APPLICATION NUMBER: 21/00351/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00351/VRCON	Ryan Killeen	25 May 2021

Address: 4-6 Kingsway Middleton M24 1LS

Proposal: Application to vary condition 3 of planning permission 18/01395/FUL to extend the opening hours until 8pm in respect of no.6 Kingsway

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

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: AT **DATE: 25.05.2021**

SITE

The application relates to Café Meridia, a ground floor unit in row of terraces characterised by a variety of Class E uses at ground floor level. This run of properties fronts the junction of Kingsway and Manchester New Road, Middleton. The applicant property occupies the ground floor at the west of the row of terraces and front Kingsway. The units are recorded as a local centre, as defined in saved policy S/6 of the Rochdale Unitary Development Plan.

Kingsway is primarily residential with domestic properties lining both sides of the street. Manchester New Road is a Class A road and is lined by various residential, commercial and retail units.

PROPOSAL

This application seeks to vary condition 3 of Planning Permission 18/01395/FUL to allow the Café to remain open until 8pm.

Permission was originally sought for a 10pm closing time but this has been amended on request by the Council.

RELEVANT PLANNING POLICY

National Guidance

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

Adopted Rochdale Core Strategy (CS):

DM1 General development requirements
E1 Establishing thriving town, district and local centres
G9 Reducing the impact of pollution, contamination and land instability

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

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

RELEVANT SITE HISTORY

88/D22368	New Shopfront To Launderette. Approved.
18/00359/PRA56	Prior notification for a change of use from barbers shop (A1) to cafe (A3). Refused for the following reason: The lawful use of the application property does not fall under Class A1 of the Schedule to the Use Classes Order. As such it does not accord with, and cannot benefit from development permitted under Class C, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England)

Order 2015.

18/01395/FUL Subdivision of launderette to form a dry cleaners (A1) at No.4 and a café (A3) at No.6- Part retrospective. Granted STC 6th June 2019.

CONSULTATION RESPONSES

Highways And Engineering
No comments received to date

Env Health - Noise/Odours
10:00pm is probably too late in a residential area. I note the applicant wants to tap into the tea time trade, bearing this in mind we would be supportive of a 20:00 close time.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a notice was posted in the vicinity of the site. 3 letters of objection were received that raised concern over the following:

Parking
Officer's Response: Assessed in the 'Highways' section of the report

Impacts of noise disturbance late into the evening
Officer's Response: Assessed in the 'Amenity' section of the report.

ANALYSIS

Amenity

Policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents. Policy G9 requires the careful consideration of the relationship between residential and non-residential developments to ensure that they do not adversely impact the quality of life of surrounding occupiers. Paragraph 127 of the National Planning Policy Framework requires development to achieve a high standard of amenity for existing and future users.

Further to this, saved policy S/6 of the Rochdale Unitary Development Plan states that certain forms of development within Local Centres will be permitted provided that:

a) *It will be of a scale and character appropriate to the size, role and function of the centre or area; and*

b) *It will be compatible with surrounding land uses and will not harm local residential amenity.*

The application site forms part of the Manchester New Road/Kingsway Local Centre. This site is bounded by Manchester New Road to the west with the residential Alkrington Estate to the east, with Kingsway forming one of several access roads. Kingsway in particular bisects the Alkrington estate latitudinally, running east to west across the entire width. The character of the site is subsequently considered to be busier than what would ordinarily be expected for a residential setting.

In assessing this application, the proposed variation of condition to allow trading until 8pm is considered reasonable for this context. Vehicular traffic along this part of Kingsway is a common feature that forms the acoustic backdrop of the area.

Noise impacts relating to the scheme are predominantly considered to arise from vehicular activity associated with the comings and goings of patrons. The site does benefit from an alcohol license, but remains under use as a café and therefore impacts from intoxicated groups and individuals are likely to be very rare occurrences.

Given the site is not to be intensified through the proposed extended opening hours, the peak of the acoustic impacts are not considered to worsen. The extension of the impacts into the early evening is considered compatible with the surrounding area where the acoustic backdrop of vehicular movement along Kingsway and Manchester New Road is likely to remain as the predominant impact to nearby sensitive receptors.

Since the initial application, an external flue has been installed to the rear of the café. The specification of the flue has been submitted and is considered acceptable. Condition 5 of Planning Permission 18/01395/FUL requiring the noise of an extraction system to not exceed 40dB when measured 1m from noise sensitive premises is considered sufficient to ensure that there is no adverse impact to surrounding occupiers.

The application has been reviewed by the Council's Environmental Health Officer who has raised no objection to the site remaining open until 8pm. These new opening hours are to be enforced via condition, and as such, the proposal complies with the requirements of Policy Dm1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Highways

Under the application 18/01395/FUL, the Council's Highways Officer considered that trips to the café are likely to be made locally on foot. Given this application would extend opening hours beyond the trading times of adjacent units, it is considered that their parking provisions would become available for use by patrons of the café into the evening. As such, no concerns are raised in relation to the impact to highway functionality and public safety as a result of the proposal.

RECOMMENDATION

1. This permission relates to the following plans:-
    - Site Location Plan
    - Existing Front Elevation
    - Existing Ground Floor
    - Proposed Front Elevation
    - Additional Proposed Elevations
    - Additional Existing Elevations

    and the development shall not be carried out other than in accordance with these drawings hereby approved.

    Reason: For the avoidance of any doubt and to ensure a satisfactory standard of development in accordance with policies of the adopted Rochdale Core Strategy and the Unitary Development Plan as listed below on this decision notice.

2. The café (A3) and Dry Cleaners (A1) shall only be open for trade or business between the hours of 0800 to 2000 on any day.
   Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in accordance with the requirements of Policies DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. Noise from the extraction system shall not exceed 40 dB(A) leq 5 minutes when measured 1m from the façade of noise sensitive premises.

   Reason: In order to safeguard the amenities of the area and to prevent undue noise disturbance arising in accordance with the requirements of Policies DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

Procedure Statement

The application proposed amendments to a previously approved development and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

Report Author Ryan Killeen