

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01171/FUL	Claire Ringwood	23 rd May 2024

Address: 8 South Parade Rochdale OL16 1LR

Proposal: Change of use of former nightclub to restaurant/takeaway at ground floor including installation of external flue and an access door to rear

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
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

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

RECOMMENDATION	Grant subject to conditions
----------------	-----------------------------

CHECKED AND SIGNED OFF BY: RG

DATE: 24 May 2024

SITE

The application site is a three-storey mid-terraced building in Rochdale Town Centre. The building is currently vacant but was previously used as a nightclub and then as a food bank. In 2022 the facades of buildings on the corner of Drake Street and South Parade were refurbished as part of the Council's Heritage Action Zone (HAZ) scheme (application ref: 20/00817/FUL).

The site falls within the Rochdale Town Centre Conservation Area and sits within Flood Zone 3 because of its location close to the River Roch.

Due to its town centre location, South Parade is a prominent urban thoroughfare and an important asset to Rochdale's hospitality/ retail economy. Its central location and close proximity to the bus station, tram stop, and surrounding amenities ensure a high and continuous footfall.

The building is adjoined to AST Hampsons Solicitors and a Post Office which has the Hoochi Koochi bar above. The building extends up to Fleece Street at the rear and to the side behind 7 South Parade is 1 and 3 King Street.

PROPOSAL

The application as originally submitted was for the change of use to a dine in/takeaway fish and chip restaurant on the ground floor with three flats on the first and second floors. The submitted application stated there was an existing self-contained flat on the second floor although there is no planning permission for this use.

The Council's Environmental Health Officer objected to this proposal due to the close proximity of the proposed flats to the existing night club and the night time economy, which would expose future residents to noise nuisance and general disturbance. Environmental Health Officers advised there were no measures that could mitigate against this.

Following these comments, the application was amended to remove the residential element and comprise a fish and chip restaurant / takeaway to the ground floor only. An amended Certificate was required to be submitted during the course of the application as notice had not been served on other land owners. The submitted plans also showed an existing flat however, this was removed from the scheme following the final amendments being submitted. The agent advised the flat was now vacant but any unauthorised use would be a matter to be considered by Planning Enforcement.

Amended plans were submitted on 29th April 2024. No external changes are proposed to the front elevation. Seating and tables are proposed to the front of house with the rear of the building used as the frying station. An internal staircase to the centre of the ground floor is to be removed and the stairwell infilled. Access to the first floor would be from a separate entrance from the frontage.

New metal steps and metal access door are proposed from the ground floor to the shared rear yard along with bin storage that is proposed to be screened by a close boarded fence panel. An extract flue is proposed to the rear side elevation facing into the shared yard.

PLANS AND DOCUMENTS SUBMITTED

Drawing No: K234-03 – Existing Layouts
Planning Statement

Received 24th October 2023

Drawing No: K234-02/A – Existing Layouts
Drawing No: K234-04/A – Proposed Layouts
Drawing No: K234-05/A – Location Plan
Drawing No: K234-06/A – Site Plan – Existing
Drawing No: K234-07 – Site Plan – Proposed
Received 16th November 2023

Drawing No: FA-23-0269-01 Rev A – Proposed Ventilation Arrangement
RGM Leeds Ltd t/a Hopkins – Ventilation Systems Planning Pack
Ventilation Calculation by RGM Leeds Ltd t/a Hopkins, Date Completed 24/10/23
Specification & EMAQ Report by RGM Leeds Ltd t/a Hopkins, Date: 21st November 2023
Received 30th November 2023

Flood Risk Assessment by T J Booth Associates, Doc Ref: rep-tjb-A1S-8 south parade-FRA-011223.docx, Rev 0, Date Dec 2023
Received 8th December 2023

Heritage Statement by Garry Miller Heritage Consultancy, Date of issue: December 2023
Received 19th December 2023

