

APPLICATION NUMBER: 22/01349/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01349/FUL	Rosalind Gralton	24 January 2023

Address: 301 Cutgate Shopping Precinct, Edenfield Road Rochdale OL11 5AQ

Proposal: Change of use from a Bakery (Class E) to a Hot food takeaway (Sui Generis) including erection of 2 No Flues to side elevation

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 09/02/23

SITE

The site relates to a unit at the Cutgate Shopping Centre. The unit is currently in use as a bakery; a Class E use.

PROPOSAL

Planning permission is sought for the change of use from a Bakery (Class E) to a Hot food takeaway (Sui Generis) including erection of 2 No Flues to side elevation.

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

DM1 - General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

G/S/1- HIERARCHY AND THE ROLE OF CENTRES

G/S/6- DISTRICT CENTRE, LOCAL CENTRES AND LINEAR COMMERCIAL AREAS

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

85/D18207 – Use of Existing Retail Unit to Include The Sale of Live Animals – Grant subject to conditions 17/09/1985

89/D22939 – Change of use from shop to shop and private booking hire office

92/D27813 – New Shop Front – Grant subject to conditions 15/04/1992

CONSULTATION RESPONSES

Env Health - Noise/Odours

The Council's Environmental Health Officer has recommended the below condition in the instance the application is approved:

- *As per the detail of the submitted noise impact assessment, a BDER40-120 silencer will be fitted to the system.*
- *Noise output of the unit will not exceed 27 dB(A) measured at source.*

- *The extraction system will terminate above the ridge of the building. The system will be fitted with a jet cowl, with a velocity above 10m/s.*
- *Pre-filters (baffle filters) attached to the extraction hood in the frying range.*
- *Secondary grease filter in the extraction flue to remove additional grease from the air.*
- *To remove odour from the extracted air either an activated carbon filter with a designed 0.2s contact time to remove odour.*

Upon completion verification documentation is supplied to ensure the above have been achieved'

Highways

The Council's Highways Officer raises concerns regarding the bin storage area which appears to be outside the application site.

Although the area proposed for the bin store is not adopted highway it is part of the service road for the shopping precinct and other commercial outlets rely of this access for deliveries. The bin store will reduce the width of the service road reducing accessibility for larger service vehicles and restrict two way vehicle movements which is a concern.

At this stage the Highways Officer cannot support this application because of its detrimental impact on the existing servicing arrangements for the shopping precinct.

REPRESENTATIONS

The application was publicised by way of neighbour notification. No representations were received.

ANALYSIS

Principle of Development

The application site is allocated as being 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.

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 [...] access to healthier food.'

Similarly, Policy C6 of the Rochdale CS stated 'Improving health and wellbeing' *'We will improve people's health and wellbeing and reduce health inequalities by creating an economic, physical and social environment that promotes and supports healthy lifestyles [...] through 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), in addition to 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 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, the Cutgate Centre, as a 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’

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, application 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.*

Out of the 11 available units on the shopping centre, 1 is an existing hot food takeaway use, which would be situated adjacent to each other within the Cutgate Centre. As such, the proposed hot food takeaway would comply with the required densities contained within the SPD at the maximum hot food takeaway density.

Section 4.3 of the SPD however 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. It is therefore not taken into consideration that the site is located within 390m of Oulder Hill Community Secondary School and Language College, given the status of the Cutgate Centre identified as a Local Centre.

As such, the principle of development for the change of use of a hot food takeaway is accepted in this instance given the site meets the maximum density requirements as stated within ‘*Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document*’ Adopted April 2015 SPD, and Policies E1 and C6 of the Rochdale CS and the requirements of the NPPF.

Visual Amenity

Paragraph 126 and 130 of the NPPF states good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further to this, Rochdale CS Policy P3 requires all new developments to adhere to high standards of design, ensuring it enhances the borough’s identity and sense of place, by respecting context where it is

positive and having regard to the scale, density, massing and height. Additionally, Policy DM1 states development should not adversely affect the amenity of residents or users through visual intrusion, and should 'mitigate against any impacts due to noise, air, dust, light and odour pollution ... where such mitigation is identified as being necessary'. On the above basis, the principle of the development would be acceptable in accordance with Rochdale Core Strategy Policy P3, DM1, and the NPPF.

