

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00087/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 05.07.2024 EXT OF TIME 05.04.2025

Address: 51 Tweedale Street Rochdale OL11 1HH

Proposal: Change of use of residential dwelling (Class C3) to Hot Food Takeaway (Sui Generis) including erection of a flue to rear elevation and alterations to shopfront

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

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?	NA
	Neighbour comments received?	Y

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

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RK

DATE: 22/05/2025

SITE

The site relates to a two storey end terrace property on the southern side of Tweeddale Street.

The site has the appearance of a residential dwellinghouse

The site is located within the Defined Urban Area, and is not within the setting or adjacent to a listed building.

The site is within 25m of the Milkstone Road Local Centre.

PROPOSAL

The proposal seeks permission for the change of use of the building into a hot food takeaway.

The site is adjoined to a terraced property which has a ground floor barbershop, and to the non-adjointed side is a parcel of land, where a planning application is pending consideration for a row of 4 dwellings.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

JP-S1 Sustainable Development

JP-P1 Sustainable Places

JP-P2 Heritage

JP-H3 Type, Size and Design of New Housing

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Adopted Rochdale Core Strategy (CS):

SO2 – Creating successful and healthy communities

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

SO3 – Improving Design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO4 – Promoting a greener environment

G7- Increasing the value of biodiversity and geodiversity

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General Development Requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Document 'Shop Fronts and Security Shutters' Adopted September 2012, updated February 2017.

Guidelines and Standards for Hot Food Takeaway Uses Supplementary Planning Document, adopted April 2015, updated February 2017.

RELEVANT SITE HISTORY

09/D52750 Change Of Use From Dwelling To Shop With Flat Above, Including Alterations To Rear Elevation To Form New Access To Flat (Resubmission D52211) Grant subject to conditions 2010-01-29

CONSULTATION RESPONSES

Highways And Engineering

No objections, the site is within close range of the local centre as well as within short distance of transport links. Existing TROs and parking restrictions on the surrounding streets to deter dangerous parking. Additionally public car parks nearby the access the proposed development by vehicle. As such, the proposal would not result in a significant impact on the highway capacity.

Env Health - Noise/Odours

First response:

This section has no objection in principle to the proposals, we would recommend the following conditions.

The extraction system is installed as per the detail of the submitted noise impact assessment, in terms of both odour and noise. Upon completion validation testing is carried out to ensure the resultant noise levels at sensitive receptors do not exceed 31dB(A) as documented in the report.

The extract system shall be used whenever odours are being produced and all filters and equipment should be maintained to ensure optimum operation, and to ensure that the best practicable means available is taken to prevent odours affecting any odour sensitive premises.

Noise from the extraction unit does not exceed 31 dB(A) measured at the façade of nearest noise sensitive receptor.

Second response:

'Details of Extraction system

Details of the extraction system shall be provided included mitigation measures for noise and odour

Lighting

No external lighting shall be installed on the site without the prior written consent of the Local Authority

Operating hours

Details of operating hours

Refuse

Details of the bin stores shall be provided prior to use'

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. 9 responses were received. Concerns raised are stated below:

- Parking
- Impact on vulnerable people
- Concern of emergency service access
- Increase of rubbish and nuisance in area
- Rear of houses already full of rats due to food smells, rubbish and cleanliness of existing businesses
- Fire hazard
- Cars parking have blocked back gates and unable to put rubbish bins at the rear

Matters relating to vulnerable people or the presence of pests are not relevant to this planning application, all other matters are covered within the Amenity and Highways section of the report.

ANALYSIS

Principle of Development

The application site is 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.

Policy E1 seeks to provide a hierarchy of accessible district and local centres and shops that meets people's daily shopping needs through taking a sequential approach to the provision of commercial development, where relevant development should be located at sites within a designated centre, then those at the edge, or well connected to before considering out of centre development.

Paragraph 91 of the NPPF states '*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*'

Paragraph 92 continues *‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored’*

Paragraph 95 concludes *‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94 it should be refused.’*

The proposals relate to the provision of a main town centre use which is not within a centre, but is circa 32m west of the boundary of the Milkstone Road Local Centre. The applicant has not submitted a sequential test. Irrespective of this, a review of street-view imagery along Tweedale Street and within the Milkstone Road Local Centre clearly demonstrates a number of vacant units of a similar size and that the vast majority of former residential terraces have the ground floor of the properties converted to commercial uses. It is evident this has spilled out of the local centre to the adjacent housing stock. While there is no policy protection from the loss of residential dwellinghouses in this location, there is no evidence before us to demonstrate why existing vacant commercial properties within the adjacent local centre are not suitable, nor why the proposal could not be located closer to the centre or within an alternative centre.

