APPLICATION NUMBER: 21/00143/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00143/FUL	Mubeen Patel	27 May 2021

Address: Unit 5 Mayfield Parade Albert Royds Street Rochdale OL16 2US

Proposal: Change of use from retail (Class E) to hot food takeaway (Sui Generis) including installation of extraction flue on rear elevation

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

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
	Neighbour comments received?	Y

EIA	**Screening opinion completed and saved to Onbase?**	NA

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT DATE: 27.05.2021

SITE

The application relates to Unit 5 Mayfield Parade, an end retail unit out of a parade of 5 purpose built units positioned off Albert Royds Street, Rochdale. The property is

currently empty and was previously used as a charity shop (Class E). The 5 units of Mayfield Parade currently comprise of a Morrisons Local, a betting shop, two takeaways adjacent to each other, and the proposed application unit. A shared car parking area is located in front of the 5 units which provides for approximately 23 cars.

Residential properties surround the site on all sides.

PROPOSAL

The application proposes the change of use of one of the retail units (Class E) into a Hot Food Takeaway (Sui-Generis) and the erection of a flue on the western rear elevation of the building.

The opening hours proposed for the takeaway are 11:00 – 23:00 Monday to Sundays including Bank Holidays.

The applicants have provided information which states that the property has been marketed for more than 12 months and there has been no interest for retail use under Class E of the Use Classes Order.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

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
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

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Guidelines and standards for hot food takeaways SPD

RELEVANT SITE HISTORY

05/D46527 - Erection of Retail Units, Hot Food Takeaway and Betting Office (Revised Proposal For Planning Permission D45535) – Approved.

CONSULTATION RESPONSES

Highways and Engineering –

The proposed change of use is within a local commercial parade of properties. This proposal is much as one would expect at locations like this. We do not expect any great changes in traffic volumes as a result of this proposal. Parking requirement is shared with other developments within this parade. No changes are proposed to highways layouts or the internal layouts,

We have no objections to these proposals.

Public Protection - Noise/Odours –

I've reviewed the application and this section would support the proposal given the following conditions are attached:

- The hours of operation applied for are conditioned.
- Noise output from the extraction unit is limited to 45 dB(A) measured 3m from the unit.
- 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.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours. In total 29 letters of objection have been received and a 25 signature petition. 50 letters of support have also been received. An 'officer response' is provided below where a comment has not been discussed in the 'Analysis' section of the report.

The objections and petition received raise the following concerns:

- Too many takeaways in the area, an overconcentration
- This would create noise, odour and antisocial behaviour
- Create litter
- Vermin from litter
- Traffic during unsociable hours, congestion and safety
- It would disrupt livelihood
- Lead to crime in the area – **Officer Response** – This would not be a material planning consideration in the determination of this minor application.
- Close to primary and secondary schools
- Insufficient parking
- The applicants are an investment company who do not care about residents - **Officer Response** – This is not a material planning consideration in the determination of this application.

The letters of support state;

- Independent takeaways within walking distance are scarce
- Variety and choice created
- Great idea
- This would provide everyday food
- Make the parade livelier rather than empty shops
- Investment will bring job opportunities
- Affordable food.

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 proposed use would be a hot food takeaway with a small serving area to the front, with toilets and store rooms to the back of the property. 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…

The change of use of the unit 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 proposed use of the building as a hot food takeaway could have any adverse impact on the viability or vitality of any centre given its use previously as a shop. Furthermore for this reason, evidence of a sequential approach to site selection is not considered necessary in this case.

Policy C6 of the adopted Core Strategy states that we will not allow the over concentration of takeaway food premises where they may impact adversely on the amenity of residents and/or encourage unhealthy eating habits.

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 and that this property is an end unit of five total units, only point iv (above) is applicable.

The National Planning Policy Framework seeks to promote economic development through for example the adaptation of an existing business. There is also an importance to protect the vitality and viability of local centres. This can be achieved by ensuring there is a range of businesses to serve a local community and to welcome suitable alternative uses for empty units. Consideration also has to be given to the impact upon living conditions of residential occupiers and whether the proposal supports the government and local policy aims to promote healthy communities.

The proposed change of the unit into a takeaway would result in more than two hot food takeaways being located adjacent to each other. Furthermore, of the total 5 units of the parade of shops only two units would remain as non-hot food takeaways whilst one of the units is a betting shop (sui generis), again a non-retail use.

Given the above, it is considered that the takeaway use would have a negative impact on the viability and vitality of the existing retail parade. There are only a small number of units and at present there are a variety of businesses located here. It has the right balance and range of local amenities. However, it is considered a third hot food takeaway would tip this balance and have detrimental negative impact and undermine the viability and function of these units for the local residents. It would result in 3 out 5 units being takeaways, which is deemed to be an over concentration. The proposed takeaway use, and takeaway uses generally would also have dead frontages during a portion of the day as they open later which reduces the footfall in the daytime, therefore further undermining the viability of this local centre.

