

APPLICATION NUMBER: 24/00283/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00283/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 18.12.2024 EXT OF TIME 17.01.2025

Address: Venus Lounge, 41 York Street, Heywood OL10 4NN

Proposal: Change of use from existing first floor nightclub to 4no self-contained one bedroom flats. Ground floor restaurant to be retained.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	Y	Contrary to national policy?	Y
	Applicant a Council Member or officer?	Y	Contrary to previous decision?	Y
	Major with 10 or more objections and recommending approval?	Y	Called in or Planning Panel objection?	Y

COMMENTS	Planning Panel comments received?	Y
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	NA
	Pre-commencement conditions agreed (or notification period expired)?	NA

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: LA

DATE: 16.01.25

SITE

The site is a two storey detached building on a corner plot at the junction of York Street and Queen's Park Road. It is within the York Street, Heywood Local Centre, within a linear corridor and within the defined urban area. The building is not listed, nor within a conservation area.

The land slopes down to the rear and reveals a third storey from the streetscene of Adelaide Street. Following the site visit, the applicant confirmed that a restaurant use is located at ground floor. The first floor, currently vacant, was previously used as a nightclub, and the proposal seeks to secure change of use of the first floor and second floor loft conversion, for 8 self-contained apartments. Work has begun internally in the building with rooflights installed. A small parcel of hardstanding is included within the red edge, located off Adelaide Street.

To the north of the site is Heywood Police Station. To the south, Heywood Market and multiple retail uses, to the east and west, a mix of retail uses and residential properties, and to the east.

The application site is well located in respect of public transport provision with multiple bus stops a short walk away, and including the A58, providing routes to Middleton, Rochdale and Bury town centres.

PROPOSAL

The application seeks planning permission for the change of use of the first floor of the building from nightclub to 4no self-contained one bedroom flats.

The existing ground floor restaurant is to be retained.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places For Everyone

JP-P1 Sustainable Places

JP-H3 Type, Size and Design of New Housing

Adopted Rochdale Core Strategy (CS):

DM1 - General Development Requirements

C1 - Delivering the right amount of housing in the right places

C3 - Delivering the Right Type of Housing

P3 - Improving design of new development

G9 - Reducing the impact of pollution

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

86/D19642 - Formation of Pitched Roof over existing extension of premises - Grant subject to conditions 16/10/1986

00/D38162 – Change of use of former club premises to children's nursery – Refuse – 10/04/2010

CONSULTATION RESPONSES

Env Health - Noise

No objections subject to condition regarding verification of internal acoustic levels

Highways And Engineering

No objections

Env Health – Odour

Concern regarding the proximity of the first floor flat to the existing flue serving the restaurant at ground floor. Concerns raised regarding the accuracy of the submitted odour impact assessment, given the location of the flue demonstrated on the assessment when compared to site photographs. Advice provided regarding possible solutions, which were shared with the applicant.

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. No responses were received.

ANALYSIS

Principle of Development

The site is located in the York Street, Heywood Local Centre, linear corridor and defined urban area. Policies identified relevant include UDP saved policies G/S1, and S/6 Local centres and linear commercial areas. This is to be read in conjunction with Policy E1 of the Rochdale Core Strategy.

Policy C2 states focusing on regeneration areas and economic growth corridors. Relating to Central Heywood, the Council seeks to *'deliver additional dwellings for sale and rent to widen housing choice.'*

Policy E1 focuses on establishing thriving town, district and local centres, focusing retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres. Referring to residential development specifically, the Council would *'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, making it a more vibrant, active and safer place in the afternoon and evening'*

Saved UDP Policy S/6 states: *'In local centres and linear commercial areas the conversion of residential premises to commercial use will only be permitted where there are no suitable vacant premises available in the centre or immediate vicinity, or*

it can be demonstrated that the property is no longer suited to residential use due to poor amenity. The conversion or redevelopment of vacant commercial premises to residential use will only be permitted in local centres that have a high overall vacancy rate and where it will assist regeneration.' The final part of this policy is relevant in this case.

