

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00356/FUL

CASE OFFICER

Bob Melling

DETERMINATION DATE 24.07.2025 EXT OF TIME N/A

Address: 289A Oldham Road, Middleton, M24 2DW

Proposal: Change of use from one hot food takeaway to mixed use of a hot food takeaway at ground floor (Sui Generis), a retail unit (E) and self-contained flat (C3) at first floor and a self-contained flat (C3) at second floor including a rear dormer, roof lights, the repositioning of the extraction flue and the installation of external staircase to provide access to proposed retail unit and flats.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	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?	NA
	Neighbour comments received?	Y

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

REFUSE

CHECKED AND SIGNED OFF BY: LA DATE: 24/07/25

SITE

The application relates to no. 289A Oldham Road, a two storey, semi-detached property comprising a hot food takeaway (Sui Generis) at ground floor level with ancillary storage space at first floor level. The main part of the takeaway is adjoined by a vacant shop to the west (no. 289) with terraced, residential properties to the rear fronting Norman Street and on the opposite side of Oldham Road. To the east of the main building is an area of hardstanding including a large, prefabricated garage. This area is bounded by a 2m high brick wall including 2m high vehicular access gates. The site is located within the Defined Urban Area, approximately 688m to the east of the Middleton Town Centre boundary.

PROPOSAL

Permission is sought for the change of use of the first and second floor of the existing building to form 2no. self-contained flats (Class C3) and a commercial unit (Class E). The proposals include the erection of an L-shaped dormer and an external staircase to provide access to the proposed units. The existing extraction flue would also be re-sited.

RELEVANT PLANNING POLICY

National Guidance

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

Places for Everyone Joint Development Plan (PfE)

JP-S1	Sustainable Development
JP-P1	Sustainable Places
JP-H3	Type, Size and Design of New Housing

Adopted Rochdale Core Strategy (CS):

DM1	General development requirements
P3	Improving design of new development
E1	Establishing thriving town, district and local centres
C1	Delivering the right amount of housing in the right place
C3	Delivering the right type of housing
G9	Reducing the impact of pollution
T2	Improving accessibility
Appendix 5	Schedule of parking standards

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (SPD) (2016)
Guidelines and Standards for Hot Food Takeaway Uses (HFTA SPD) (2015, updated 2017)

RELEVANT SITE HISTORY

- 99/D36467 Single Storey Side Extension To Existing Hot Food Take-Away. Granted
STC July 1999
- 96/D33071 Change Of Use From Shop To Hot Food Takeaway. Granted STC July 1996
- 90/D24911 Two Storey Rear Extension To Premises. Granted STC May 1990
- 86/D19533 Formation Of Car Park. Granted STC October 1986

CONSULTATION RESPONSES

Highways And Engineering

(Summary) No objections.

Env Health - Noise/Odours

No comments received at time of writing.

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. 1 response was received. Concerns raised are stated below:

- - Impact of roof lights.
- Potential for shop to attract troublesome groups of children.
- Potential parking issues.

ANALYSIS

Principle of Development

Residential (Class C3)

The application is located within the 'Defined Urban Area'. As such saved UDP policy G/D/1 is relevant to any development at the site and this establishes that development should be concentrated in the urban area.

CS policy C1 promotes the potential of previously developed sites, including empty homes and buildings within the urban area, to achieve a target of 80% of new housing on previously developed land; and to ensure that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport.

CS policy C3 is also relevant, and its aims are to:

- Ensure new development provides housing types that take account of local needs and aspirations; and
- Promote densities that make efficient use of land whilst delivering a range of housing to widen choice in the borough and reflect local character.

The application proposes the change of use of the first and second floors to create two self-contained flats in a sustainable location within a predominantly residential area which

includes a number of mixed-use properties in close vicinity. The principle of residential development in this location is acceptable in housing policy terms and the two additional dwellings would contribute positively to the Council's housing land supply.

Barbershop/Office Space (Class E)

The application relates to a two storey, semi-detached property located on Oldham Road in Middleton. The site is situated approximately 0.5 miles to the southeast of the Middleton Town Centre boundary. Surrounding development is predominantly residential, however there are also a number of commercial units including a convenience store, two takeaways, two pubs, two barbershops, a cafe and two vacant units. The site is located on a public transport corridor with connections to Middleton Town Centre. However, it would not qualify as an edge of centre site as it is not within 300m of the town centre boundary.

The application would result in the change of use of the upper floors of a hot food takeaway (currently used as ancillary storage space) to form a commercial unit and two self-contained flats. The applicant has stated that the commercial unit would likely come forward as an office or barbershop however no occupier has been identified.

When read collectively, paragraph 90 of the NPPF, PfE policy JP-P2, and CS policy E1 aim to focus commercial, retail, cultural, and office development within town centres, in order maintain them as thriving and sustainable locations. As such, policy E1 requires such development to be concentrated within, or close to, allocated town centres under policy G/S/1.

Paragraph 92 of the NPPF states that 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 edge of centre sites are fully explored.