Internal Daylight and Sunlight Survey
Received 5th January 2024

Appendix 3: Risk Assessment for Odour by RGM Leeds Ltd t/a Hopkins, Date Completed 24/10/23
Received 11th January 2024

Noise Impact Assessment by Azymuth Acoustics UK, Ref: AA0502, Date Approved 4/12/23
Received 23rd January 2024

The following amended plans were submitted on 7th March 2024:
Drawing No: K234-03/A – Proposed Layouts
Drawing No: K234-04/B – Proposed Layouts
Drawing No: FA-23-0269-01 Rev B – Proposed Ventilation Arrangement
Appendix 3: Risk Assessment for Odour by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24
Ventilation Calculation by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24

The following amended plans were submitted on 29th April 2024:
Completed Certificate B
Drawing No: K234-01/A – Existing Layouts
Drawing No: K234-02/B – Existing Layouts
Drawing No: K234-03/B – Proposed Layouts
Drawing No: K234-04/C – Proposed Layouts

RELEVANT PLANNING POLICY

National Guidance

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

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S4 Flood Risk and the Water Environment
JP-S5 Clean Air
JP-J1 Supporting Long-Term Economic Growth
JP-P1 Sustainable Places
JP-P2 Heritage
JP-C8 Transport Requirements of New Development

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
SO2	Creating successful and healthy communities
C6	Improving health and well being
SO3	Improving design, image and quality of place
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centres
S/5	Development Elsewhere in Town Centres

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Guidelines & Standards for Hot Food Takeaway Uses (April 2015, updated February 2017)

RELEVANT SITE HISTORY

93/A4306 - Externally Illuminated Fascia Sign. Approved 20/05/1993.

93/D29202 - Installation Of New Front Elevation To Existing Building. Approved 20/05/1993.

96/A4604 - Internally Illuminated Fascia Sign. Approved 09/12/1996.

20/00817/FUL - External repairs, re-roofing, new fenestration and traditional timber shopfronts to 12 properties within the town centre of Rochdale as part of the South Drake Street Heritage Action Zone. Approved 15/09/2020.

CONSULTATION RESPONSES

Environment Agency

We note that there is a proposed access and egress plan detailed in the flood risk assessment (2.3). While it is not within the Environment Agency's remit to comment directly on the specifics of this part of the proposal, we do recommend that the LPA agree its suitability with its emergency planners before approval, given the residential aspect of the proposals.

Transport for Greater Manchester

TfGM have reviewed the supporting documentation for this application and have no comments in respect of the proposals.

Metrolink

The location of the proposed development is sufficiently remote from Metrolink that we therefore have no comments to make from a Metrolink perspective in respect of this application.

Highways And Engineering

This is a town centre development in close proximity to good public transport links. The development proposes no parking but as this is a town centre location we would have no objections to this proposal on parking grounds. We have no highways concerns regarding servicing or refuse collection. NO PROW or Bridleway is obstructed as a result of these proposals. There is no changes to the existing highways proposed as a result of this development. We have no objections to this proposal.

Conservation Officer

Initial comments

I am not able to support the application in its current form.

Application site forms part of a terrace of 18th and 19th century commercial properties, within the Rochdale Town Centre Conservation Area. The unit is currently vacant. However, it was refurbished and a new traditional-style shopfront was installed, as part of the Drake Street Heritage Action Zone project.

The proposal is for the conversion of the unit to a mixed use, with a restaurant / takeaway at ground floor level, with three residential units above. The proposal includes new windows along the side and rear elevations and the installation of a new flue.

There is no objection to the installation of new windows along the rear and side elevations. It is noted that the rear projection has previously been altered. Details of all new windows should be required by condition. All new and replacement windows should be fabricated in either timber or metal.

The works also include the installation of a new flue to the rear of the unit. The flue does not appear to be mentioned in the heritage statement? The plans should also

be updated, as the flue is only shown on the ventilation plans and not on the other drawings.

