APPLICATION NUMBER: 18/01311/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01311/FUL	Michael Atkinson-Smith	05 March 2019

Address: 187-189 Kirkway Middleton M24 1LW

Proposal: Change of use of ground floor from Class A1 (Retail) to Class A3 (Café/Restaurant)

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/A	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	Y
	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	GRANT

CHECKED AND SIGNED OFF BY: AT DATE: 05.04.2019

SITE

The application relates to the former Co-Operative food store located in the 'Kirkway/Mainway, Alkrington' Local Centre. The centre includes a total of 14 retail

units with flats at the upper levels, a library and a public house. The centre is served by a communal car parking area and includes a wide pedestrian area in front of the retail units. There are a range of retail and other complimentary uses on site. The remaining surrounding land uses are primarily residential and a service road runs to the rear of the main blocks forming the local centre.

PROPOSAL

The application proposes the change of use of the double fronted A1 retail unit to a Class A3 (restaurants and cafes) use. An end user has not been identified in the supporting information and therefore full details of the internal layout have not been provided. In light of the above, the application has been amended to deal with only the principle of the use of the site for A3. Additional applications would be required in future in respect of extraction equipment (if any), shopfront alterations and installation of advertisement signage.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
SO3	**Improving design, image and quality of place**
P3	Improving design of new development
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
SD1	Delivering sustainable development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	**Defined Urban Area**
G/S/1	**Shopping and the Role of Centres**
S/6	District Centre, Local Centres and Linear Commercial Areas

RELEVANT SITE HISTORY

None of relevance

CONSULTATION RESPONSES

Highways and Engineering - No comments received to date

Public Protection (Noise/Odours) - With the removal of the flue, this section has no objections to the proposal. If in the future the user requires an extraction flue a further application will be required to be accompanied by a noise impact assessment.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted in the vicinity.

176 letters of objection were received, although it should be noted that many of the objections are not from local residents. The majority of objection letters raise concern that an additional café would affect the business of the existing cafes within the local centre. Competition between businesses is not a material planning consideration; only whether a use is compatible with surrounding land uses is to be considered and whether the vitality of the defined local centre would be affected. This is addressed in the relevant report section below.

In addition, four neutral representations were received citing various concerns, not all directly related to the application proposal such as the type of end user and issues with illegal car parking.

77 letters in support of the proposal were also received. In general, these cited the perceived benefit of additional choice and that a reduction in vacancy would be beneficial.

TOWNSHIP / MEMBER COMMENTS

The application was discussed at the meeting of the Middleton Township Planning Panel on the 18th February 2019. The panel noted that Ward Councillors had objected to the proposal basis of the impact of the extraction equipment on the residential properties above and through general noise and disturbance. This element of the proposed development has subsequently been removed from the application.

ANALYSIS

Principle of Use

The NPPF introduced a presumption in favour of sustainable development and advises that planning should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The application unit lies within the 'Kirkway/Mainway, Alkrington' defined local centre and as such saved UDP policy S/6 is relevant which permits changes of use provided that the use would be of a scale and character appropriate to the size, function and role of the centre and would be compatible with surrounding land uses and would not harm residential amenity. Core Strategy policy E1 states that the Council will ensure the provision of a hierarchy of accessible district and local centres and shops that meets people's daily shopping needs.

The local centre is well frequented with relatively few vacant units. However the application unit has been vacant for some time and the application proposal represents an opportunity to increase the likelihood of the vacant unit coming back into use in the near future. The proposed use will encourage increased patronage within the local centre and encourage use of other local shops and services. The proposed use is considered to be suitable for the local centre and of benefit to the local community and there is not an over-dominance of any particular use, including A3 uses, within the centre at present. Therefore there is no available evidence to support any assertion that the vitality and viability of the local centre would be diminished as a result of the proposed change of use. Indeed, a positive benefit would result through increased occupancy of the centre as a whole.

Therefore it is considered that the application proposal is acceptable in principle and in accordance with the relevant parts of saved UDP policy S/6, adopted Core Strategy policy E1 and the NPPF.

