APPLICATION NUMBER: 18/01312/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01312/FUL	Mubeen Patel	9 April 2019

Address: Unit 14A Pennine Precinct Newhey Road Milnrow OL16 4JD

Proposal: Change of use of ground floor from Class A1 (Retail) to Class A3 (Café/Restaurant)

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	Y
	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/A	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	Y
	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

CHECKED AND SIGNED OFF BY: AT **DATE: 11.04.2019**

SITE

This application relates to Pennine Precinct located in Newhey, Rochdale which consists of a two storey flat roofed 'L' shaped building consisting of retail units at

ground level and flats and offices at first floor level. Parking for customers is provided to the front of the building within the dedicated car parking area. Pennine Precinct is located off Newhey Road within a mixed use area; residential dwellings are located to the north of the site, a petrol filling station and industrial buildings to the south and a residential care home to the east.

The site is located within the settlement boundary, within the Milnrow District Centre and just outside of the Butterworth Hall Conservation Area. Butterworth Hall Brook runs along the southern boundary of Pennine Precinct.

PROPOSAL

The application proposes the change of use of the vacant retail unit (A1) (former Tesco Express) to a Class A3 (restaurants and cafes) use. An end user has not been identified as stated in the supporting information and therefore no details of any extraction flue have been provided. The internal layout plan submitted shows a large customer seating area (75sqm) with a kitchen, storage area and WC provided to the back of the unit.

In light of the above, the application would only deal with the principle of the use of the site for A3. An additional application would be required in future in respect of extraction equipment (if any) and installation of advertisement signage.

RELEVANT PLANNING POLICY

National Guidance

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

Adopted Rochdale Core Strategy (CS):

SO1	**Delivering a more prosperous economy**
E1	Establishing thriving town, district and local centres
SO3	**Improving design, image and quality of place**
P3	Improving design of new development
SO5	**Improving accessibility and delivering sustainable transport**
T2	Improving accessibility
SD1	Delivering sustainable development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	**Defined Urban Area**
G/S/1	**Shopping and the Role of Centres**
S/6	District Centre, Local Centres and Linear Commercial Areas

RELEVANT SITE HISTORY

18/00075/ADV - Erection of a non-illuminated totem sign – Approved - 04.05.2018

18/00218/PRA56 - Prior notification for change of use and conversion of building from offices to residential (3 apartments) - Withdrawn - 24.04.2018.

18/00515/FUL - Change of use and conversion from 1 apartment to 3 apartments including alterations to external elevations - Approved

CONSULTATION RESPONSES

Highways and Engineering - No comments received to date.

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

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, no observations have been received.

ANALYSIS

Principle of Use

The application unit lies within the 'Milnrow' local centre and as such saved UDP policy S/6 is relevant which permits changes of use provided that the use would be of a scale and character appropriate to the size, function and role of the centre and would be compatible with surrounding land uses and would not harm residential amenity. Core Strategy policy E1 states that the Council will ensure the provision of a hierarchy of accessible district and local centres and shops that meets people's daily shopping needs.

The local centre is well frequented with relatively few vacant units. However the application unit has been vacant for some time and the application proposal represents an opportunity to increase the likelihood of the vacant unit coming back into use in the near future. The proposed use would encourage use of other local shops and services in the local centre. The proposed use is considered to be suitable for the local centre and of benefit to the local community and there is not an over-dominance of any particular use, including A3 uses, within the centre at present. Therefore there is no available evidence to support any assertion that the vitality and viability of the local centre would be diminished as a result of the proposed change of use. Indeed, a positive benefit would result through increased occupancy of the centre as a whole.

Therefore it is considered that the application proposal is acceptable in principle and in accordance with the relevant parts of saved UDP policy S/6, adopted Core Strategy policy E1 and the NPPF.

Impact on Surrounding Occupiers

Policy DM1 of the Core Strategy states that proposals should adversely affect the amenity of residents and be compatible with surrounding land uses. Policy G9 seeks to prevent developments that would lead to an unacceptable increase in pollution. Criterion (b) of UDP policy S/6 states that the development of food and drink outlets, community and cultural facilities and other uses appropriate to a district or local centre will be permitted provided that it will be compatible with surrounding land uses and will not harm local residential amenity.

Paragraph 127 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.

Due to the mix use nature of the surrounding area, the proposed A3 use is considered to be acceptable in this location. Occupants of the residential properties above the unit would be accustomed to the comings and goings of customers to the units below. It is noted that the last authorised use of the now vacant units was a convenience food store open from 07:00-23:00 seven days per week. The proposed opening hours of 08:00-21:00 Mon-Fri, 09:00-21:00 Saturdays and 09:00-18:00 Sundays and Bank Holidays would therefore not result in additional impacts in terms of comings and goings in the evenings when residents of the properties above would generally expect to enjoy a degree of peace and quiet. The nature of the former use would have seen a high degree of customers in the evening as well as during the daytime. A condition limiting the opening hours to those proposed would ensure that the living conditions of residential occupiers would not be unduly affected. No objections have been raised by the Council's Public Protection Officer in this respect.

No detailed technical specifications or the installation of any flue have been provided or a noise impact assessment carried out. Given that an end user is yet to be agreed and the specific requirements of any future user are therefore not known, the installation of a flue would be dealt with by a separate application which would need to be accompanied by the necessary supporting assessments and detailed information.

Therefore, in light of the above assessment, it is considered that the revised proposal to change the use of the unit to A3 without the installation of an extraction flue would have an acceptable impact on surrounding residential occupiers and the application accords with the relevant parts of Core Strategy policies DM1 and G9, saved UDP policy S/6 and the NPPF.

Impact on Visual Amenity

Policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design. Policy DM1 requires that all development proposals, including extensions and alterations, demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

The application site is located within a defined Local Centre which is mixed use in character. As no external alterations to the shopfront are proposed it is not considered that the change of use will negatively affect the character and appearance of the area. The application is therefore considered to accord with the relevant parts of Core Strategy policies DM1 and P3 and the NPPF.

Highways, Access and Parking

Policy T2 of the Core Strategy states that development will be appropriately located to minimise the need to travel by car and the number and length of car trips. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and that 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 of the road network would be severe.

The proposed use of the unit as an A3 café/restaurant will not amount to a significant intensification when compared to the previous usage. The site is well served by car parking provision and close to a main bus route. As it expected that users of the facility would predominately be from the immediately surrounding residential area, the level of traffic the development would generate is not expected to create a

significant negative impact upon the existing local highway network. It would generally be expected that users of the facility may also make use of other services provided within the local centre, reducing the need to make separate trips.

The proposal is therefore considered to meet the requirements of Core Strategy policies T2 and DM1 and the NPPF.

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:-

- DA18169 001 Rev. 2 Site – Location and Block Plan
- DA18169 002 REV.1 Existing GA Plans and Elevations
- DA18169 003 Rev. 1 Proposed GA Plans and Elevations

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3 The use hereby permitted shall not be open to customers outside the following times: 08:00 hours to 21:00 hours Monday to Friday, 09:00 hours to 21:00 hours and 09:00 hours to 18:00 hours on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy 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.

Notes for Applicant:

Report Author Mubeen Patel