

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER  | DATE                      |
|-----------------|---------------|---------------------------|
| 25/00013/FUL    | Nick Brookman | 19 <sup>th</sup> May 2025 |

**DETERMINATION DATE (EXTENSION OF TIME)**

13 June 2025

**Address:** 11 South Parade Rochdale OL16 1LR

**Proposal:** Retrospective application for the change of use of first and second floors into two self-contained flats above existing takeaway together with the provision of bin and cycle storage to rear

|           |                            |   |                       |   |
|-----------|----------------------------|---|-----------------------|---|
| 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?      | 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 | REFUSE |
|----------------|--------|

CHECKED AND SIGNED OFF BY: LA

DATE: 12/06/25

## **SITE**

The application site is a three-storey mid-terraced building in Rochdale Town Centre which is currently occupied at ground floor by a takeaway and by residential flats at first and second floor.

In 2022 the facades of buildings on the corner of Drake Street and South Parade were refurbished as part of the Council's Heritage Action Zone (HAZ) scheme (application ref: 20/00817/FUL).

The site falls within the Rochdale Town Centre Conservation Area and sits within Flood Zone 3 because of its location close to the River Roch.

Due to its town centre location, South Parade is a prominent urban thoroughfare and an important asset to Rochdale's hospitality/ retail economy. Its central location and close proximity to the bus station, tram stop, and surrounding amenities ensure a high and continuous footfall.

The building is adjoined to Havana (a Hot Food Takeaway) and the Post Office which has the Hoochi Koochi bar above. The building extends up to Fleece Street at the rear.

## **PROPOSAL**

The application is a retrospective application for the change of use of the first and second floors into two self-contained flats above existing takeaway together with the provision of bin and cycle storage to rear.

The flats would be accessed from the rear of the building from Fleece Street similar to existing. Each flat would consist of a kitchen/living room, bedrooms and separate bathroom. The yard area to the rear would be provided with dedicated bin storage and cycle storage for the flats.

No external alterations are proposed to the building.

## **RELEVANT PLANNING POLICY**

### **National Guidance**

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

### **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-S4 | Flood Risk and the Water Environment                       |
| JP-H1 | Scale, Distribution and Phasing of New Housing Development |
| JP-H3 | Type, Size and Design and New Housing                      |
| JP-H4 | Density of New Housing                                     |
| JP-P1 | Sustainable Places                                         |
| JP-C6 | Walking and Cycling                                        |
| JP-C8 | Transport Requirements of New Development                  |

### **Local**

#### Adopted Rochdale Core Strategy (CS):

DM1 General development requirements

#### **SO2 Creating successful and healthy communities**

C1 Delivering the right amount of housing in the right places

C3 Delivering the right type of housing

#### **SO3 Improving Design, image and quality of place**

P1 Improving Image

P3 Improving design of new development

#### **SO4 Promoting a greener environment**

G8 Managing water resources and flood risk

G9 Reducing the impact of pollution, contamination and land instability

#### **SO5 Improving accessibility and delivering sustainable transport**

T2 Improving Accessibility

#### Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

#### Supplementary Planning Documents (SPD):

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

### **RELEVANT SITE HISTORY**

There is no relevant planning history to this application or the application site other than the live planning enforcement investigation which has led to the submission of this retrospective planning application.

There is neighbouring planning history which is relevant as the applications are as follows:

23/00398/FUL (12 South Parade) – was approved with conditions for the Change of use from retail (Class E) to hot food takeaway and restaurant (Sui Generis) at ground and first floors, erection of first floor extension above existing single storey rear extension including installation of extraction flue and external staircase to provide access to proposed second floor staff accommodation – retrospective. This application was conditioned however that the second floor accommodation approved could only be used for ancillary purposes to the takeaway and not as permanent residential accommodation.

23/01171/FUL (8 South Parade) – was approved with conditions for the change of use of former nightclub to restaurant/takeaway at ground floor including installation of external flue and an access door to rear. This scheme originally proposed the change of use to a dine in/takeaway fish and chip restaurant on the ground floor with three flats on the first and second floors. However, the Council's Environmental Health Officer objected to this proposal due to the close proximity of the proposed flats to the existing night club and the night time economy, which would expose

future residents to noise nuisance and general disturbance. Environmental Health Officers advised there were no measures that could mitigate against this. The residential element of the proposed development was removed from the scheme.

## **CONSULTATION RESPONSES**

### Environment Agency

The EA have no objection in principle to the proposed development but they commented that an access and egress plan should be agreed and approved in conjunction with the LPA's emergency planners.

