

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01023/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 28.05.2024 **EXT OF TIME** 01.11.2024

Address: 2 Salkeld Street Rochdale OL11 1PS

Proposal: Change of use of ground floor from a dwelling to a jewellery shop and self-contained apartment at first floor and part of ground floor.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	Y	Press Notice expired?	NA

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

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: LA

DATE: 31.10.24

SITE

The site relates to a two storey, end terrace property at 2 Salkeld Street, Rochdale.

The property faces south while the terrace it is adjoined to faces east, along Nicolas Street.

The building is constructed in red facing brick to the front, with a small walled garden. The entrance into the property is at the front. The property currently is used as a dwellinghouse.

The site is not, nor is located adjacent to any designated or non-designate heritage assets. There are no trees on or around the site. The site is located within the Defined Urban Area, and is not located within a local centre.

PROPOSAL

Change of use of ground floor from a dwelling to a jewellery shop and self-contained apartment at first floor and part of ground floor.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Place for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

Policy JP-P1 – Sustainable Places

Adopted Rochdale Core Strategy (CS):

SO1 – Delivering a more prosperous economy

E1 – Establishing thriving town, district and local centres

SO3 – Improving design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Env Health - Noise/Odours

No objections subject to condition.

GM Fire Service

No objections

Gtr Manchester Police Firearms Division

No comments received to date

Highways And Engineering

No objections

Strategic Planning

No comments received to date

REPRESENTATIONS

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

ANALYSIS

Principle of Development

The application relates to a two storey semi-detached house currently used as one single dwellinghouse. This proposal seeks to subdivide the house to a jewellery shop (Class E) and one unit dwelling in the flat above. The site is not within a local centre, however is located 37m south of Milkstone Road/Maldon Steet Local Centre (designated under Policy S/6 of the UDP).

Policy E2 is relevant and this establishes that the Council will support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy.

Policy E1 establishes that retail and leisure facilities should be focussed in town and local centres in order to promote the vitality and viability of these centres. Paragraph 87 of the National Planning Policy Framework also establishes that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 91 of the NPPF states '*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are*

not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

Paragraph 92 continues 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored'

It is recognised the proposed use is a family run small business. The shop would be selling bespoke Asian Gold jewellery. The applicant's sequential test submitted presents the case the shop would target customers mainly from an Asian background, and therefore require the shop to be located in an area where the population has a high concentration of Asians. The applicant's case states the bespoke, custom nature of the goods sold mean customers would be able to walk to the shop from their home, and that due to the scale and nature of the business, the operation of the business outside of the town centre would not deter customers who would currently travel into the town centre, and therefore the proposed location would not be considered detrimental to the nearest town centre; Rochdale Town Centre.

In addition to this, the applicant has provided a sequential test which assesses the available sites 80m away in the nearest local centre, Milkstone Road/ Maldon Street Local Centre. The sequential test also draws reference to an Asian clothing store located opposite the site on 124 Milkstone Road, also outside of a local or town centre.

The submitted sequential test determines the site as an edge of centre site, which for retail purposes is defined within 300m of a primary shopping centre, or for all other purposes, within 500m of a public transport interchange. The site is located within 50m of the Milkstone Road/Maldon Street Local Centre.

In the town centre, 9 available sites were considered. They were all discounted for being unsuitable, not viable, with 8 of these too large for the required space, and would not be capable of working as a small independent jewellery shop.

A collection of photos was submitted to demonstrate any available units in the Milkstone Road/ Maldon Road Local Centre, closest to the site. No units were available, and all occupied.

From the submitted assessment and information provided, including the assessment of Milkstone Road/ Maldon Road Local Centre, officers can conclude that there are no sequentially preferable sites and as such the proposals comply with the sequential test requirements. It is not considered the proposed shop is likely to result in a detrimental impact on the viability of Rochdale Town Centre given its small scale. Additionally, as all units on the adjacent local centre appear occupied, or unavailable for let, it is clear no vacant units are present. The proposed site is well connected, within the setting of other commercial uses, and would not have any adverse impact on the town centre. It is not considered the proposed business, is of such a scale that this would impact the vitality or viability of other centres and would instead offer an enhanced offer in the local area whilst supporting local businesses. The proposals are therefore considered to comply with CS Policies E1 and E2.

The suitability of the remainder of the sub-divided property as a self-contained flat, is assessed below.

Occupier and Residential Amenity

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.

The application proposes the reduction of a 2 bedroom dwellinghouse into a 1 bedroom dwellinghouse across 2 floors. No external changes are proposed to the building. Internally, the only changes relate to the re-direction of the stairs and erection of an internal wall to create a lobby. The rear door of the property will become the main entrance into the property. No works are proposed to create a shopfront.

In relation to occupier amenity, the proposed internal floorspace of the reduced dwelling would be 55sqm. For a one bedroom, one bedspace property over two floors, this is considered acceptable. For a two bedspace property, this is 3sqm below the threshold although on balance this is considered acceptable.

A noise impact assessment was submitted alongside the application and the Environmental Health Officer consulted. A condition was secured to ensure noise levels detailed in the noise impact assessment is met, and a verification report to secure these noise levels prior to first use of the retail unit. This is necessary in order to secure a high level of residential amenity for adjoining occupiers

A condition is secured to restrict the use to a jewellery shop as applied for, thereby removing the permitted development rights to change the use to any use within Class E. The permitted changes have the potential to raise noise and odour concerns and may be unsuitable in a densely populated residential area.

Therefore the proposal is considered to be acceptable and would accord with policies DM1, P1 and P3 of the adopted Rochdale Core Strategy and the NPPF.

RECOMMENDATION: Approve 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

Proposed site, elevation and floor plans

Existing site, elevation and floor plans

Retail sequential test prepared by BDS March 2023

Noise impact assessment prepared by EnviroSolution November 2023

and the development shall be carried out in complete accordance with these drawings 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 retail unit nor the residential accommodation hereby approved shall be occupied until validation testing has been carried out and the results of which have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the following internal and external noise levels have been achieved in the adjacent residential flat:

' 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;

' 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;

' 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;

' 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Reason: To protect the amenities of local residents in accordance with policy G9 and DM1 of the Rochdale Core Strategy, Policy JP-P1 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

4. The ground floor premises shall be used as a jewellery shop in accordance with drawing 'Proposed site, elevation and floor plans' and for no other purpose including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.

Reason: Given the site constraints and to protect the amenities of local residents in accordance with policy G9 and DM1 of the Rochdale Core Strategy, Policy JP-P1 of Places for Everyone Joint Development Plan 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.

Notes for Applicant:

None