

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/00690/FUL

CASE OFFICER

Majid Mir

DETERMINATION DATE 14.12.2023 EXT OF TIME

Address: Former High Sheriff PH, 71 Halifax Road Rochdale, OL12 9BA

Proposal: Change of use of ground floor to hot food takeaway (Sui Generis) and retail unit (Use Class E), including single storey rear extension, alterations to fenestration on front and rear elevations including installation of shop front to hot food takeaway unit and new extraction flue on side elevation (part retrospective)

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/A

RECOMMENDATION

GRANT SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 18 September 2024

SITE

The proposed site relates to the High Sheriff Public House building located on Halifax Road in Rochdale. The ground floor is currently vacant. The application building is identified as a non-designated heritage asset. The building is a two storey end of terrace property which is set slightly further back than the adjoining building. The building appears like a detached from the rear owing to the building being partially attached to the adjoining building from the front. Additionally, the rear of the application building is set further back than the adjoining building. On the opposite side, there is a small gap between the application building and the neighbouring store which is a more modern development. The application building is distinct in its design with finer architectural detailing. The application building has been constructed out of red brick with stone mullion, quoins, opening detailing and detailing along the eaves and corners of the building.

The application has previously granted planning permission for the conversion and change of use from a public house to two retail units on the ground floor and three self-contained residential flats on the first and second floor (19/01064/FUL) and to change of use of ground floor from public house to retail unit and restaurant including installation of new door to front elevation and flue on side (21/01770/FUL).

Alteration for the flats have been undertaken and now appear to be in use. New glazed door opening has also been installed to the ground floor front elevation. The ground floor appears to be still vacant.

PROPOSAL

This application seeks permission to change the use of the public house (Sui Generis) to a takeaway (Sui Generis) and retail unit (Use Class E) at ground floor level. A large proportion of the ground floor would be used for the retail unit. The retail unit would be the same as was granted planning permission under planning application 19/01064/FUL.

The application proposes the following opening times for the proposed takeaway:

Monday to Friday:	Start Time: 16:00; End Time: 23:00.
Saturday:	Start Time: 16:00; End Time: 23:00.
Sunday and Bank Holidays:	Start Time: 16:00; End Time: 23:00.

The proposal would also see a flue added to the side elevation. A new glazed door and windows would also be installed (already installed).

Additionally, the application proposes to construct a single storey rear extension, block up a window on ground floor rear elevation and install a new window on the ground floor rear elevation.

Amendments

The application originally proposed change of uses at ground floor to a takeaway and HMO use. This has subsequently been revised during the course of the application.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1	Sustainable Development
JP-J1	Supporting Long-Term Economic Growth
JP-P1	Sustainable Places
JP-P2	Heritage

Adopted Rochdale Core Strategy (CS):

DM1	General Development Requirements
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
E1	Establishing thriving town, district and local centres
G9	Reducing the impact of pollution
T2	Improving Accessibility
C8	Improving community, sport, leisure and cultural facilities

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
S/6	District Centres Local Centres and Linear Commercial Areas

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document (updated 2017).

RELEVANT SITE HISTORY

88/D21534 - Four Shop Units – Approved

05/D44786 - Single Storey Rear Extension To Public House - Approved

13/01036/ADV - Two externally illuminated fascia signs, one externally illuminated double-sided projecting sign and one internal vinyl sign above main entrance door – Approved.

17/01413/FUL - Replacement of a window with a doorway to front elevation - Approved

19/00610/FUL - Change of use and conversion of public house to two retail units at ground floor and four self-contained flats at first and second floors including installation of new external staircase on rear elevation to first floor level to provide separate access to the flats – Withdrawn.

19/01064/FUL - Change of use and conversion of Public House to two retail units (Class A1) at ground floor and three self-contained flats at first and second floors including installation of new external staircase on rear elevation to provide separate

access to the flats and insertion of door and rooflights - Resubmission of 19/00610/FUL (part retrospective) – Grant subject to conditions.

21/01770/FUL - Change of use of ground floor from public house to retail unit and restaurant including installation of new door to front elevation and flue on side elevation.

