

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01455/FUL	Majid Mir	3 April 2023

Address: 327 Oldham Road Rochdale OL16 5JG

Proposal: Change of use from beauty salon to hot food takeaway (sui-generis)

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?	Y
	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?	N/A

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	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: RG

DATE: 22 June 2023

SITE

327 Oldham Road is a mid-terrace commercial property and is one of 9 properties in the row of terrace properties. All 9 properties are commercial properties. No. 327 has most recently been used as a beauty salon.

To the south, no. 327 is adjoined to no. 329 which is an end of terrace property. No.329 is used to provide financial services. To the north, no. 327 is adjoined to no. 323 – 325. The adjoining property is used as a café. Further along the row of terrace properties there are three hot food takeaways.

To the rear is a bakery and Wellfield Club (working men's club). Further east there are predominantly residential properties. To the front, and on the opposite of Oldham Road, is a block of flats.

No. 327 is located within the Oldham Road at Royds Street West Local Centre as defined under policy S/6 of the UDP. No. 327 is located close to the southern boundary of the local centre.

PROPOSAL

Planning permission is sought for the change of use from beauty salon to hot food takeaway (Sui Generis). The proposal would see a kitchen, serving area, water closet and seating area on the ground floor. On the first floor, the proposal would see further seating area and a water closet created.

The applications proposes the following opening times:

Opening times proposed are:

Monday to Friday: 12:00 - 22:00

Saturday: 12:00 – 22:00

Sunday/Bank Holidays: 17:00 – 21:00

Bins would be stored to the rear on Oxford Place.

Planning permission for a flue has been granted subject to conditions under planning application 22/00894/FUL.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1 To deliver a more prosperous economy

E1 Establishing thriving town, district and local centres

SO2 Creating successful and healthy communities

C6 Improving health and wellbeing

SO3 To improve 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 instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

DM1 General development requirements
SD1 Delivering sustainable development

Unitary Development Plan (UDP):

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

Supplementary Planning Documents (SPD):

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

'Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document' Adopted April 2015, Updated February 2017.

RELEVANT SITE HISTORY

81/D12261	New front to betting office. Decision: Approved.
93/D29023	New shopfronts. Decision: Approved.
22/00893/CPL	Certificate of lawfulness for the proposed change of use from beauty salon to café. Decision: Refuse. Reason for refusal: The change of use of the application site from a beauty salon (Sui Generis) to a Café (Class E) would fall within the definition of development under Section 55(1) of the Town and Country Planning Act 1990. The proposed use would not be permitted under the provisions of Section 55(2)(f) of the 1990 Act and therefore the use requires planning permission. Planning permission has not been granted by the LPA or by The Town and Country Planning (General Permitted Development) (England) Order 2015.
22/00894/FUL	Installation of flue on rear elevation. Decision: Grant subject to conditions.

CONSULTATION RESPONSES

Highways And Engineering

The application site is within an established row of retail properties with various uses including an existing hot food takeaway. There are existing allocated on street parking spaces directly outside the application site along Oldham Road so we do not envisage that the change of use would raise any concerns regarding customer parking.

Although servicing provision for the proposed use is likely to be higher than the existing use we do not expect that it would have a detrimental impact on the surrounding highway network.

We do not expect that there would be a detrimental impact on highway capacity or road safety as a result of the application being approved.

Highways raise no objection to this application and request no specific planning conditions.

Env Health - Noise/Odours

No comments received to date

REPRESENTATIONS

Letters of notification were sent to neighbouring properties and a site notice was placed in the vicinity of the site. One objection has been received. The objection has been summarised below:

- ☐ Already 4 food outlets in this block of shops.
- ☐ Concern about impact on other food outlets, jobs and local economy.
Officer comments: Discussed in the ‘principle of development’ section of report.
- ☐ There is very limited parking available for customers in the area of the food outlets. This problem would only be made worse with the addition of another such outlet.
- ☐ **Officer comments: Discussed in the ‘highway and road safety’ section of report.**

ANALYSIS

Principle of Development

The application site is within the Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

In the absence of the Council's Allocations DPD, Policy E1 is to be read in conjunction with Saved UDP Policy G/S/1, which identifies the application site within the Oldham Road at Royds Street West Local Centre. Policy E1 states development should 'support meeting local shopping needs in existing local centres where there is an opportunity for appropriate development'. UDP Policy G/S/1 states local centres role is to 'serve, or have the potential to serve, the day-to-day shopping requirements of surrounding areas within a short walking distance of them.'

