APPLICATION NUMBER: 20/00993/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/00993/FUL	Rachel Carney	9 November 2020

Address: Healey Dell Tea Rooms And Heritage Centre Dell Road Rochdale OL12 6BG

Proposal: Erection of two free-standing timber framed canopies to form covered seating areas

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

CONDITIONS	**Pre-commencement conditions proposed?**	n
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	APPROVE

CHECKED AND SIGNED OFF BY: AT **DATE: 12.11.2020**

SITE

Healey Dell Tea Rooms and Heritage Centre is an existing café which is set in Healey Dell. The tea rooms and heritage centre are set within a detached building which benefits from external seating areas to the side (south) and rear (east) of the building and. Beyond the rear boundary the site borders onto the River Spodden and it is within the Green Belt, surrounded by mature trees and sited within the Healey Dell Nature Reserve.

PROPOSAL

The application proposes the erection of two few standing timber framed canopies at the site to form covered seating areas. The canopies would be sited to the side (south) and rear (east) elevation of the building on the existing external seating areas.

The canopy to the rear of the building would measure 11.0 by 5.0m and it would have a pitched roof with an eaves height of 2.0m and a ridge height of 3.1m. This canopy would be sited approximately 1.2m from the side (north) boundary of the site and upon the rear boundary,

The canopy to the side (south) of the site would measure 11.0 by 6.0 m, with a pitched roof with an eaves height of 2.0m and a ridge height of 3.1m. This canopy would be sited approximately 4.6m from the side (north) elevation of the building, 1.0m from the front boundary and 1.2m from the side (south) boundary.

Both canopies would be constructed of a timber frame with open sides and would be roofed using clear corrugated sheets.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

E5	Encouraging the visitor economy
E6	Supporting and diversifying the rural economy
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
G4	Protecting Green Belt Land
G6	Enhancing green infrastructure
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/2	Green Belt
D/6(A)	Redevelopment and regeneration of major existing developed sites in the green belt for other purposes
H/2(d)	Land provided for new housing

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

RELEVANT SITE HISTORY

14/00191/FUL Change of use from visitors centre to mixed use visitors centre and tea room – Granted subject to conditions

16/00975/FUL – Use of land as two outdoor seating areas (fixed seating to the side and temporary moveable seating to the rear) – retrospective - Approved

CONSULTATION RESPONSES

Highways And Engineering
No comments to make regarding the application. The site is remote from the adopted highway and ample parking spaces are available in the area.

Env Health - Noise/Odours
No objections subject to compliance with current opening hours

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. Four letters of objection and 534 letters of support have been received, including a letter of support from MP Tony Lloyd. These are summarised below:

Objections
- Concerns over the accuracy (scale) of the submitted plans.
- Concerns that the proposal would increase the amount of tables to the rear seating area and its use – objectors consider that the existing area was only to be used on an exceptional, intermittent basis.
- Noted that a change to the previous permission has not been applied for.
- Concerns that the proposal will result in overlooking and loss of privacy for the neighbouring residents.
- Concerns that the proposal will increase noise disturbance and littering for the neighbours.
- Concerns that the seating area proposed would not allow for Covid19 social distancing.
- The noise from customers at the site impacts on wildlife in the area. Concerns that this impact will increase.
- Concerns that the shelter to the side of the building will attract the public in the evening and lead to anti-social behaviour as this area must remain open to the public when not in use by the tea rooms. – this is sometimes fenced off by the tearooms in breach of their planning permission.
- Insufficient bins at the site result in littering.
- Concerns over existing parking issues created by customers to the site and the impact on neighbouring residents and access for emergency vehicles.
- Concerns over the manner in which support letters to the application have been sought.
- Approval of the shelters would be a reward for the current breaches of planning permission.
- A number of business' are struggling due to Covid restrictions. This should not be reason for the Council to allow sites to abandon current planning permissions.
- A small area of decking and cover across the road from the tearoom has been erected without planning permission. This is not used in inclement weather, questioning the need for the current proposal.
- The gazebos will be out of character with the area and increase visitors to the site, increasing traffic and litter associated with the existing business.
- Customers to the site sometimes enter neighbouring private property.
- Increase in fly tipping incidents.