The new flue would be an industrial feature, which owing to its position, size and height, would be visible in views along Fleece Street to the rear. As a result of its positioning, size and appearance, it would be an intrusive feature, which would result in less than substantial harm to the significance of the building and this part of the Rochdale Town Centre Conservation Area. The harm identified needs to be thoroughly justified and must be outweighed by public benefits (NPPF paragraph 208).

If the principle of a flue is accepted, then opportunities should be taken to its appearance and prominence, including setting it back from Fleece Street and including screening. As it stands I am not able to support the application.

Final comments

The flue is now set further back from the road and is slightly lower in height. Both these changes would help to reduce its visibility albeit it would still read as a utilitarian feature which would ideally be screened.

Urban Design Officer

Chapter 6 of the adopted Guidelines & Standards for Hot Food Takeaway Uses Supplementary Planning Document deals with the concept of over-concentration of hot food takeaway uses in attempt to protect the primary retail function of centres. Given that in Rochdale Town Centre, the primary retail core has functionally shifted as a result of previous Local Plan interventions and wider societal changes, the SPD can be considered to carry less weight in the planning balance in this particular instance insofar as it relates to protecting the retail core. However, policy HF3 of the SPD remains of relevance.

Please add as an informative to any positive decision notice the requirement to comply not only with the Advertisement Consent regulations, but also the prevailing theme and advertisement consent for the South Parade & Drake Street Property Improvement Scheme that was undertaken as part of the Partnership Schemes in Conservations Area programme during the time of the Rochdale Heritage Action Zone. I'm happy to review that informative and can supply the scheme design guide by Purcell Architects if you aren't able to locate it on the previous application file.

Environmental Health (Noise/Odours)

Initial comments

This section cannot support the application in its current form with the inclusion of the 3 residential units. Given the close proximity to the existing night club (next door) and the night time economy the future residents will likely be exposed to noise nuisance and general disturbance.

We would be supportive of an application for the restaurant/takeaway only, subject to review and suitable conditions.

Further comments

I have reviewed the amended plan and we are broadly in support of the application, however I do remain concerned with the termination point of the extraction unit, which is below the highest ridge point, given the nature of the buildings I am

concerned that the extracted fumes will likely linger to the rear of the properties and not escape

If the system was installed as per the submitted plan the noise should be controlled, however o do not feel the odour will be sufficiently controlled.

Is there any scope to get the flu up above the ridge point or at least the eaves?

Final comments – following an email from the agent dated 10th April 2024 with additional information from the RGM Leeds Ltd t/a Hopkins

Having read the supplied information I am comfortable that if the mitigation measures are implemented in full the odour will be controlled.

Drainage & Flooding Officer

TJ Booth Associates have provided a comprehensive Flood Risk Assessment report for this application at no. 8 South Parade, Rochdale, OL16 1LR. The conclusion of this report is that: Fluvial flooding risk is considered high in the local area, and therefore, a flood evacuation plan shall be presented.

I agree with this statement. I suggest you include a Flood Evacuation Plan condition in any Decision Notice that you issue.

REPRESENTATIONS

The application has been publicised with a press notice, a site notice and neighbour notification letters. 95 representations have been received. The representations are summarised below:

5 letters of support:

1. Having people live in the town centre may actually help improve it;
2. Future residents could hardly object to any noise when they know it's there before they move in;
3. Fish and chip shop is a welcome addition amongst the plethora of fried chicken outlets;
4. More in keeping with town centre

75 letters of objection:

1. Potential loss of the nightclub;
2. Hoochie Koochie is a grassroots live music venue that is important to Rochdale's night time economy;
3. It's important to support small businesses in Rochdale rather than creating a situation that could potentially shut them down;
4. The nightclub was here first;
5. Any licensing restrictions for example noise levels or opening hours would inevitably lead to the closure of a much loved local business;
6. Existing premises that open late into the night will affect proposed flats;
7. Premises license for 3 King Street allows trading until 5am;
8. We don't need flats in the centre of Rochdale;
9. Allowing flats next to a thriving music venue will seriously threaten the livelihood of the bar owners if occupants of the flats start complaining about noise;

