

APPLICATION NUMBER: 24/00376/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00376/FUL

CASE OFFICER

Sam Yuen

DETERMINATION DATE 25.09.2024 EXT OF TIME 11.11.2024

Address: 303-305 Cutgate Shopping Precinct, Edenfield Road, Rochdale, OL11 5AQ

Proposal: Change of use from café/snack bar (Use Class e (b)) to a hot food takeaway (Sui Generis) and amalgamation of shops, with new shop frontages, roller security shutters together with alterations to fenestration on the rear elevation

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?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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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: RK

DATE: 13/11/2024

SITE

The application relates to two units, nos. 303 and 305, at Cutgate Shopping Centre, located off Edenfield Road in the ward of Spotland and Falinge. Both units are currently vacant, though no. 303 previously served as a hot food takeaway (Sui Generis) and no. 305 as a café/snack bar (Class E (b)). The application site is located within the Defined Urban Area and the Cutgate Centre Local Centre as set out under saved UDP Policy G/D/1 and S/6 respectively. The area surrounding the shopping centre comprises predominately residential use.

PROPOSAL

Planning permission is sought for the amalgamation of nos. 303 and 305 into one shop and comprises the change of use of the café unit (Class E (b)) to a hot food takeaway (Sui Generis). The submitted plans also indicate alterations to the existing shopfronts, the addition of new roller shutters, and the bricking up and addition of a new door opening to the rear elevation.

RELEVANT PLANNING POLICY

National Guidance

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

Places for Everyone Joint Development Plan (PfE)

Policy JP-P1 Sustainable Places

Adopted Rochdale Core Strategy (CS):

E1	Establishing Thriving Towns, Districts and Local Centres
E2	Increasing Jobs and Prosperity
C6	Improving Health and Wellbeing
P1	Improving Image
P3	Improving Design of New Development
G8	Managing Water Resources and Flood Risk
G9	Reducing the Impact of Pollution, Contamination and Land Instability
DM1	General Development Requirements

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 & Standards for Hot Food Takeaway Uses' (February 2017)
Supplementary Planning Guidance note 'Shop Fronts and Security Shutters' (February 2017)

RELEVANT SITE HISTORY

24/00377/ADV - One internally illuminated fascia sign and one non-illuminated freestanding road sign – Grant subject to conditions

22/00134/FUL - 303 Cutgate Shopping Precinct, Edenfield Road, Rochdale, OL11 5AQ – Retrospective application for the installation of two extraction flues to rear - Grant subject to conditions

22/00408/ADV - 303 Cutgate Shopping Precinct, Edenfield Road, Rochdale, OL11 5AQ - One externally illuminated fascia sign - Grant subject to conditions

19/01161/FUL - 305 Cutgate Shopping Precinct, Edenfield Road, Rochdale, OL11 5AQ – Change of use from beauty salon (Sui Generis) to Coffee Shop (Class A3) including the serving of hot and cold sandwiches for consumption both on and off the premises - Grant subject to conditions

19/00843/PRA56 - Unit 305, Cutgate Shopping Centre, Rochdale - Prior approval notification for change of use from retail (Class A1) to restaurant/cafe (Class A3) – Withdrawn

86/D19456 - 303 Edenfield Road, Cutgate, Rochdale – Use Of Premises As Hot Food Takeaway & Restaurant - Grant subject to conditions

CONSULTATION RESPONSES

Environmental Health - Noise/Odours

The proposal would require extraction to prevent odour nuisance to neighbours. A noise survey should be undertaken alongside any recommendations to prevent noise nuisance to nearby sensitive properties.

Highways and Engineering

Highways offer no objection to the proposal.

Highways do not envisage this development generating any significant increase in the volume of traffic. The parking on site is ample to support this subtle change in use.

No changes to the highway are expected and no new highways are to be constructed as a part of this development.

