APPLICATION NUMBER: 19/00067/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00067/FUL	Osian Perks	13 March 2019

Address: 118 Grimshaw Lane Middleton M24 2AF

Proposal: Change of use from one dwellinghouse to retail premises (Class A1) at ground floor with self-contained flat at first floor including alterations to front elevation and new ground floor window and new door opening to first floor flat on side elevation

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

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

RECOMMENDATION	Refuse

CHECKED AND SIGNED OFF BY: AT **DATE: 15.03.2019**

SITE

This application relates to an end of terrace, residential property sited on Grimshaw Lane in Middleton. It is on the corner of Grimshaw Lane and the residential Albany Street.

The property is built in red brick and has a front elevation which is rendered at first floor level.

PROPOSAL

Planning permission is sought for the conversion of the property to retail at ground floor level and a flat at first floor level. In addition to the change of use, the proposal also includes:

- The replacement of the ground floor window within the front elevation with a large window.
- The insertion of a window to the shop floor within the side elevation.
- The insertion of a door within the side elevation to provide separate access to the first floor flat.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

The following policies of the adopted Rochdale Core Strategy are relevant to this application:

SO1	To deliver a more prosperous economy
SD1	Delivering Sustainable Development
E1	Establishing thriving town, district and local centres
SO3	To improve design, image and quality of place
P3	Improving design of new development
SO4	To improve a greener environment
G8	Managing water resources and flood risk
SO5	To improve accessibility and deliver sustainable transport
T2	Improving accessibility
DM1	General Development Requirements

Unitary Development Plan (UDP):

The following saved policies of the UDP are relevant to this application

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

Supplementary Planning Documents (SPD):
Supplementary Planning Guidance note ‘Guidelines and Standards for Residential Development’ (June 2016).

RELEVANT SITE HISTORY

n/a

CONSULTATION RESPONSES

Highways And Engineering

The proposed development is unlikely to generate a material increase in traffic at this location. The increased traffic will be undetectable against the background volumes.

The development does however have a parking requirement of 2 spaces. The applicant has provided no parking. Whilst this is a small amount of vehicles I can imagine the operation of these premises will be problematic for neighbouring properties who will rely upon the shop being empty to park close to their properties. This is not a local centre and is not to be expected at this location.

I object to this proposal due to the insufficient parking.

Env Health - Noise/Odours

Considering the location of the property and the possibility of noise making equipment could be installed, the proposed opening hours and potential disruption deliveries could be to the community I would oppose this application.

REPRESENTATIONS

62 letters of objection have been received and the points raised are summarised below. Officer comments relating to each point are given in *italics*.

- The proposed retail unit is not needed/wanted. *The demand for the retail unit is not a planning issue*.
- The creation of the retail unit will encourage people to congregate outside the premises, resulting in anti-social behaviour/crime. *Given the small scale of the premises, it is not considered likely that there would be significant congregations of people resulting from its creation. No such concern has been raised by the Environmental Health Officer.*
- Littering and waste left out will create an eyesore and encourage vermin. *With the application the applicant has indicated a designated bin storage area to the rear. Given the small scale of the premises, the amount of littering created is not considered to be significant enough to require mitigation measures to be provided by the applicant.*
- The proposed development will adversely impact upon the values of the surrounding properties. *This is not a planning issue.*
- There is insufficient parking for the proposed retail premises. *This has been assessed in the 'Highways' section of this report.*
- There would be noise disturbances caused by construction works, people using the retail unit, traffic, and delivery vehicles. *This has been assessed in the amenity section of this report.*
- The proposed development would compete with existing retail units on Grimshaw Lane. *Increased competition does not constitute a planning concern.*
- Increased demand for parking is likely to create hazards for road users and nearby residents on Grimshaw Lane, Wood Lane and Albany Street. *This has been assessed in the Highways section of this report.*
- Additonal parked cars are likely to decrease visibility for cars and pedestrians on Albany Street, Wood Lane and Grimshaw Lane, creating hazardous

conditions. Local residents will have difficulty parking outside their own homes *This has been assessed in the Highways section of this report.*

- People are likely to drive the wrong way down the one way Albany Street/Wood Lane to access the proposed retail unit which could be hazardous. *The increase in traffic resulting from the creation of the unit is not considered to have significant safety implications or result in a significant increase in traffic as discussed in the 'Highways' section of this report.*
- The creation of the retail unit would deteriorate the quality of the area. The proposed retail unit is not needed and there are shops located nearby. *This is discussed in the Principle section of this report.*
- There are suitable vacant premises nearby. *This is discussed in the 'Principle' section of this report.*
- The proposed development would result in a loss of privacy to the neighbouring properties. *This is discussed in the 'Residential Amenity' section of this report.*
- The development will increase the level of air pollution in the immediate area, adversely impacting on the health of residents. *Due to the small scale of the development, the increase in air pollution is not considered likely to be significant.*

ANALYSIS

Principle of Development

Paragraph 86 of the NPPF (2018) states that Local Authorities should apply a sequential test to planning application uses which are neither in an existing town centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

UDP Policy G/S/1 sets out the sequential approach that should be taken in terms of retail and other town centre development. Policy E1 of the Rochdale Core Strategy indicates that it seeks to focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations for people living, working and visiting the borough.