Paragraph 92 of the NPPF states 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

Rochdale Core Strategy notes that improving the health and well-being of the borough's residents a high priority in the Sustainable Community Strategy. Policy C6 of the Rochdale Core Strategy states that 'we will improve people's health and well-being and reduce health inequalities by creating an economic, physical and social environment which promotes and supports healthy lifestyles.' This will be achieved by 'ensuring good provision of and access to a range of food shops within or adjacent to town centres, local centres and particularly those located in or able to serve deprived areas (Policy E1)' and by 'not allowing the over concentration of

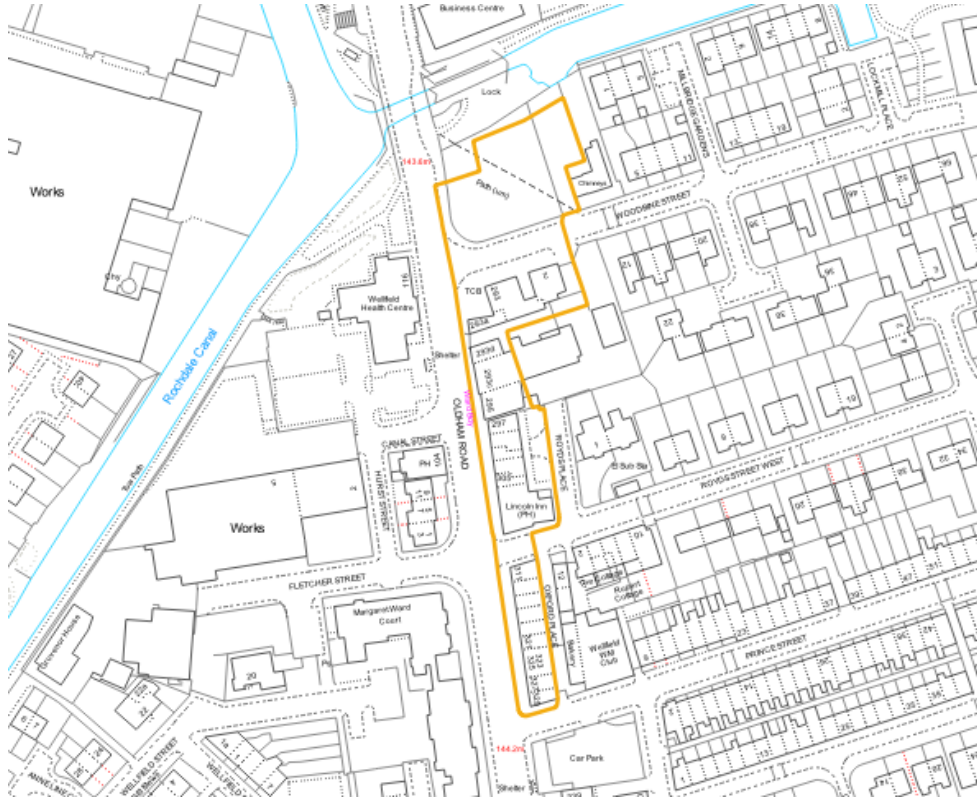
takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits.’ As such, new hot food takeaway premises where a high concentration of hot food takeaways exist will be resisted where possible.

In response to concerns over the impact hot food takeaways have on amenity standards and environmental quality the Council adopted the Guidelines and Standards for Hot Food Takeaway Supplementary Planning Document (SPD) (adopted April 2015 and updated February 2017). This forms a significant material consideration in the determination of the application. The SPD relates to ‘A5’ use, however it is acknowledged that in light of the amendments to the Use Classes Order in September 2020, ‘A5’ has been included within ‘Sui Generis’ use class.

In section 6 of the SPD, it is acknowledged that hot food takeaways offer a popular service to the local community and have a significant role to play in contributing to the vitality and viability of town, district, local centres and liner commercial areas. However, the SPD adds that an over concentration can detract from the primary retail functions of these centres 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, section 6 of the SPD states that hot food takeaways uses shall 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.***

In regards to point (iii), the SPD adds that the ‘area of the centre that the policy will apply to will be determined on a case-by-case basis having regard to the characteristics of the centre and any barriers or structures within that centre which help to create distinct zones (e.g. major junctions, roads, open spaces or large buildings).’



Plan of Oldham Road at Royds Street West Local Centre

As can be seen on the plan above, the local centre is linear in shape and can be read as one. Due to Woodbine Street at Royds Street West intersecting the local centre, it can also be read in three sections. In particular and most relevant to this application, the southern end of the local centre between 311 and 329 Oldham Road can be read as one. It is noted that this row of terrace properties are all set at the same height and have been cut off by junctions on either side.

During a site visit of the application site and the local centre, the following properties and uses were identified within the local centre.

