APPLICATION NUMBER: 22/00633/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00633/FUL	Jake Powell	25/10/2022

Address: 30 Bridge Street, Heywood, Rochdale, OL10 1JF

Proposal: Change of use from Retail (Class E) to Hot Food Takeaway (Sui Generis); alterations to shopfront; installation of roller shutter; erection of a flue and modular storage to the rear.

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?**	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?	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

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: RK **DATE: 27/10/2022**

SITE

The application site relates to ground floor unit of a two-storey end terrace building located at 30 Bridge Street, Heywood. The property is currently a vacant.

The property is built up to the footway of Bridge Street at the front, and the east elevation fronts Elizabeth Street. The site is located within the Heywood Town Centre.

PROPOSAL

Permission is sought for the change of use of the unit from retail (Class E) to a hot food takeaway (Sui Generis).

The application also proposes alterations to the shopfront including the installation of a glazed frameless shop frontage, as well as the installation of an open lattice roller shutter to the shop front.

To the rear the application proposes the erection of a single storey modular external cold storage unit, as well as the installation of a ventilation flue with a discharge cowl.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SP3/H	The Strategy for Heywood
S01	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
SO2	**Creating successful and healthy communities**
C2	Focusing on regeneration areas and economic growth corridors / areas
C6	Improving health and well being
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 instability
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/1 Defined Urban Area

G/S/1 Heywood Town Centre
S/4 Secondary and Central Shopping Areas

Supplementary Planning Documents (SPD):

Guidelines & Standards for Hot Food Takeaway Uses' (April 2015, updated February 2017)
'Guidelines and Standards for Residential Development (June 2016).
Shop Fronts and Security Shutters Supplementary Planning Document (SPD)

RELEVANT SITE HISTORY

99/D36133	Change Of Use From Amusement Arcade To Retail Shop (Retrospective Application). Granted subject to conditions.
10/D53888	Change Of Use From A1 Shop To Private Hire Booking Office. Refused.
11/D54597	Change Of Use From A1 Shop To Private Hire Booking Office (Resubmission Of D53888). Refused.
13/00543/FUL	Change of use of ground floor to a hot food takeaway -use class A5. Refused.
22/00634/ADV	Installation of illuminated fascia sign and projecting hanging sign; LED display/advertising screen on side elevation. Split Decision.

CONSULTATION RESPONSES

Highways

The application premises is within Heywood Town Centre with good access to local amenities and public transport. The proposed use is ancillary to other uses within the town centre so it's likely that visits to these premises are part of multi destination trips.

The existing use would generate a similar amount of vehicle movements as the proposed use so there would be no impact on highway capacity.

We would expect that the current servicing arrangements are similar to the proposed use.

There are existing on street parking spaces available directly outside the application premises.

In conclusion Highways raise no objection to this application and ask for no specific planning conditions.

Environmental Health

This section cannot support the application, there are residential units above and to the side that will be in close proximity to the proposed fixed plant (extraction and refrigeration) as such they will exposed to unacceptable levels of noise and odour likely resulting in complaints of nuisance and general disturbance.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. One letter of objection was received. The matters raised within the letter are as follows:

- Other similar uses within the area.
- Impact on highways.

Issues relating to the compatibility of the use with the location and the concentration of Hot Food Takeaways within the area are assessed in the 'Principle of Development' section of the report.

Furthermore, the impact the proposed development would have on highways is a material planning concern which will be discussed within the consideration of this recommendation.

ANALYSIS

Principle of Development

The application site is allocated as Defined Urban Area under the Rochdale Unitary Development Plan. Saved 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 86 of the NPPF states that planning policies should be positive and promote competitive town centre environments. It states that Local Planning Authorities should, amongst others, promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Core Strategy policy E1 states that the Council will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough, further stating that the council will seek to protect and safeguard the core retail function of Primary Shopping Areas through restricting certain non-A1 retail and retail uses within Primary and Secondary Shopping Frontages, although it is recognised that some non-retail uses would complement the shopping role of the Town Centre.

Saved UDP policy S/5 is also relevant, which states that in those parts of town centres not identified as Primary, Secondary or Central Shopping Areas, the development of, or change of use to, shops, financial and professional services, food and drink outlets, offices, hotels, community and cultural facilities, leisure and entertainment uses and housing 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 part of the centre concerned;
b) It will be compatible with surrounding land uses and not detract from the amenity of adjoining uses; and
c) It will not adversely affect the vitality and viability of the centre or part of the centre concerned.

Policy C6 of the CS, relating to the improvement of health and wellbeing, sets out 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 Council adopted a Supplementary Planning Document, '*Guidelines & Standards for Hot Food Takeaway*' and this therefore 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' is to be taken as 'Sui Generis' Hot Food Takeaways.

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, in accordance with policy HF3 of the SPD, 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.

The application site is located within Heywood Town Centre, outside of the primary and secondary shopping areas, and as such point (iii) (highlighted in bold above) is relevant. This states that a new hot food takeaway should not be supported where it would result in more than 20% of the total ground floor units being occupied by hot food takeaways.

It was established that a number of ground floor units in the town centre are actively being used as hot food takeaways, however the addition of the hot food takeaway at No. 30 market Street would not equate to takeaway units rising above 20%. 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 Town Centre. Whilst it is noted that there are a number of takeaways on Bridge Street, the street retains a number of uses within Class E. Furthermore, the retail unit at No. 30 Bridge Street has been vacant for a time and the proposed use would therefore bring an existing unit back into active use. As such, the proposal is not considered to negatively impact on the viability and vitality of the centre and is considered to provide an accessible service for the local community.