10. Residential should not be approved next door to an existing venue that needs to make noise late at night as a core part of their business model;
11. Suitable use of the building as a business should be maintained;
12. Office space would be more ideal than flats;
13. How is this going to enhance the nightlife of the town, it's a unique open air frontage would be lovely in the summer for al fresco style drinking;
14. Rochdale needs venues like (Hoochie Koochie) to ensure the town centre remains a vibrant place to visit with varied venues;
15. Another fast food/takeaway isn't needed;
16. Be surprised if any of these objections are even read;
17. I can't believe Rochdale Council are again going to close one of the best places in the town centre to go. You should hang your heads in shame after the Medicine Tap at Christmas now this one. You are slowly ruining our town; *[Officer Note: Rochdale Borough Council have not submitted the application, the Local Planning Authority assesses and determines applications against policies and guidance]*
18. Lack of parking;
19. Like any other town we see lots of anti-social behaviour, not somewhere you would recommend to use as a so called home;
20. There would be issues with exhaust fumes from a taxi rank outside, odour from the takeaways and noise from the night club;
21. The submitted Noise Survey only covers Monday to Thursday between 07:00 to 23:00; *[Officer Note: as the residential element of the scheme has been removed, this is no longer applicable]*
22. Concerns about the smells from the proposed restaurant during the day which will affect staff and businesses close by;
23. There will be an increase in rubbish in the yard and there is already an issue with rats which will only increase;
24. Error in the Location Plan which shows the rear/side area as a whole part of 8 South Parade but this is part owned by 8 South Parade, 7 South Parade and 3 King Street; *[Officer Note: this matter was raised with the applicant and Notice was served on all other land owners prior to a decision being made]*
25. The rear/side of the building will need to remain an acceptable means of escape;
26. What is the purpose of the new metal access door and steps *[Officer Note: this would be a means of escape from the rear].*

Following amendments to the scheme, letters were sent to all those previously consulted along with all objectors. A total of 16 objections were received. The additional representations received relate to:

1. Council Policy does allow us to reject hot food takeaways when there is a high concentration of them already on the primary shopping area;
2. There is no record of a legal residential dwelling on the premises *[Officer Note: this matter is with Planning Enforcement].*

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. Policy E1 of the Core Strategy 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. Policy E1 also aims to 'support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/theatres and quality housing on appropriate sites, or through conversion of upper floors, which will enhance the vitality of the centre'.

Rochdale Core Strategy Policy C6, relating to the improvement of health and wellbeing, sets out that the Council 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. In response to concerns over the impact hot food takeaways have on amenity standards and environmental quality the Council adopted the '*Guidelines & Standards for Hot Food Takeaway Uses*' Supplementary Planning Document (2015, Updated February 2017).

As the site lies within a defined urban centre, HF3 of the SPD is relevant. This policy acknowledges that hot food takeaways offer a popular service to local communities and have a significant role to play in terms of contributing to the vitality and viability of the borough's designated town but aims to mitigate the over-concentration of hot food takeaways. Paragraph 6.1 states that the clustering of takeaways "*can detract from the primary retail function of those (town) centres and ...result in an increase in 'dead' frontages during the day as many hot food takeaway uses are closed until the late afternoon and evening*". As such paragraph 6.1 requires that not more than 20% of the total ground floor units within an area of a defined centre are occupied by hot food takeaways. Furthermore, it demands that no "more than two hot food takeaways" are "located adjacent to each other."

Although the proposal includes an element of takeaway, the application specifies the proposal will be a restaurant for consumption mostly undertaken on the premises with takeaway being ancillary to this. Notwithstanding this, the application site is not adjoined by any hot food takeaways although there are a notable number to the east of the parade but the proposal does not exceed the 20% limit above and the Council's Urban Design Officer has raised no objection to the scheme.

