Elevations Rev D
- Proposed Building Plan Rev C
- Planning Statement
- Heritage Statement

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 Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 Prior to occupation no works to replace or install any doors or windows shall take place until full details of the materials including colour, method of installation and fixings has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include detailed designs and cross sections of the window and door reveals, at a scale of not less than 1:50. The doors and windows shall be installed in accordance with the approved details and retained as such thereafter.

Reason: To ensure compliance with Policy DM1 and C3 of the Core Strategy and relevant NPPF policies and protect the heritage asset.

- 4 No part of the development shall be occupied until such time as details for the design of refuse/recycling bin store and cycle store has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved refuse and recycling scheme shall be retained as constructed for its intended use thereafter.

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 adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment dated 1st September 2025 ref. NIA/1412/25/512/V1.0/122–124 Bury New Road, Heywood. No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

