APPLICATION NUMBER: 21/00194/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00194/FUL	Ryan Killeen	15 April 2021

Address: 17 Argyle Parade Heywood OL10 3RY

Proposal: Change of use from launderette to hot food takeaway including single storey rear extension to form bin storage area and installation of flue extract grille on side elevation following removal of existing flue on rear elevation

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?	N

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/A

RECOMMENDATION	**Grant Subject to Conditions**

CHECKED AND SIGNED OFF BY: KN DATE: 16th April 2021

SITE

The application relates to a ground floor launderette in the Argyle Parade Local Centre as defined by saved UDP policy S/6. The centre is comprised of two linear rows of shops and services with residential flats above and a public library. The first floor flats in the application block are currently vacant and boarded up. The centre is pedestrianised with a central grass lawn and includes public parking areas to the east and also behind the library building. Whilst there are some vacant units in the local centre, there is a relatively high level of occupancy and the centre is well frequented by local residents of the wider Darnhill estate and surrounding area. The application unit is an end unit closest to the public library. Access to the residential unit above (No. 25 Argyle Parade) is from an external balcony serving all of the upper floor dwellings in the block.

PROPOSAL

The application proposes the change of use from Laundrette to Hot Food Takeaway. An extraction grille would be inserted into the side elevation of the building at ground floor level. A single storey rear extension with a footprint of approximately 4m^2 would be formed for bin storage. Proposed opening hours for the additional use would be 11:30-22:00 Monday to Friday and 11:30-21:00 on Saturdays, Sundays and Bank Holidays.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Rochdale Core Strategy:

The following policies of the adopted Rochdale Core Strategy are relevant:-

SO1	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
SO2	**Creating successful and healthy communities**
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
DM1	General development requirements

SD1 Delivering sustainable development

Saved Unitary Development Plan (UDP) policies:

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 Hierarchy and Role of Centres
S/6 District centre, local centres and linear commercial areas.

Supplementary Planning Documents (SPD):
Shopfronts and Security Shutters (2017)
Guidelines & Standards for Hot Food Takeaway Uses (April 2015, updated February 2017)

RELEVANT SITE HISTORY

19/00744/FUL Change of use and sub-division of part of ground floor unit to A5 (hot food takeaway) use including alterations to front elevation to form two new shopfronts and installation of external flue on rear elevation

Reasons:

1 The proposed hot food takeaway use would fall within the 400m exclusion buffer around Brownhill Learning Community Darnhill Site as defined by the adopted '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017). As such it is considered that the proposal would be an obstacle to secondary school children eating healthily and the development is unacceptable in principle and contrary to Core Strategy policy C6 and the requirements of the National Planning Policy Framework.

2 The proposed flue, by reason of its siting in close proximity to residential properties, would likely result in noise and odour pollution that would be harmful to the living conditions of the future occupiers of the residential units above and adjacent to the application unit. The lack of a suitable concealed and enclosed refuse storage area would also likely give rise to odour pollution. Due to the proposed evening opening hours the hot food takeaway use would also lead to intensification in the comings and goings from the property, including in the evenings when neighbouring residents might expect a degree of peace and quiet. As such the application is contrary to the relevant parts of policies DM1 and G9 of the adopted Rochdale Core Strategy, guideline HF2 of the adopted '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017) and the requirements of the National Planning Policy Framework.

3 The size, height, appearance and prominent raised position of the flue on the highly visible rear elevation of the property would result in a conspicuous and incongruous feature that would have a harmful effect on the character and appearance of the area. The application therefore fails to comply with adopted Rochdale Core Strategy policies DM1 and P3, the Supplementary Planning Document 'Guidelines & Standards for Hot Food Takeaway Uses' (April 2015, updated February 2017) and the requirements of the National Planning Policy Framework.

18/00231/FUL	Change of use from a retail unit to a pay-as-you-go launderette (sui-generis). Granted STC November 2018
01/D39489	Change of use from café to solarium. Granted STC January 2002
00/D37320	Change of use from shop to café. Granted STC March 2000
91/D27421	Construction of car park to community centre; provision of new fascia boards, roller shutters and rear yard anti-vandal scaling barrier to shops and library. Granted STC November 1981

CONSULTATION RESPONSES

Highways And Engineering
No comments received to date

Env Health - Noise/Odours
Summary: No objection to proposal. Recommend conditions to control odour and noise.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted in the vicinity. No responses have been received.

ANALYSIS

Principle of Use

The application unit sits within the Argyle Parade defined local centre and as such saved UDP policy S/6 is relevant which permits changes of use provided that the use would be of a scale and character appropriate to the size, function and role of the centre and would be compatible with surrounding land uses and would not harm residential amenity. Core Strategy policy E1 states that the Council will ensure the provision of a hierarchy of accessible district and local centres and shops that meets people's daily shopping needs.

Rochdale Core Strategy policy C6, 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. In response to concerns over the impact hot food takeaways have on amenity standards and environmental quality the Council adopted the '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017) and this therefore forms a significant material consideration in the determination of the application.

As the site lies within a defined local centre, policy HF3 of the SPD is relevant which requires that not more than 20% of the total ground floor units are occupied by hot food takeaway uses. Argyle Parade is predominantly occupied by A1 retail uses in the form of convenience stores and also includes an A3 use, a pharmacy and housing association office. Only one existing hot food takeaway use operates at No. 1 Argyle Parade and so the 20% threshold would not be breached.

Further to the above, SPD Policy HF1 seeks to restrict new hot food takeaway uses within a 400m restriction buffer of secondary schools given that they can serve as an obstacle to secondary school children eating healthily. The specialist Brownhill Learning Community Darnhill site on Sutherland Road provides an education offer at Key Stages 3 and 4 (secondary) and is located 236m from the application unit.