The policy goes on to state that out of centre development will only be considered where 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.

It also requires applications for main town centre uses (such as the proposed A1 use) to take a sequential approach, where the application is not in an existing centre and not in accordance with an up to date development plan.

The policy goes on to state that the provision of small scale shops and services to meet local needs outside centre, including in Employment Zones should be supported where:

- They are in a location that is not, or will not be, reasonably served by an existing or proposed centre or local shop;
- There are no suitable vacant shops nearby; and
- They will be accessible to local residents/workers on foot.

The proposed site is situated within walking distance (0.48km) from a Local Centre on situated on Grimshaw Lane as indicated in saved policy S/6 of the UDP, Appendix B of the UDP and the UDP proposals map.

Based upon the proximity of the local centre given above it is considered that the location of the development would be reasonably served by the pre-existing local centre on Grimshaw Lane.

In relation to the second criterion, the applicant has not submitted a sequential assessment and has failed to demonstrate that there are no suitable vacant shops nearby.

Whilst the proposal is small in scale and would only have a limited impact upon the viability and vitality of the local centre nearby, to permit the scheme would undermine the strategic aspirations set out in the Core Strategy and town centre first approach set out in the National Planning Policy Framework.

Visual Amenity

The doors and windows to the front of the dwellings in the terrace row to which the application property belongs have a high degree of uniformity in their design. The doors and windows at ground and first floor level have visible cills and lintels and are of similar proportions.

However, the existing front windows of the application property are of significantly different design and are shorter and wider in appearance than the other properties in the terrace row. Further to this, the lintels and cills of the existing windows to the front elevation are not visible. Whilst the proposed front window at ground floor level would be of a considerably greater size than the existing, considering the existing window is not in keeping with the relatively uniform front windows of the terrace row, it is not considered that the insertion of the proposed window would cause any significant harm to the character and appearance of the street scene.

There is little uniformity in the positions, proportions or design of the fenestrations to the side elevation of the host dwelling. Therefore, it is not considered that the proposed new window and door to this elevation would cause any substantial harm to the appearance of the property.

Residential Amenity

The proposed side facing windows would not provide any views through windows of any directly facing properties. It is therefore considered that they would not overlook or result in the loss of privacy to any neighbouring properties. The proposed front window would be positioned approximately 36m away from the directly facing No.129 Grimshaw Lane. At such a distance, it is not considered that the window would overlook or result in a significant loss of privacy to the occupants of this property.

Within the consultee response from the Environmental Health Officer, concern has been raised in regard to the possibility of noise making equipment being installed and disturbance being created through deliveries to the proposed retail unit. Limited information has been submitted in regards to the precise nature of the proposed retail unit. It is considered that due to the lack of information, it is not possible to reasonably assess the possible noise impact of the development upon the residents in this locale.

The properties adjoining the proposed retail premises have primary windows fronting the highway which is likely to be used by pedestrian patrons of the retail unit. Given that the highway is already in use by pedestrians as a transient space and it is only

likely to function as a transient space for patrons of the proposed retail unit, it is not considered that the creation of the unit is likely to result in any significant loss of privacy.

Highways

The Highways and Engineering department have indicated that whilst the creation of the proposed shop and flat is unlikely to have a significant impact upon the wider highway network, increased demand for on-street parking is likely to be of nuisance to existing residents. The proposed retail unit would be approximately 42m^2. The maximum standard for off-street parking when creating a retail unit of between 25-50m^2 is two spaces as indicated in appendix 5 of the Adopted Core Strategy.

However, paragraph 109 of the National Planning Policy Framework indicates that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Given the limited impact of the development upon highway safety and the road network, and the high threshold given in paragraph 109 of the National Planning Policy Framework, it is not considered that there are reasonable grounds pertaining to highways to refuse this application.

RECOMMENDATION Refuse for the following reasons

1. The site is not located within a town centre, or within a district or local retail centre, and the surrounding area is reasonably well-served by the established local centre on Grimshaw Lane approximately 0.5 km away. The proposed retail use would therefore be detrimental to the vitality and viability of established retail centres and as such the proposal fails to accord with policy G/S/1 of the adopted Rochdale Unitary Development Plan, 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 relates to the following plans:

- Drawing No: 118/511/A
- Drawing No: 118/511/B

Report Author Osian Perks