APPLICATION NUMBER: 20/00987/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/00987/FUL	Rachel Carney	20 October 2020

Address: Riva Ristorante 43 Lake Bank Littleborough OL15 0DQ

Proposal: Erection of a raised platform and balcony on side elevation to be used as an outside seating and dining area accessed at first floor via new bi-fold doors.

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?**	y
	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

CONDITIONS	**Pre-commencement conditions proposed?**	n
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT DATE: 03.11.2020

SITE

This application relates to the Riva Ristorante at 43 Lake Bank in Littleborough, Rochdale. The property overlooks Hollingworth Lake to the east, and in particular,

the boathouse car park and water activity centre. Hollingworth Lake is a popular tourist destination which plays an important role in the local economy. 43 Lake Bank is currently in use as a restaurant and appears to have been in this use since 1977. The first floor of the premises is used as a function room / additional restaurant floor space.

The building is a detached property constructed up to the footway of Lake Bank at the front (east) boundary of the site and it has recently been extended to the side with a three storey extension for a cafı/deli and two apartments.

The building is one of the older buildings on Lake Bank, appearing on historic mapping dating back to 1893. Despite modernisation and the addition of over-window canopies, the front elevation retains the simplicity of form of the original. The rear elevation character has been eroded through the inevitable alteration to a service area serving commercial premises. The site currently benefits from off street parking to the side elevation.

PROPOSAL

The application proposes the erection of a steel platform and balcony to the south west side elevation of the building to be used as an outside seating and dining area.

The balcony would extend 12.5m from the existing side elevation and have a depth of 7.0m. The balcony would be supported upon eight vertical piers and it would be set 3.2m above ground level with a balustrade of 1.1 and 1.7m height around the edge.

The balcony would primarily be accessed by new bi-fold doors which are proposed to the first floor side elevations of the existing access. It would also be served by external steps to the rear which would link in with the existing fire escape.

The balcony would provide external space for six, four seater tables. Beneath the balcony for off street parking spaces would be lost to the development but access under the balcony would be available, providing access to four retained parking spaces to the rear.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

E5	Encouraging the visitor economy
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
G6	Enhancing green infrastructure
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RE/7(a) Recreational Management Areas

Supplementary Planning Documents (SPD):

RELEVANT SITE HISTORY

18/00394/FUL – Three storey side extension to comprise cafı/deli (Use Class A3) at ground floor level and 2 no. apartments (Use Class C3) to upper floors - Approved

CONSULTATION RESPONSES

Highways And Engineering
No objections given the close proximity of public parking which is available to this and the surrounding businesses.

Public Protection - Noise/Odours
We could only support the application with a condition requiring the outdoor area to close at 20:00 on any day.

Electricity North West
The development is adjacent or affecting Electricity North West's operational land or electricity distribution assets. The applicant must ensure development does not encroach over the land or any rights of access or easements. If planning permission is approved the applicant should contact Electricity North West.

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. No letters of representation have been received.

ANALYSIS

The site is within the Defined Urban Area, as defined in saved policies G/D/1 of the Unitary Development Plan. G/D/1 establishes that new development should be located in the urban area, so as to support urban regeneration and protect the open countryside.

Policy E2 supports employment generating uses such as retail, entertainment, leisure and tourism uses subject to complying with other policies of the Local Plan, in order to support the retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy. Policy E5 of the Core Strategy seeks to promote and support development that can enhance the visitor attraction of Hollingworth Lake and Country Park. In promoting opportunities, the policy advises that the Authority will support proposals that improve the visitor economy and resist those that could adversely affect it.

The proposal incorporates the expansion of an existing restaurant use, supporting an existing employment source within the area. It also increases the offer and range of night-time / daytime eating establishments in the vicinity and it is also immediately opposite the main car park serving visitors of Hollingworth Lake. Given the above, it is considered that the proposal would directly benefit the local economy and has the potential to attract daytime visitors to stay longer and visit the lake and environs. This would accord with the objectives of policies E2 and E5 of the Core Strategy.

Visual amenity

The current application proposes the erection of a raised platform that would provide an external seating area to complement the existing restaurant use. The extension would project 12.5m from the existing side elevation of the building (the host building has a width of approximately 16.7m) and a depth that matches the main section of the host building. It is considered that this would appear as a very prominent addition to the side of the building and would fail to respond positively to the host building and its setting within the street scene. Given the design of the development, which is a raised platform with access beneath, the LPA accept that the development would be less bulky than some forms of development. Nonetheless, a steel balcony structure of this scale would appear as an alien and obtrusive feature on the street scene and one that would detract from the existing character of the area.

