DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01496/FUL	Mubeen Patel	31 March 2021

Address: 13 The Butts Rochdale OL16 1ES

Proposal: Change of use from betting office (Sui Generis) to bar (Sui Generis)

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	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/a
	Neighbour comments received?	N

EIA	**Screening opinion completed and saved to Onbase?**	n/a

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

RECOMMENDATION	APPROVE WITH CONDITIONS

CHECKED AND SIGNED OFF BY: DR **DATE: 06/05/2021**

SITE

This application relates to the ground floor of 13 The Butts, part of a townhouse building of Local Interest located on the corner of The Butts & Stationers Entry, in Rochdale Town Centre. The building fronts directly onto the South Parade and the public space surrounding the recent River Roch re-opening. To the front of the building, the pavement is bounded by a number of concrete bollards, which provide protection from the perpendicular disabled parking spaces. Beyond this is a small taxi rank.

It is accessed via a single entrance/exit to the shop front from The Butts, and was formerly occupied by Ladbrokes, comprising a ground floor premises only with frontage, and associated backroom offices, kitchen and WCs etc.

To the rear of the building are 10, 12, 14 and 16 Baillie Street, also Grade II listed. On the opposite side of the parade are the former Dukes Restaurant and Nightclub (Grade II) and the Former Union Bank of Manchester (Grade II). The site also lies within the town centre Conservation Area, within the Old Town section.

The site lies within Flood Zone 3.

PROPOSAL

Permission is sought for the change of use of the ground floor of No. 13 The Butts from a betting office (Sui Generis) to bar (Sui Generis). There are no external alterations proposed.

No hours of opening have been provided. No off-street car parking is proposed.

RELEVANT PLANNING POLICY

National

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

Adopted Rochdale Core Strategy (CS):

DM1	General Development Requirements
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
E1	Establishing thriving town, district and local centres
C3	Delivering the Right Type of Housing
G9	Reducing the impact of pollution
T2	Improving Accessibility

Unitary Development Plan (UDP):

BE/18 Changes of Use to Buildings in Conservation Areas

RELEVANT SITE HISTORY

80/D11882 - Conversion Of Second Floor Of Premises Into Pool Hall – Approved.

CONSULTATION RESPONSES

Highways and Engineering - We have no objections to this proposal within the town centre. I would expect no significant impact upon the highway at this location

Public Protection - Noise/Odours - This section has no objections to the proposals

Conservation Officer - Given that this applications seeks to make no external alterations to the property, there are no comments or objections raised.

Lead Local Flood Authority/Drainage - I suggest that you provide a Flood Condition that the Applicant provides a Flood Evacuation plan. This should include measures

such as signing up to the Environment Agency's Flood warning system and having a means of disabled wheelchair egress.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice was erected and the application was publicised in the local press. No representations have been received in response to this.

ANALYSIS

Principle of development

The site is located in the Defined Urban Area, Rochdale Town Centre and Rochdale Town Centre Conservation Area as defined in Rochdale Borough Council's Unitary Development Plan (UDP) Proposals Map. CS Policy E1 and Saved UDP Policy G/S/1 provides a hierarchy of accessible district and local centres which focus on retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all of the borough's town centres. Rochdale town centre is the borough's principle town centre and a centre of sub regional significance.

A drinking establishment use is defined as a 'main town centre use' in the National Planning Policy Framework (the Framework). The application site is also not within a primary shopping frontage area and is therefore acceptable in principle in this location.

Character and appearance

The Council's Conservation Officer has been consulted and has not raised any objections. This is mainly because there are no external alterations proposed and the change of use of the space will have a neutral impact on the designated heritage asset (NPPF, paragraph 192) as the use preserves the character of the building.

It is therefore considered that the proposal preserves the character or appearance of the conservation area and the special architectural or historical interest of the surrounding listed buildings. As such it complies with CS Policy P2, which seeks, amongst other things, to protect and enhance the character, landscape and heritage of the borough.

Living conditions

As the application site is located within a Town Centre without any housing nearby no undue harm would occur to the living conditions of local residents. The upper floors of the building in the adjacent row are used by Rochdale Music Service. The Council's Public Protection Section has been consulted and have confirmed that they have no objections to the proposal in terms of potential noise and disturbance. There are similar uses in the vicinity which are open until 3-4am.

As such it is considered that the proposal complies with CS Policies DM1 and G9 which amongst other matters require new developments to mitigate against any environmental impacts including noise.

Flood Risk

Policy G8 of the adopted Core Strategy states that we will ensure that new development (including flood mitigation measures) does not lead to any form of increased flooding locally or further downstream, does not impede natural water and

flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensures prudent use of water resources.

The NPPF states that when determining applications development should only be allowed where it can be demonstrated that it is appropriately flood resistant and resilient.

The submitted FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The FRA also provides mitigation measures that need to be secured to become resilient, these include the type of internal materials, fixings and finishes, and the siting of services within the building. Furthermore, users of the proposed commercial bar operation heed flood warnings, evacuation to Flood Zones 1 and 2 could be sought nominally via The Butts Avenue towards Yorkshire Street which is out of Flood Zones 2 & 3 and back into Flood Zone 1.

It is also acknowledged that the safety of occupants would rely on them receiving and acting upon flood warnings and as mentioned the building being appropriately flood resistant and resilient. Therefore, it is considered a relevant condition should be attached to any approval to ensure the safe evacuation (Flood Evacuation Plan) of future occupants including disabled wheelchair users of the site is recommended, with those details to be agreed prior to occupation.

In light of the above, the FRA acknowledges the risks to future occupants of the proposed unit. Relevant conditions are therefore recommended stipulating the agreement of evacuation measures prior to occupation and the resilient design mitigation measures identified.

The application therefore accords with the advice of Policy G8 of the adopted Core Strategy and the guidance of the NPPF.

Highways

The Council's Highway Section has also not raised any objections in respect of the car parking provision and highway safety. Whilst no dedicated parking has been provided, given the town centre location the site is in an accessible and sustainable location. The proposal is therefore in accordance with CS policies T2 and DM1, which amongst other things, seek to improve accessibility and ensure satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements.

RECOMMENDATION: Grant permission subject to 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Existing and Proposed - S458-01
   Existing and Proposed - S458-01-A

   Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted

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

3. Prior to the bar area hereby approved being first brought into use, full details of an emergency flood evacuation plan including that of disabled wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The duly approved flood evacuation plan shall be adhered to thereafter.

   Reason. In order to ensure the safe evacuation of future occupiers in accordance with the requirements of Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The development herby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from T J Booth Associates (ref FRA3-081020 Rev 0 dated October 2020) and the mitigation measures detailed in section 1.4 within the FRA. The Flood resilient measures implemented within the building shall be up to 121.41 mAOD.

   Reason: In order to appropriately mitigate Flood Risk to the development and future occupiers in accordance with Policy G8 of the adopted Rochdale Core Strategy, Policies EM/7 and EM/8 of the Rochdale Unitary Development Plan 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.

Informative;

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf as well as the communities and local Government publication `Improving the flood performance of new buildings' which can be viewed at: http://www.communities.gov.uk/publications/planningandbuilding/improvingflood. Additional guidance can be found on our website at https://www.gov.uk/prepare-for-a-flood or by contacting Floodline on **0345 988 1188**.

Report Author Mubeen Patel