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/5 of the UDP, the NPPF and the Hot Food Takeaways SPD.

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 onto 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.

The application proposes the installation of a modern glazed frameless shop frontage which would include floor to ceiling windows to the front. Whilst it is not ideal that the proposed shopfront would have limited definition, Officers consider that the proposed alterations will allow for the revitalisation of this previously vacant unit. Overall, it is considered the proposed alterations to the shopfront would be result in an improvement to the character and appearance of the surrounding area by revitalising a currently vacant unit.

The application also proposes the installation of an open lattice roller shutter, coloured in RAL 7015 Dark Grey. The roller shutter housing would be suitably positioned behind the fascia. The proposed roller shutter is in accordance with the guidance contained within the Shop Fronts and Security Shutters Supplementary Planning Document (SPD), which states that open lattice roller shutters are preferable. As such, Officers consider that the proposed roller shutter would also have an acceptable impact on the visual amenity of the application site and surrounding area.

To the rear the application proposes a single storey modular external cold storage unit. The proposed unit would be minimal in scale, situated well within the application site, and unviewable from the streetscene. With this in mind, Officers consider that the proposed store would have limited impact on the character and appearance of the site and surrounding area.

Finally, in relation to the proposed ventilation flue, this element of the proposal could be considered large and bulky to a degree large and bulky. However, the flue would be sited to the back of the site limiting the views from the public vantage points.

As such although large in size and bulky in appearance, the flue would not appear unacceptably at odds with the character of the area. However, to reduce its impact a condition requiring the flue to be coloured a matt black recessive colour which would reduce its impact on the street scene and enable it to blend in with its surroundings.

As such, subject to condition, the proposed alterations would be broadly considered acceptable and in compliance with the relevant parts of policies DM1 and P3 of the adopted Rochdale Core Strategy and the requirements 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. The Council's Guidelines and Standards for Hot Food Takeaway Uses Supplementary Planning Document (SPD) 2015 contains similar objectives.

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.

It is noted that the existing acoustic environment is dominated by the noise of traffic along Bridge Street throughout the day and into the early evening, which would assist in masking the some of the sound of the extraction equipment by virtue of a similar acoustic profile. However, In assessing the impacts of the proposal, consultation has been carried out with the Council's Environmental Health Officer, who objected to the proposal as there are residential units above and to the side that will be in close proximity to the proposed fixed plant (extraction and refrigeration), and as such they will exposed to unacceptable levels of noise and odour.

Furthermore, the siting of the flue to the rear of the property would result in the structure extending vertically through the field of view from the first floor rear facing principal room window of the flat above, severely restricting light and outlook from this principal window and unduly impacting the amenity of the occupiers of this flat.

Bridge Street is considered as the predominant route through Heywood Town Centre and retains a reasonable level of activity into the later hours. As such, it is recognised that the occupants of the surrounding residential properties would be accustomed to some of the activities associated with a night time economy, where Bridge Street already benefits from several public houses and Hot Food Takeaways.

The application proposes opening hours for the unit from 11:00 to 23:59 Monday to Friday, and 10:00 to 23:59 on Saturdays and Sundays (including bank holidays).

Considering that the occupiers above are likely accustomed to similar uses along this area of Bridge Street, Officers are content that these opening hours are not unsociable and are suitable to the site and surrounding areas, and would not result in an unacceptable impact on neighbouring occupiers through noise and disturbance.

In light of the above assessment, it is considered that the proposal would adversely impact the amenity of the occupiers of the flats above through unacceptable levels of noise and odour by reason of the ventilation flue, as well as an unacceptable impact on levels of light and outlook to a principle room window to the residential unit above. The proposal would therefore conflict with Policies DM1 and G9 of the adopted Core Strategy and the Council's Hot Food Takeaway Uses 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.

The proposed use of the unit as a Hot Food Takeaway will not amount to a significant intensification when compared to the previous and lawful usage under Use Class E. The site is located in a sustainable town centre location which is well served by public transport and safely accessible on foot. Opportunities for parking exist within the vicinity of the site.

The Council's Highways Engineers have stated that from a highways perspective there would be no sustainable reason to object to this application and have requested no specific planning conditions.

The application therefore accords with the requirements of policy T2 of the Adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

Refusal for the following reason:

1. By reason of the proposed ventilation flue and cold storage to the rear, the proposed development would result in unacceptable levels of noise and odour, adversely impacting the residential amenity of the occupiers of the flat above. The harm to the amenity of the occupiers above be compounded as the siting of the flue would severely restrict levels of light and outlook of the first floor rear habitable room window. The application is therefore contrary to the relevant parts pf policies DM1 and G9 of the adopted Rochdale Core Strategy, guideline HF2 of the adopted 'Guidelines and Standards for Hot Food Takeaway Uses' Supplementary Planning Document (2015, Updated

February 2017) and the requirements of 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 plans:

P01 LOCATION & EXISTING PLANS & ELEVATIONS
P02A FLOOR PLANS & ELEVATIONS as PROPOSED
P04A EXTENDED SIDE ELEVATION as PROPOSED

Report Author Jake Powell