HF3 of the SPD was introduced to protect against 'dead' frontages during the daytime. The planning application form indicates that opening times will be from 11am-11pm Monday-Sunday and Bank Holidays (secure by condition) which, given that the use of this building was previously a nightclub would alleviate concerns over dead frontages and on balance is considered to be acceptable in principle. Whilst it is recognised that the change of use does not contribute to the primary retail function of the town centre, numerous units along South Parade and Duke Street are currently vacant or run down and the proposed use would bring a vacant building in the town centre back into use. In addition, the owners (previous or current) participated in the Rochdale Development Agency's 'shop front enhancement' scheme (20/00817/FUL) by replacing a run-down shop frontage with a high-quality design reflective of the town centres' rich local history. Combined with the facility being open during the day time, which is common across many of the food uses on South Parade, it is considered the application would not result in dead frontages.

Further to the above, under HF1 the SPD recognises the potential negative impact that hot food takeaways can have on health and obesity, particularly amongst children (though it is noted that they are not a direct cause). As such, paragraph 4.3 states that "the establishment of new hot food takeaways around secondary schools will not normally be supported... and a 400m buffer is considered to be a reasonable distance". However this policy explicitly does not apply to proposals within the defined town centre as the SPD acknowledges the contribution these used can make to vitality and viability of these centres.

The primary use of the unit will be as a restaurant and with respect of the ancillary takeaway function the assessment above demonstrates that the proposal does not result in an over-concentration of takeaways in the context of the SPD. The proposed use supports local employment and brings an important vacant building back into use with day and evening time operating hours to contribute to footfall in the centre. As such the proposal is considered to be in compliance with the local policies referred to alongside the NPPF.

Design and heritage

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image. Policy P2 seeks to conserve, enhance and promote key heritage assets and utilise heritage assets positively and intelligently to strengthen identity and image, in addition to requiring new development to integrate successfully with the key natural features of the borough. Further to the above, Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and enhance the borough's identity and sense of place.

Policy JP-P2 of PfE states 'we will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings'.

The application site is located in the Rochdale Town Centre Conservation Area and was refurbished, and a new traditional-style shopfront was installed, as part of the Drake Street Heritage Action Zone project. The original scheme proposed a number of external alterations which have been removed following the submission of amended plans. The amended scheme only includes the insertion of a rear door and steps to the rear yard and a ventilation flue to the rear/side elevation. The Council's Conservation Officer has reviewed the application and noted that the flue has been set further back along the side elevation and has been lowered in height however, there remained concerns that the flue would read as a utilitarian feature which could be reduced if it was boxed in or screened. However, Officers are satisfied that the amendments made to the flue have sufficiently reduced its visibility and a screen would increase its appearance due to the size of the screen that would be required.

As such, the proposal is considered acceptable for the reasons given above and it is not considered to impact the overall character of the Conservation Area and is in accordance with Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy, Policy JP-P2 of PfE and the NPPF.

Residential amenity - living conditions for future residents

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to 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. Further to the above are the considerations of the Council's Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments *"should be carefully designed to protect the amenity of the occupants of adjoining properties."*

Whilst Core Strategy Policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Furthermore, Policy G9 requires that developments do not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

A restaurant/takeaway use in a town centre location is acceptable and there are no concerns in regards to noise and disturbance to neighbouring buildings or from neighbouring uses. However, the proposal would see the installation of an external flue and concerns have been raised from members of the public in regards to the effect on nearby staff and businesses in regards to odour issues. The Council's Environmental Health Officer has reviewed the submitted information and raised concerns with the termination point of the extraction unit, which is below the highest ridge point and given the nature of the buildings they were concerned that the extracted fumes will likely linger to the rear of the properties and not escape. The applicant provided further clarification to demonstrate that the system is unlikely to be a disturbance to the local area. The Council's Environmental Health Officer advised that if the mitigation measures are implemented in full the odour will be controlled and therefore no further concerns were raised (secure by condition).