The proposal would therefore comply with the requirements of Policy C2, Policy C3 states *'In central Heywood ... regeneration areas deliver a mixture of housing with an emphasis on good quality family housing;'* and additionally *'d. Focus higher density development in and around Rochdale, Middleton and Heywood town centres, along major transport corridors, the Canal corridor, and in key district and local centres.'*

The application is supported by a design and access statement however this does not include an assessment of the commercial units within the local centre.

Having reviewed the units in the local centre however, it appears the adjacent shops are all occupied and there is a low vacancy rate. The proposed nightclub to be converted however is vacant, and has been vacant for over a period of 18 months. Additionally, the ground floor restaurant would be retained, and therefore only at first floor level would there be a loss of a night time economy use. While the low vacancy rate would be contrary to the wording of policy S/6, when reviewing policies C2, C3 and policy E1, it is not considered the conversion of the first floor for residential use, would be considered unacceptable, and therefore the principle of development is acceptable, subject to the below development management considerations.

Occupier Amenity – Noise and Odour

Policy G9 of the Rochdale Core Strategy states *'we will reduce all forms of pollution [...] in the borough, by; requiring development does not have impacts that lead to a unacceptable increase in air, water, noise, light or other pollution'*.

Paragraph 135 of the NPPF states *'Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*. Additionally, Policy JP-P1 of PFE states development shall be *'comfortable and inviting, with indoor and outdoor environments: a) offering a high level of amenity that minimises exposure to pollution'*.

The Council's 'Guidelines & Standards for Residential Development SPD' in Section 4.10 discusses Changes of Use.

'When considering applications for the change of use of a building or part of a building to residential use, the Council will take into account the impact of residential use on the area and will also seek to secure a good standard of amenity for the future occupants. For example, residential uses may not be appropriate in certain commercial areas or above hot food take away shops as future residents could suffer from noise and smells nuisance or disturbance from activity late into the evening and early morning and this could affect the operations of the existing businesses.'

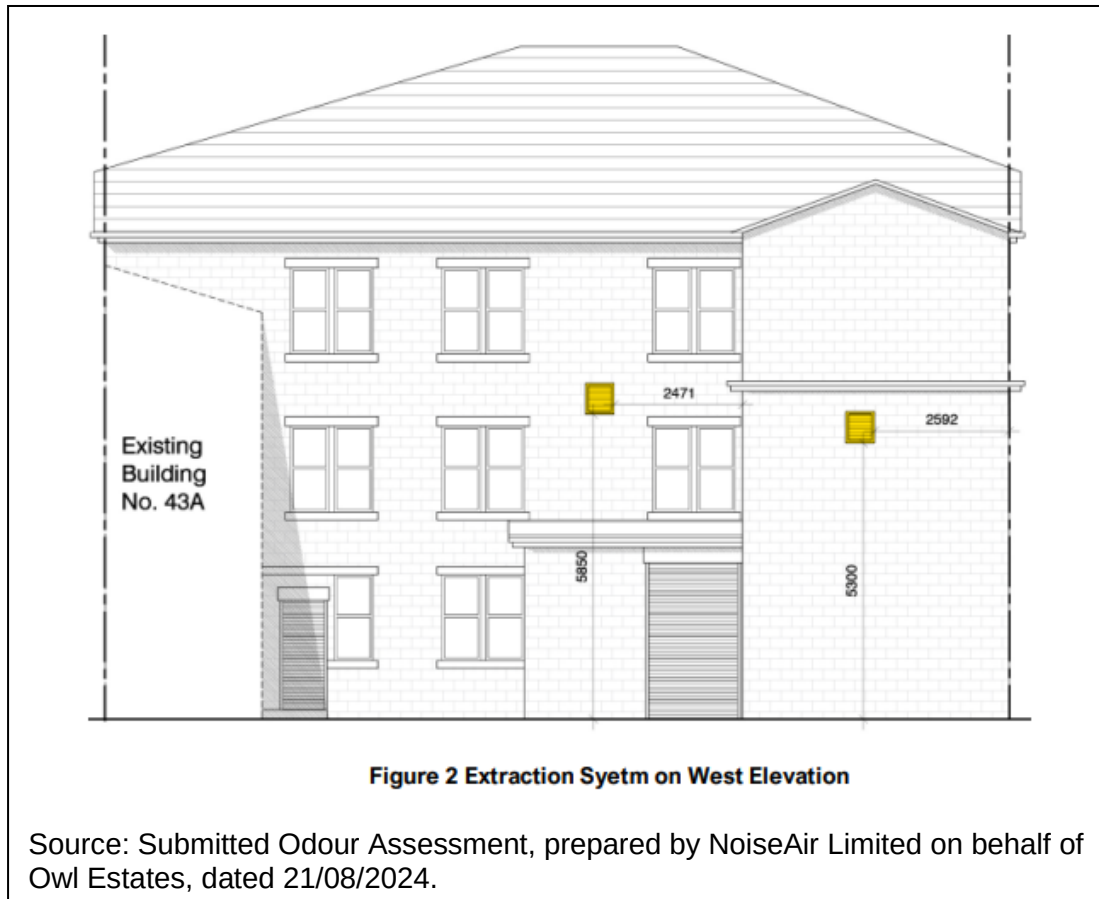
Policy DM1 states all development requirements will be expected to demonstrate that they *'Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users'* and *'Mitigate against any impacts due to noise, air, dust, light and odour pollution, ... where such mitigation is identified as being necessary'*

