

APPLICATION NUMBER: 23/00429/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00429/FUL	Rosalind Gralton	15 August 2023

Address: 29 Spotland Road Rochdale OL12 6PE

Proposal: Change of use from dwelling (Class C3) to hot food takeaway (Sui Generis) including installation of shop front and installation of external flue on rear elevation.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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?	Y

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 02.10.23

SITE

The application site relates to a two storey end terrace property. The current use of the site is a C3 dwellinghouse. There is an existing dropped kerb on Ashworth Street to the rear which provides access into the rear garden, which is currently gated and provides in-curtilage car parking.

The property is within an area that is predominantly residential in character, including the adjoining property no. 31. The site lies to the south of Spotland Road, to the north of Ashworth Street and to the west of Julia Street.

The site is within the defined urban area. It is not within a conservation area and is not a listed building.

PROPOSAL

Planning permission is sought for the change of use from existing dwelling to Hot food takeaway (Sui Generis) including installation of shopfront and installation of external flue to rear elevation, which will have a slate grey powder coated finish.

A shop front is proposed to the front elevation which involves the insertion of large full-length windows and a central door. No details of the proposed window, door or fascia materials have been provided.

The previous application, 22/01059/FUL '*Change of use from existing dwelling to Hot food takeaway (Sui Generis) on ground floor with self-contained flat (Use Class C3) on first floor and rear staircase access. Flue to rear elevation.*', was refused on residential amenity by reason of the amenity to the occupiers, visual amenity as a result of the proposed staircase, and Highways grounds, as a result of the impact of the change of use to the safe operation of the junction at Spotland Road. This current application removes reference to the proposed flat on the previous application, including the proposed self-contained flat and rear staircase.

Value Added

Plans were amended following LPA advice to resolve discrepancies in relation to details of the external flue. Amended elevations were received and neighbours re-notified.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1 - To deliver a more prosperous economy

E3 – Focusing on economic growth corridors and areas

SO2 - Creating successful and healthy communities

C6 – Improving health and wellbeing

SO3 - To improve design, image and quality of place

P3 - Improving design of new development

SO5 – To improve accessibility and deliver sustainable transport

T2 – Improving accessibility

DM1 - General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

‘Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document’ Adopted April 2015, Updated February 2017.

Shop Fronts and Security Shutters SPD (updated October 2017).

RELEVANT SITE HISTORY

00/D38079 - CONSERVATORY EXTENSION TO DWELLING

17/00254/FUL - Proposed change of use at ground floor from dwelling (Use Class C3) to shop (Use Class A1) with new shop front – Refused 28.04.2017

17/00678/FUL - Proposed change of use at ground floor from dwelling (Use Class C3) to shop (Use Class A1) with new shop front and the provision of a first floor flat (Use Class C3) (re-submission 17/00254/ful) – Refused 07.08.2017

22/01059/FUL - Change of use from existing dwelling to Hot food takeaway (Sui Generis) on ground floor with self-contained flat (Use Class C3) on first floor and rear staircase access. Flue to rear elevation. Refused 07.03.2023.

CONSULTATION RESPONSES

Highways And Engineering

The Council's Highways Officer's main concern regarding this application is the potential parking of customer and service vehicles on Spotland Road. Their response is provided below:

‘As with the previous application for this site (22.01059) our main concern regarding this application is the potential parking of customer and service vehicles on Spotland Road.

The application site is situated on the two lane approach to the busy signalised junction of Spotland Road and Sherriff Street and any parking outside the premises will have a detrimental impact on the safe operation of this junction. Although waiting or loading is restricted in this location customers are likely to park directly outside the premises especially as existing available on street parking provision is remote from the premises.

The same issues would arise with the servicing of the premises as deliveries are likely to take place as close as possible with vehicles parking on Spotland Road in the two lane approach.

In conclusion the development would generate on street parking which would impact on the safe and efficient operation of a junction on a classified road which is contrary to Council policy therefore Highways cannot support this application.’

Env Health - Noise/Odours

The Council's Environmental Health Officer was consulted on the proposals and their comments are provided below:

'This section has no objections in principle to the proposal, we would recommend the following conditions:

- ② Cumulative noise from the extraction system and other plant must not exceed 46dB(A) when measured 1m from noise sensitive receptors.*
- ② Floor and wall partitions with adjoining residential properties must have a sound reduction of at least 53 dB Dnt,w + Ctr, and should be constructed in line with the recommendations of the submitted acoustic report.*
- ② Upon completion and prior to operation sound testing is carried out to ensure the above requirements have been achieved.'*

REPRESENTATIONS

The application was advertised by way of neighbour notification. 5 letters were received objecting to the application. Concerns were raised regarding increased parking on and around the site, more litter generated as a result of the proposal, rats and rodents within the area, noise as a result of increased traffic, odour as a result of the takeaway, and there being enough takeaways in the local area already. Devaluation of neighbouring properties was also raised.

