

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00332/FUL	Claire Ringwood	8 th August 2023

Address: Unit 5, Riverside Motors, Todmorden Road, Littleborough, OL15 9EG

Proposal: Change of use from car showroom (sui generis) to Use Class B8 (storage and distribution) for balloon/party events

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Grant subject to conditions
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CHECKED AND SIGNED OFF BY: RG

DATE: 11 August 2023

SITE

The application site sits on Todmorden Road on its eastern side leading north out of the town centre. There are industrial buildings to the north and south of the site. Those to the south are separated by Town House Brook that runs along a man-made channel to the River Roch to the south west of the site, with the river forming the site's eastern boundary. To the west of Todmorden Road are 2-storey terraced properties. The road is straight in both directions with on street parking mainly to the western side.

The site was formerly a car dealership but retrospective planning permission was granted in 2022 for the steel framed building consisting of 5 units. Unit 5 has two roller shutter doors that front Todmorden Road and 3 side doors with parking divided into two at the sites frontage.

PROPOSAL

The application originally proposed the change of use of the car showroom (sui generis use) to a balloon/party events shop (use Class E (a)). As the site is within an allocated Mixed Employment Zone (saved UDP Policy EC/3) the retail use proposed would have constituted a town centre use and therefore a sequential test would have been required.

The application was amended and is now for a B8 (storage and distribution) unit only. The unit will not be subdivided or have a trade counter, it will be open plan with racking for assembling balloon arches and displays with ancillary office space in order to process new business. No external alterations are proposed.

Parking initially included 8 spaces however, following Highway comments this has been reduced to 4 spaces with the remaining 4 retained as shared parking for all the units on the site.

PLANS AND DOCUMENTS SUBMITTED

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2000 – Existing Site and Location Plans
Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2001 – Proposed Site and Location Plans
Received 3rd April 2023

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-1006 – Proposed Floor Plan
Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2000 Rev A – Existing Site and Location Plans
Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2001 Rev A – Proposed Site and Location Plans
Received 28th April 2023

The agent submitted the following amended plans:

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2000 Rev B – Existing Site and Location Plans
Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2001 Rev B – Proposed Site and Location Plans
Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2005 Rev A – Proposed Floor Plan
Received 27th July 2023

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
SO3	To improve design, image and quality of place
SP2	Spatial Strategy for the borough
E2	Increasing jobs and prosperity
P1	Improving image
P3	Improving design of new development
G8	Managing water resources and flood risk
T2	Improving accessibility
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EC/3	Mixed Employment Zone
EM/7	Flood Risk

RELEVANT SITE HISTORY

07/D48587 – Erection of Single Storey MOT workshop unit. Approved.

21/01362/FUL - Retrospective application for erection of steel framed units for use as car showroom (sui-generis), storage and distribution (Use Class B8) and fitness centre (Use Class E(d)). Approved 25/11/2022.

CONSULTATION RESPONSES

Highways and Engineering

The main issue arising from this application is parking provision which was a consideration from the recent application (21/01362) for this site and at that time Highway agreed site access, traffic generation and servicing arrangements.

The submitted plans show that 8 parking spaces have been allocated from the overall sites parking provision as shown on the recently approved site layout. For the size of the proposed use Council maximum standards would require 4 parking spaces to be provided. Our concern is that if the 8 spaces as shown on the submitted plans are allocated for the exclusive use of the application use it may reduce parking provision for other uses on this site.

Although this is not a major issue our preference would be for the 4 parking spaces numbered 16 to 19 to be retained as a shared parking for all of the units on the site.

The proposed use is likely to have a reduced servicing demand than the original planning use including smaller servicing vehicles visiting the site.

If approved the development should not have any impact on road safety or highways capacity.

Highways raise no objection to this application subject to the clarification on parking allocation within the site.

REPRESENTATIONS

The application has been publicised by neighbour notification letters. No letters of representation have been received.

ANALYSIS

Principle of Development

The site is within an allocated Mixed Employment Zone (saved UDP policy EC/3). The proposed use for storage and distribution (Class B8) falls within the range of uses accepted under the saved policy. This is updated in Core Strategy Policy E2 which supports uses within Classes B1 to B8 (now Classes E(f), B2 and B8). Overall the proposal accords with relevant policies to protect employment uses within what is a mixed commercial area.

