APPLICATION NUMBER: 20/01197/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01197/FUL	Mubeen Patel	26 November 2020

Address: Land on Corner of Henry Street And Ann Street Rochdale OL11 1HP

Proposal: Use of land for the siting of a double decker bus to be used as a cafe (Class E) following removal of existing portakabin, (part retrospective)

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/a
	Neighbour comments received?	N

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: KN DATE: 30th November 2020

SITE

The application site relates to a small parcel of land located on the corner of Henry Street and Ann Street. The land was previously used as a car sales pitch and had a portacabin on site. Access into the site can be provided from both Henry Street and Ann Street through existing gates. The site is bound by green 2m high paladin fencing.

The land is located in a mixed-use area with shops, offices, storage, warehouses, residential properties and flats provided in the vicinity. Drake Street and Milkstone Road Local Centres are located to the north and west of the site. The site is positioned outside of these local centres and within the defined urban area as allocated by the Council's saved Unitary Development Plan Proposal.

PROPOSAL

The proposal seeks permission for the use of the land from an existing car sales pitch to the siting of a double decker bus used as a Café and its associated parking. The portakabin at the site has been removed and the use of the site as a car sales pitch has ceased, all the cars have been removed from the site.

The planning officer's site visit established that the Bus Café is in position at the site and the vehicle appears to have already been converted to a café. The plans submitted show the lower deck would be used for the kitchen area with an existing window used for takeout. The internal stairs would remain intact and seating for customers would be provided on the upper deck.

The bus exterior appears to be of an off white colour with simple signage along its side advertising the Café. The exterior would be retained as such.

Access for vehicles into the site would be from Henry Street through the existing gates. The site would provide parking for approximately 5 vehicles.

The proposed hours of opening are between the hours of 11:00 - 23:00hrs Mondays to Sundays including Bank Holidays.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Core Strategy (CS):

SO1 To deliver a more prosperous economy
SO3 To improve design, image and quality of place
E2 Increasing jobs and prosperity
SD1 Delivering sustainable development
P3 Improving design of new development
T2 Improving accessibility
DM1 General development requirements
G9 Reducing the impact of pollution, contamination and land instability

Saved Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

07/D48973 - Demolition Of Existing Building And Erection Of Three Storey Building With 2 Retail Units At Ground Floor Level And 4 Flats Above – Withdrawn

07/D49253 - Demolition Of Existing Building And Erection Of Three Storey Building With Offices At Ground Floor Level (Class A2) And 4 Flats Above - Resubmission D48973 – Approved.

CONSULTATION RESPONSES

Highways and Engineering

The proposed use will not generate any substantial volume of traffic. The parking area would be sufficient for a development of this size and nature. No changes are proposed to the neighbouring highways.

Access to the site is established and the proposed use is a less intensive use. I see no road safety issues with this proposal.

We have no objections to these proposals.

Env Health - Noise/Odours

This section has no objections to the proposals.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted, no observations have been received.

ANALYSIS

Principle of Development

The application site is Defined Urban Area as allocated under the Rochdale Unitary Development Plan. As such policy G/D/1 is relevant to any applications on the site and this establishes that development should be located in the urban area so as to support urban regeneration and protect the countryside.

Policy E1 of the Council Core Strategy is also relevant and which states 'We will focus retail leisure, cultural, office, residential and other development to promote the viability and vitality of the boroughs town centres. To do this we will:

• Only consider out of centre development when 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;

Policy E1 goes onto state that in considering proposals for main town centre uses will:

• f. Support the provision of small-scale shops and services to meet local needs outside centres, including in Employment Zones, where:

i. They are in a location that is not, or will not be, reasonably served by an existing or proposed centre or local shop;

ii. There are no suitable vacant shops nearby; and

iii. They will be accessible to local residents / workers on foot.

The Milkstone Road and Drake Street Local Centres are characterised by a number of smaller units with a good proportion of food and drink outlets. The proximity to high density residential areas has ensured them to be vibrant local centres with few vacant premises. It is considered that the introduction of this cafe unit outside of these centres would not have a significant negative impact on their vitality and viability. Furthermore, there are no sites within these centres to provide parking for such a vehicle. In addition, given its positioning the site can be easily accessed by local residents and workers on foot.

It is also considered that the proposed use of the site would bring an empty site back into a functional use within this mixed use area where dedicated parking would also be provided within the site.

In light of the above, it is considered that the principle of providing a café at the site acceptable and in accordance with Policy E1 of the Core Strategy and the National Planning Policy Framework.

Visual Amenity

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

The NPPF attaches great importance to the design.

The double decker bus is already parked in position to the south of the site. The external appearance including its colour would remain as existing. The colour being off white whilst the appearance given its concept would be retained as a bus.

It should be noted that the site previously was full of sales vehicles and in comparison, although the bus is taller in height it takes up only a small portion of the site. Two storey commercial buildings are located on the opposite side of Ann Street whilst the closest residential dwellings are positioned to the south along Milk Street at a distance of approximately 60m. Immediately to the east and south are playing fields with commercial uses to the north. Therefore, the immediate buildings and uses are non-residential.

As such, in its context the parking of the bus in this location would not appear to be harmful to the character of the area and is considered acceptable amongst buildings of varying height, styles and materials. However, a condition would be attached to any approval for the vehicle to be kept clean and maintained externally to ensure no negative impacts on visual amenity in the future.

In light of the above, the proposed bus cafe would result in no undue harm to visual amenity. The application would therefore accord in this regard with policies DM1 and P3 of the adopted Core Strategy and the NPPF.

Noise and Odour Pollution

Policy G9 (b) (Reducing the impact of pollution, contamination and land instability) requires that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

The bus is positioned close to areas which are quite busy given its location close to Drake Street and Milkstone Road Local Centres. These areas do generate

considerable noise mainly during the evenings and nights until the shops and takeaway uses close. Most takeaways in the area close at midnight.

Due to the sites positioning close to these local centres and amongst commercial buildings with residential uses being at a distance, the operation of the café including from customers shutting car doors and talking would not create detrimental noise pollution amongst other noise generating uses. A condition would be attached to any approval limiting the hours of operation to those applied for to limit night time nuisance.

Therefore, given the details the proposal would be in accordance with Policy G9 of the Core Strategy and the NPPF.

Highways and parking

The proposed site already consists of dropped kerbs and two access points. The site area is finished in gravel and the site plan shows approximately five dedicated parking spaces would be provided off street.

The Councils Highways officer has been consulted and offers no objections and states that the proposed use would not generate any substantial volume of traffic and that the parking area would be sufficient for a development of this size and nature. No changes are proposed to the highway network and the site is positioned in highly sustainable location adjacent to two local centres where customers can visit by foot.

Therefore, given the above, it is considered that the application would result in no undue harm to highway safety and would accord with Policy T2 of the Core Strategy, and the NPPF.

RECOMMENDATION

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 The development hereby approved shall be carried out in complete accordance with the drawings and details hereby approved before any part of the site is first brought into use and retained thereafter:

- Site Location Plan 1:1250
- Existing and Proposed Site Plan - 1636A/3
- Proposed Floor Plans - 636A/1
- Proposed Elevations - 1636A/2

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

3 The café use hereby approved shall only be open between the hours of 11:00-23:00 Monday to Sundays and Bank Holidays.

Reason: In the interest of amenity in accordance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.

4 The Bus Cafe hereby approved shall be regularly washed and maintained to a satisfactory standard.

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 requirements of 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