APPLICATION NUMBER: 19/00487/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00487/FUL	Michael Atkinson-Smith	25 June 2019

Address: 575 Bury Road Rochdale OL11 4DQ

Proposal: Change of use from Shop (Use class A1) to Restaurant (Use class A3) together with insertion of a new shopfront, removal of existing ATM, construction of external ramp and decked area to front and extraction flue to side elevation - Re-submission of 19/00126/FUL

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?	Y

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

CHECKED AND SIGNED OFF BY: AT **DATE: 25.06.2019**

SITE

The application relates to an A1 retail unit last occupied by a convenience store. At the time of application, works had commenced on providing a replacement shopfront including the removal of the previous advertisement signage and an ATM. The site is located within the 'Bamford Village Centre, Bury Old Road' Local Centre and the building includes a residential flat at first floor level which spans both the application unit and the adjoined barbershop within the same building. No 577 Bury Road stands to the west of the application building.

The local centre as a whole is occupied by a variety of uses, including hot food takeaways, cafés/restaurants, financial and professional services, beauticians, a number of A1 retail units and some residential uses at first floor level. Directly to the south of the site, beyond the rear boundary, are the residential dwellings within Ford Gardens, a housing estate solely for residents over 55 years of age. Outside of the local centre, the surrounding area is predominantly residential in character.

PROPOSAL

Planning permission is sought for the change of use of the former A1 retail unit to a cafeteria/restaurant use falling in the A3 use class. A new shopfront, external dining area to the front and ventilation flue to the side also form part of the application for planning permission. The application form states that 3 full time and 2 part time staff would be employed by the use and that the opening hours sought are 10:00-22:00hrs Monday – Friday, 10:30-23:00hrs Saturday and 10:00-23:00hrs Sundays and Bank Holidays.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
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
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

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** – *Saved. To be read in conjunction with Core Strategy Policy E1 until replaced by Site Allocations or other DPD.*

S/6 District Centre, Local Centres and Linear Commercial Areas – *Saved. To be read in conjunction with Core Strategy Policy E1 until replaced by Site Allocations or other DPD.*

RELEVANT SITE HISTORY

19/00126/FUL Change of use from Shop (Use class A1) to a Bar & food (Use class A4) with the replacement of the existing ATM with window and construction of an external ramp and decking area to the front. Withdrawn April 2019

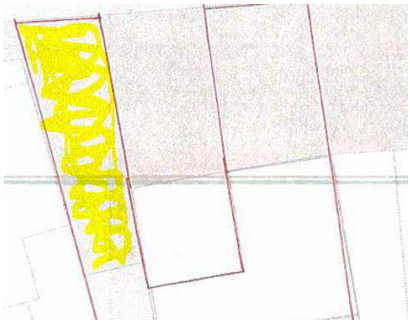
CONSULTATION RESPONSES

Highways and Engineering - No comments received to date

Public Protection (Noise / Odours)

This section has no objection in principle to the proposal, however to protect the amenity of the residential properties I would recommend the following conditions:

- The venue doesn't open beyond 23:00 Monday-Saturday and 22:30 Sundays and bank holidays.
- The decked area to the front does not operate beyond 21:00 on any day.
- No furniture is to be placed on the area marked yellow on the plan below.



I will need to see the noise output of the unit. It's very close to the residential and potentially a problem; the noise output needs to be no more than 40 dB(A) 1 metre from residential.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours in accordance and a site notice posted in the vicinity. Four letters of objection were received from three unique parties, citing the following concerns:

- The correct statutory notices have not been displayed at the property and residents are unaware of the application.
    - Officer response: Letters of notification were sent to surrounding neighbours and a site notice posted on the closest lamp post to the site on the same side of the road, within the boundaries of the local centre. The site notice was displayed on 21.05.19. The Council is only statutorily required to notify those properties that share a land boundary with the application site and is authorised to exercise judgement in respect of issuing additional consultations; doing so only where a direct impact is considered likely to arise.

- A restrictive covenant on the property prevents the sale of any intoxicating liquors.
    - This is a private legal issue and not a planning matter.

- The external decking area will decrease the available parking space and the proposed use will intensify existing parking issues and compromise highway safety.
    - Addressed in the Analysis section. Issues relating to general driving standards and inconsiderate / illegal parking are not material planning considerations relevant to the determination of this planning application.

- The impacts of a wine bar on local residents.
    - The application is for a restaurant use falling within the A3 use class, as stated in the description of development. The applicant has revised the proposed offering and use of the building in light of concerns raised by the Council's Planning and Public Protection Services and local residents.

- The applicant has sent a letter to local residents advising of the proposals.
    - The Local Planning Authority encouraged the applicant to engage with the local community as they considered it would be beneficial in accordance with Paragraph 140 of the National Planning Policy Framework.

An additional neutral representation was received stating that the plans and documents associated with the application were not available to view online. A technical issue with the Council's ICT software briefly prevented documents for all applications being available on the Council's website which has since been rectified. However, the plans could be viewed at the Council's offices or sent electronically if so requested.

ANALYSIS

Principle of Use

The NPPF introduced a presumption in favour of sustainable development and advises that planning should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The application unit lies within the 'Bamford Village Centre, Bury Old Road' 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.

The local centre is well frequented with relatively few vacant units. The proposed use will encourage increased patronage within the local centre and encourage use of other local shops and services. The proposed use is considered to be suitable for the local centre and of benefit to the local community and there is not an over-dominance of any particular use, including A3 uses, within the centre at present. Therefore there is no available evidence to support any assertion that the vitality and viability of the local centre would be diminished as a result of the change of use.

