APPLICATION NUMBER: 19/01343/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01343/FUL	Mubeen Patel	30 March 2020

Address: 42 Redcross Street Rochdale OL12 0PR

Proposal: Change of use of part of shop premises (Class A1) to hot food takeaway (Class A5) including formation of a new doorway in side elevation to replace existing window and installation of extraction flue on rear elevation - Resubmission of 19/00441/FUL

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	**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/a
	Pre-commencement conditions agreed (or notification period expired)?	N/a

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: EH **DATE: 1 April 2020**

SITE

The application site relates to a two storey end terrace property situated at the bottom of Redcross Street where it meets Howard Street, in a prominent location. The property is finished in red brick with a slate roof. A single storey extension and small amenity space is provided to the rear. The property consists of a retail store at ground level with an ancillary residential flat at first floor. The site is unallocated within the Rochdale Unitary Development Plan 2006 (UDP).

The majority of the properties in the area are in residential use with similar red brick terraced properties in the vicinity.

PROPOSAL

This application seeks permission to change the use of part of the ground floor shop from a retail use (A1) to a hot food takeaway use (A5). The plans submitted show a new extractor flue would be installed off the rear elevation which would rise externally above the eaves. An existing window would be replaced along the southern side elevation of the building to provide a separate access for the proposed takeaway.

The opening hours as stated on the application form would be from 8.00am - 10.00pm Monday to Saturday and 8.00am to 9.00pm Sundays including Bank Holidays.

The takeaway would provide one full time, and one part time employees.

No off-street parking is proposed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) (February 2019)

National Planning Practice Guidance (NPPG)

Rochdale Core Strategy:

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
P2 Protecting and enhancing character, landscape and heritage
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

Relevant saved Rochdale Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Hot Food Takeaways SPD

RELEVANT SITE HISTORY

86/D18886 - Single Storey Rear Extension – Approved

86/D19319 - New Shopfront – Approved

19/00441/FUL - Change of use of part of shop premises (Class A1) to hot food takeaway (Class A5) including formation of a new doorway in side elevation to replace existing window - Withdrawn

CONSULTATION RESPONSES

Public Protection - Noise/Odours -

The proposed hot food takeaway is located in a predominantly residential area, as such the future use is likely to give rise to complaint of noise and odour nuisance and general disturbance. This section cannot support the proposal and would recommend refusal.

Highways and Engineering –

The development has no parking available but is comparable to the previous usage. Its unlikely people will sit in to eat and instead use this as a takeaway service. I would insist on waiting restrictions on Howard Street they are however already in place.

We have no objections to this proposal.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, two letters of support have been received which state;

- The proposed would be advantageous to the neighbourhood
- We are happy that it would be a food shop as there are no other food shops on this road.

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 significant distance from a local centre identified under the UDP Proposals Map. In addition, the change of use of the ground floor of the building 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 use of the building as a hot food takeaway could have any adverse impact on the viability or vitality of any centre. 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 at 42 Redcross Street 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.

Residential amenity and impact on environment

The application site is located within a terraced row in a close knit residential area with a residential flat at first floor level above the takeaway.

It is considered that the proposal would increase the potential for disturbance from noise to the neighbouring residential properties. The noise generated associated with the use and cooking of food, and outside the premises from the extraction flue and comings and goings, would have a detrimental impact to the amenity of adjoining and nearby residents during the evening and night when residents have a right to enjoy a quieter period.

Although it is accepted that Howard Street is a busy vehicular and pedestrian route, the living conditions of residents of neighbouring dwellings and the proposed first floor flat need to be safeguarded, particularly during the night. It should be acknowledged that traffic along Howard Street during the evening is quieter. Local residents are likely to value a degree of peace and quiet at night after the noise and disturbance that is experienced during the day and early evening. Therefore the opening hours proposed would give rise to significant noise nuisance to residents in the evening and night when this area is generally quieter.