CONSULTATION RESPONSES

Strategic Housing - HMO – response no longer relevant as relates to use no longer sought.

Highways And Engineering

No objection.

Env Health - Noise/Odours This section has no objection in principle to the proposals, we would recommend the following conditions.

The units are constructed in line with the detail of the submitted acoustic assessment.

Upon completion and prior to occupation validation testing is carried out to ensure the following internal noise levels are being achieved:

- ' 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- ' 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- ' 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- ' 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Conservation And Design

Concerns regarding the accuracy of the plans and the rear extension.

There are no heritage objections to the principle of conversion. Condition details of windows and doors to be provided.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, and a site notice was placed in the vicinity of the site, no responses have been received.

ANALYSIS

Principle of development

There have multiple applications for work on the site. Through a previous permission, the first floor has been converted to flats. The flats are now in use. However, work has not fully been undertaken to convert the ground floor into two retail units. Glazing for the smaller unit (proposed takeaway) has been installed. However no other work appears to have been undertaken and uses that have been granted have not been implemented.

In regards to the proposed retail unit, as noted above, a planning application for the conversion of the ground floor in to two retail units and flats on the upper floors was granted planning permission under planning application 19/01064/FUL. It is however noted that the planning permission remains extant. As such the principle of changing the use of the ground floor to a retail unit has been accepted.

In regards to the proposed takeaway. The building is located within the Halifax Road local centre. Policy E1 C6 of the Council Core Strategy are relevant. In response to concerns over the impact hot food takeaways have on amenity standards and environmental quality the Council adopted a Supplementary Planning Document, 'Guidelines & Standards for Hot Food Takeaway' and this therefore forms a significant material consideration in the determination of the application.

A review of the existing uses in the local centre was undertaken to assess the proposals against Policy HF3 of the SPD.

No.	Address	Current Occupier	Use Class
1	61- 63 Halifax Road (two units combined)	Unoccupied	Sui Generis
2	65 Halifax Road	Upper Kutz	E
3	67 Halifax Road	Hamer Chop Suey Bar	Sui Generis
4	69 Halifax Road	Unoccupied	-
5	71 Halifax Road	Unoccupied	-
6	73-75 Halifax Road (two units combined)	Hamer DIY	E
7	83 Halifax Road	Ali Baba	Sui Generis
8	85 Halifax Road	Unoccupied	E
9	78 Athol Street	Residential	C3
10	80 Athol Street	Residential	C3
11	93 Halifax Road (two units combined)	Best One	E
12	95 Halifax Road	Cozy Cars	Sui Generis
13	97 Halifax Road	Residential	C3
14	99 Halifax Road	Hamer Pet Store	E
15	101 Halifax Road	Flames	Sui Generis
16	103 Halifax Road	Buttys 2 Go	E
17	105 Halifax Road	AMK Barber	E
18	107-109 Halifax Road (two units combined)	HMO	Sui Generis
19	111B Halifax Road	SK Fashion	E
20	111A Halifax Road	Residential	C3
21	113 Halifax Road	Hamer News Agency	E
22	115 Halifax Road	Fatima Fabric	E
23	117 Halifax Road	AK Superstore	E
24	127-129 Halifax Road (two units combined)	Post Office	E

	combined)		
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In regards to Buttys2Go, there is no planning information available for this premises. Prior to the premises opening up as Buttys2Go, the premises was a sandwich shop. Sandwich shops are considered retail units and identified within Use Class E. Furthermore, Butty2Go opening times are during the day and does not open up during the evening and later hours of the days as expected from a hot food takeaway. As such it is considered appropriate to identify Buttys2Go as a retail unit rather than a hot food takeaway. Furthermore it is noted that AKK Superstore and Fatima Fabrics appears to be amalgamated internally but externally has the visual appearance of two separate units. This is considered to represent one unit.

The current concentration of hot food takeaway uses within this defined Local Centre is 15.8%. Were this application to be approved, and an additional hot food takeaway unit permitted, the concentration of such uses within the Local Centre would stand at 21%, and would therefore marginally conflict with the requirements of policy HF3.