The submitted planning statement claims ‘the proposed change of use of the building would reuse a site [...] struggling for rental use and the site would become empty and appear unsightly in this prominent location’. While the claim of the current rental market and that the refurbishment of the building is unviable is unsubstantiated, it is not unreasonable given the current housing crisis that the property could be sold onto an alternative owner and brought into a functional residential use. This further compounds the view that a takeaway is not the only viable or suitable use of the property.

On 18th October 2023, Rochdale Council declared a housing emergency within the borough. While this does not carry planning weight as such, this fact illustrates that the loss of a single dwellinghouse in a highly sustainable, edge of centre location, would be harmful to the supply of housing in the borough. It is acknowledged the loss of one house would hold very limited weight against the granting of planning permission.

The Council’s Hot Food Takeaway SPD also provides guidance on the appropriate concentrations of hot food takeaways and clustering, this however relates proposals within local centres and the principle of development should therefore be assessed in accordance with the policies above.

Public Health

Objective 10 of the Places for Everyone Joint Development Plan states the aim of ‘Promote the health and wellbeing of communities’, specifying we will ‘improve access to healthy food options for all communities’. Similarly, Policy C6 of the Rochdale CS stated ‘Improving health and wellbeing’ *‘We will improve people’s health and wellbeing and reduce health inequalities by creating an economic, physical and social environment that promotes and supports healthy lifestyles [...] through ensuring good provision of and access to a range of food shops within or adjacent to town centres,*

local centres and particularly those located in or able to serve deprived areas (Policy E1), in addition to not allowing the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits.’ As such, new hot food takeaway premises where a high concentration of hot food takeaways exist will be resisted where possible. The site is located just outside of a local centre,

Paragraph 96 of the NPPF states ‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which [...] enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of [...] access to healthier food.’

The NPPF was revised in December 2024 to include paragraph 97 to state:

‘Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*
- b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour’*

The NPPF provides no definition of ‘walking distance’, however in April 2015, the Council adopted a Hot Food Takeaway SPD and in particular, in section 4 and 6 of this document references inappropriate densities of Hot Food Takeaways and unacceptable locations; such as within 400m of secondary schools. The same distance is used to apply Paragraph 97.

The proposal is within a 5 minute walk of St John’s RC Primary School and 6 minutes of Beech House School. Beech House School is an independent school, and the location on the Manchester Road site is for Senior and Upper Preparatory Departments, which caters for pupils age 7 and above.

St John’s RC Primary is sited on the opposite side of the Milkstone Road Local Centre, and which may disincentivise journeys to the proposed Takeaway, where similar uses are more convenient, however the proposals would add to existing concentration of such uses and would not assist in improving health outcomes locally. The NPPF is clear that such forms of development in such close proximity should be refused.

Visual Amenity

Paragraphs 131 and 136 of the NPPF state good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further to this, Rochdale CS Policy P3 requires all new developments to adhere to high standards of design, ensuring it enhances the borough’s identity and sense of place, by respecting context where it is positive. The Council’s ‘Shopfronts and Security Shutters’ SPD provides detailed guidance as to respecting building frontages and the streetscene.

The proposal would introduce an aluminium framed shopfront at ground floor level, with glazing to the front elevation at ground floor. The shopfront would be flush with the front elevation of the building. While the area does not benefit from any forms of protection, the existing building appears of reasonable architectural merit including the existing English Garden Wall brickwork, stone headers and cills, original moulded archway to

the door. The proposed shopfront would not retain or enhance these features or present the appearance of a traditional shopfront, utilising the elements in Figure 1 and 2 of the Shopfronts SPD. As such, the character and appearance of the application property would be severely harmed as a result of the simple design of the proposed shopfront.

Further to this, regard has been had to paragraph 216 of the NPPF as the Castlemere Community Centre which is sited opposite the application property is considered to comprise a NDHA by virtue of its architectural interest and historic interest through its use as a boarding school; as a consequence of its close proximity and harmful design, the proposed shopfront would have a negative impact on the significance of the NDHA. It is not considered that the design is suitably justified, any harm mitigated or outweighed by public benefit and the proposals are therefore contrary to CS Policy P2, PfE Policy JP-P2 and the NPPF.

The only other physical changes to the building include the flue proposed is located adjacent the boundary with the parcel of land to the west. The flue is sited 1000mm above eaves level. While the flue is not a desirable feature in the streetscene, given the close proximity to the local centre, it is not considered the flue is unacceptable in this setting. The flue would measure a width (diameter) of 300mm, and would measure 4.6m in height. No details are provided of the materials of the flue; in the instance of approval further clarification would be required to assess the visual impact.

It is noted no details other than the location of the bin stores are provided within this submission. In the instance of an approval, a condition would be secured for elevations and details of bin stores to be provided to the LPA for approval prior to first operation.