While the site falls outside the allocated town centre, it falls within a well-established mixed-use area that is easily accessible via sustainable methods of travel. Use Class E covers a broad spectrum of uses, some of which contribute more than others to the vitality and viability of town centres. This includes retail and food and beverage establishments. It is considered that such uses, if permitted would give rise to harm to the vitality and viability of the town centre, and therefore, a suitably worded condition could be included to restrict the uses within Use Class E under which the site can operate to those uses which are less prevalent within Middleton Town Centre and more prevalent within the surrounding area. Therefore, even in the absence of an adequate sequential assessment, the proposals are considered to comply with the requirements of the adopted Core Strategy, PfE and the NPPF regarding town centre uses.

Visual Amenity

CS policies P3 and DM1 require 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. Paragraph 135 of the NPPF explains that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout

and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 139 of the NPPF states that development that is not well designed should be refused.

Section 5.16 of the SPD notes ‘dormer extensions can be visually prominent, particularly where they can be seen from the public highway, and therefore it is important they are carefully designed and sited ... Rear dormers should be modest in size and not occupy a disproportionately large portion of the roof.’ Section 5.17 expands on this with the following principles:

- (i) They should not exceed the height of the ridge and where possible, should be sited below the ridge line of dwelling;*
- (ii) They should be set back from the eaves line;*
- (iii) They should be set in from the party/side walls of the house;*
- (iv) Dormers with flat roofs should be avoided, unless they are considered to better respect the design of the host building and character of the area;*
- (v) Dormers which wrap around the side of a hipped roof are not acceptable;*
- (vi) Dormer windows should normally line up vertically with existing windows and/or be smaller than existing openings and the window design should match the existing window style;*
- (vii) The materials used in the construction of dormers should match those of the existing roof; and*
- (viii) Dormer extensions should protect the amenity of neighbouring occupants and should achieve the minimum space standards set out in Section 4. Side facing windows should be obscurely glazed.*

The proposals would result in a substantial, L-shaped dormer with a flat roof. The dormer would occupy the majority of the rear roof slope, including the rear outrigger, and it would exceed the height of the ridge of the outrigger. It should also be noted that the dormer would be visible to the rear on Temple Street, where it would be clearly visible above the ridge of the outrigger. The side of the dormer would also be visible to those traveling west along Oldham Road towards Middleton Town Centre. Therefore, it is considered that the dormer would be a poorly designed and disproportionate addition to the property that would detract from the character of the surrounding area.

The proposals would result in the demolition of a small section of the front boundary wall and part of the existing detached garage to allow for access to the commercial unit and flats on the first and second floors via an external staircase and a new doorway on the side elevation at first floor level. Providing the boundary wall and garage are made good, it is not considered that these alterations would result in undue harm to the character and appearance of the area.

Furthermore, the re-siting of the existing extraction flue from the rear to the side elevation is not considered to result in undue harm regarding visual amenity given the level of setback from the highway.

Details of bin storage have not been provided; however, such details could be secured via condition.

Overall, it is considered that the proposed rear dormer would be a disproportionate and incongruous addition to the host property that would result in undue harm to the character and visual appearance of the existing building and the surrounding area, contrary to CS policies DM1 and P3, PfE policy JP-P1, the SPD and the NPPF.

Neighbour Amenity

Privacy and Overbearing Impact

Policies in the Core Strategy, PfE and the NPPF seek to ensure that planning decisions should result in places with a high standard of amenity for existing and future users. Although it is expected that most new developments will have some impact on neighbours, it is important to ensure that the impact is not so significant that it results in unacceptable harm. All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings.

The proposals would result in an intensification of the application site, with the ancillary first floor storage space being brought into residential and commercial use while the second floor would be extended to form further self-contained living accommodation.

Section 4.1 of the SPD outlines a series of minimum space standards that all new developments are expected to comply with. The standards are as follows:

- (i) 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage;*
- (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room;*
- (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room.*

The proposed first and second floor rear-facing windows would fall well below the above minimum space standards. The proposed kitchen window for flat 1 would measure approximately 8.2m to the rear elevation and 4.6m to the rear boundary of no. 28 Norman Street. The window serving the living area in flat 2 would measure approximately 10.8m to the rear elevations and 7.2m to the rear boundaries of nos. 28 and 30 Norman Street. While it is acknowledged that the first floor windows are existing, it is also important to note that the windows will be serving the principal windows to two studio flats as opposed to ancillary storage space. Therefore, the change and intensification of the use would result in an unacceptable reduction in the levels of privacy currently enjoyed by the properties to the rear on Norman Street, particularly nos. 28 and 30.

The harm outlined above would be exacerbated by the substantial rear dormer, which would measure a short distance to the rear elevations and gardens of nos. 28 and 30 Norman Street, thus resulting in an overbearing impact on the neighbouring occupiers.

The proposals would therefore fail to adhere to CS policy DM1, PfE policy JP-P1, the SPD and the NPPF.

Noise Disturbance

Paragraph 198(a) of the NPPF advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Similarly, CS policy G9 explains that new development should not lead to an unacceptable increase in noise pollution.