However, section 4.5 of this document states that in order to avoid harm to the vitality of the borough's town, district and local centres, no restriction will apply to hot food takeaways within those defined centres, which this application falls into by virtue of its siting within Argyle Parade Local Centre as defined by saved UDP policy S/6.

On this basis, the proposed change of use would accord with the requirements of saved UDP policy S/6, Core Strategy policies C6 and E1, the NPPF and the Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document

<u>Impact on Residential Amenity</u>

Core Strategy policy DM1 contains the Council's general development requirements and requires all development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Policy G9 of the Core Strategy states that the Council will require that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. 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. In addition, the '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017) states that 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. The design of the fume extraction / ventilation equipment should ensure that odours, fumes or noise cause no significant disturbance to nearby properties.

Argyle Parade is a local centre with residential uses above the ground floor commercial units. Whilst the residential units above are presently vacant, the C3

residential use class remains and the flats could be re-inhabited for residential purposes at any time in the future.

A previous submission included a rear mounted flue with chimney, with this submission revised to include a wall mounted vent to the west facing side elevation, with the mechanical workings contained within the building itself. This would represent an improvement over the previous proposal to the extent where no substantive concerns are raised with regards to the impacts of noise, vibration or odour from the proposed flue, subject to conditions limiting the noise and odour impacts of the development.

Under the previous application 19/00744/FUL, it was considered that proposed opening hours of 16:30-22:00 Monday to Friday and 16:30-23:00 on Saturdays and 16:30-22:00 on Sundays and Bank Holidays would unacceptably contribute to an unacceptable level noise and disturbance to occupiers above the site, however it was acknowledged that an appropriate condition could be appended to the decision to restrict hours of opening to a more suitable range.

The application form revises the intended opening hours as 11:30-22:00 Monday-Friday and 11:30-21:00 on Saturdays, Sundays and Bank Holidays. Given that the noise sensitivity of dwellings is heightened during weekday evenings, it is considered necessary to restrict opening hours to 11:30-21:00 through the week.

Subject to the recommended conditions, it is not considered that the operation of the proposed takeaway would unduly compromise the living conditions of surrounding occupiers by way of increased noise, odour and disturbance. The proposal is therefore in accordance with the relevant parts of Core Strategy Polices DM1 and G9, the adopted '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017) and the requirements of the National Planning Policy Framework.

Impact on Visual Amenity

Policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design. Policy DM1 requires that all development proposals, including extensions and alterations, demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

The proposed bin store would constitute a conspicuous addition by virtue of its limited siting and obscured siting away from the most intensively used parts of the Local Centre. Its design unashamedly simple, allowing it to assimilate into the surroundings and would therefore have an acceptable impact of the visual amenity of the area.

The inclusion of a wall mounted vent to the side elevation of the application property would constitute a considerably more conspicuous solution over the previously

proposed externally mounted extraction flue to the rear of the property and is considered to overcome the previous reason for refusal. As such the proposal accords with the requirements of Core Strategy Policies DM1 and P3 and the NPPF.

Highways, Access and Parking

Policy T2 of the Core Strategy states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and 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 of the road network would be severe.

The proposed use of the unit as a launderette and hot food takeaway will not amount to a significant intensification, although the temporal spread of activity will increase. The site is well served by car parking provision and close to a main bus route. As it expected that users of the facility would predominately be from the immediately surrounding residential area, the level of traffic the development would generate is not expected to create a significant negative impact upon the existing local highway network. The proposal is therefore considered to meet the requirements of Policy T2 of the Core Strategy and the National Planning Policy Framework.

Bin storage, waste collection and litter

The SPD requires that refuse storage should be sited so as not to cause an odour nuisance to neighbouring residents or occupiers. Given the residential use directly above which is accessed from a walkway over and adjacent to the yard area, there is significant potential for odour pollution as a result.

The application includes the provision of a dedicated, covered bin storage which is considered to be acceptable and a condition is recommended to be appended to a decision notice requiring its provision prior to the takeaway first being brought into use.

RECOMMENDATION

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:-

- 1915 LP01 Rev. B Location Plan
- 1915 SP01 Rev. B Site Plan
- 1915 PL01 Rev. C Existing & Proposed Plans
- 1915 EL01 Existing Elevations

- 1915 EL02 Rev. C Proposed Elevations

and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3 The Hot Food Takeaway unit hereby approved (as shown on approved plan 1915 SP01 Rev. B - Site Plan) shall not be open to customers outside the following times: 11:30 hours to 21:00 hours on any day.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4 There shall be no deliveries to the Hot Food Takeaway unit hereby approved (as shown on approved plan 1915 SP01 Rev. B - Site Plan) outside of the hours of 08:00 to 17:00 Monday to Friday and 09:00 to 15:00 on Saturday, Sunday and Bank Holidays.

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 Noise from the extraction unit hereby approved shall not exceed 40 dB(A) when measured 1 metre from any residential dwelling at any time.

Reason: In the interests of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6 The materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7 The Hot Food Takeaway hereby approved shall not be brought into use until such time as the proposed bin storage as indicated on drawings 1915 PL01 Rev. C Existing & Proposed Plans has been provided and made available for use. The facility shall thereafter be retained for its intended purpose.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and in the interests of visual amenity in accordance policies DM1 and

P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8 The Hot Food Takeaway hereby approved shall not be brought into use until such time as the extraction equipment as indicated on drawings 1915 PL01 Rev. C and 1915 EL02 Rev. C has been provided and made available for use.

The extraction system shall be used whenever odours are produced and shall be retained and maintained thereafter for its intended use.

Reason: In the interests of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

Report Author Ryan Killeen