Furthermore, hot food takeaways often give rise to cooking smells that can be harmful to the living conditions of neighbours. The location of the takeaway within a dense residential area would give rise to complaints of nuisance and general disturbance arising from noise and odour through cooking smells. When the rooflights and windows in neighbouring properties are open, particularly in the summer months, it is considered that the noise and odour would cause significant harm to the amenity of the neighbouring occupiers.

In addition, the arrival and departure of customers on foot and by car and the congregating of customers outside the premises as orders are cooked all have the potential for generating noise and disturbance through the shutting of car doors, the starting of engines and the talk and shouts of customers. These activities, including the activity associated with the cooking of food and disposal of waste into the evening and night, are likely to conflict with the desire of those living nearby for some peace and quiet at the late hours in the early morning.

It is acknowledged that the existing shop at the property is open till late, however the additional takeaway business and the way in which takeaway businesses operate would result in an intensification in the use of the site especially at night. Comments have been received from the Council's Public Protection (Noise) Service, who object to the proposals as additional noise and disturbance would likely give rise to complaints from neighbouring residential properties.

Given the details, it is considered that the proposed takeaway would lead to an unacceptable level of noise and odour pollution. There would be an increase the comings and goings from the property including into the evenings and night when residents might expect a degree of peace and quiet, which would cause harm to the living conditions of the occupants of neighbouring dwellings and the proposed flat. The proposal would therefore be unacceptable and contrary to Policies DM1 and G9 of the adopted Core Strategy and the Council's Hot Food Takeaway Uses SPD and the NPPF.

Bin Storage

The plans submitted show waste storage provision which would be provided in the rear yard area, this is therefore acceptable.

Visual Amenity

The replacement of a window with a door to provide access into the proposed takeaway would be a minor alteration to the building and is considered acceptable

The installation of the flue would be to the rear of the property. The flue would extend out at first floor level and rise 1m above the eaves. No details of the external finish of the flue have been submitted which generally have a stainless steel finish.

It is considered, the installation of the flue, in this prominent location on an end terrace property would result in the introduction of a conspicuous and incongruous feature when viewed from back alleyway and from Howard Street. Whilst the flue

would not be visible from the front, it would be readily apparent from a number of neighbouring residential properties to the rear and on Howard Street. As such, the proposed flue would have a harmful visual effect on the residential character and appearance of the area. It would therefore conflict with policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Highways and Parking

The Council's Highway Services team have confirmed no objection to the application. The development has no parking available but it is unlikely people will sit in the takeaway to eat. Furthermore, there are waiting restrictions on Howard Street in place preventing people from parking inconveniently. In addition, the shop use operates without any dedicated parking and creates no significant negative impact upon the surrounding highway, although it is considered the proposal would create intensification given both uses from the property, the takeaway use would be busier later into the evenings where the roads and traffic in the area are calmer.

As such the application is acceptable in this regard and in accordance with policy T2 of the adopted Core Strategy and the NPPF.

RECOMMENDATION

Refuse;

1 The proposed flue, by reason of it's siting in close proximity to the accommodation at first floor level and to residential properties, would give rise to noise and odour nuisance that would cause harm to the living conditions of the occupants of neighbouring residential dwellings, including the occupants of the residential accommodation at first floor level. In addition, the length, height, appearance and position of the flue would result in a conspicuous and incongruous feature that would have a harmful effect on the residential character and appearance of the area. The proposal would therefore conflict with adopted Rochdale Core Strategy Policies DM1 and G9 and the Council's Hot Food Takeaway Uses SPD, which aim amongst other things to protect residential and visual amenity. The proposal would also be in conflict with the National Planning Policy Framework which in paragraph 17 seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

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 Plan, Scale 1:1250
- Existing floor plans and elevations - Drawing no: A1458/1
- Proposed floor plans and elevations - Drawing no: A1458/2

Report Author Mubeen Patel