Although the proposal would not be located within 400 metres of a secondary school and therefore does not breach the requirements of the SPD on the matter of healthy eating, it would still lead to an overconcentration of takeaways.

It is acknowledged that a takeaway use would allow a business to adapt and possibly generate employment. Consideration has also been given to the unit being empty having advertised for a tenant for at least 12 months. However, on balance the change of use would equally have economic implications on the rest of the retail units in the row due to the loss of daytime footfall, dead frontage and a potential loss of customers because the choice and variety of businesses has been reduced.

In light of the above, it is considered that the principle of the change of use harmful and detrimental to the area as explained above and would be contrary to with Policies E1 and C6 of the Core Strategy, the NPPF and the Hot Food Takeaways SPD.

Impact upon Visual Amenity

Policy DM1 of the adopted Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

The only external alteration to the building includes the erection of a flue rising along the rear elevation of the building to just above the eaves. The flue is pushed away from the rear corner of the property along this elevation to reduce its impact. It is acknowledged that this is a commercial building where the flue has been positioned away from the main public vantage point of Albert Royds Street, although given its location the flue would still be visible from neighbouring residential properties. However, it should be noted that there are other similar flues and paraphernalia to

the back of the building of existing commercial uses and therefore the flue on balance is not considered to negatively impact on the visual character of the area to warrant refusal of the application.

Overall, the proposal is considered to be acceptable and would not harm the character of the area and would be in accordance with Policies P3, DM1 of the Core Strategy and the NPPF.

Impact upon Surrounding Land Uses

Policy DM1 of the Core Strategy sets out a number of basic planning considerations that apply to all development. Further to this, paragraph 127 of the NPPF advises that Planning policies and decisions should ensure that developments: 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.

Policy G9 of the Core Strategy sets out that the Council will seek to reduce all forms of pollution by requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

The application site is located within a mixed use area consisting of a number of commercial uses with residential flats provided on the upper floors. The takeaway would be operational from 11am until 11pm, Monday to Sundays and Bank Holidays which may give rise to some impact on nearby residential occupiers from the comings and goings from customers, staff, delivery drivers, and when closing. However, it should be noted that a retail use has previously operated at the site for the site, and neighbouring takeaways are open similar hours with a similar operation.

It is therefore considered that the hours of operation proposed would ensure that neighbouring residents would enjoy quiet periods during the night where they can relax and sleep. It would not result in a significant impact upon the surrounding uses from traffic generation or noise pollution from members of the public using the site given its location next to existing takeaways to warrant refusal of the application. Furthermore, no objections have been raised by environmental health in relation to noise including the location of the flue. It is recommended that a condition should be attached to the permission restricting the opening hours of the takeaway to those proposed in order maintain residential amenity, and a further condition to limit noise output from the extraction unit.

Therefore, subject to condition, it is not considered that the change of use of the premises would have a detrimental impact on any neighbouring residential occupiers in terms of amenity. The proposal is therefore considered to be in accordance with the requirements of Policies DM1 and G9 of the Rochdale Core Strategy, along with the relevant requirements of the National Planning Policy Framework.

Highways and Accessibility

The site is located amongst a parade of shops with existing shared parking. The Councils highways officer has been consulted and states that ‘they would not expect any great changes in traffic volumes as a result of this proposal. Parking requirement is shared with other developments within this parade’. The retail uses would close when the takeaways start getting busy in the evenings providing spaces for customers.

The highways officer does not raise any concerns in relation to highways safety. This kind of proposal is typical of what is expected at shopping parades. The application is therefore acceptable and would accord with policies T1 and DM1 of the Core Strategy and the NPPF.

Bin Storage/Litter

Bins would be stored similar to the existing use of the retail unit. Bins can easily be serviced from the front or rear of the property. Bins are provided in the vicinity of the site where customers can dispose of rubbish.

RECOMMENDATION

REFUSE, for the following reason:

1 The proposed change of use to a hot food takeaway would result in an over concentration of hot food takeaways at this parade of retail units and would reduce the choice of shops to a point where there would be an imbalance. The takeaway would be closed for a portion of the day, resulting in a dead frontage and loss of footfall in the daytime. These negative aspects combined would have a detrimental impact to the vitality and viability of the parade of shopping units, therefore contrary to policies E1 and C6 of the adopted Rochdale Core Strategy, the Council's Guidelines and Standards for Hot Food Takeaways SPD and 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, this decision relates to the following plans:
1:1250 Location Plan
JAN-21-SU-001 - Existing floor plan and elevations
JAN-21-PS-001 - Proposed floor plan and elevations

Report Author Mubeen Patel