Neighbour Amenity, including noise and odour

Policy DM1 states development should not adversely affect the amenity of residents or users through visual intrusion, and should 'mitigate against any impacts due to noise, air, dust, light and odour pollution ... where such mitigation is identified as being necessary'.

The proposed flue would project 1000mm above the eaves of the roof.

The Environmental Health Officer was consulted on the application initially, and raised no objection in principle to the proposal, subject to recommended conditions. Since the Environmental Health consultation was received, a planning application for the adjacent land to the side of the application site for the development of four dwellinghouses has been approved (ref.24/00031/FUL). Given the extant planning permission, there is a reasonable prospect of the site coming forward under the approval, and thus now comprises a material consideration. As such, a second consultation with the Environmental Health Officer was carried out. No objections were raised, however further details of operating hours would be required prior to determination, and details of noise and odour extraction systems and bin storage would be secured via condition prior to installation and first operation of the takeaway.

Notwithstanding the comments of the EHO, the proposals would site a use which would experience activity well into the evening adjacent to residential uses, and the comings and goings and potential loitering from delivery drivers would nonetheless create a permanent and noticeable level of activity outside of the front window and door of the eastern-most unit approved under planning permission ref. 24/00031/FUL. Whilst Tweedale Street is well used by vehicular traffic and pedestrians, the character of the use of a takeaway as set out above would be noticeably different and would amount to

an unacceptable level of disturbance, contrary to the requirements of CS Policy DM1, PfE Policy JP-P1 and the NPPF.

Highways

Relating to sustainable transport, Paragraph 116 of the NPPF states '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 on the road network would be severe.'

Policy DM1 sets out the general development requirements and establishes that proposals should demonstrate they 'mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary' and 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'.

In April 2015, the Council adopted a Hot Food Takeaway SPD and in particular, the document states Core Strategy Policy DM1 is relevant to takeaways in this instance, including DM1e *'all development proposals ...will be expected to demonstrate that they ... Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'*.

As part of the application the Council's highways officers were consulted. It was noted no dedicated parking was provided, however given the proximity of the site to the Local Centre, and existing Traffic Regulation Orders, in the form of 'No Waiting at Any Time' restrictions on Tweedale Street and at junctions of side roads in close proximity, as well as public car parks. Given the size of the unit proposed, Highway's Officers conclude it is considered the proposal would not result in significant impact on highway capacity.

No concerns are raised in relation to refuse collection or drainage. In the instance of an approval, a grease trap would be required by condition as per the Hot Food Takeaway SPD.

It is noted by the case officer a number of objections were received regarding the issue of parking in the area and that existing restrictions in the area do not deter illegal on street parking. While this is an issue to be taken into consideration, it is not the responsibility of the developer to eradicate existing parking issues within the area. While the proposed development may exacerbate these issues, the proposed development is a small scale unit, within close reach of local centres and sustainably located to transport links. As such, it is considered the proposal is in compliance with policies T2 and DM1 of the Rochdale CS, and the NPPF.

RECOMMENDATION: Refuse

1. The application fails to demonstrate that the site is sequentially preferable and would seek to site a main town centre use outside of any designated centre. In the absence of any appropriate information to demonstrate otherwise, the proposals would be harmful to the vitality and viability of the Milkstone Road Local Centre. The proposal would therefore fall contrary to the requirements of Policy E1 of the Core Strategy and the National Planning Policy Framework.

2. The proposed Hot Food Takeaway would be inappropriate for this location as it would be within walking distance of St Johns RC Primary School. The proposals would therefore detract from health outcomes of young people and be contrary to the aims and requirements of the Guidelines and Standards for Hot Food Takeaways SPD, Policy C6 of the adopted Rochdale Core Strategy, Policy JP-P6 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
3. The proposed shopfront would, by reason of its design and materiality, would comprise an incongruous and wholly unsympathetic addition which would fail to comply with the guidance provided within the 'Shop Fronts and Security Shutters' adopted September 2012, updated February 2017, and would give rise to an unacceptable impact on the character and appearance of the host building and on the surrounding street scene. Given the proximity of the site to the Castlemere Community Centre, which is regarded as a Non-Designated Heritage Asset, the proposals would give rise to less than substantial harm to the significance of this building through the development of an intrusive and inappropriate form of development within its setting. This harm is not justified, mitigated or outweighed by public benefit and therefore, the application is contrary to Policies P2 and P3 of Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, as well as policies contained within 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:

For the avoidance of doubt, the decision notice relates to the following plans:

- Location Plan
- Technical Specification
- Existing Floor Plan, Elevations and Site Plan – received 09/05/2024
- Proposed Floor Plan, Elevations and Site Plan – received 09/05/2024
- Noise and Odour Assessment– received 09/05/2024
- Planning Statement – received 09/05/2024