With regards to the character of the surrounding area, it is important recognise that the properties front a heavily trafficked highway in an area characterised by both residential and commercial units. Although the proposed commercial and residential units would result in an intensification of the existing use with more frequent comings and goings likely, it is not considered that the differing patterns of behaviour would be out of character with the location. Therefore, it is not considered that there would be an unacceptable impact on neighbouring occupiers with regards to noise disturbance.

Occupier Amenity

Internal Space Standards

PfE policy JP-P1 requires new developments to provide comfortable and inviting living environments that offer a high level of amenity.

PfE policy JP-H3 requires all new dwellings to comply with the Nationally Described Space Standards (NDSS). The NDSS is a technical standards document produced by the Government to ensure internal space within new dwellings is suitable.

According to the NDSS, the minimum gross internal floor area (GIA) for a 1 bedroom, 1 storey dwelling with 1 bedspace is 39m². Flat 1 would have a GIA of 28.8m² while flat 2 would have a GIA of 33.65m². Furthermore, the NDSS requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. Flat 2 would have a maximum floor to ceiling height of 2.15m, which is below the 2.3m standard.

On this basis, it is not considered that the design of the flats would provide an adequate level of amenity for future occupiers, contrary to PfE policies JP-P1 and JP-H3.

Noise and Odour

Due to their proximity, the occupiers of the proposed flats may be impacted by noise and cooking odours from the ventilation system of the ground floor takeaway. The HFTA SPD identifies the need to protect the amenity of adjacent residents. Guideline HF2 specifically requires that ventilation equipment needs to be adequately acoustically attenuated, and should ensure no significant nuisance occurring from odours, fumes, and noise. The SPD also identifies specific parameters and standards for acoustic attenuation.

The applicant has submitted noise and odour impact assessments. The noise assessment indicates that with the use of minimum double glazed 32 dB Rw+Ctr rated glazing (10/12/6mm) and 32 dB Dne,w+Ctr trickle ventilation (Trimvent Select Xtra S13), day and night time environmental noise would be reduced to acceptable levels within all internal habitable rooms.

The existing ventilation flue would be re-sited from the rear to the side elevation in order to mitigate the potential impact on the proposed residential units. The odour assessment indicates the overall effects because of emissions from the takeaway are predicted to be slight.

On this basis, and in the absence of comments from the Council's Environmental Health department, it is considered that the impact of noise and odour could be reasonably managed.

In the event of an approval, a condition would be imposed that would prevent the residential use commencing until acceptable noise and odour controls had been approved and implemented.

Highways

Paragraph 116 of the NPPF sets out 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.

The application site is located on Oldham Road in Middleton. This is a sustainable location with access to local amenities and public transport options within a short walking distance.

No concerns have been raised by the Highways Officer, who does not expect the proposal to generate any problematic volume of traffic in the peak period. Furthermore, it is considered that the servicing arrangements would likely remain unchanged.

As such, it is considered the proposal is in accordance with CS policies T2 and DM1, and the NPPF.

RECOMMENDATION: REFUSE for the following reasons -

1. By reason of its design, size, siting and massing, the proposed dormer would constitute an incongruous, disproportionate and poorly designed addition that would be detrimental to the character and appearance of the host property and surrounding area. The proposed development therefore fails to comply with policies DM1 and P3 of the adopted Rochdale Core Strategy, policy JP-P1 of the Places for Everyone Joint DPD, the Guidelines and Standards for Residential Development' Supplementary Planning Document and the National Planning Policy Framework.
2. By virtue of the intensification of the existing use and failure to comply with the minimum separation distances outlined in paragraph 4.1 of the SPD, the proposed first and second floor windows serving the proposed residential units would result in a harmful loss of privacy for the occupiers of nos. 28 and 30 Norman Street. The proposed dormer would also have an overbearing impact on the aforementioned properties. The proposal does not therefore accord with policy DM1 of the adopted Rochdale Core Strategy, policy JP-P1 of the Places for Everyone Joint DPD, the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document and the National Planning Policy Framework.
3. The proposal fails to demonstrate adequate levels of internal amenity for future occupants due to its non-compliance with the Nationally Described Space Standards

in terms of its gross internal floor area and floor-to-ceiling heights. The proposal therefore does not comply with, policies JP-H3 and JP-P1 of the Places for Everyone Joint DPD, policy DM1 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document 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, the decision notice relates to the following plans and supporting reports:

- Noise Impact Assessment dated 15/05/2025 prepared by Noise Assessments Ltd
- Odour Impact Assessment dated 15/05/2025 prepared by Noise Assessments Ltd
- Dwg no. 289A - OR – 102. Issue A
- Dwg no. 289A - OR – 103. Issue A
- Dwg no. 289A - OR – 104. Issue A
- Dwg no. 289A - OR – 105. Issue A
- Dwg no. 289A - OR – 106. Issue A
- Dwg no. 289A - OR – 107. Issue A
- Dwg no. 289A - OR – 108. Issue A
- Dwg no. 289A - OR – 109. Issue A

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