Support letters

MP Tony Lloyd –"I *am writing to provide my support for the above planning application at Healey Dell Team Rooms and Heritage Centre. The Tea Rooms are an already respected part of the local Healey community and the extension of an outdoor seating area will, expectantly, create new jobs and help this local business adopt to Covid-19 related regulations, allowing visitors to be seated outside and distance from other patrons. This will in* turn help a valued business in continuing trading in these uncertain and difficult times."

- Sound like a great idea/support the proposals.
- this is a beautiful site for families to visit.
- The café is an important facility in Healey Dell Nature Reserve
- We need to support existing businesses – the proposal is business critical and will allow this small community business to continue trading.
- Would allow those at high risk of Covid19 to still enjoy visiting the premises for food and drink without having to sit inside.
- Will help the business and support jobs through the Covid-19 crisis.
- Very impressed with existing Covid measures at the site.
- Important to support the independent sector.
- If the café shuts due to lack of support there will be no toilets or other facilities in Healey Dell for the public to use.
- The canopies are a practical and sensible solution to deal with Covid-19 issues and will be a positive solution for both the business and public.
- Would be a good addition to the site, expanding its eating space all year round and protecting customers from the elements.
- Site is also used as a meeting place before and after children's forest school. Will provide shelter.
- Additional outdoor seating will discourage customers from congregating in the road and make the area safer for visitors and residents.
- Will allow dog walkers, cyclists and horse riders to stay dry if they visit the tea rooms.
- Healey Dell in an important recreational facility and the tea rooms add significantly to that facility.
- Will support visitors to Healey Dell who visit to walk in the area, increasing their physical and mental health and well-being. The Council should be encouraging people to visit the area.
- Sited where visitor can experience nature the café helps improve well-being and reduce stress and is essential.
- A great idea for the community, to allow people to socialise whilst following social distancing.
- The café is an important community facility.
- The café plays an integral part to visitors experience of Healey Dell
- Works will enhance guest experience to the café and Healey Dell without having any detrimental impact on the area.
- Proposal will enhance the immediate area and assist Rochdale's tourism aspirations.
- Will help secure economic benefits with job security and increased trade.
- Timber framed gazebos will not affect/be a nuisance to the neighbours.
- The shelters are not in the major sightlines of residential building.
- The café already has an outdoor seating area so noise generation will not change with this development.
- No evidence that the proposal will increase usage.
- Many of the old buildings in Healey Dell are an eyesore. The proposed structures at the tea room will enhance the area.

The shelters will visually be in keeping with the area and cause minimal interruption to the main building being free standing.

- Visitors will always visit the centre so a shelter would be beneficial in poor weather.
- The current owners have improved the site beyond recognition.

- In the last few years the area has been considerable improved, primarily by the tea rooms which have increased visitor number and reduced anti-social behaviour.
- Ask that the Council also support businesses in the area by working with the owner of the road and industrial sites to provide visitor parking.

ANALYSIS

Principle of development

The application site is located in the Green Belt where paragraph 144 establishes that substantial weight should be given to any harm to the Green Belt and that 'Very Special Circumstances' will not existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF establishes that the construction of new buildings should be considered as inappropriate, apart from under a number of listed exceptions which includes:
(c, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development;

Policy G4 of the Core Strategy which relates to Development in the Green Belt requires compliance with the NPPF.

The application site is also located in proximity to Healey Hall Mills which is designated as a major existing developed site in the Green Belt.

Consequently Rochdale Saved UDP policy D/6 (Redevelopment and Regeneration of Major Existing Developed Sites in the Green Belt for Other Purposes) also requires consideration when determining this application. Policy D/6 states:

Proposals for the redevelopment or re-use of the following sites for housing and associated environmental improvements will be permitted subject to the criteria set out in (a) to (e) below.

a) has no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible has less;
b) does not exceed the height of the existing buildings;
c) does not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity);
d) contributes to the achievement of the objectives for the use of land in the Green Belts, in particular the protection and enhancement of:-
    i. the local landscape,
    ii. its nature conservation interest,
    iii. the retention or enhancement of public rights of way; and
e) incorporates suitable access and off site highway and junction improvements.

