

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01274/FUL	Hamish Rigg	09/04/2024

Address: 179A Thornberries, Kirkway, Middleton, M24 1LW

Proposal: Alterations to existing beer garden to front elevation and installation of two bi-folding doors to front elevation alongside creation of mono-pitched roof to existing single storey structure, the relocation of ramped access and external alterations. Erection of bin store and single storey walk-in fridge freezer/store room to rear and alterations to layout of existing outdoor seating with part enclosed pergola and external lighting.

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

RECOMMENDATION	Grant Subject to conditions
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CHECKED AND SIGNED OFF BY: RK

DATE: 12/04/2024

SITE

The application relates to Thornberries Public House, Kirkway, Middleton; a detached two-storey property set back from the public highway. The pub sits on the corner of Kirkway and a service road which runs behind the pub to the north and east. Thornberries faces west, overlooking the public highway and no.182 & 184 Kirkway. It is flanked by no. 179 Kirkway to the north and a residential car park to the south. The rear boundary of the curtilage face east and south east, and borders Alkington library.

The Kirkway/Mainway Local Centre stands to the south of the site, and is predominantly formed of a large area of open space comprising car parking at the front with linear development of shops and the library adjacent to this. It is noted that Thornberries is set well forward of the building line of the adjacent shops and as such the rear curtilage of the application property is visible between the gap to the library. The remaining surrounding land uses are primarily residential, with a service road to the rear of the Local Centre standing between the application site and properties to the north and east, whilst Kirkway itself stands to the west.

Thornberries currently has outdoor seating at the front (west) and back (east), the latter being contained within an existing beer garden which is also used for bin storage.

PROPOSAL

Permission is sought for the following works:

- The application of K render, the instillation of two bi-folding doors, a new disabled access ramp, and a wrought iron balustrade to the front elevation.
- The erection of a mono-pitch roof atop the existing single storey side structure to create sheltered access above the disability ramp. Timber cladding on all elevations of the single-storey side structure.
- Alterations to the layout of the existing beer garden, including the erection of a part enclosed pergola and additional seating at the south-east corner.
- The erection of a bin store and a single-storey walk-in fridge/freezer room.
- New timber panel fence set in concrete posts in south-east corner of the site.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

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:

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
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
S/6	District Centre, Local Centres and Linear Commercial Areas

RELEVANT SITE HISTORY

15/01223/FUL:

Erection of marquee (retrospective).

Initially refused but allowed at appeal.

CONSULTATION RESPONSES

Environmental Health Officer 03/04/2024:

Based on the noise impact assessment we would be supportive, with conditions:

- *The outdoor space is not used before 12:00 (noon) or after 22:00*
- *No form of entertainment either amplified, background, acoustic or other is to be provided in the outdoor space.*

I note the report documents future fixed plant and puts forward suggested limits, I would be minded to ask that any new fixed plant be subject to an updated noise impact assessment, once the detail of the plant is known.

Highways Officer 19/02/2024:

We do not expect any significant increase in traffic as a result of this development. The applicant has proposed no increased parking provision however there is no increase in public floor space so no requirement to increase parking. In addition to this the development sits in a local centre and can be accessed by public transport.

Access to the site would appear to be appropriate, gates however should open inwards only.

No changes to the existing highways are proposed.

NO PROW or Bridleway will be impacted by this proposal.

We have no concerns regarding servicing of this development.

We have no new road safety concerns regarding this proposal.

We have no objections to this proposal

REPRESENTATIONS

Letters of notification were sent to surrounding properties 07/03/2024 and a general site notice was displayed on site. 37 letters of support and 4 letters of objection were received. Matters of objection related to the following concerns:

- Loud noise generated from outdoor spaces disturbing local residents, particularly at night.
- Anti-social behaviour and littering predominantly associated with large groups congregating outside the pub, but not necessarily customers.
- Increased parking.

Officer's response:

Regarding noise, disturbance, litter and anti-social behaviour, the officer is satisfied that the proposed plans will not result in an increase beyond that which is currently experienced. Whilst it is unfortunate that such concerns exist, the purpose of this assessment is to consider the potential changes to the immediate environment which might occur from the development, rather than addressing any existing issues. Notwithstanding, the council's environmental health officer has been consulted and no objections were raised, subject to conditions laid at the end of the report.