Concerns have been raised in regards to anti-social behaviour and litter that will be generated by the proposal. The site is within the town centre and as noted above, Policy E1 aims to 'support the expansion of the evening economy through a number of mixed uses such as restaurants/bars/theatres (...) which will enhance the vitality of the centre'. The proposed restaurant/takeaway will be open 11am to 11pm Monday to Sunday and Bank Holidays. These are not unreasonable hours for a restaurant within the town centre and as the restaurant use is the predominant use, which will also attract families, it is not considered that the proposal alone would increase anti-social behaviour or litter and there are two public waste bins within close proximity to the premises.

In light of the above the proposed development is considered acceptable in terms of its impact on neighbouring occupiers subject to mitigation measures being implemented in respect of the ventilation/flue system which will be secured by condition. The proposal is therefore in accordance with Policy DM1 of the Core Strategy, the Councils SPD and the NPPF.

Highways

Policy T2 of the adopted Core Strategy is regarding improved accessibility and parking. Policy JP-C8 of PfE states 'we will require new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments'.

The Council's Highway Section was consulted and raised no objections regarding parking, traffic generation, and road safety owing to the sites close proximity to public transport and amenities. 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 Policies T2 and DM1 of the Core Strategy.

Waste disposal

Paragraph 8 of the takeaways SPD states that "hot food takeaways can generate a significant volume of waste" thus "consideration must...be given to how this waste is disposed of". As such, paragraph 8.1 of the SPD requests that refuse storage should be contained on site, in suitably sized bins in a manner which does not cause visual harm or cause an odour nuisance to neighbouring residents. Although the predominant use of the site will be as a restaurant, there will be a takeaway element to the proposal and to a degree, Policy HF5 is considered relevant. Bin storage is proposed to the rear yard and will include 2 x 1100L Eurobins which will be screened by a close boarded timber panel. A concern has been raised in respect of an increase in rubbish particularly as there is already an existing rat problem however,

subject to the bins being provided in accordance with the approved plans (secure by condition), bin storage would be acceptable. Bin storage would be required for any use of the site and this would need to be accommodated in the rear yard to ensure the highway is kept free.

A concern has also been raised in regards to the rear yard remaining as an acceptable means of escape. The rear yard is shared with other buildings and there is already a general waste bin and other paraphernalia within the yard. It is for all the users of the rear yard to ensure this area remains a safe means of escape however, the wording of the bin storage condition will ensure that the bins to the proposed scheme are stored as shown.

Additionally, paragraph 8.3 of the SPD states that “the operation of hot food takeaways, also have the potential to cause significant problems for the drainage system as a result of the disposal of fat and grease”. As such, “suitable grease traps must be installed on all drains for hot food takeaways”. To mitigate against grease and fat from entering the drainage system, a condition will be imposed for the submission of a Waste Strategy which should include the installation of grease traps at each sink outlet.

Subject to the above conditions, the proposal is considered to adequately address all concerns regarding waste and grease disposal and is in accordance with the Council’s Guidelines & Standards for Hot Food Takeaway Uses SPD.

Flood Risk and Drainage

Policy G8 of the Core Strategy sets out the Council’s strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. Policy JP-S4 of PfE states ‘an integrated catchment-based approach will be taken to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk, by: 2) Working with natural processes and adopting a natural flood management approach to slow the speed of water drainage and intercept water pollutants’.

Paragraph 173 b) of the NPPF states that when determining planning applications ‘the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment’.

The application is supported by a Flood Risk Assessment which has been reviewed by the Council’s Drainage and Flooding Officer who has advised that this is a comprehensive assessment and that they agree with the conclusion in the report that: *Fluvial flooding risk is considered high in the local area, and therefore, a flood evacuation plan shall be presented.*

As such, with the inclusion of a Flood Evacuation Plan condition, the proposal is in accordance with Policy G8 of the Core Strategy, Policy JP-S4 of PfE and the National Planning Policy Framework.