In respect of the above it is noted that this application does not seek to develop the site for housing (or associated environmental improvements), rather it seeks improvements to an existing commercial use. However it is noted that this policy has been used in the consideration of previous applications at the application site.

Considering the current application it is considered that the primary principle consideration, in line with both policy G4 (Green Belt) and saved UDP policy D/6 is compliance with green belt policy and protection of openness. Moving forwards with this it is noted that use of the land already has planning permission as outside seating areas in direct association with the café. This proposal therefore relates only to the introduction of the two proposed timber framed canopies on previously developed land.

As referenced earlier, paragraph 145 c) allows for extensions and alterations to buildings within the green belt provided that they do not result in disproportionate additions over and above the size of the original building. In this respect it is noted that volume calculations have not been provided with the applications, but taking basic calculations from the plans it can be seen that the volume of the two canopies equate to approximately 48% of the volume of the host building. In considering the acceptability of this it is noted that the Councils SPD – Guidelines and Standards for Residential Development, provides some guidance on what "disproportionate additions" means and states that normally, extensions that result in up to a 35% increase in volume would be considered as appropriated. However this guidance also accepts that the characteristics to properties and proposals will vary significantly and there may be instances where a 35% increase would be considered disproportionate and other occasions when a greater than 35% increase may be considered proportionate.

This guidance clearly leaves some ambiguity over what can be considered as disproportionate. However, in the case of this proposal it is considered that the form of the structures, which would, due to their open timber frame construction and clear roof, be of a transparent nature, must be given some consideration and clearly structures of this form would have less of a visual impact on the Green Belt than something that is of solid construction.

In addition to the above, Paragraph 145 g) allows for the limited infilling or redevelopment of previously developed land provided the proposal would not have a greater impact on the openness of the Green Belt. In this respect it is considered that due to the existing use of the land, as external seating areas, the proposal would be sited on previously developed land. As such, as assessment into openness is required.

Taking a balanced approach in regards both above elements of Green Belt policy it is noted that the development does not easily fall into the exceptions to inappropriate development listed. The development is therefore required to be assessed against any very special circumstances that may outweigh the harm to inappropriateness and any other harm resulting from the proposal.

<u>Other principle considerations</u>

Consideration should also be given to policy E5 which seeks to encourage the visitor economy and makes specific reference to Healey Dell in stating:

In Healey Dell, Rochdale, where we will:

a. Promote and enhance improved facilities and linkages into and through Healey Dell to connect with the wider countryside and the urban area.

Policy E6 – Supporting and diversifying the rural economy, also seeks to support development outside of the urban area and supports rural business activity; and policy E2 supports employment generating uses such as retail, entertainment, leisure and tourism uses subject to complying with other policies of the Local Plan, in order to support the retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy.

In respect of these policies the proposal clearly seeks to improve the existing external seating area at the tearooms to support the existing business. From the volume and content of the support letters it is apparent that this business is one that is used by both locals and tourists to the area and enhancement of the site would comply with the objectives of policies E2, E5 and E6 of the Core Strategy.

Impact on openness and visual amenity

The application proposes two timber frames canopies that would be sited on the existing external seating areas for the site.

In regards openness it is, as per the calculations above, recognised that the structures would result in adding almost 50% volume to the site. However, as also detailed above, the canopies would be of an open timber frame structure with a clear roof and this would give them a transparent feel that would be significantly less obtrusive than solid structures of the same scale. It must also be recognised that due to the significant mature tree cover to the east of the site, the structures would have minimal visibility from this aspect, with their main impact being seen from Dell Road, which is in the context of existing commercial and housing development.

With the above in mind, despite their volume it is considered that the development would have only minimal impact on the openness of the Green Belt. Additionally, although the style of the canopies is very different from the stone built host building, their transparent, timber form is considered appropriate and functional for the site, with the timber nature complementing the high volume of tree cover within Healey Dell.

Further to the above it is considered that the proposal would have only minimal impact on the openness of the Green Belt and the proposed structures would complement the existing visual amenity of the area. In this regard the application accords with policies P1, P2, P3 and DM1 of the Core Strategy.

