APPLICATION NUMBER: 20/01274/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01274/FUL	Ryan Killeen	17 December 2020

Address: 187 Kirkway Middleton M24 1LW

Proposal: Change of use from a shop (Use Class E) to a hot food takeaway (Sui Generis) including installation of ventilation and extraction equipment on the rear elevation

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

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

COMMENTS	**Planning Panel comments received?**	N
	Neighbour comments received?	Y

EIA	**Screening opinion completed and saved to Onbase?**	N/A

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**GRANT SUBJECT TO CONDITIONS**

CHECKED AND SIGNED OFF BY: KN DATE: 5th January 2021

SITE

The application relates to the former Co-Operative food store located in the 'Kirkway/Mainway, Alkrington' Local Centre. The centre includes a total of 14 retail units with flats at the upper levels, a library and a public house. The centre is served by a communal car parking area and includes a wide pedestrian area in front of the retail units. There are a range of retail and other complimentary uses on site. The remaining surrounding land uses are primarily residential and a service road runs to the rear of the main blocks forming the local centre.

PROPOSAL

The application proposes the change of use of the double fronted retail unit (Use Class E) to Hot Food Takeaway (Sui Generis). The application also proposes the installation of flue and extraction equipment to the rear of the property.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
SO3	**Improving design, image and quality of place**
P3	Improving design of new development
SO4	**Promoting a greener environment**
G9	Reducing the impact of pollution, contamination and land sustainability
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
SD1	Delivering sustainable development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	**Defined Urban Area**
G/S/1	**Shopping and the Role of Centres**
S/6	District Centre, Local Centres and Linear Commercial Areas

Supplementary Planning Documents (SPD):
Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document

RELEVANT SITE HISTORY

18/01311/FUL Change of use of ground floor from Class A1 (Retail) to Class A3 (Café/Restaurant)

Granted Subject to Conditions – March 2019

CONSULTATION RESPONSES

Highways And Engineering
The proposed usage is typical of what we would expect at a commercial centre such as this.

We have no objections to these proposals.

Env Health - Noise/Odours
No Objections, conditions recommending restricting opening hours to 11:00 – 23:00.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice displayed in the vicinity of the site. No responses were received.

ANALYSIS

Policy E1 of the adopted Core Strategy – Establishing thriving town, district and local centres, is relevant to this application. Policy E1 sets out the types of uses appropriate for each centre where development should promote the viability and vitality of the centre. Although policy E1 seeks to maintain a high proportion of A1 retail, non-A1 uses are permitted.

In April 2015, the Council adopted a Hot Food Takeaway SPD and in particular, section 6 of this document relates specifically to “Appropriate Concentrations of Hot Food Takeaways and Clustering”.

The SPD acknowledges that hot food takeaways offer a popular service to the local community and have a role to play in contributing to the vitality and viability of town, district and local centres. However, an over-concentration can detract from the primary retail functions of an area and reduce their attractiveness to shoppers, especially if they do not open until late in the afternoon or early evening, and are clustered together. Consequently to ensure that shopping areas are diverse and balanced, applications for hot food takeaways uses should not normally be supported where a proposal would result in:

i. *More than 5% of the total ground floor units within a defined Primary Shopping Area being hot food takeaways;*
ii. *More than 10% of the total ground floor units within a defined Secondary or Central Shopping Area being hot food takeaways;*
iii. ***More than 20% of the total ground floor units within an area of a defined centre, outside the above areas, being hot food takeaways;***
iv. More than two hot food takeaways being located adjacent to each other; and
v. *Any fewer than two non-A5 units between hot food takeaways.*

Policy C6 of the adopted Core Strategy states that the Council will not allow the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits.

The application site is located within the Kirkway Local Centre where currently no hot food takeaways were recorded. As such, the addition of a hot food takeaway in this location would comply with the guidance contained within the SPD. It is therefore considered that there would not be an overconcentration of use in this area by takeaways.

Nevertheless, it is still important to consider whether the loss of a retail unit would have a negative impact on the viability and vitality of the Local Centre; the local centre is well frequented with relatively few vacant units. However, the unit under consideration in this planning application has been vacant for some time and the application proposal represents an opportunity to increase the likelihood of the vacant unit coming back into use in the near future. The proposed use will encourage increased patronage within the local centre and encourage use of other local shops and services.

In addition to the above, HF1 of the SPD seeks to restrict new hot food takeaway uses within a 400m restriction buffer of secondary schools given that they can serve as an obstacle to secondary school children eating healthily. It is acknowledged that Alkrington Primary School is sited 278m northwest and St. Thomas More RC Primary School 314m south and St. Michaels C of E Primary School 380m southeast of the application site, however primary schools are explicitly excluded from such consideration where their proximity to HFT is not associated with the eating habits of children.

In light of the above, it is considered that the principle of the change of use is acceptable and in accordance with Policy E1 of the Core Strategy, saved policy S/6 of the UDP, the NPPF and the Hot Food Takeaways SPD.

