

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01133/FUL

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 26.12.2023 EXT OF TIME 20.12.2024

Address: 71 Kenyon Lane Middleton Rochdale M24 2QS

Proposal: Change of use from a public house to retail premises with external illuminated signage and alterations to fenestration on the front ground floor elevation

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

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

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: TH DATE: 06.06.2025

SITE

This site is at 71 Kenyon Lane Middleton, a former public house named The Kenyon. This is a two storey building at the end of a terrace made up of a commercial unit and a residential dwelling.

It fronts Kenyon Lane with a beauty business attached to the west elevation. East of the site is an outdoor area followed by residential dwellings. The site is within the Defined Urban Area.

PROPOSAL

The proposal relates to the change of use from a public house to retail premises. On the front elevation the existing front door is proposed to be blocked up and a new front door is proposed in the place of an existing window. On the front elevation the signage is to be removed and replaced with illuminated signage. On the east elevation the existing signage is to be removed. The ground floor is proposed to be a retail shop.

The application indicates that the change of use and proposed external works have not already started, however from the site visit it was apparent that the premises is already operated as a convenience store, and that the external works have already been implemented. Street View imagery indicates that this had occurred at least as early as September 2024, and a related planning enforcement complaint was received in May 2023. The application is therefore retrospective.

In addition to the works shown on the submitted plans, an ATM has been added to the front elevation, infilling a window. Detailing on the front elevation has also been removed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

7. Places for Homes

JP-H 3	Type, Size and Design of New Housing
JP-H 4	Density of New Housing

9. Places for People

JP-P1	Sustainable Places
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Adopted Rochdale Core Strategy (CS):

SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
SO3	Improving design, image and quality of place
P3	Improving design of new development
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role Of Centres
S/6	District Centre, Local Centres and Linear Commercial Areas

RELEVANT SITE HISTORY

23/00970/FUL - Erection of two dwellings with associated parking and landscaping and boundary treatment – Refused

CONSULTATION RESPONSES

Env Health - Noise/Odours

No objections

Highways And Engineering

No objections

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice displayed in the vicinity of the site. Eight objections have been received and a petition, the following concerns have been raised.

- The development generates litter
- The development has taken place
- The building does not fit in with the character of the area
- Parking problems will increase
- Signage will shine into existing bungalows
- An increase in noise
- Too close to existing shops

ANALYSIS

Principle of Development

The application seeks to convert a public house to a retail premises on the ground floor. The site lies within the Defined Urban Area and policy G/D/1 of the UDP, which seeks to concentrate development in urban areas, is therefore relevant. The site does not lie within a designated commercial area or local centre, as established under saved UDP Policy S/6.

It is unclear when the building last operated as a pub, but may have been open as recently as 2022. No evidence has been submitted as part of the application detailing if the property was marketed for the level of interest generated or details of any (or the absence of) offers which may demonstrate that the public house use is no longer needed or viable in this location. Notwithstanding this it is noted that such requirements are not necessary within the context of the development plan.

Policy E1 seeks to restrict out of centre development to only 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.

Policy E1 requires the application of a sequential approach towards proposals that include the provision of additional retail units not in a designated centre and not in accordance with an up-to-date development plan. A sequential test has not been provided with the application. The addition of a retail unit outside a Local Centre has

not been demonstrated to be sequentially preferable and therefore harmful to the viability of Local Centres.

The site does not lie in any formalised town centres or primary or secondary shopping centres and in conclusion the principle of development is not considered acceptable.

Character and Appearance

The National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

PfE Policy JP-P1 sets out the ambition for Greater Manchester to become one of the most liveable cities in the world, consisting of a series of beautiful, healthy and varied places and sets out a number of requirements for new development to adhere to which generally conform to the guidance set out in the documents linked above. This includes creating places which respect and acknowledge the character and identity of the locality and are visually stimulating, creating interesting and imaginative environments.

It is considered that the premises was previously an attractive traditional pub building which made a notable positive contribution to the character and appearance of the local area. The external works, undertaken without permission, have substantially eroded the positive appearance of the building, with the addition of unsympathetic signage, a flat grey paint scheme, infilling of door and window openings, and obscuring of decorative stonework around the original front entrance. Whilst some alterations may have been acceptable as part of the conversion, it is considered that the particular works undertaken are not acceptable in design terms.

On the rear elevation no changes have been proposed. Signage is also proposed to be removed from the side elevation.

The signage on the building is proposed to be removed. This has been carried out and replaced with illuminated signage and needs separate advertisement consent.

On balance this is considered poor design and does not accord with Policy DM1 and C3 of the Core Strategy and the above expectations of the NPPF.

Amenity

Paragraph 135 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. Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers.

Works have been carried out on the building however, prior to these works the ground floor of the building was a public house. The creation of a retail shop is not considered to result in an increase of noise that will cause a detrimental impact to surrounding neighbours.

On balance the proposed development is considered to provide an acceptable standard of amenity and accords with Policy DM1 or relevant policies in the NPPF.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.

The Council's Highways Officer has been consulted and concluded that a retail use would generate a higher number of vehicle movements and a higher demand for customer parking, given the surrounding context of the site which is generally busy with traffic, the Local Highways Authority do not consider that the increase in intensity would be sufficient to warrant refusal.

The proposed parking layout does not meet the required standard as some bays do not have the required reversing distance. If the application was to be approved this could be addressed. In conclusion the Council's Highways Officer did not raise an objection.

As such it is considered that the proposal would not adversely impact on public and highway safety and the application would accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed works are unsympathetic to the character of the building and have resulted in harm to its appearance and to that of the local area. As such the proposal is not acceptable in design terms and does not accord with Policy DM1 and C3 of the Core Strategy and relevant NPPF policies.
2. The proposed development would include the provision of a retail unit outside of any designated town centre, district centre or local retail centre. No evidence has been provided to successfully demonstrate that there are no suitable sites in, on the edge, or well connected to, the town centre, district centres or local centres. The proposal is therefore contrary to UPD policy G/S/1, policy E1 of the adopted Rochdale Core Strategy 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 Notice relates to the following drawings:-

Proposed Site Plan A-04
Proposed Ground Floor Plan and Proposed Elevations A-04

Report Author Aimee Bovaird