Regarding parking, the council's highways officer was consulted and raised no objections seeing as there would be no increase in public floor space.

ANALYSIS

Design and visual amenity

Policies P1, P3 and DM1 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, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. In addition, paragraphs 126 of the National Planning Policy Framework (NPPF) state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 134 states that development that is not well designed should be refused.

In light of the above policy, it is recognised that the proposed works are predominantly 'cosmetic' in nature, and would not result in a significant departure from the current form, scale, and layout of the building. As such, the proposed

development would be subservient to the host and would not be considered excessive or overbearing.

Proposed structural changes include a mono-pitch roof atop the existing single-storey side extension, a single-storey fridge-freezer and a pergola in the rear garden, and a timber boundary fence. The mono-pitch roof would be a welcome addition as it would better correspond with the pitched roof form of the host property and surrounding houses than the existing flat roof. The single-storey fridge/freezer and pergola to the rear are both modest in size and would seamlessly integrate with existing single-storey structures to the rear. They would not exceed the height of existing structures and use materials to match and would therefore blend in inconspicuously. The proposed timber boundary fence to infill gaps within the existing brick wall is also deemed acceptable. There is an array of different boundary treatments within the area, thus timber fencing would not appear out of place. Nor would it diminish the existing space around the property or create a hard border with the pavement.

The remaining design changes are considered to be more cosmetic, including alterations to fenestration, changes to external materials, and the disabled access ramp and balustrade. The plans indicate the use of 'champagne' render on the front elevation of the host property, and timber panelling on the single-storey side extension. These would be a marked improvement on the existing polar white render and brick. They would create a subtle yet contemporary finish which enhance the appearance of the street. Similarly, the bi-folding doors and balustrade would give the property some attractive features.

Overall, it is considered that the proposed works would have a positive benefit on the appearance of Thornberries and enhance the wider street scene. The current building does not hold any particular visual merit and is in need of refurbishment. As such, the design of the proposal is acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Impact on surrounding land uses

The Council's adopted 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 DM1 of the Core Strategy requires development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. Paragraph 5.1 of the SPD states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed changes would likely result in a marginal increase in the usage of the rear garden as a more enjoyable space. However, it is considered that this would not have a negative impact on residential amenity beyond that which is currently experienced. Whilst appreciating the concerns laid out in several objection letters regarding noise and anti-social behaviour, there is nothing in the plans which indicate that these would be made worse by the proposed works. Nonetheless, the applicants have provided a noise impact assessment to which the council's environmental health officer has raised no objections, subject to conditions. Namely that the outdoor space is not used before noon or after 10pm, and that no form of entertainment either amplified, background, acoustic or other is to be provided in the outdoor space. Furthermore, the officer notes that the report documents future fixed plant and puts forward suggested limits, and therefore requests that any new fixed plant

be subject to an updated noise impact assessment, once the detail of the plant is known.

Overall, the proposal would not unduly impact on the amenity of the occupants of neighbouring properties in accordance with policies DM1, the SPD and the NPPF.

Highways, Access and Parking

The proposed works would have no impact on the current servicing and parking arrangements – a view corroborated by the council's highways officer- and is therefore acceptable in accordance with policies T2 and DM1.

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:

- Proposed ground floor/ site plan: PL. 2371. 004C
- Proposed elevations: PL. 2371.005B
- Proposed elevations Walk-in Cold room freezer and dry store: PL.2371.007A
- Proposed roof layout: PL.2371.006BC
- Existing and proposed block plans: PL.2371.008A
- Location plan
- Block plan

and the development shall be carried out in 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 materials used in the construction of the exterior of the development hereby permitted shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within Noise Impact Assessment

Report (PDA Acoustic Consultants: J004738-7644-LK-01, January 2024). No part of the development shall be occupied until such time as a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved ventilation and acoustic measures have been implemented to achieve the required maximum noise levels. The noise attenuation measures shall be retained as installed thereafter in perpetuity.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. Use of the outdoor space is allowed between the hours of 12:00 (noon) and 22:00 only, and shall not be used outside of these hours.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. No form of entertainment either amplified, background, acoustic, or other is to be provided in the outdoor space.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. Notwithstanding any details submitted as part of the application, no part of the extensions or outdoor area shall be brought into uses until details of the type, siting, design and materials to be used in the construction of boundary treatments including balustrades have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked positively and 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.