Number	Unit address	Occupier /Business name	Use Class
1	2 Wellfied House	Residential	C3
2	293 & 293b Oldham Road	Lloyds Pharmacy	E
3	293a Oldham Road	Cha Chas - hot food takeaway	Sui Generis
4	293c Oldham Road	Cutter Convenience Store	E
5	293d Oldham Road	The Perfect Sandwich - hot food takeaway	Sui Generis
6	295 Oldham Road	Catering Equipment	E
7	297 – 303 Oldham Road (297, 299, 301 & 303)	BD Tiles – (22/00836/PRA56 – change of use to 8 flats)	E
8	302 Oldham Road	Residential	C3
9	Lincoln Inn	Public House	Sui Generis
10	311 Oldham Road	Sign Inn Convenience Store	E
11	313 Oldham Road	Jav's Chippy - hot food takeaway	Sui Generis

12	315 Oldham Road	Jaan Tandoori - hot food takeaway	Sui Generis
13	317 Oldham Road	Unoccupied - previously retail	E
14	319 Oldham Road	Unoccupied - previously retail	E
15	321 Oldham Road	Gusto Italiano - hot food takeaway	Sui Generis
16	323 – 325 Oldham Road	Wells Café	E
17	327 Oldham Road	Unoccupied - previously beauty salon	Sui Generis
18	329 Oldham Road	Darlington Naley & Associates – financial services	E

It is noted that there are a number of larger units that have merged multiple units into a single unit. Furthermore, it is noted that there are two residential properties. As such, excluding the two residential properties, there are at present 16 commercial units. At present there are five hot food takeaways within the local centre. This would equate to the local centre presently having 31.25% of units occupied by hot food takeaways. With the addition of the proposed hot food takeaway this would increase the number of hot food takeaways within the local centre to six units. This would equate to 37.5% of units being occupied by hot food takeaways.

If the larger units were subdivided in to single units, this would equate to there being 21 units within the local centre (excluding the residential properties). This would include no. 323-325 being considered as two units, no. 297 to 303 being considered as four units and the Pharmacy being split in two units. At present, the proportion of units being occupied by hot food takeaways within the local centre would equate to 23.81%. With the addition of the proposed hot food takeaway, this would increase 28.57% of the units within the local centre being occupied by hot food takeaways.

Taking the local centre as a whole, it is noted that the vast majority of properties within the local centre are commercial units. However, if the residential properties are included in the calculations, the 20% threshold has still been exceeded. Based upon the calculations above, adding the 16 commercial units with the two residential properties, it would equate to there presently being 18 units within the local centre. Of those units, it would equate to 27.77% of units presently being occupied by hot food takeaways. The addition of the proposed hot food takeaway would increase the proportion to 33.33%. If merged units were subdivided in to single units (total of 23 units including residential properties), it would equate to 21.74% of the units presently being occupied by hot food takeaways. This would increase to 26.08% with the addition of the proposed hot food takeaway.

Looking at the figures above, whichever metric is used the proportion of hot food takeaways within the local centre exceeds the 20% threshold and as such it is considered that there is already an over concentration of hot food takeaways within this local centre. Paragraph 6.2 of the SPD states that where the standards have already been exceeded, further hot food takeaways will not normally be supported. On point (iii) the proposed hot food takeaway would fail to comply with the required densities contained within the SPD and as such fails to adhere to policy HF3 of the adopted SPD.

Point (v) states that there should not be fewer than two non-A5 (none hot food takeaway) units between hot food takeaways. At no. 323-325 Oldham Road there is

presently a café. This is considered to represent one unit. Adjoining the café is no. 321 Oldham Road. No. 321 is presently occupied by a hot food takeaway. If no. 327 was to be granted planning permission to change the use to a hot food takeaway, it would lead to there only being one unit in between two hot food takeaways. As such it is considered the proposal would also fail to adhere to point (v).

Furthermore, it is noted that the terrace of properties between 311 and 329 consists of 9 units. Of those 9 units, 3 units are occupied by hot food takeaways. The addition of the proposed hot food takeaway would lead to 4 out of 9 units being occupied by hot food takeaways. The issue of overconcentration would be exacerbated due to the vast majority of hot food takeaway uses within the local centre being clustered on the southern side of the local centre.

Section 4.3 of the SPD states the establishment of new hot food takeaways around secondary schools will not normally be supported, by the implementation of a 400m restriction buffer, measured by the boundary grounds of each school. However, Section 4.5 of the SPD details local centres are exempt from this buffer zone. Furthermore, it is noted that the only schools within 400m of the applicant site is a primary school.

