

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01218/FUL

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 30.01.2024 EXT OF TIME

Address: 1 Market Place Middleton M24 6UQ

Proposal: Change of use from public house (sui generis) to a cafe (class E) with the provision of a bin storage area to the rear and formation of a new exit door to the rear

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

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

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: LA

DATE: 13.06.24

SITE

The site is located at 1 Market Place Middleton, this is a two storey building located in a row of terraced shops. North of the site is two shops, south of the site is pub. Above the café is residential flat and to the rear of a site is a carpark.

The last use of the building was a commercial shop. This was not a lawful use as no planning permission had been granted. The last lawful use of the premises was a public house.

This site is within Middleton Conservation Area and its town centre.

PROPOSAL

The application proposes the change of use from public house (sui generis) to a cafe (class E) with the provision of a bin storage area to the rear and formation of a new exit door to the rear.

Bins are proposed to be stored at the rear of the development and an existing window is to be replaced by a door.

RELEVANT PLANNING POLICY

National Guidance

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

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

9. Places for People

JP-P1 Sustainable Places

JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
E1M	Establishing Middleton as a thriving town centre
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
SO4	Promoting a greener environment

G6	Enhancing green infrastructure
G8	Managing water resources and flood risk
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

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Middleton Town Centre Masterplan 2022

RELEVANT SITE HISTORY

17/00482/FUL - Change of use of ground floor shop to Launderette (Sui Generis) – withdrawn

CONSULTATION RESPONSES

Conservation Officer

The following comments were received:

‘The works to the shopfront are likely lawful by passage of time, and this proposal is just for a change of use, then there are no heritage objections, as it would likely have a neutral impact on the significance of the nearby heritage assets and the Conservation Area. ‘

Highways

No objections

Environmental Health

No comments

REPRESENTATIONS

Letters of representation have been sent out to surrounding occupiers and a site notice displayed in the vicinity.

ANALYSIS

Principle Of Development

The application seeks to change the use of the first floor from a part of a public house to a café, the main part of the public house is remaining. The current use of the building is a shop however this is an unauthorised use without having received planning permission.

The proposed development is within Middleton Conservation Area and its town centre. A café use within a town centre is acceptable in principle having regard to policies E1 and EM1 of Rochdale Core Strategy which seek to, ‘promote the viability and vitality of the borough’.

Character, Appearance and Heritage

Local and national design policies require development to demonstrate high quality design. The site is located within Middleton Conservation Area and as such Policy P2 in the adopted Rochdale Core Strategy is relevant which seeks to enhance and protect the character of the borough and promote heritage assets. Policy P-P2 sets out the aim is to sustain and enhance our historic environment.

The Council's Conservation Officer has been consulted and raised no objections as the proposal is likely to have a neutral impact on the significance of the nearby heritage assets and the Conservation Area.

The external alterations consist of replacing a rear window with a new door which the Conservation Officer has stated shall be timber, and details of this can be secured via condition. This will not be visible from the highway and will not have a negative impact on the character or appearance of the area.

The proposed development does not propose any flues within the application, only an extractor fan. This is not considered to have a negative impact on surrounding occupiers. Planning permission is required for the installation of any future flues.

There are no alterations proposed on the front elevation, the works at the entrance of the property that consist of the step into the proposed café and the glass entrance is lawful as it has been in situ for over four years.

The proposal would compromise a good standard of design and accord with the requirements of Policies DM1 and P2 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Impact on neighbours

Paragraph 135 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. Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers.

As the surrounding area is a mix of commercial shops, a residential use above the site and is in a town centre location the change of use is not considered to have a negative impact on surrounding occupiers in terms of noise. However as noted previously the floor above is residential and the hours of opening can be conditioned to ensure the occupiers are not negatively impacted by noise.

Subject to conditions the proposal would not have a negative impact on surrounding occupiers and accord with the requirements of Policies DM1 and P2 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

Highways

Policy T2 of the adopted Core Strategy seeks to prioritise the safety and accessibility of those who live or have business in the area. Policy DM1 also stated development should provide satisfactory vehicle access with adequate parking.

The proposed development involves replacing a window with a door on the rear elevation and storing bins at the rear of the development. This is within the red edge and at the edge of the car park.

The Council's Highway Officer has been consulted and raised no objections as the application site is in a town centre, the proposal is changing from one commercial use to another, and will not have a detrimental impact on the highway.

The proposal accords with the requirements of Policies T2 and DM1 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT 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:

Location Plan

Existing and Proposed Plans and Elevations 84/23-01 Rev B

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. Notwithstanding any description in the application, the proposed new door to the rear elevation shall be timber and prior to its installation full product specifications for the new timber door at a scale of not less than 1:50, shall be submitted to and approved in writing by the Local Planning Authority. The door shall be installed in accordance with the approved details thereafter.

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

4. The bins should be stored as shown on, 'Existing and Proposed Plans and Elevations 84/23-01 Rev B'.

Reason: To ensure the provision of satisfactory and secure facilities for storage of refuse and in the interests of visual amenity in accordance with policy P3 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

5. The development hereby approved shall not be operated outside the hours of 08:00-22:00 Monday to Sunday.

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.

Informatives

1. No external alterations are proposed as part of this application and if any external alterations are to take place they would need separate planning permission.
2. The current sign is unauthorised and separate advertisement consent is required for any new signage on the building.
3. Planning permission would be required for any flues or vents associated with the café.

Report Author Aimee Bovaird