### Highways and Engineering

No objections.

### Conservation Officer

I would offer no in principle objection from a historic environment conservation perspective to the use of the upper floors for residential purposes. There would be no notable physical alterations to the external fabric of the building and there would be positive regeneration and sustainability benefits through enabling increased residential density within the town centre.

However, neighbouring uses are noise generating into the early hours. Therefore, any residential use would need to be considered in the context of the well-established agent of change principle, with it being incumbent on the applicant to provide any required noise mitigation within their own property to guard against future noise complaints.

Ensuring the vitality and vibrancy of Rochdale Town Centre is a crucial component of the heritage-led regeneration jigsaw in an area that has seen significant investment over recent years. Whilst there is a strong desire to provide additional residential accommodation in this area, this should not come at the future expense of existing successful businesses.

### Environmental Health (Noise/Odours)

Officers have reviewed the above proposal. The proposal is in close proximity to licensed premises as well as other commercial uses. The Noise assessment prepared by Martin Environmental Solutions Ltd, Reference: 2904, Dated: February 2025 states that in order to achieve the internal noise levels windows will need to be closed. However, there will be an impact of noise from the licenced premises. Given the proximity of the proposal to the commercial uses, the Environmental Protection Team would recommend refusal.

## **REPRESENTATIONS**

The application has been publicised with a press notice, a site notice and neighbour notification letters. 186 objections have been received and the representations primarily focused on the impact the proposed development would have on the adjacent night time venue and how the proposed development could create unreasonable restrictions on existing businesses and the local economy. The comments are summarised below:

1. Hoochie Koochie is a grassroots live music venue that is important to Rochdale's night time economy;

2. Any licensing restrictions for example noise levels or opening hours would inevitably lead to the closure of a much loved local business;
3. Existing premises that open late into the night will affect proposed flats;
4. Allowing flats next to a thriving music venue will seriously threaten the livelihood of the bar owners if occupants of the flats start complaining about noise;
5. Residential should not be approved next door to an existing venue that needs to make noise late at night as a core part of their business model;
6. Rochdale needs venues like (Hoochie Koochie) to ensure the town centre remains a vibrant place to visit with varied venues;
7. This is not the place to have flats;
8. There are already existing unoccupied flats across the town centre;
9. This will ruin nightlife in this area;
10. The flats will not add any value to what is there already;

1 comment was made in support of the proposed development which raised the following comment:

1. There's enough clubs open for the one nearby to turn it's music down.

## **ANALYSIS**

### Principle of Development & Residential Amenity

The site is located in the Defined Urban Area, Rochdale Town Centre and Rochdale Town Centre Conservation Area as defined in Rochdale Borough Council's Unitary Development Plan (UDP) Proposals Map. Policy E1 of the Core Strategy and Saved UDP Policy G/S/1 provides a hierarchy of accessible district and local centres which focus on retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all of the borough's town centres. Rochdale town centre is the borough's principle town centre and a centre of sub regional significance. Policy E1 also aims to 'support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/theatres and quality housing on appropriate sites, or through conversion of upper floors, which will enhance the vitality of the centre'.

The application seeks permission retrospectively for the change of use of the first and second floors into two self-contained flats above the existing takeaway together with the provision of bin and cycle storage to rear. The site lies within the defined urban area where Policy G/D/1 of the UDP seeks to concentrate development.

### *Provision of Residential Apartments*

CS Policy C1 sets out that to deliver the right amount of housing in the right places the Council will maximise the potential of previously developed sites including empty homes and buildings within the urban area and we will ensure that sites are sustainable with good access to local services, facilities, shops, jobs, schools and public transport. CS Policy C1 does however confirm that all new residential development will be expected to comply with the general development management criteria outline in Policy DM1 which is elaborated on below.

CS Policy C3 goes on to state, amongst other things, that higher density development (residential) should be focused around Rochdale, Middleton and Heywood town centres.

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”*. Paragraph 125 of the NPPF advises that *“Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”*. Under sub paragraph (d) of Paragraph 125 of the NPPF, *“Planning policies and decisions should promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing..”*.

Further to those relevant policies as identified in the Rochdale Core Strategy, relevant policies in Places for Everyone (PfE) have been identified. PfE Policy JP-S 1 sets out that development should seek to maximise economic, social and environmental benefits. Preference should be given to previously-developed (brownfield) land. PfE Policy JP-H2 states that there should be a significant increase in the supply of new housing, including, specifically, the supply of low-cost market housing. Furthermore, as set out in PfE Policy JP-H4, new housing should be delivered at a density appropriate for the location and taking into account the site’s accessibility.