<u>Impact upon Visual Amenity</u>

The proposal would see the installation of a flue and extraction equipment to the rear of the unit. By virtue of its siting to the rear, modest size and design of such equipment is not considered unduly harmful to the visual amenity of the area. The area to the rear of the centre is used for deliveries and parking for residents of the flats above. As such, it currently does not benefit from a high standard of visual

amenity and therefore the proliferation of ventilation equipment to the rear of the property would not be considered inappropriate.

The application seeks to change the colour of the shopfront to RAL9005 black. Such changes would be acceptable and would not significantly alter the appearance of the shopfront. Any further works to the shopfront will be subject to a separate planning application and advertisement consent.

The proposal accords with the requirements of Policy DM1 and P3 of the Adopted Core Strategy and Paragraph 127 of the National Planning Policy Framework.

Impact on Surrounding Occupiers

Paragraph 127 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users. Policy DM1 of the Core Strategy states that proposals should adversely affect the amenity of residents and be compatible with surrounding land uses. Policy G9 seeks to prevent developments that would lead to an unacceptable increase in pollution. Criterion (b) of UDP policy S/6 states that the development of food and drink outlets, community and cultural facilities and other uses appropriate to a district or local centre will be permitted provided that it will be compatible with surrounding land uses and will not harm local residential amenity.

Due to the commercial nature of the surrounding area, the proposed use as a Hot Food Takeaway is considered to be acceptable in this location. Occupants of the residential properties above the unit would be accustomed to the comings and goings of customers to the units below. It is noted that the previously authorised use of the now vacant units prior to the granting of 18/01311/FUL was a convenience food store which benefited from operating hours between 07:00-22:00 seven days per week. The extant planning permission 18/01311/FUL is restricted to opening hours of 08:00 to 21:00 Monday to Friday, 09:00 to 20:00 on Saturdays and 09:00 hours to 18:00 hours on Sundays and Bank Holidays.

The Council's Environmental Health Officer has recommended conditions to restrict opening hours between 11:00 and 23:00, which would see activity extend only one hour past the most previous use. This would not be considered to result in significant undue noise and disturbance for the above occupants, particularly where submitted documents indicate very low levels of visitors past 9pm. Delivery times are to be restricted in the interest of the amenity of the surrounding occupants between 08:00 to 17:00 Monday to Friday and 09:00 to 15:00 on Saturday, Sunday and Bank Holidays.

Under application 18/01311/FUL, significant concern was raised with regard to the installation of a flue to the rear of the property and the associated noise, odour and disturbance, and was subsequently removed from the application. This application seeks to install a flue to the rear as part of the application. Details on the specification of the extraction equipment and a Noise Impact Assessment by Sharps Redmore, Dated 11th November 2011 have been submitted to the Council's Environmental Health Officer, who has raised no objection to the proposal. Further to this, the Guidelines & Standards for Hot Food Takeaway Uses SPD requires flue and

extraction equipment to be acoustically attenuated to achieve a level of no more than 40 dB(A) when measured 1m from noise sensitive premises. Due to the proximity of neighbouring properties to the equipment, it is considered appropriate to condition such noise levels.

Therefore, subject to the suggested conditions in respect of opening hours and noise level from the proposed extraction unit, the application is considered to accord with the relevant parts of Core Strategy policies DM1, G9, the Hot Food Takeaways SPD and the NPPF.

Highways, Access and Parking

Policy T2 of the Core Strategy states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and 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 of the road network would be severe.

The proposed use of the unit as a Hot Food Takeaway will not amount to a significant intensification when compared to the previous usage. The site is well served by car parking provision and close to a main bus route. As it expected that users of the facility would predominately be from the immediately surrounding residential area with a reasonable proportion of customers utilising a delivery service and the level of traffic the development would generate is not expected to create a significant negative impact upon the existing local highway network. It would generally be expected that users of the facility may also make use of other services provided within the local centre, reducing the need to make separate trips.

The proposal is therefore considered to meet the requirements of Core Strategy policies T2 and DM1 and the NPPF.

RECOMMENDATION

GRANT subject to the following conditions:

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:-

- 20072-01 – Existing Site Plan, Location Plan
- 20072-01 Rev A – Proposed Site Plan, Location Plan
- 20072-03 – Existing Floor Plans

- 20072-03 – Existing Elevations
- 20072-10 Rev C – Proposed Floor Plans
- 20072-11 Rev A – Proposed Elevations

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

3 The use hereby permitted shall not be open to customers outside the following times: 11:00 hours to 23:00 hours Monday to Sunday and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4 There shall be no deliveries to the Hot Food Takeaway unit hereby approved (as shown on approved site plan 20072-01 Rev A) outside of the hours of 08:00 to 17:00 Monday to Friday and 09:00 to 15:00 on Saturday, Sunday and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5 Noise from the extraction unit hereby approved shall not exceed 40 dB(A) when measured 1 metre from any residential dwelling at any time.

Reason: In the interests of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6 Within 3 months of the date of permission, shopfront hereby approved shall be painted black (RAL9005) and retained as such thereafter.

Reason: In the interests of visual amenity and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7 Prior to the first occupation of the Hot Food Takeaway hereby approved, the grease trap shown on 20072-10 Rev C – Proposed Floor Plans shall be installed and retained and maintained thereafter for its intended use.

Reason: to ensure satisfactory disposal of foul water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

Report Author Ryan Killeen