In conclusion, the proposal to change the use of the applicant property to a hot food takeaway would exceed the 20% threshold for local centres and would lead to one non hot food takeaway separating two hot food takeaways. The cumulative impact of the number of hot food takeaways in this location would adversely affect the nature and character of Oldham Road at Royds Street West Local Centre to the detriment of its viability and vitality. The proposal is therefore considered contrary to Policy E1 and C6 of the Rochdale Core Strategy, policy HF3 of the Supplementary Planning Document 'Guidelines and Standards for Hot Food Takeaway Uses' and the National Planning Policy Framework.

Impact on Character and Appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and 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 130 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.

It is noted that planning permission has already been granted for the installation of the flue (22/00894/FUL), as such the impact of the flue has not been considered. The application does not propose any external alterations and any applications for signage will need to be applied for through a separate advertisement application. In regards to the bins, the existing arrangements with the bins being stored to the rear in the alley (Oxford Place) will be retained. It is noted that Oxford Place is enclosed by fencing and appears to be accessed by only the commercial properties that adjoin the alley.

As such it is considered that the proposal would not unduly impact on the character and appearance of the host property and the street scene. The proposals would therefore accord with the requirements of Policy DM1 and P3 of the adopted Core Strategy and the NPPF.

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. The Council's Guidelines and Standards for Hot Food Takeaway Uses Supplementary Planning Document (SPD) 2015 contains similar objectives.

As noted above, planning permission has already been granted for the installation of the flue (22/00894/FUL) and as such the impact of the flue has not been considered. The element of the proposal that may conceivably impact on the amenity of the neighbouring properties is the change of use.

It is noted that the applicant property is located within a local centre, is adjoined to commercial properties on either side, and to the rear there is a bakery and the Wellfield Club (a working men's club). To the west, on the opposite side of the Oldham Road there is a block of flats. However, it is noted that Oldham Road is a busy road and a part of the Strategic Highway Network. Furthermore, it is noted that the application proposes to set the opening times of 12:00 to 22:00 on Monday to Saturday and 17:00 to 21:00 on Sundays and bank holidays. This is considered to acceptable opening times noting that it will close relatively early in comparison to other hot food takeaways. However, if permission is granted, it is considered prudent to add a condition restricting the opening times to those proposed.

In conclusion, noting that Oldham Road is a busy road, the neighbouring uses and the property being located within a local centre, it is accepted that there would be a general level of background noise and evening traffic which would be generally expected by residents in this location. Subject to the addition of the condition on opening times, the addition of the proposed hot food takeaway would not unduly impact on the amenity of the neighbouring properties and as such would accord with the relevant parts of Core Strategy policies DM1, G9, the Hot Food Takeaways SPD and the NPPF.

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. Paragraph 111 of the National Planning Policy Framework 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.

As noted above, the applicant property is located within a local centre which is served by public transport. Furthermore, it is noted that the site can be easily accessed on foot by the residential properties surrounding the application property. Additionally, there is allocated on street parking on Oldham Road and directly in front

of the applicant property. The highways department do not envisage that the change of use would raise any concerns regarding customer parking and do not expect the proposed change of use to have a detrimental impact on the surrounding highway network. As such the highways department raised no objection and have requested no specific planning conditions.

It is therefore considered that the proposal accords with the requirements of policy T2 of the Adopted Core Strategy and the National Planning Policy Framework.

Conclusion

In conclusion, the proposal to change the use of the applicant property to a hot food takeaway would exceed the 20% threshold for local centres leading to a cumulative impact that would adversely affect the nature and character of Oldham Road at Royds Street West Local Centre to the detriment of its viability and vitality. The proposal is therefore considered contrary to Policy E1 and C6 of the Rochdale Core Strategy, policy HF3 of the Supplementary Planning Document 'Guidelines and Standards for Hot Food Takeaway Uses' and the National Planning Policy Framework.

RECOMMENDATION

1. An additional hot food takeaway within the Oldham Road at Royds Street West Local Centre would directly conflict with the requirements of Policy HF3 of the adopted 'Guidelines and Standards for Hot Food Takeaway Uses Supplementary Planning Document', resulting in an over concentration of hot food takeaways. The 20% threshold set for hot food takeaway uses at ground floor level within a local centre would be exceeded and one non hot food takeaway use would separate two hot food takeaways. The cumulative impact of the number of hot food takeaways in this location would adversely affect the nature and character of Oldham Road at Royds Street West Local Centre to the detriment of its viability and vitality. The proposal is therefore contrary to Policies E1 and C6 of the adopted Rochdale Core Strategy, Policy HF3 of the Supplementary Planning Document 'Guidelines and Standards for Hot Food Takeaway Uses', and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

Site location plan

Existing & proposed block plans. Drawing no: 22.2894.21A

Existing floor plans & rear elevation. Drawing no: 22.2894.1B

Proposed details. Drawing no: 22.2894.20