Highways have no concerns regarding emergency service access or servicing of this development and have no new road safety concerns as a result of this development.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties and a site notice was posted within the vicinity of the premise. No comments were received.

ANALYSIS

Principle of Development

The application site is located in the Cutgate Local Centre where saved Policy S/6 of the Rochdale UDP is relevant. Policies E1 and E2 of the Core Strategy establish that the Council will focus retail, leisure and other development to promote the viability and vitality of the boroughs centres, to maintain them as thriving and sustainable centres. Policy E2 also establishes that the Council will ensure a sufficient supply of suitable land, buildings and infrastructure to support the creation and retention of successful businesses.

Chapter 7 of the NPPF relates to town centre development and establishes that main town centre uses should be located in town centres. Annex 2 of the NPPF defines main town centre uses and this includes leisure and entertainment uses, including restaurants.

The application proposes change of use from a café to a hot food takeaway. Further to the above, the application would result in the provision of a town centre use at the site and would accord with the requirements of Chapter 7 of the NPPF and Policy E1 of the adopted Core Strategy.

In addition, Policy C6 of the adopted Core Strategy aims to improve health and wellbeing by not allowing the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits. This is considered under the Hot Food Takeaway SPD where it states such uses should not normally be supported where a proposal would result in:

- i. *“More than 5% of the total ground floor units within a defined Primary Shopping Area being hot food takeaways;*
- ii. *More than 10% of the total ground floor units within a defined Secondary or Central Shopping Area being hot food takeaways;*
- iii. *More than 20% of the total ground floor units within an area of a defined centre, outside the above areas, being hot food takeaways;*
- iv. *More than two hot food takeaways being located adjacent to each other; and*
- v. *Any fewer than two non-A5 units between hot food takeaways.”*

The proposed hot food takeaway is sited outside a defined Primary, Secondary or Central Shopping Area and would be the sole hot food takeaway unit within the

shopping centre, comprising less than 20% of the total ground floor units. As such, the proposal would comply with the guidance contained in the SPD.

With reference to Section 4.3 of the SPD, notwithstanding the siting of the proposal within a 400m restriction buffer of Oulder Hill Community Secondary School and Language College and Redwood Secondary School, local centres are exempt from restrictions relating to schools which would be acceptable.

The principle of a hot food takeaway use at the site is therefore acceptable, in accordance with the SPD, Policies E1 and C6 of the adopted Core Strategy and the NPPF, subject to all other material considerations including visual and residential amenity and highway impacts.

Visual Amenity

Achieving good design to achieve sustainable development is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of the PfE and Policy DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials.

The Shop Fronts and Security Shutters SPD notes that solid external roller shutters and external boxes are severely detrimental to street scenes. Regards have been had to the existing shopfronts of Cutgate Shopping Centre, where many existing units comprise of similar roller shutter designs. The proposed works would therefore be seen in the context of the surrounding shopfronts and would not appear overly prominent owing to the existing projecting canopy. The visual impact on the street scene would also not be unduly affected due to the considerable setback of the units from Edenfield Road. Notwithstanding, appropriate specifications of roller shutters can be secured via condition in the interest of visual amenity.

The submitted plans indicate the existing refuse bins area to the rear of the units would be retained under the proposal. Whilst it is noted these are located outside the curtilage boundary, this arrangement is in line with the bin stores of other units of the shopping centre, which are sited away from public view and in a location accessible to both business operators and collection services. As such, it is considered the proposed refuse bin store arrangement would not inflict undue harm to the character of the street scene.

The Hot Food Takeaway SPD also notes such premises have the potential to generate a significant amount of litter due to the disposal of food wrappings and containers. As it stands, there are three small litter bins within the vicinity of the site which serves the units of the shopping centre and may account for the litter generated by the proposal. Notwithstanding, a condition for the submission of a Refuse Management Plan has been recommended to prevent the build-up of litter on site.

