

APPLICATION NUMBER: 22/01126/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01126/FUL	Rosalind Gralton	15 February 2023

Address: Who D O Thowt It 142 Wood Street Middleton M24 4BB

Proposal: Change of use from retail (Class E) to Ghost Kitchen (Sui Generis) including installation of extraction flue on rear elevation, service ramp to front and side elevation (part retrospective).

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?	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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 11.05.23

SITE AND SURROUNDINGS

The site relates to a vacant two storey detached property, formally used as a public house and subsequently and most recently as a convenience shop. The site is located within the Defined Urban Area, and is located immediately 220m north west of Middleton Town Centre. The surrounding area is residential, characterised by two storey terraced properties to its southern, northern and western boundaries. To the south east is a children's nursery.

Internal works have already been undergone to convert the property to an industrial kitchen, however advertisement on the front and side elevations of the property still indicate the former shop use.

The site benefits from car parking, accessed from the unadopted road off Wood Street, adjacent to the property's south eastern boundary. Direct vehicle access to the site is only available from Wood Street. Currently, a storage container is located on this car park and anti-climb green mesh fencing acts as boundary treatment. An additional car park is located immediately to the rear of the site, accessible off Durnford Street. This car park is not located within the red edged area of the site.

The property has undergone multiple extensions and alterations, including a single storey side extension, and benefits from a residential property at first floor.

Unauthorised works to the boundary treatment and a service ramp has been carried out, dividing the side and introducing a roller shutter door to the western elevation. The service ramp seeks approval through this application. The proposed flue is retrospective.

PROPOSAL

Planning permission is sought for the change of use from retail (Class E) to Ghost Kitchen (Sui Generis) including installation of extraction flue on rear elevation, service ramp and side elevation (part retrospective).

The applicant has submitted a supporting statement that states the ghost kitchen would operate as a home delivery service from a 'small domestic scale kitchen' within the property. The applicant states customers would place the order using a takeaway food delivery service app, and the driver for the app selected will deliver this direct to the customer. It is established no customers directly approach the property to make an order.

Value Added

An unauthorised boundary fence was erected on the site, plans were submitted showing to seek approval for this. Following the applicant's decision to not seek regularisation of the fencing, details of the fencing has since been removed from the plans. No boundary fence is proposed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

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

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

14/00966/FUL - Conversion of first floor of building to HMO including installation of access ramp to southeast side and roller shutter to front entrance doorway (part retrospective) – Grant subject to conditions 25/09/2014

14/00398/FUL – Conversion of first floor of building to HMO including installation of access ramp to southeast side and roller shutter to front entrance doorway (part retrospective) – Refuse 20/05/2014

14/00397/ADV – Externally illuminated fascia sign to front elevation of building – grant subject to conditions 09/05/2014

11/D54132 – Outline application with all matters reserved for the erection of 3 dwellings – Grant subject to conditions 11/04/2011

94/D31085 – Single storey extension to Public House – Grant subject to conditions 12/09/1994

CONSULTATION RESPONSES

Highways And Engineering

Highways Officer's note the following:

The proposed use is very similar in traffic generation terms as the existing use so have no concerns over highway capacity.

Parking provision for the proposed use, as shown on the submitted plans, is acceptable. Therefore, do not expect there would be any detrimental impact on road safety as a result of development.

Officers note the servicing arrangements for the proposed use is very similar to the existing use so raise no concerns over this issue.

Highways raise no objection to this application and request no specific planning conditions.

Env Health - Noise/Odours

The following comments have been received:

We would have no objections in principle to the proposal and would recommend the following conditions:-

- ❑ As per the detail of the report a Flaktwood, 50 MaXfan Compac fan is used within the system combined with two (DBA) Technical Services Ltd CDAP.1D sound attenuator's (silencer)
- ❑ The extraction system to terminate above the eaves of the adjacent main building (and ridge of the kitchen annex). The system will be fitted with a jet cowl, with a velocity above 10m/s.
- ❑ The extraction system to terminate above the eaves of the adjacent main building (and ridge of the kitchen annex).

REPRESENTATIONS

The application was advertised by way of neighbour notification. Two letters of objection were received. Concerns are summarised below:

The site is an eyesore

When the flue is operational, the smell will be horrible

Temporary fencing being used to cover a storage container within the site

The storage container on the site has been referred to enforcement.

ANALYSIS

Principle of Development

The application site is 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 titled 'Improving health and wellbeing' states the Council *'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.