In this instance, it is considered that the proposal would lead to the provision of two residential apartments in a highly sustainable town centre location. The proposed dwellings created would therefore assist the Borough in meeting its housing requirements with the proposed building would be built to an appropriate density on a brownfield site.

#### *Impact on Residential Amenity*

Paragraph 135 of the NPPF seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 198 of the NPPF also states that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid giving rise to significant adverse impacts on health and the quality of life.

Paragraph 200 of the NPPF states that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed”*.

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.

The application is accompanied by a Noise Impact Assessment which concludes that on-site monitoring has identified existing background sound levels will result in an adverse impact on the proposed development and as such additional mitigation measures are required. These measures have been identified as providing double glazing units with trickle window vents to ensure a suitable level of ventilation is achieved and specifications for internal structures have also been identified to ensure no adverse impact is experienced between the floors of the development.

The Council's Environmental Health / Environmental Protection team were consulted on this application and they have confirmed that they will not accept trickle vents or acoustic trickle vents as suitable ventilation in properties where the windows meet BS8233 with windows being closed.

In addition, given the proximity of the development to existing commercial uses, the amenity of any occupier would be detrimentally impacted. Given the nature of the night time economy which lies immediately adjacent to the application site, any current and future occupier would be significantly exposed to noise nuisance and general disturbance that cannot be adequately mitigated for.

Officers have assessed that the proposed development could not be integrated effectively with the existing nightlife businesses in this location and those businesses could be subject to future unreasonable restrictions, contrary to National and Local Planning Policy. Whilst a Noise Impact Assessment accompanies this planning application and has accounted for suitable mitigation against existing businesses, Environmental Health Officers remain unsupportive of the proposed development.

### *Summary*

Ensuring the vitality and vibrancy of the Rochdale Town Centre is a crucial component of the heritage-led regeneration jigsaw in this area which has seen significant investment over recent years. Whilst it is recognised that there is a need for more housing and residential accommodation, especially in sustainable locations such as this, this must not come at the future expense of existing and well established businesses.

Accordingly, for reasons identified above, when the development is assessed and considered in the context of the well-established agent of change principle, the proposed development is contrary to Paragraph 200 of the NPPF and CS Policies DM1 and G9 and the development is unacceptable in principle.

### Design and Heritage

There are no physical external alterations proposed as part of this development and the Council's Design and Conservation Officer offers no objection in principle from a historic environment conservation perspective as to the use of the upper floors for residential purpose.

As such, the proposal is considered acceptable from a design and heritage viewpoint and it is not considered to impact the overall character of the Conservation Area and is in accordance with Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy, Policy JP-P2 of PfE and the NPPF.

### Highways

Highways were consulted on this application and they raised no objection. Accordingly, the proposed development is acceptable with regards to highways

considerations and would comply with DM1 and T2 of the Core Strategy, PfE and NPPF.

### Flood Risk and Drainage

Policy G8 requires that new development does not lead to any increased form of flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk and is itself well protected from flood risk and ensures prudent use of water resources.

Policy JP-S4 (Flood Risk and the Water Environment) of PfE expects developments to manage surface water runoff through sustainable drainage systems and development should achieve greenfield run-off rates unless it is demonstrated to be impracticable.

The site is located within Flood Zone 3 meaning the site has a high probability of flooding from rivers and the sea.

The Environment Agency were consulted on this application and they have no objection in principle to the proposed development.

They have however informally set out that an access and egress plan should be agreed and approved in conjunction with the LPA's emergency planners.

As such, with the inclusion of a Flood Evacuation Plan which could be secured by condition, the proposal is in accordance with Policy G8 of the Core Strategy, Policy JP-S4 of PfE and the National Planning Policy Framework.

### **RECOMMENDATION**

**Refuse** for the following reason:

1. The proposed development is not acceptable in principle as it would not effectively integrate with the existing neighbouring businesses and night-time economy. When considered in the context of the well-established agent of change principle, the proposed development cannot be adequately mitigated for and it would lead to significant adverse noise impacts on occupiers of the proposed development as well as forcing and creating unreasonable restrictions on existing businesses and facilities. For the above reasons it is considered that the proposal would be detrimental to both the residential and neighbouring amenity which would be contrary to the requirements of Core Strategy Policies DM1 and G9 and Paragraphs 198 and 200 of the NPPF.

### **Procedure Statement**

The development does not 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.