RECOMMENDATION

Grant subject to the following 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. This permission relates to the following plans and documents:

Drawing No: K234-05/A – Location Plan
Received 16th November 2023

Flood Risk Assessment by T J Booth Associates, Doc Ref: rep-tjb-A1S-8 south parade-FRA-011223.docx, Rev 0, Date Dec 2023
Received 8th December 2023

Drawing No: FA-23-0269-01 Rev B – Proposed Ventilation Arrangement
Appendix 3: Risk Assessment for Odour by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24
Ventilation Calculation by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24
Received 7th March 2024

Drawing No: K234-03/B – Proposed Layouts
Drawing No: K234-04/C – Proposed Layouts
Received 29th April 2024

and the development shall be carried out in accordance with the approved drawings.

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

3. The premises shall not be used by visitors or members of the public outside the hours of 11:00 to 23:00 on Monday to Sunday or Bank Holidays.

Reason: In the interest of the amenity of adjacent residential uses and to prevent nuisance arising and in compliance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. No building or use hereby permitted shall be occupied or the use commenced until the extract/ventilation systems have been installed in accordance with the approved plans and specifications: Drawing No: FA-23-0269-01 Rev B – Proposed Ventilation Arrangement, Appendix 3: Risk Assessment for Odour by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24 and Ventilation Calculation by RGM Leeds Ltd t/a Hopkins, Date Completed 27/02/24, received by the Local Planning Authority on 7th March 2024 including the details provided in the email dated 26th February 2024 from the applicant's agent. The mitigation measures shall be implemented. Thereafter the extract/ventilation systems shall be permanently retained and maintained in accordance with the approved specifications.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy DM1 of the Core Strategy, the Councils SPD and the NPPF.

5. The development hereby permitted shall not be brought into use until the refuse and recycling storage has been provided in accordance with the plans hereby approved. The spaces shall be kept available for refuse and recycling at all times thereafter and the bins returned to their storage position.

Reason: In the interests of general amenity, to ensure the rear yard remains clear, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with policies T2 and DM1 of the Rochdale Core Strategy.

6. Prior to the first use of the development hereby approved a Waste Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Waste Strategy shall include, but not limited to, details of grease traps to be installed. Thereafter, the Waste Strategy shall be permanently retained and maintained in accordance with the approved details.

Reason: to prevent unwanted trade effluent entering the sewers and in accordance with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. A Flood Evacuation Plan as detailed within the Flood Risk Assessment by T J Booth Associates, Doc Ref: rep-tjb-A1S-8 south parade-FRA-011223.docx, Rev 0, Date Dec 2023, received by the Local Planning Authority on 8th December 2023 shall be produced. The Evacuation Plan shall be maintained in perpetuity for the lifetime of the development.

Reason: In order to comply with good practice building for flood resilience/safety in the flood zone and in accordance with Policy G8 of the Core Strategy, Policy JP-S4 of PfE and the National Planning Policy Framework.

8. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the premises shall be used for Class E(a), E(b), E(c) and E(g)(i) and for no other purpose (including any other purpose in the same Use Class of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: Another alternative use of the premises which may otherwise be permitted by virtue of the above Orders could be harmful to highway safety, residential amenity or town centre uses in accordance with Policies E1, DM1 and T2 of the adopted Core Strategy and the NPPF.

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.

Notes for Applicant:

The site sits within Flood Zone 3, which is a designation for areas at the highest risk of flooding. The applicant should, as soon as reasonably possible, engage with emergency planning services to formulate a flood evacuation plan and sign up for early warning systems.

The applicant is advised that any signage proposed with the use will need separate advertisement consent. There is also the requirement to comply not only with the Advertisement Consent regulations, but also the prevailing theme and advertisement consent for the South Parade & Drake Street Property Improvement Scheme that was undertaken as part of the Partnership Schemes in Conservation Areas programme during the time for the Rochdale Heritage Action Zone.