The area is characterised by residential properties, predominately two storey terraced properties and is set 270m north east of the North Manchester Golf Club. The site, and its surrounding locality and area which it would serve customers, are not industrial. As such, the ghost kitchen would have no active frontage and reject social interaction by virtue of it having no face-to-face customer interaction, and promoting consumption of food offsite. While it is noted the proposed use is a 'ghost kitchen' and not a hot food takeaway, no evidence has been submitted to demonstrate that in this location, the use would operate broadly dissimilar to that of a hot food takeaway, where food is eaten off-site and in most instances, delivered directly to the recipient without the customer entering the premises. As such, the Council will refer to *'Guidelines & Standards for Hot Food Takeaway Uses*

Supplementary Planning Document' Adopted April 2015, Updated February 2017, in order to inform a decision.

Of the aforementioned SPD, Section 4 and 6 of this document references inappropriate densities of Hot Food Takeaways and unacceptable locations; such as nearby schools. The site is not located within a local centre or identified shopping centre within the borough, and does not have neighbouring but one adjacent units which are Hot Food Takeaways. The site is not located within 400m of a Secondary School, and therefore the principle of development for the change of use to a ghost kitchen is accepted, subject to the visual and residential amenity assessment.

Visual amenity

Paragraphs 126 and 130 of the NPPF state 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.

The siting of the flue on the rear elevation is highly visible within the streetscene from residential properties located on Wood Street and from the highway of Wood Street and Durnford Street, and is not acceptable. In addition with the highly visible location, the flue would measure 600mm wide and 1500mm in height. The proposed flue would be positioned 1.6m above ground level and would measure a maximum 3.2m in height. As such, the proposed flue would be excessively large and out of scale with the roofslope of which it is located. Additionally, the flue colour emphasises the visibility of the proposal, and would appear an incongruous addition within the streetscene.

While the principle of a ramp in this location is not unacceptable, it has been constructed in a brick not matching with the main building. As such it has an appearance not in keeping with the streetscene or host building. Together with the proposed flue, this adds to the overall poor quality appearance of the proposed development. The physical works are not well designed and are in conflict with national and local policy in this regard.

Residential amenity, including noise and odour

Paragraph 130 of the NPPF states *'Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*

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'.

The Council's 'Guidelines & Standards for Residential Development SPD' in Section 4.10 discusses Changes of Use.

'When considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants. For example, residential uses may not be

appropriate in certain commercial areas or above hot food take away shops as future residents could suffer from noise and smells nuisance or disturbance from activity late into the evening and early morning and this could affect the operations of the existing businesses.'

Additionally, Section 5.1 of the Council's 'Guidelines & Standards for Hot Food Takeaway Uses' SPD states:

'A balance is needed between the provision of hot food takeaways and the need to protect the amenity of residents living adjacent or near to such establishments. Compared to other uses, hot food takeaways can generate unacceptable levels of noise, vibrations and odours and it is therefore important that such uses are controlled.'

There is an existing first floor residential property sited above the proposed ghost kitchen. While the supporting information describes the proposal as a 'small scale domestic kitchen' the use of a ghost kitchen is established as commercial, and is not domestic or ancillary to any residential property. The application form has not indicated hours of opening, and therefore hours of operation of the ghost kitchen are unknown. As a result, no details regarding frequency and timing of deliveries have been provided.

A Noise Impact Assessment has been submitted with the application. The Council's Environmental Health Officer has been consulted regarding the application, and responds with no objections subject to the recommended conditions. In the instance the application was approved, these conditions would be secured to the decision notice.

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.'

In April 2015, the Council adopted a Hot Food Takeaway SPD and in particular, the document states Core Strategy Policy DM1 is relevant to takeaways in this instance, including DM1e *'all development proposals ...will be expected to demonstrate that they ... Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'*.

Proposed bins are located to the rear courtyard of the site, and no bin store details are submitted with the scheme. The upstairs flat benefits from a rear flat roof terrace area above the ground floor, with access to the ground level via staircase at the rear. It is acknowledged the ghost kitchen's proposed bins would be located in part of the rear amenity area utilised by the upstairs flat.

The Council's Highways Engineers were consulted on the application, and raise no objection to this application and request no specific planning conditions.

RECOMMENDATION

1. The proposed flue to the rear elevation, by reason of its siting, design and scale, would result in an incongruous addition to the streetscene, to the detriment of the visual amenity of the residential area. The proposal fails to

meet the requirements of Policies P3, DM1 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:

For the avoidance of doubt, this decision relates to the following list of submitted plans / documents:

Proposed basement Floor Plans - 200
Proposed Ground Floor Plans / Site Plan – 205
Proposed First Floor Plans – 210
Proposed Elevations – 300
Location & Block Plans – 600

All received by the Council 25/01/2023.

Report Author Rosalind Gralton