Indeed, a positive benefit would result through increased occupancy and vitality of the centre as a whole.

Therefore it is considered that the application proposal is acceptable in principle and in accordance with the relevant parts of saved UDP policy S/6, adopted Core Strategy policy E1 and the NPPF.

Impact on Surrounding Occupiers

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. Policy DM1 of the Core Strategy states that proposals should adversely affect the amenity of residents and be compatible with surrounding land uses. Policy G9 seeks to prevent developments that would lead to an unacceptable increase in pollution, including from noise and odours. Criterion (b) of UDP policy S/6 states that the development of food and drink outlets, community and cultural facilities and other uses appropriate to a district or local centre will be permitted provided that it will be compatible with surrounding land uses and will not harm local residential amenity.

Due to the commercial nature of the immediately surrounding area, occupants of the residential properties above the unit and surrounding the site would be accustomed to the comings and goings of customers to the units within the local centre. Similar uses with evening opening hours are already present in the local centre, including the Italian Room at No. 567 Bury Road. However, the use includes an outdoor seating area to the front which has the potential to cause disturbance to surrounding residents. As such, the Council's Public Protection Officer recommends a condition limiting the operating hours of the outdoor seating area to 21:00hrs on any day. Noise-causing vehicle movements associated with the development would be lesser in frequency in the evening than those associated with the former use as a convenience store with external ATM. A condition restricting opening hours to 23:00hrs Monday-Saturday and 22:30 on Sundays has been recommended by the Council's Public Protection Officer to prevent undue late night disturbance to surrounding residential occupiers, including notably the flat above.

The proposed ventilation flue has the potential to cause noise disturbance to the immediately adjacent residential property at No. 577 Bury Road as well as the flat above the application unit. On this basis, a condition is recommended requiring that no works to install the flue commence until such time as a detailed specification for the installation that demonstrates a noise output of not more than 40 dB(A) when measured 1m from the facade of residential properties is submitted to and approved in writing by the Local Planning Authority.

Subject to the suggested condition, it is considered that the proposal would have an acceptable impact on the amenity of surrounding occupiers and the requirements of Core Strategy policies DM1 and G9 and the NPPF will have been met.

Impact on Visual Amenity

The application site is located within a defined Local Centre which is commercial in character. The proposed shopfront is considered to be of a high standard of design and materials finish which will contribute positively to the local centre and the visual amenities of the area. The ventilation flue would be sited well behind the front elevation of the application building with little visual impact on the street scene. Bins would be stored in an area identified to the rear of the building out of view of the street scene. Full details of the external decked area have not been provided and therefore will need to be secured through condition. Subject to satisfactory details in respect of the external decked area being provided, the impact on the visual

amenities of the area is considered to be satisfactory and the application therefore accords with the relevant parts of Core Strategy policies DM1 and P3 and the National Planning Policy Framework.

Impact on Highways 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 an A3 café/restaurant will not amount to a significant intensification when compared to the previous usage. 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. It would generally be expected that users of the facility may also make use of other services provided within the local centre, reducing the need to make separate trips.

The proposal is therefore considered to meet the requirements of Core Strategy policies T2 and DM1 and the NPPF.

RECOMMENDATION

GRANT subject to the following 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 Site Plan
- Existing Layout, Drawing No. 01
- Proposed Layout, Drawing No. 02
- Appendix B – Bin/waste storage
- Appendix C – Shopline Commercial Screening System and ClimaGuard A+ Thermally insulating glass product sheet

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 Notwithstanding any details submitted with the application, no works to install the external ventilation flue as indicated on Drawing No. 2 – Proposed layout shall take place until such time as a detailed specification, including demonstration that the noise output would not be greater than 40 dB(A) when measured from the façade of No. 577 Bury Road and any habitable room

window of the residential dwelling above the premises, has been submitted to and agreed in writing by the Local Planning Authority. The installed ventilation flue shall then be maintained in accordance with the approved details to meet the specified noise output limit of 40 dB(A).

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 Notwithstanding any details submitted with the application, no works to install the external decked area to the front of the premises as shown on Drawing No. 02 – Proposed Layout shall take place until such time as a detailed specification to include the materials, colour finish, balustrade height, finished floor level, access ramp gradient and furniture installations have been submitted to and agreed in writing by the Local Planning Authority.

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

5 The use hereby permitted shall not be open to customers outside the following times: 08:00hrs to 23:00 hours Monday to Saturday and 09:00hrs to 22:30hrs 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 and the National Planning Policy Framework.

6 The decked area to the front of the use as indicated on Drawing No. 2 - Proposed Layout shall not be used by customers beyond 21:00hrs 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.

7 No furniture is to be placed on any area outside of the premises other than on the raised decked area indicated on Drawing No. 2 – Proposed Layout.

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.

8 Refuse bins shall at all times be stored in the screened area indicated within Appendix B – Bin/Waste Storage.

Reason: In the interests of visual and residential amenity and in accordance with policies DM1, P3 and G9 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:

INFORMATIVE:

Display of Advertisements
Should it be intended to display any advertisement at the premises, the applicant is advised to contact the Local Planning Authority with details to establish whether a separate application is required for approval under the Advertisement Regulations (2007).

Report Author Michael Atkinson-Smith