

APPLICATION NUMBER: 23/00878/FUL

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER     | DATE              |
|-----------------|------------------|-------------------|
| 23/00878/FUL    | Rosalind Gralton | 27 September 2023 |

**Address:** 539 Edenfield Road Rochdale OL11 5XH

**Proposal:** Retrospective permission for the erection of a retractable canopy structure with glazing to all elevations together with replacement decking and boundary treatments

|           |                            |   |                       |     |
|-----------|----------------------------|---|-----------------------|-----|
| 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 |
|-----|--------------------------------------------------|---|

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

|                |                               |
|----------------|-------------------------------|
| RECOMMENDATION | APPROVE SUBJECT TO CONDITIONS |
|----------------|-------------------------------|

CHECKED AND SIGNED OFF BY: LA DATE: 18/10/23

SITE

The site relates to 539 Edenfield Road, which is in use as a restaurant and located on the corner plot at the junction of Edenfield Road and Elmsfield Avenue. The building has a two storey end terrace building with large single storey rear extension with a pitched roof. Off street parking is available off Elmsfield Avenue, where the topography of the land slopes uphill, and parking is located above ground level of the restaurant below.

The existing single storey part of the building has stone elevations and a stone slate roof.

Works on site have been completed.

The site is located within the defined urban area and is not a listed building or adjacent to any heritage assets.

## **PROPOSAL**

The proposal seeks retrospective permission for the erection of a retractable canopy structure with glazing to all elevations together with replacement decking and boundary treatment, following the removal of existing boundary treatment.

The canopy would be located in the former outdoor dining area of the previous restaurant (Mezbaan), adjacent to the existing single storey extension on the property, and would measure 14.9m in length, 6.3m width, and 2.1m to the eaves and flat roof height. The frame of the canopy, door and windows are aluminium with a powder coated finish with a black finish. The roof of the canopy is to be acrylic fabric atop the aluminium frame. The dwarf wall is a composite timber finish.

It is noted an illuminated advert has been placed on the site, permission for this is not sought within this application as it requires separate advertisement consent.

## **RELEVANT PLANNING POLICY**

### **National Guidance**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### **Adopted Rochdale Core Strategy (CS):**

**SO3** - Improving design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

DM1 – General development requirements

### **Unitary Development Plan (UDP):**

**G/D/1 – Urban Defined Area**

## **RELEVANT SITE HISTORY**

14/00837/FUL – Single storey extension connecting delicatessen and public house to provide indoor seating – Grant subject to conditions

15/01039/FUL – Construction of decked area to front of Coffee Shop including removal of car parking spaces and installation of new footway (part retrospective) – Grant subject to conditions 05/11/2015

## **CONSULTATION RESPONSES**

### **Highways And Engineering**

The Council's Highways Engineers were consulted on the application. Their response is provided below:

*'The proposed canopy and area enclosed would not impact on the current parking provision for this restaurant. Although the enclosed area may increase parking demand in the surrounding area there are adequate existing parking restrictions around the junction of Elmsfield Avenue and Edenfield Road to ensure that parking does not interfere with its safe operation.'*

*The extended canopy and supporting infrastructure would remain within the sites curtilage and it would appear that it does not impact on the visibility on the adjoining road junction.*

*The increase in floor space will also increase servicing demand, however it would appear that the previous serving arrangement for the restaurant have operated without undue impact on the highway and remain unaffected by the proposed extension.*

*We would not expect any detrimental on highway capacity should the application be approved.*

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

### **Lead Local Flood Authority/Drainage**

The Council's Drainage Engineer was consulted on the application and their comments are provided below:

*'I looked at the information submitted. The area which will have a canopy is currently an artificial turf, so the new roof will not increase rainfall discharge to combined sewer. Therefore, I don't see a need for a drainage condition, because Building Control will look at the details of the roof drainage.'*

## **REPRESENTATIONS**

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

## **ANALYSIS**

### **Principle of Development**

The application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside. The principle of extending an existing building within the urban area is acceptable.

### **Character and appearance**

Policies DM1, P1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The proposed development would have an arched canopy, a maximum height of 3m, and an eaves height of 2.1m. The canopy would be retractable, and is glazed on all sides. A composite timber border along the eastern boundary facing Edenfield Road, would measure 1m in height with glazing above this height. To the south of the site, the arched roof becomes a flat roof.

The site of the development extends up to the boundary adjacent to the highway with no gap between the proposed canopy extension and the highway. However, given its setting, the topography of the land raising upwards further North West, and the single storey height of the canopy in the background of a two storey terrace, would not be considered an unacceptable, incongruous or intrusive addition to the streetscene. The materials of the extension are an aluminium frame canopy, doors and windows powder coated black, with acrylic fabric atop the aluminium frame for the roof. The dwarf wall is a composite timber finish. Overall, whilst the extension is a modern addition to a traditional stone and stone slate building, it is considered to be acceptable.

As such it is considered that the proposal would accord with the requirements of Policy DM1, P1 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

#### Residential Amenity

Paragraph 130 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Policy DM1 of the Core Strategy requires new developments to be compatible with their surroundings.

The site is located at the junction of Edenfield Road and Elmsfield Avenue. The proposed canopy would not be visible from 541 Edenfield Road, which is the closest residential property to the north. No. 32 Elmsfield Avenue is immediately to the rear, but given that the canopy is located to the front of the building, any impact on this neighbour will be negligible. The closest residential properties to the south are located 40m.

The proposed canopy and additional dining space would replace the existing outdoor area of the restaurant and not increase parking spaces, nor employee numbers as detailed on the application form. While the introduction of outdoor dining space may be considered an intensification of the existing use, given the above factors, it is not considered the proposal would not result in an unacceptable noise, odour or amenity impact on the adjacent properties. No objections have been received from any residents.

As such it is considered that the proposal would accord with the requirements of Policy DM1 of the adopted Core Strategy and the National Planning Policy Framework.

#### 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.

As part of the application process the Council's Highways Department has been consulted and they raised no objections. The increase in intensification of the use would not have a detrimental impact on existing servicing arrangements.

As such it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

### **RECOMMENDATION**

#### **GRANT subject to conditions**

1. This permission as constructed and as approved relates to the following plans only:

Location Plan  
Proposed Block/Site Plan – Drg No 33005  
Proposed Elevations – Drg No 33003

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

#### **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:**

The applicant is advised that retrospective advertisement application is required for approval under the Advertisement Regulations (2007).

Report Author Rosalind Gralton