The application is supported by an odour impact assessment. The assessment however, as stated at 1.1.1, is a 'kitchen odour assessment in support of a planning application for an Indian restaurant at 41 York Street'. It is noted this is not consistent with the proposed development and does not acknowledge the proposed conversion of the first floor to residential properties, and therefore raises concerns as to the validity of the odour assessment.

The proposal is sited above a restaurant with the top of the kitchen flues only 6m away from the first floor windows of Flat No 3, and within very close proximity to Flat No 4. It is noted the existing flues to the restaurant 'Brit Taste', are not shown on either the existing or proposed plans. These are visible from the western elevation of the site, shown in Photograph 1. While two extraction louvres are shown on Figure 2 of the submitted odour assessment, these are not of the same design or scale as the existing situation on site.



Photograph 1: Site visit photo from western elevation of the building, showing the existing flue and extractor fan on the rear of the property. Source: Case Officer



Following consultation with the Council's Environmental Health Officer for odour, the inconsistencies between what is on the site and discussed in the report has raised concern of the accuracy of the conclusions made in the report. The Officer continues:

'Given the presence of living accommodation above I feel it is imperative that the extracts terminate at least a 1 m above the eaves of the highest part of the building and ideally above the ridge, the outlet of the extract should be unrestricted and flow rate above 15m/s – this is likely to result in the terminus being at an angle from the flue to prevent rain ingress. Such a system would still require filters but these could be of more regular design. It is also important to remember that noise levels from the extract will need to be controlled if the flat or ones in connected buildings are to be occupied'

Looking to the existing flues as shown on Photograph 1, the top of the flue would be at a similar height to the bedroom windows of Flat No 3 and Flat No 4. In light of the comments from the Environmental Health Officer, any odour discharge from the flue would have the potential to affect the living conditions of these flats, as the flue would discharge odour at and just below their window level. As such, this shows a fundamental residential amenity concern as a result of odour on the occupants of Flats No 3 and 4.

The odour assessment, at section 5, identifies the odour risk as very high, suggesting that the development could result in significant odour impact at nearby sensitive receptors and harm local amenity, without any mitigation. The report, at section 4.2, does provide detail of suggested mitigation measures including carbon filters and odour controls, however no specific measures have been provided, nor can the planning authority have any degree of certainty that this mitigation level is sufficient given the assessment does not consider the proposed residential

properties within very close proximity. Such odour discharges would adversely affect the living conditions of the occupants of the proposed flats labelled as No 3 and 4. The proposal would not comply with Policies P1, C6, G9, DM1 of Rochdale Core Strategy and Policy JP-P1 of PfE, and the NPPF.

Detailed within the Environmental Health Officer's response includes an alternative with a much larger flue, at least 1m above the eaves of the highest part of the building. These comments were shared with the applicant, however the flue proposed at the height suggested, would be unlikely to secure planning permission as a result of unacceptable design, and therefore no amendments were invited as part of this application. Additionally, the extension of the flue, or redesign of the flue, would require planning permission in its own right, and it would be inappropriate to secure via condition. In the event of a subsequent application, it is likely a new odour impact assessment considering the impact of the existing ground floor restaurant upon the proposed dwellings is required.