Residential Amenity

Although the site is located within an allocated employment zone there are residential properties within the vicinity, with the nearest curtilage of residential properties located approximately 30m to the west of the site boundary. No plant / air conditioning units are proposed and the proposed use is not considered to emit noise or odours that would be harmful to neighbouring properties, particularly in the context of a mixed employment zone. The operating times proposed are 6am to 10pm which are the same as the previously approved scheme and are therefore acceptable. To ensure that the development would not cause any undue disturbance to the residents of the nearby properties, the following conditions would be imposed, 1) operating hours controlled and 2) the installation of any plant equipment will require prior consent.

Further to the above, the application would sufficiently protect the amenity of surrounding occupiers and the development would, in this regard, accord with policies G9 and DM1 of the adopted Core Strategy.

Highway Safety

The previous application for the retrospective change of use provided sufficient parking for all 5 units. The parking provision for the current application has been amended from 8 to 4 car parking spaces which is the Council's maximum for one unit. To ensure parking provision for the other uses on the site are not reduced the remaining 4 spaces will be retained as shared parking. The proposed use is likely to have a reduced servicing demand than the original use and Highways have raised no objection in terms of road safety or highway capacity. The proposal is therefore considered acceptable in terms of highway safety and compliant with Policies DM1 and T2 of the Core Strategy.

Flood Risk and Drainage

The application site is located in Flood Zone 3. The previously approved retrospective scheme provided a Flood Risk Assessment that concluded that the 100yr+35%CC flood level is predicted to be above finished floor levels for all units and that the flood resilient design measures be incorporated, including signing up to flood warnings. No internal or external alterations are proposed and the use is not considered to be any more sensitive than the previous car showroom. Condition 5 of planning permission 21/01362/FUL advised that mitigation measures should be implemented within 6 months of the date of the decision and that future tenants should be made aware of the flooding issues and Condition 6 restricted no further hard surfacing within the curtilage of the units. As such, no further information is considered necessary however, an informative will be added to the decision advising the applicant to ensure mitigation measures were implemented and to sign up to flood warnings. The condition restricting hard surfacing will be retained.

Further to the above, and subject to the proposed condition and informative, the application is considered in accordance with saved UDP policy EM/7, policy G8 of the Core Strategy and the NPPF.

RECOMMENDATION

Grant permission subject to 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. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2000 Rev B – Existing Site and Location Plans

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2001 Rev B – Proposed Site and Location Plans

Drawing No: RIE-SVA-ZZ-ZZ-DR-A-2005 Rev A – Proposed Floor Plan

Received 27th July 2023

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. The use of the unit hereby permitted shall only take place between the following hours: -

Monday-Saturday – 06h00 to 22h00

Sundays and Bank holidays – 08h00 to 20h00

Reason: In the interest of the amenity of adjacent residential uses and to prevent nuisance arising and in compliance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

4. The unit hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter.

Reason: In order to ensure there is adequate provision for vehicles to be parked and adequate turning and servicing provision clear of the highway in order to comply with Policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

5. No external plant terminal or associated equipment shall be installed on the units hereby approved until details of the design, external appearance, position and specification are submitted to and approved in writing by the Local Planning Authority prior to installation. The external plant terminals and associated equipment shall be installed in accordance with the approved details and thereafter retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to prevent nuisance arising in accordance with policies P3 and G9 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

6. No display or storage of goods, materials, plant, machinery or equipment shall take place outside of the building hereby approved at any time.

Reason: To ensure that goods and other items are not stored in parking spaces and do not obstruct turning or manoeuvring areas in the interests of highway safety and in the interests of visual amenity to accord with policies T2 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

Procedure Statement

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.

Informative

The applicant is advised that the site is located within Flood Zone 3 and that Condition 5 of planning permission 21/01362/FUL required mitigation measures to be implemented within 6 months of the date of the decision. The mitigation measures were to include emergency evacuation, including signing up to flood warnings. The emergency evacuation plan should be made available to existing and future tenants and it is also recommended that existing and future tenants sign up to flood warnings via the Environment Agency Flood Information Service.