It is noted that there are a number of units that have been amalgamated in to single units which has the effect of amplifying the proportion of hot food takeaways given these are now across a smaller number of units.

Nevertheless, it is noted that policy HF3 was introduced to protect the primary retail function of local centres, and to prevent the proliferation of 'dead frontages' during the daytime when hot food takeaways are closed. Currently the site is vacant and has been so for numerous years (approximately since 2016). Additionally it is noted that there are a number of other units that are vacant within the Local Centre. As such, there is a concern in regards to vitality of the Local Centre and the lack of activity within the frontage during the day and evening. Whilst an additional hot food takeaway would lead to an exceedance of HF3, it would contribute to the local economy and provision of jobs, introduce more activity within the streetscene and represents a small frontage within the local centre. As such it is not considered that this minor exceedance would result in a negative impact on the vitality and viability of the local centre.

Policy E1 of the Core Strategy is intended to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres, in this instance, it is considered that the viable use of the site as a hot food takeaway would help support the the local centre. Whilst the retail use would be preferable, noting that the premises has been vacant for numerous years and there are numerous other vacant units with the Local Centre, the conversion to a hot food takeaway would be a viable alternative.

In light of the above, on balance, with a greater emphasis on returning the unit to an active use to improve the viability and vitality of the Local Centre, along with creating additional jobs in the area, the addition of a hot food takeaway on this occasion is considered to be acceptable in principle. Consideration is still however required into other material matters discussed below.

Design and heritage

It is noted that the application building has been vacant for a number of years and is in a state of disrepair. It is considered that the change of use would have a neutral impact on the significance of the non-designated heritage asset

The application includes details of new shop front to the proposed takeaway. It is however noted that planning permission was granted for a new opening under a previous permission. The window openings proposed previously were more in

keeping with the host property, however, the proposed windows drop down further. On balance, the slight amendments to the previous approved opening is acceptable.

The proposed flue would be a substantial structure, which would be at odds with the architectural design of the host building. The proposed flue would be located towards the rear of the applicant property. Additionally, the proposed flue would be sited in a narrow strip of land between the application building and the neighbouring building. The proposed flue would be painted a dark grey colour, which would help to limit the visual amenity impact. When viewed from the front, the flue would not be visible and from the rear it would not appear overly prominent, owing to its siting in-between two buildings and the dark grey paint. Additionally, it would not appear out of character amongst other commercial paraphernalia to the backs of neighbouring properties. Again, the use of the dark grey would help to reduce the prominence of the flue. The proposed flue would result in some harm to significance of the asset, however, this harm would be minimised by its position along the side elevation. This harm needs to be balanced against the benefits of bringing the building back into use. It is considered appropriate to include a condition requiring the proposed flue to be painted dark grey and to be retained as such thereafter.

The proposed rear extension would have a hipped roof design and would be in keeping with the other extension that has been constructed. The proposed extension plus the proposed alterations are considered to be acceptable.

In light of the above it is considered that subject to conditions, the proposed development would accord with policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Impact upon neighbouring uses

Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

As noted above, there are commercial businesses based on the ground floor of the neighbouring properties. With the commercial nature of the immediately surrounding area, occupants of the residential properties above the site and surrounding the site would be accustomed to the comings and goings of customers to the units within the local centre. However, the application proposes to change the use to a hot food takeaway and erect a flue on the side elevation, The commercial kitchen along with the extraction equipment have the potential to result in additional impacts for surrounding occupiers in respect of potential noise and odour disturbance.

The application is supported by an Acoustic Survey and Assessment and an Odour Control Report. The report concluded that there would have a high-risk rating with regard to odour effects. An odour abatement system consisting of fine filtration or an ESP followed by carbon filtration (with a 0.4-0.8 second residence time) or a UV ozone system is recommended and that there will not be a significant risk of odour impacts provided that the extract system is installed as specified.

The report provides details in regards to the noise levels of the extraction fan, confirming silencers would be fitted after the extraction fan. According to the report this would result in levels of 40dB(A) at the window, and therefore an internal level of 27dB(A), minus a directional attenuation of approx. 6dB. The Council's Environmental Health Officer was consulted and raised no objection subject to the

addition of a number of conditions. The officer recommended the addition of conditions requiring the addition of the silencers as per the acoustic report, evidence that the silencers have been installed and a verification report. It is considered an acceptable condition to protect the amenity of neighbouring residents.

