APPLICATION NUMBER: 21/00312/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00312/FUL	Mubeen Patel	18 May 2021

Address: 361 Yorkshire Street Rochdale OL16 2DT

Proposal: Change of use from Office (Class E) to hot food takeaway (Sui generis) including installation of flue to side elevation - Resubmission of 20/01339/FUL

PUBLICITY	**Weekly list expired?**	N/a	**Site notice expired?**		N/a
	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/a
	Neighbour comments received?	N

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	APPROVE

CHECKED AND SIGNED OFF BY: EH **DATE: 21 May 2021**

SITE

The application site relates to the ground floor of a two storey end terrace property positioned on Halifax Road close to the junction of Entwisle Road (B6266). The building is currently used as an office for a Mortgage advisor at ground floor whilst a

self-contained flat is at first floor with separate access taken from the rear. The property is finished in red brick. The adjacent land to the north displays 4 large 48 sheet advertisement boards facing Halifax Road.

The site is located in a mixed use area with residential properties to the north and south, Heybrook Primary School to the west, and a petrol filling station to the east. The site is unallocated within the Rochdale Unitary Development Plan 2006 (UDP).

PROPOSAL

The application proposes the change of use of the ground floor from an existing office use (Class E) to a Hot Food Takeaway (Sui Generis). External alterations include the erection of an extraction flue along the side elevation of the building.

The internal layout would include a kitchen/prep area, serving counter, customer waiting area, and a WC.

The opening hours proposed for the takeaway would be between the hours of 11:00 -23:00 Mondays to Thursday including Sundays and Bank Holidays, and 11:00 - 00:00 Fridays and Saturdays.

A Noise Impact Assessment has been submitted as part of this proposal.

RELEVANT PLANNING POLICY

Adopted Rochdale Core Strategy (CS):

The following policies of the adopted Rochdale Core Strategy are relevant:-

SO1 To deliver a more prosperous economy
SO3 To improve design, image and quality of place
SD1 Delivering sustainable development
C6 Improving health and well being
P3 Improving design of new development
E1 Establishing thriving town, district and local centres
T2 Improving accessibility
G9 Reducing the impact of pollution
DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Hot Food Takeaways SPD

RELEVANT SITE HISTORY

11/D54771 - Change Of Use From Retail (A1) To Hot Food Takeaway (A5) - 359 Yorkshire Street And Alteration To Shop Front - 359-361 Yorkshire – Refused

20/01339/FUL - Proposed change of use from shop (Class E) to hot food takeaway (sui Generis) including erection of a flue to the side elevation – Withdrawn.

CONSULTATION RESPONSES

Highways and Engineering

This proposal will not generate a problematic volume of traffic in the peak period.

No parking is provided for this proposal much like its previous use. A Public car parking area is available on the opposite side of the road.

I have no concerns regarding Emergency Access to the site.

We do still have concerns with servicing from Yorkshire Street which has not been addressed by the applicant. The applicant could reasonably service from Athol Street. We also have concerns with delivery drivers making use of the double yellow lines.

Can you request a servicing strategy from the applicant highlighting these concerns and request reassurance that Yorkshire Street waiting restrictions will be obeyed.

Should the servicing strategy prove satisfactory then I would have no sustainable objections to this proposal.

Env Health - Noise/Odours

No objections to the proposals in principle, would recommend the following conditions:-

- Noise output from the extraction unit is limited to 43 dB(A) measured 1m from noise sensitive properties.
- The extract system shall be used whenever odours are being produced and all filters and equipment should be maintained to ensure optimum operation, and to ensure that the best practicable means available is taken to prevent odours affecting any odour sensitive premises.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, no observations have been received.

ANALYSIS

Principle of development

The application site is allocated as being within the Defined Urban Area under the Rochdale Unitary Development Plan. Policy G/D/1 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that new development should be located in the urban area, so as to support urban regeneration and to protect the countryside.

The building to which the application relates is not located within any identified district or local centre or linear commercial area in this situation policy E1 advises the following:

We will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough.

Only consider out of centre development when there are no suitable sites in, or on the edge, or well connected to, the town centre, district centres or local centres and

the proposal would cause no significant overall impact on the existing centres vitality and viability;

In considering proposals for main town centre uses we will:
a. Require the application of the sequential approach, where the application site is not in an existing centre and not in accordance with an up to date development plan;
f. Support the provision of small scale shops and services to meet local needs outside centres…

It is noted that the application site is located a short distance from the Halifax Road and Yorkshire Street local centres identified under the UDP Proposals Map. In addition, the change of use of the ground floor into a takeaway would be a small scale development that would meet the needs of the surrounding residents outside of a designated local centre. Furthermore, it is not considered that a sustainable objection could be raised on the basis that the proposed use of the building as a hot food takeaway could have any adverse impact on the viability or vitality of any centre given its use previously as a shop and now an office. Furthermore for this reason, evidence of a sequential approach to site selection is not considered as necessary in this case.

The requirements to ensure there is not an overconcentration of hot food takeaways are detailed in the SPD' Guidelines and Standards for Hot Food Takeaway Uses' as:

> 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.

As the site is not located in any designated centre only points iv and v (above) are applicable. The proposed change to a hot food takeaway would not breach the requirements of either of these points; consequently the proposal would not result in an over-concentration of hot food takeaways in this area. The site is also not located within 400 metres of a secondary school and so does not breach the requirements of the SPD on this matter.