The design of the proposal is therefore acceptable, in accordance with the SPD, Policies DM1 and P3 of the adopted Core Strategy, Policy JP-P1 of the adopted PfE and the NPPF.

Residential Amenity

Policy G9 of the Core Strategy requires that applications do not lead to an unacceptable increase in noise or other pollution. Policy DM1 requires that development is compatible with surrounding land uses in terms of its impact upon amenities of neighbouring residents and also requires that developments mitigate against any impacts due to noise.

The application site is located in a parade of commercial units in an established local centre, where there are no immediately adjacent residential properties. The submitted plans indicate the existing extract ventilation system (as approved in 22/00134/FUL) would be retained under the proposal. Therefore, a noise survey would not be necessary alongside the decision notice.

Given the above, the proposed development would not result in any undue noise and disturbance to the detriment of neighbouring occupiers or surrounding residents and would accord with Policies G9 and DM1 of the adopted Core Strategy.

Highway and Parking

Policy DM1 requires that applications mitigate against any impacts due to traffic generation or inadequate access and they should provide satisfactory vehicle access with adequate parking, manoeuvring and service arrangements, taking into account the proposed use and location.

Parking provision for the proposed use is provided within the public car park of Cutgate Shopping Centre, which is shared between the retail units of the site. The Council's Highways Officer was consulted and raised no objections, noting the proposed change of use would not generate significant increase in vehicular traffic.

The submitted existing plans indicate a bin store area to the rear of the premises which is located outside of the curtilage boundary, the arrangement of which would be retained under the proposed plans. Whilst it is acknowledged the refuse bins are sited on the service road area, this arrangement is not dissimilar to ones of adjacent units in the shopping centre. The Highways Officer has also raised no concerns regarding servicing and emergency access to the site. On this basis, it is considered a refusal on highway safety grounds could not be reasonably substantiated.

The proposed parking arrangements are acceptable and therefore accords with Policy DM1 of the adopted Core Strategy.

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. The permission relates to the following plans:

- ☐ Location Plan – received 23/04/2024
- ☐ Existing Site Plan – Drawing No. 20 received 17/07/2024
- ☐ Proposed Site Plan – Drawing No. 30 received 31/07/2024
- ☐ Existing Ground Floor Plan and Elevations – Drawing No. 01 received 23/05/2024
- ☐ Proposed Floor Plans and Elevations – Drawing No. 21 received 17/07/2024

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

3. Notwithstanding the details shown on the approved plans, the development hereby approved shall not be brought into use until large scale details and specifications of the proposed roller security shutters, at a scale of not less than 1:50, have been submitted to and approved in writing by the Local Planning Authority. The roller security shutters shall be installed in accordance with the approved details and retained thereafter.

Reason: In the interest of visual amenity and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, the 'Guidelines & Standards for Hot Food Takeaway Uses' SPD, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

4. The hot food takeaway hereby approved shall not be open to customers outside of the hours 11:00 to 00:00 Monday to Sunday.

Reason: In the interests of residential amenity and to accord with Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until a Refuse Management Plan which details the storage and collection of refuse containers and the provision of waste bins within the vicinity of the site has been submitted to and approved in writing by the Local Planning Authority. The operation of the premises hereby approved shall be carried out in accordance with the Refuse Management Plan thereafter.

Reason: To prevent the build-up of litter on site and in the interest of visual amenity, in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the 'Guidelines & Standards for Hot Food Takeaway Uses' SPD.

6. The development hereby approved shall not be brought into use until details of a grease trap and the disposal of associated fats and grease has been submitted to and approved in writing by the Local Planning Authority. The grease trap shall be installed in accordance with the approved details and retained and maintained as such thereafter.

Reason: To promote the sustainable drainage of the site and to prevent damage to the surrounding sewer network and in accordance with Policy G8 of the adopted Rochdale Core Strategy, the 'Guidelines & Standards for Hot Food Takeaway Uses' SPD 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.

Report Author Sam Yuen