In addition to the above, when viewing the proposal is conjunction with the extension approved under 18/00394/FUL, it is considered that the host building, which by virtue of its design currently make a positive contribution to the street scene, would be lost between the two large additions to either side. This again would further detract from the appearance of the host building and the positive contribution it makes to the existing street scene.

Further to the above it is considered that by virtue of its scale and design the proposed extension would result in unacceptable harm to visual amenity. In this regard the application would be contrary to policies P1, P2, P3 and DM1 of the adopted Core Strategy and policy in the NPPF.

Residential amenity

Policy DM1 set out a number of basic planning considerations that should be applied to all development and these include a requirement that development is compatible with surrounding land uses.

The application would comprise alterations to an existing and well established restaurants that comprises one of the commercial units fronting onto Hollingworth Lake and supports visitors to the area. The properties along this stretch of Lake Bank are therefore predominantly commercial at ground floor level but there are residential flats above and the properties behind are all domestic (separated by an electricity sub-station).

Through the development of this proposal the existing restaurant would be able to extend its services to an external raised platform. To assess the impact of this upon near occupiers, particularly nearby residents, it is noted that the development is sited a sufficient distance (in excess of 21m to windows) from neighbouring properties to ensure no loss of amenity through overlooking. However, there are some concerns over the impact on nearby residents' private amenity space (rear gardens) which would be sited (at their closest point) approximately 11m from the balcony and only partially screened by existing vegetation. It is however considered that this matter could be adequately addressed through the installation of additional screening to the rear boundary of the balcony and this could be sought through amended plans or a condition on any positive application.

Consultations have also been undertaken with the Council's Public Protection (Noise and Odours) Team. They have confirmed no principle objections to the application but have advised that the external area would need to close at 8pm. With such a condition it could be ensured that the development would not cause undue disturbance to nearby residents and would accord, in this regard, with policy DM1 of the Core Strategy.

Highway safety

The application proposes a raised platform that would be sited on piers over an existing car park area. As a result of this, four existing off street parking spaces would be lost but access beneath the balcony would still be possible, allowing the retention of four parking spaces behind.

To assess this impact on parking and any other highway safety matters consultations have been undertaken with the Council's Highway Service. They have advised that in most cases they would seek increased parking provision to accommodate the increased size of the development. However, in this case, given the close proximity of public parking (large public car park across the road) to this site and the surrounding businesses, Highway Services have confirmed no objections to the proposal.

No additional concerns in respect of highway safety have been raised and in respect of the above the application accords with policy DM1 of the Core Strategy.

Electricity North West

Whilst they have raised no overall objections to the application, Electricity North West have advised that the development would be adjacent or affecting their operational land or electricity distribution assets. They have therefore advised that if planning permission is approved, the applicant should contact them to verify such details. The applicant will also be required to take great care in protecting both the operational apparatus and any personnel working in its vicinity and if the apparatus require diverting, this would be usually be at the applicants expense.

An appropriate condition in line with the above will be required on any approval.

Summary

The proposed development would support the use and development of an existing commercial business on the banks of Hollingworth Lake, thus benefiting the local economy. However, the scale and design of the extension is such that it would significantly detract from the appearance of the host building and negatively impact on the surrounding street scene. The application is therefore unacceptable and the recommendation is for refusal.

RECOMMENDATION **REFUSE**

1. By virtue of its scale and design the proposed raised platform would appear as an overly prominent and obtrusive addition to the site that would detract from the positive appearance of the host building and appear as an obtrusive feature within the existing street scene, negatively impacting on the character and appearance of the area. The development would therefore have a harmful impact on visual amenity and be contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it 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.

Notes for Applicant:

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

- Location/Existing Site Plan – Drawing no. PL05
- Location Plan, Existing Elevation, Proposed Site Plan and Proposed Side Elevation – Drawing no. PL04
- Proposed Elevations – Drawing no. PL03
- Proposed Floor Plans – Drawing no. PL01
- Existing Floor Plans and Proposed Roof Plan – Drawing no. PL02
- Proposed Site Plan – Drawing no. PL06

Report Author Rachel Carney