Impact on Surrounding Occupiers

Paragraph 127 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users. Policy DM1 of the Core Strategy states that proposals should adversely affect the amenity of residents and be compatible with surrounding land uses. Policy G9 seeks to prevent developments that would lead to an unacceptable increase in pollution. Criterion (b) of UDP policy S/6 states that the development of food and drink outlets, community and cultural facilities and other uses appropriate to a district or local centre will be permitted provided that it will be compatible with surrounding land uses and will not harm local residential amenity.

Due to the commercial nature of the surrounding area, the proposed A3 use is considered to be acceptable in this location. Occupants of the residential properties above the unit would be accustomed to the comings and goings of customers to the units below. It is noted that the last authorised use of the now vacant units was a convenience food store open from 07:00-22:00 seven days per week. The proposed opening hours of 08:00-21:00 Mon-Fri, 09:00-20:00 Saturdays and 09:00-18:00 Sundays and Bank Holidays would therefore not result in additional impacts in terms of comings and goings in the evenings when residents of the properties above would generally expect to enjoy a degree of peace and quiet. The nature of the former use would have seen a high degree of patronage in the evening as well as during the daytime. Concerns were raised by neighbouring residents in respect of the potential for noise and disturbance caused to neighbouring residential occupiers as a result of the proposed use. A condition limiting the opening hours to those proposed would ensure that the living conditions of residential occupiers would not be unduly affected. No objections have been raised by the Council's Public Protection Officer in this respect.

The Public Protection Officer did, however, share the residents' concerns in respect of the proposed flue. Ward Councillors also raised an objection on this basis. The elevated rear yard area and rear facing windows of the residential dwelling directly above the unit would be most notably affected. No detailed technical specifications of the installation were provided or a noise impact assessment carried out. Given that an end user is yet to be agreed and the specific requirements of any future user are therefore not known, the proposed installation of a flue has been removed from the application proposal. Any future installation would therefore be subject to a separate planning application which would need to be accompanied by the necessary supporting assessments and detailed information. The Public Protection Officer raises no objection to the proposed change of use in light of the removal of the proposal to install the originally indicated flue.

Therefore, in light of the above assessment, it is considered that the revised proposal to change the use of the unit to A3 without the installation of an extraction flue would have an acceptable impact on surrounding residential occupiers and the application accords with the relevant parts of Core Strategy policies DM1 and G9, saved UDP policy S/6 and the NPPF.

Impact on Visual Amenity

Policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design. Policy DM1 requires that all development proposals, including extensions and alterations, demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the

area. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

The application site is located within a defined Local Centre which is commercial in character. As no external alterations to the shopfront are proposed it is not considered that the change of use will negatively affect the character and appearance of the area. The application is therefore considered to accord with the relevant parts of Core Strategy policies DM1 and P3 and the NPPF.

Highways, Access and Parking

Policy T2 of the Core Strategy states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the road network would be severe.

The proposed use of the unit as an A3 café/restaurant will not amount to a significant intensification when compared to the previous usage. The site is well served by car parking provision and close to a main bus route. As it expected that users of the facility would predominately be from the immediately surrounding residential area, the level of traffic the development would generate is not expected to create a significant negative impact upon the existing local highway network. It would generally be expected that users of the facility may also make use of other services provided within the local centre, reducing the need to make separate trips.

The proposal is therefore considered to meet the requirements of Core Strategy policies T2 and DM1 and the NPPF.

RECOMMENDATION

GRANT subject to the following 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 This permission relates to the following plans:-

- DA18157 001 Rev. 1 Site – Location and Block Plan
- DA18157 002 Existing GA Plans and Elevations
- DA18157 003 Rev. 1 Proposed GA Plans and Elevations

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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3 The use hereby permitted shall not be open to customers outside the following times: 08:00 hours to 21:00 hours Monday to Friday, 09:00 hours to 20:00 hours and 09:00 hours to 18:00 hours on Sundays and Bank Holidays.

Reason: In the interests of residential amenity 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:

Report Author Michael Atkinson-Smith