

APPLICATION NUMBER: 24/00074/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00074/FUL

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 11.06.2024 EXT OF TIME 23.07.2024

Address: 215 Manchester New Road Middleton M24 1JT

Proposal: Change of use from Florist E(a) to Café/Restaurant E(b) together with alteration to front elevation/entrance and creation of outdoor enclosed seating area and bin store

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
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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

CHECKED AND SIGNED OFF BY: LA

DATE: 23.07.24

SITE

The site is located at 215 Manchester Road, Middleton. This is a single storey commercial property. The property is now vacant but was previously a florist. North of the site at no. 213 is a Tea Room and south at no. 217 is a hairdressers. Directly behind the site is a residential property.

The property fronts Manchester New Road and there is also a bus stop on the footpath in front of the site. This site is within the Defined Urban Area and within Manchester New Road/Kingsway Local Centre.

PROPOSAL

The application proposes the change of use from Florist E(a) to Café/Restaurant E(b) together with alteration to front elevation/entrance and creation of outdoor enclosed seating area and bin store.

The unit currently consists of a retail area, three stores and a bathroom. The proposed floor plan consists of a bar area, inside seating area, kitchen, bathroom, storage area and a waiting/ collection area. The proposal also includes a flue in the kitchen. There will also be an external seating area to the front of the unit.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

9. Places for People

JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Appendix 5 Schedule of Parking Standards

DM1 General development requirements

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

RELEVANT SITE HISTORY

02/D40167 - Erection Of One Bungalow - Approved

CONSULTATION RESPONSES

Highways And Engineering

No objections.

Env Health - Noise/Odours

No objections following a revised Noise Impact Assessment, subject to conditions.

REPRESENTATIONS

Letters of notifications have been sent out to surrounding properties and a site notice displayed in the vicinity. Three objections have been received raising concerns over noise, parking, bins, fire access and odour. The concerns will be address further in the report. Seventy-seven comments of support have been received, they have raised support for a new business in the area and that the local community and economy needs to be supported.

ANALYSIS

Principle Of Development

As the proposed development is within a Local Centre, Rochdale Unitary Development Plan, policy S/6 relates to Local Centres and sets out, *'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.'* This should be read in conjunction with Policy E1 of the Core Strategy which serves to protect centres in the Borough including Local Centres.

The local centre comprises of a mixture of commercial uses consisting of a café, dry cleaners and hairdressers. The proposal would bring back this vacant property into use.

The proposal is considered to accord with the policy as it is considered to be of scale and character appropriate to the area and will is considered to be compatible with surrounding land uses. The principle of development is considered acceptable.

Impact on Occupiers and Surrounding Land Users

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers.

The main impact on neighbours will be noise and disturbance. The proposed change of use will result in an outdoor seating area, this is within a residential area and there are residential dwellings directly behind the site. The outdoor seating area will create additional noise and result in an increased number of people coming and going. This has the potential to have a negative impact on neighbours.

The Council's Environmental Officer has been consulted and raised no objections. They concluded upon receiving a revised noise impact assessment that level of noise would not have a negative impact on surrounding occupiers if the details of the noise impact assessments are complied with.

To mitigate the impact of noise on neighbours the Environmental Health Officer has requested if the development is approved, the outdoor space should not be used outside the hours of 11:00-23:00 and that no form of entertainment should be provided within the outdoor space. Concerns have been received from neighbours regarding noise and this section has given concern to noise and concluded there will not be a negative impact on surrounding occupiers.

The Council's Environmental Health Officer also stated odour should be controlled by the extraction system. If this is installed and used correctly there should be no foul smell. Therefore there should not be a negative impact on surrounding occupiers, this addresses the objection received regarding odour.

Subject to conditions the proposal would not have a negative impact on surrounding occupiers and accord with the requirements of Policies DM1 and P2 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Design and Appearance

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. This policy requires all new developments 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.

On the front elevation a new door is proposed and the existing door and windows will be replaced with panelled glass windows. This considered acceptable as it will remain in keeping with the surrounding area.

At the front of the site outside seats are proposed with approx. 16 covers. These will be enclosed with timber treated framing. There will also be a bin store located at the front of the site also enclosed in the same material. This is considered acceptable as no. 213 has an external seating area enclosed with a timber frame therefore this would fit in with the surrounding character of the area. No details of the treated timber framing has been provided and if the application is approved details of this can be secured via condition.

No alterations are proposed on the side elevations of the development.

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

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.

The Council's Highways Officer has been consulted as part of the application and raised no objections as the proposal is not changing the existing highway. There is no parking provided within the application however as the site is within a Local Centre, close to a bus stop, bus route and within a residential area this is considered acceptable.

As such it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

Other matters

Objections have been received raising concerns over noise and odour, these have been addressed within 'Impact on Occupiers and Surrounding Land Users'. The Council's Environmental Health Officer concluded if appropriate measures are taken and secured by condition, there will not be a negative impact on surrounding occupiers.

An objection was received raising concern over parking and the Council's Highways Officer has concluded due to the location of the site being on a bus route and within a Local Centre the lack of dedicated parking is acceptable.

An objection has been received regarding bins, the bin store will be located at the front of the property and details of the bin store can be secured via condition to ensure there will not be a negative impact on amenity.

An objection has been received regarding fire access and the fire exit is located at the front of the property and open onto the outdoor seating area and will not have a negative impact on amenity or neighbours.

RECOMMENDATION

GRANT 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. This permission relates to the following plans and documents:

Location Plan

Block Plan as Proposed – (PL)003-R0

Proposed Plan with External Space – (PL)006-R0

Context Elevations showing external space proposed – (PL)008-R0

Proposed Plans and Elevations (PL)005-R1

Noise Impact Assessment for Planning Purposes dated 11th June 2024

and the development shall be carried out in complete accordance with these details hereby approved unless otherwise required by the conditions below.

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 number of covers externally should be limited to 16 notwithstanding the wording on the proposed layout plan.

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

4. The outside space hereby approved shall not be used outside the hours of 11:00-23:00 Monday to Sunday, no form of entertainment either amplified, background, acoustic or other is to be provided in the outdoor space.

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. The development hereby approved shall not be occupied until a venue management plan has been submitted to and approved in writing by the Local Planning Authority and this should address any potential impacts on neighbouring properties. The approved management plan shall be adhered to from first opening and thereafter.

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.

6. The extraction system should be installed in accordance with the submitted details prior to the first use of the development hereby approved and retained as approved thereafter.

Reason: To protect the amenity of nearby occupiers from odour and accord with policies DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. No part of the development shall be occupied until such time as details (including materials and location) for the design of refuse/recycling bin store has been submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall be installed in accordance with the approved details and made available for use prior to the approved development first being brought into use. The approved refuse and recycling store 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 Rochdale Unitary Development Plan and the National Planning Policy Framework.

8. Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved structures shall be erected prior to occupation and in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 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.

Informative

1. Separate advertisement consent is required for any new signage on the building.

Report Author Aimee Bovaird