The proposed opening hours for the proposed takeaway would be 16:00 to 23:00 on all days. The hours of operation proposed are acceptable in this location within a mixed used area. As noted above, there are concerns about the viability and vitality of the Local Centre. Additionally, the premises have planning permission for multiple uses. It is therefore considered appropriate to provide a greater level of flexibility for the uses within the Local Centre without unduly impacting on the amenity of neighbouring occupiers.

Therefore, subject to the suggested conditions, it is considered that the amenity impacts of the development are acceptable and the application accords Core Strategy policies DM1 and G9 and the National Planning Policy Framework.

Impact on Accessibility & Highway Safety

With any application for new development it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through'. Whilst Paragraph 115 of the NPPF 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'.

The highways department have raised no objection to the proposal, noting that in regards to the proposed hot food takeaway, there is adequate short stay parking on Halifax Road which is used for access to a number of retail and takeaway businesses and as such there are no highway concern regarding parking for this proposed use. Furthermore, it is noted that there would be very little change in the servicing arrangements between the existing and proposed uses and there is allocated parking for the proposed uses within a local centre.

Given the above, the application is as such acceptable and would accord with policies T1 and DM1 of the Core Strategy and the NPPF.

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:

- Location Plan
- Existing Site Plan
- Proposed Site Plan. Received by email on 11/10/2024
- Existing. Drawing no: A101.B. Dated: 15/11/21. Received by email on 26/06/2024
- Proposed. Drawing no: A102.C. Dated: 10/08/24. Received by email on 30/09/2024

and the development shall be carried out in 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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. The materials used in the construction of the exterior of the hereby permitted rear extension and window on the existing rear elevation 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 P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

4. Prior to the installation of the external door to the front elevation of hereby approved retail unit, full details, including samples if so required, of the door shall be submitted to the Local Planning Authority for approval. Such details shall indicate, materials and details of door head and surround. The works shall thereafter be completed in accordance with the approved details and retained as such thereafter.

Reason: To protect the architectural and historic interest of the non-designated heritage asset, in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

5. Prior to the first use of the hereby approved takeaway, full details, including samples if so required, of the door shall be submitted to the Local Planning Authority for approval. Such details shall indicate, materials and details of door head and surround. The works shall thereafter be completed in accordance with the approved details and retained as such thereafter.

Reason: To protect the architectural and historic interest of the non-designated heritage asset, in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

6. The extraction system hereby approved shall be fitted in accordance with the mitigation measures identified within the submitted 'Acoustic Survey and Assessment for Proposed Residential Development at, 71 Halifax Road, Rochdale, OL12 9BA' (produced by Martin Environmental Solutions Ltd and dated July 2022). The mitigation measures, including silencers shall thereafter be retained and maintained in full working order. A verification report shall be submitted to and approved by the Local Authority showing that the measures have been installed and the noise levels detailed in the submitted 'Acoustic Survey and Assessment for Proposed Residential Development at, 71 Halifax Road, Rochdale, OL12 9BA' have been achieved before the operation of the restaurant.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in compliance with policies G9 and DM1 of the adopted

Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

7. The extraction system hereby permitted shall be used during cooking operations in the building and in order to ensure the optimum operation of the extraction system, all filters and equipment shall be retained and maintained thereafter in accordance with the mitigation measures detailed in the submitted in the 'Odour Control Report' by Commercial Kitchens Specialist Limited and dated 20th March 2022.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

8. The metalwork of the flue hereby approved shall be colour treated dark grey upon installation and shall be retained as such thereafter.

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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

9. The hereby approved takeaway premises shall only be open to customers between the hours of 08:00 and 23:00 from Mondays to Saturdays and between 10:00 and 23:00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

10. Prior to the hereby approved retail use first coming in to use, full details of the opening times shall be submitted to and approved by the Local Planning Authority. The opening times shall be retained as such thereafter unless first submitted to and approved by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan 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.