Officer Response: De-valuation of neighbouring properties is not a material planning consideration; presence of rats and rodents in the area is covered by Environmental Health, and should be reported to the Council in this way. As such these matters cannot be given weight in the planning balance.

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.

Paragraph 92 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.'

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.

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 nearby schools. The site is not located within a local centre or identified shopping centre within the borough, and

does not have neighbouring but one adjacent units which are Hot Food Takeaways. The site is not located within 400m of a Secondary School, and therefore the principle of development for the change of use of a hot food takeaway is accepted, subject to development management consideration.

Visual Amenity

Paragraphs 126 and 130 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 proposal would introduce a shopfront at ground floor level, with glazing to the front which wraps around the side elevation, with new windows to the building at first floor on the front elevation and first and ground floor on the rear elevation. No details of proposed materials or cross sections of the proposed shopfront have been provided. There is a brick chimney breast located on the side elevation of the building which appears to be interrupted by the proposed glazing on the side elevation, and the fascia appears to span this area too. The plans do not make clear how the glazing and fascia to the side would be constructed, having regard to the chimney. Officers are concerned that the extent of glazing to the front and side of the shopfront will cause harm to the character and appearance of the building in the street scene, contrary to policy P3 and DM1 of the Core Strategy.

The flue proposed is located adjacent the boundary with the neighbour at No 31 Spotland Road. The flue would measure a width (diameter) of 200mm, and would measure 3.3m in height. The flue would project 400mm above eaves height of the building. Given the slim design of the flue, and its grey powder coated finish, while the flue would detract from the residential character of the area, it is not considered the flue would contribute negatively to the overall streetscene, and therefore on balance would be considered acceptable.

It is noted no details other than the location of the bin stores are provided within this submission. In the instance the application was approved, a condition would be attached to any approval that elevations and details of bin stores would be provided prior to first operation of the hot food takeaway.

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 flues would project 400mm above the eaves of the roof.

The Environmental Health Officer has been consulted on the application and raises no objection in principle to the proposal, however has recommended conditions to ensure the proposed flues would not result in an unacceptable residential amenity impact by noise or vibration. In the instance the application was approved, these conditions would be secured on the decision notice.

Highways

Relating to sustainable transport, Paragraph 111 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 with the previous application for this site (22.01059) our main concern regarding this application is the potential parking of customer and service vehicles on Spotland Road.

The application site is situated on the two lane approach to the busy signalised junction of Spotland Road and Sherriff Street and any parking outside the premises will have a detrimental impact on the safe operation of this junction. Although waiting or loading is restricted in this location customers are likely to park directly outside the premises especially as existing available on street parking provision is remote from the premises.

The same issues would arise with the servicing of the premises as deliveries are likely to take place as close as possible with vehicles parking on Spotland Road in the two lane approach.

In conclusion the development would generate on street parking which would impact on the safe and efficient operation of a junction on a classified road which is contrary to Council policy therefore Highways cannot support this application.'

The proposal is located on the corner plot at the busy signalised junction of Spotland Road and Julia St. To fully assess this matter, consultations have taken place with Highways officers who have stated concerns are raised regarding parking. The proposed change of use would increase parking outside the premises, which would have a detrimental impact on the safe operation of this junction. Although waiting or loading is restricted in this location it is considered customers are likely to park directly outside the premises especially as existing on street parking provision is remote from the premises. Additionally, these same issues would arise with the servicing of the premises as deliveries are likely to take place as close as possible with vehicles parking on Spotland Road in the two lane approach.

In conclusion the potential parking issues arising as a result of the development would mean the proposal would result in a detrimental to the safe operation of the junction. As such the proposal would fail to meet the requirements of Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION – REFUSE

1. The proposed change of use to a hot food takeaway would result in a detrimental impact to the safe operation of the signalled junction at Spotland Road, by reason of parking and servicing. As such, the application fails to meet the requirements of Policies DM1 and T2 of the adopted Core Strategy, and the National Planning Policy Framework.
2. The proposed external alterations to the front and side of the building to form a shop front would be out of keeping with the character of the host building and would appear incongruous in the street scene, contrary to Policies P3, DM1 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.

Report Author Rosalind Galton