The change of use to a hot food takeaway is therefore considered acceptable in principle. However, further material considerations, as outlined below, must be taken into account, including the impact of the scheme on the visual amenity of the area, the impact on neighbouring occupiers and the surrounding highway network.

In light of the above, it is considered that the principle of the change of use is acceptable and in accordance with Policy E1 of the Core Strategy, the NPPF and the Hot Food Takeaways SPD.

<u>Impact upon Visual Amenity</u>

The only external alteration to the building include the erection of a flue rising along the side elevation of the building to just above the eaves. The flue is pushed back along this elevation to reduce its impact. It is acknowledged that this is a commercial building in a mixed use location where the flue has been positioned away from the main public vantage point of Halifax Road and residential properties to the rear,

however given its location the flue would still be visible from parts of Halifax Road. However, although the colour of the flue has not been specified, a condition would be attached to any approval for it to be a recessive colour (slate Grey) which would further reduce its impact. Therefore, due to its positioning and colour via a condition, and the positioning of existing large advertisement boards in close proximity to the site along Halifax Road, the flue on balance is not considered to negatively impact on the visual character of the area to warrant refusal of the application.

Overall, the proposal is considered to be acceptable and would not harm the character of the area and would be in accordance with Policies P3, DM1 of the Core Strategy and the NPPF.

Relationship with Surrounding Land Uses

As noted previously, the area surrounding the site is mixed use with both commercial and residential properties in the vicinity. The proposed use would share an acceptable relationship with the upper floors of the building, although this is in residential use, the submitted NIA concludes that a suitable extraction fan and sound attenuator would be fitted to ensure that no adverse impact will be experienced by the adjacent residential properties, and sound levels will be in line with the required standards. Furthermore, to prevent any potential vibration issues affecting the first floor flat, the flue would be fixed to the side of the building using appropriate anti-vibration mounts.

No objections have been raised by the Councils Environmental Health Officer given the NIA submitted and has recommended conditions to ensure noise output is limited from the extractor and that the system is used and maintained to prevent odours impacting neighbouring occupiers.

The hours of operation proposed are acceptable in this location close to other takeaways and late opening businesses such as the petrol station opposite. A condition would be attached to any approval limiting the opening to these hours in order to maintain the amenity of neighbouring residential occupiers.

Overall, the proposed development subject to the mentioned conditions is considered to accord with the requirements of Core Strategy policies G9 and DM1, and the relevant provisions of the National Planning Policy Framework.

Highways and Access

Policy T2 of the adopted Core Strategy relates to accessibility.

The proposal does not provide any dedicated parking spaces. The front of the site along Halifax Road has double yellow lines which restrict parking. Although, it should be noted that a public car park is available on the opposite side of the road which customers could use, furthermore, a retail unit previously functioned from the site. As such the proposed takeaway use which would be busier during the evening when the roads are quieter would not result in a severe impact on highways safety or functionality. The councils Highways officer has not raised any objections in terms of parking.

However, the highways officer does have concerns with servicing from Yorkshire Street which could lead to dangerous parking in this location although for short periods of time. It is considered the applicant could reasonably service from Athol Street, similarly delivery drivers may park on the double yellow lines to the front causing inconvenience to other road users. Therefore, a condition would be attached to any approval for servicing and for delivery drivers to use Athol Street to

the rear rather than Yorkshire Street in order to maintain highways and pedestrian safety.

It is also considered that existing Traffic Regulation Orders in close proximity to the proposed development will deter parking in dangerous/inconsiderate areas, in addition to this the development is located in an area which is likely to attract customers who access the property on foot.

In light of the above, it is considered that the proposal would adequately protect highway safety, and given its position the site would represent a sustainable location. The application accords with Policies DM1 and T2 of the Core Strategy and the NPPF.

Bin storage

The property has space to the rear of the building where bins can be stored away from the front elevation and public vantage points. This would be accessible and acceptable where bins can be easily wheeled out on collection days and wheeled back.

RECOMMENDATION

AC

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:-

- Site Location Plan
- Existing Plans – Drawing No. 1662/1
- Proposed Plans – Drawing No. 1662/2

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 adopted Core Strategy and the National Planning Policy Framework.

3 The takeaway shall only be open between the hours of 11:00 - 23:00 Mondays to Thursdays including Sundays and Bank Holidays, and 11:00 - 00:00 Fridays and Saturdays.

Reason: In the interest of amenity in accordance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.

4 The extraction system hereby permitted shall be used whenever cooking odours are being produced from 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 details submitted in the "Acoustic Assessment" (produced by Martin Environmental Solutions, February 2021).

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 and the National Planning Policy Framework.

5 Noise from the extraction unit hereby approved shall not exceed 43 dB(A) when measured 1 metres from the unit at any time.

Reason: In the interests of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6 The metalwork of the flue hereby approved shall be colour treated slate grey RAL 7015 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 and the National Planning Policy Framework.

7 Servicing and the parking of takeaway delivery vehicles to or from the premises shall only take place from Athol Street.

Reason: In the interest of amenity and highways safety and in accordance with policies DM1 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:

1) A separate application to display advertisement for the takeaway use should be submitted to the Council for approval.

Report Author Mubeen Patel