The two proposed flues would project 515mm from the flat roof of the unit of the shopping centre. The colour of the flue is silver. The flues would be located 16m away from the closest neighbouring residential property, located south of the site on Upper Passmonds Grove. The flues are unsightly and will detract from the appearance of the building. The cumulative impact of an additional two flues at on the roof would result in unacceptable clutter on the roof of the building when viewed from the north on Edenfield Road.

As such, the proposed flues are not acceptable in relation to their visual impact and would be contrary to policies DM1 and P3 of the Rochdale CS, as well as the National Planning Policy Framework.

Section 8 of the Council's 'Guidelines & Standards for Hot Food Takeaway Uses' SPD, details 'Disposal of Waste'. Paragraph 8.2 states:

'It is important that bins of a suitable size are provided in a location that is well screened and easily accessible for both the business operator and collection services. Inadequate refuse storage can result in harm to visual amenity as well as serious risk to public health. Where possible, refuse storage should be contained within the main building. Where this is not possible, a secure structure should be provided on site which adequately screens the refuse and is designed to respect the character of the surrounding area. Refuse storage should be sited so as not to cause an odour nuisance to neighbouring residents or occupiers.'

It is indicated from the location plan the bin storage indicated on the site plan is not located within the curtilage of the site, and no bin store has been provided to show the screening of the proposed bins. Therefore it is not considered bins can be provided within the site, and therefore the proposal fails to meet the requirements of the Hot Food Takeaway SPD in relation to Disposal of Waste, and would as such, have an unacceptable impact on visual amenity and public health. As such, the lack of bin storage provided within the curtilage of the site, would not be considered acceptable in relation to visual amenity of the streetscene and would be contrary to policies DM1, P3 and C6 of the Rochdale CS, as well as the National Planning Policy Framework.

Neighbour Amenity, including noise and odour

The proposed flues, while would be reflective, would not cause any unacceptable impact on neighbouring properties by reason of the material or design. The proposed flues would be a height of 515mm above the flat roof, and not have any overbearing or overshadowing impact upon adjacent properties.

The Environmental Health Officer has recommended a condition for the applicant to provide a verification document, ensuring compliance with the submitted noise impact assessment, limitations on noise, and ensure filters are secured to omit odour. This is secured to the decision notice. Given the proposed conditions, and the context of the shopping centre units, it is not considered the proposed flues would

have any unacceptable residential amenity impact, and would be in compliance with CS Policy DM1, subject to conditions.

Highways

Relating to sustainable transport, Paragraph 111 of the NPPF states '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.'

Policy DM1 sets out the general development requirements and establishes that proposals should demonstrate they 'mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary' and 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'.

To fully assess this matter consultations have taken place with Highways officers who have stated concerns are raised regarding the bin storage area which appears to be outside the application site. No area has been identified whereby a bin store would be located within the site. The proposed bin store is located on a service road for the shopping precinct and is relied on for all commercial units for deliveries and access. As such, by the bin store's proposed location this will reduce the width of the service road and would result in a detrimental impact upon existing servicing arrangements within the shopping precinct.

Given no bin storage is provided within the defined location plan, it is therefore considered the proposed hot food takeaway would not provide satisfactory servicing arrangements given the proposed use and location, and as such would fail to meet the requirements of Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: REFUSE

1. No bin storage is provided within the site curtilage, and as such the proposal would seek to have an unacceptable and detrimental impact upon the servicing arrangements of the existing shopping precinct. As such, the application fails to meet the requirements of Policies DM1 and T2 of the adopted Core Strategy, and the National Planning Policy Framework.
2. No bin storage has been identified within the curtilage of the site, and therefore the proposal would result in a detrimental impact to visual amenity of the streetscene and a risk to public health, and would be contrary to guidance contained within the Guidelines & Standards for Hot Food Takeaway Uses SPD, policies DM1, P3 and C6 of the Rochdale CS, and the National Planning Policy Framework.
3. The proposed flues, by reason of their visual impact (number, colour, scale and siting) would be harmful to the appearance of the building and will result in an unacceptable cumulative impact, causing detriment to the streetscape. As such, the application is contrary to policies DM1, P3 of the Rochdale CS, the Guidelines & Standards for Hot Food Takeaway Uses SPD 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:

1. For the avoidance of doubt, the Decision Notice relates to the following drawings:

Site plan and block plan – Dwg 1 of 3 Revision B

Existing Elevations and Floor Plans – Dwg 2 of 3 Revision 0

Proposed Floor Plans and Elevations – Dwg 3 of 3 Revision A

Report Author Rosalind Galton