Occupier Amenity – Space standards, light provision, privacy

In relation to the proposed flats, the proposal would convert the existing nightclub to residential flats at first floor. The restaurant would be retained at ground floor.

The square metre measurements are as follows:

Flat no	Total area (sqm)	Bedroom floorspace (sqm)
1	57.9	18
2	57	18.2
3	54.9	17
4	45	11.75

Every apartment would meet the Nationally Described Space Standards, meeting the minimum gross internal floor area for a one bedroom, 2 bedspace flat. All of the bedrooms are at least 2.15m² in width and have an area of at least 11.5m², and therefore accord with guidance for at least two bedspaces per room.

In relation to the proposed outlook and privacy of the flats, sufficient separation distances are provided. The proposed dwellings are 29m from properties directly to the east of the building, 22m west of buildings across Queens Park Road, and 24m south to Heywood Market. To the north of the building is Heywood Police Station, a single storey building with a curved roof, which would not face directly into the residential windows.

The flats benefit from no outdoor amenity space; however the site is located a short distance from Queens Park and Heywood Memorial Gardens and Heywood Civic Square, which is currently being redeveloped into a modern public square. Given the nature of the town centre flats, and the close proximity of the proposals to these outdoor spaces, it is not considered the lack of outdoor space included within the proposal would result in an unacceptable impact to the amenity of occupants.

Design

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image. Further to the above, Policies DM1 and P3 of the Council's adopted Core Strategy requires

development proposals to adhere to high quality design and enhance the borough's identity and sense of place.

The proposed works would not result in any alterations to the external of the building. It is noted the proposed cycle store is located to the front of the property with a bin shelter to the front and rear also. The area to the front of the property is gated. To the front, this would not be visible. In the instance the application was to be approved, details of the cycle store design and bin store design would be secured via condition.

The bin area to the rear does not appear to provide detail on where the restaurant bin storage is, or whether both, or only one of these bin areas are for the flats only. In the instance the application were approved, further clarification would be sought on this.

Highways

The site's location is a located within a local centre and adjacent to Heywood Town Centre, and is a highly sustainable location accessible from a wide variety of non-car modes.

Based on the Council's Parking Standards, the maximum standard for car parking provision is 1.25 spaces per flat resulting in 5 spaces. No car parking is included within the application.

The Council's Highways Officers were consulted on the application in respect of parking provision and road safety. No objections were raised and no concerns were raised regarding parking due to the sites sustainable location. No concerns were raised regarding servicing or emergency access, and no road safety concerns were raised.

Cycle parking is proposed and Highways have provided no comment on this element of the proposals and the Council's minimum cycle parking states 1 secure space should be provided per 5 dwellings (minimum 2 spaces). The cycle store shows 4 cycle spaces available, and details of this can be secured by condition. As such, officers consider that the provision of 4 cycle spaces located to the front of the building to serve the proposed development is reasonable and acceptable. This will be secured by planning condition.

Therefore for the site-specific reasons above, on balance, the proposed development is considered acceptable in regards to highway matters.

RECOMMENDATION: REFUSE

1. The proposal would have a detrimental impact on the amenity of the users of Flats 3 and 4, due to the close proximity of the flue serving the downstairs restaurant, depositing odour at first floor level. The resulting odour and air pollution would have a detrimental impact on the health and wellbeing of the users of the property. As such it is considered that the proposal is contrary to Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P6 of Places For Everyone Joint Development Plan, and the National Planning Policy Framework.

Notes for Applicant:

For the avoidance of doubt, the Decision Notice relates to the following drawings:

Location Plan

Proposed First Floor plan - A060_L(00)006 - 10/08/2023

Proposed Ground Floor Plans - A060_L(00)005 – 10/08/2023

Proposed Elevations A060_L(00)007 – 10/08/2023

Existing Elevations - A060_L(00)004 – 10/08/2023

Existing Plans - A060_L(00)003 – 10/08/2023

Existing Lower Ground Floor Plan - A060_L(00)002 – 10/08/2023

Report Author Rosalind Gralton