Residential amenity

In respect residential amenity it is noted that there are some concerns raised by objectors over the impact on the adjacent residential property. In this respect the objectors note that the previous permission (16/00975/FUL) which approved use of the external spaces as outdoor seating areas only allowed use of the rear area for temporary moveable seating only and that this would be only used on an exceptional, intermittent basis. In this regard the objectors are correct in that the rear area only permitted temporary, i.e. not fixed seating, however the conditions associated with its use did not restrict use of this land any more than use of the land to the side of the building. As such the only controls over the use of the land relate to its hours of use and there are no restrictions, for example, over the number of days in a year that the area of land can be used for outdoor seating.

The only existing condition controlling use of the tearoom and external seating areas is:

The fixed and temporary removable seating areas hereby approved and tearoom use (A3) shall not open for trade or business before 08:00 hours nor after 18:00 hours Monday to Saturday inclusive or before 10:00 hours nor after 17:00 on Sundays and Bank Holidays.

Moving forwards with the current application, whilst the previous application only allowed removable seating to the rear seating area it must be accepted that the previous permission has approved permanent use of the land as external seating. It

is also noted that the current application has not sought to extend the hours of use for the seating area and as such the only consideration can be the impacts from the proposed canopy structures.

The timber structure proposed to the rear of the building would be sited approximately 1.2m from the side boundary of the site which is shared with Rivendell, Oak House. As the site photographs show there is currently high timber fencing along the site boundary and heavy vegetation also provides screening.

Given this existing relationship between the two sites it is considered that the timber framed canopy, which would have a maximum height of 3.1m would, not cause any overshadowing of the neighbours property or amenity space with the canopy being largely screened from existing boundary treatment. It is accepted that the canopy would be visible from the neighbours upstairs windows and from their lower garden area, but the visual appearance of the canopy itself would not result in any unacceptable loss to amenity.

It is recognised that the objectors primary concerns relate to the use of the canopy and the impacts it would have on amenity through matters including increased noise and overlooking etc. However, as previously mentioned the use of the land for outdoor seating is already approved. The LPA accepts that the inclusion of a permanent structure to allow better use of the seating area may result in increased use of the area, however that would not go beyond what is already approved under application 16/00975/FUL and it would not be reasonable for the LPA to restrict development on such grounds. Indeed it is feasible that the proposal would actually reduce the number of possible seats available at the site as they would now need to be accommodated around the timber structure, rather than in the existing area that is free from obstruction.
The Council's Public Protection Team (Noise and Odours) have also confirmed no objection to the development provided that the opening hours included under the 2016 application are still adhered to.

Further to the above the objectors concerns regarding amenity are recognised. However, this proposal would not introduce a new use to the site, it merely proposes a structure to support the existing use. With this in mind it is considered that the timber canopies would not result in material loss of amenity for neighbouring residents and the relationship between the site and the neighbours at Rivendell is considered to be acceptable.

In respect of the other canopy this would not be sited near residential properties and as such would not impact on residential amenity.

Highways

Highway Services have been consulted on the application and confirmed no objections to the proposal. They have confirmed that site is remote from the adopted highway and ample parking spaces are available in the area.

It is recognised that highway safety concerns, predominantly relating to parking near the site, have been referenced in the public objections. However, as previously mentioned, the proposal would not introduce a new use at the site and would not allow for an increase in total visitor numbers. With this in mind along with the comments from Highway Services it is considered that the proposal would result in no undue detriment to highway safety and accord, in this regard, with policy DM1 of the Core Strategy.

Very special circumstances

Where development would comprises inappropriate development in the Green Belt it will not be acceptable unless there are very special circumstances to outweigh the harm caused to inappropriateness and any other harm caused.

As detailed above the application site is not just within the Green Belt, it is also within Healey Dell which policy E5 of the Core Strategy specifically identifies as being an area where the Council will promote and enhance improved facilities.

The applicants for the site have also set out their reasons for the proposals. These partly include a business case for retaining the tea rooms within the current economic climate and the current strict Covid-19 restrictions. It is also noted that the current business employs 20 staff which supports the local economy, during the existing crisis and beyond.

From the volume of support letters received and the letter of support from the local MP it is clear that the tea rooms and heritage centre are a well-used and valued resource which is seen by many as important community and tourist asset when visiting Healey Dell. Policy E5 seeks support and promotion of such facilities.

When balancing the above factors against the only minimal impact on openness of the green belt that would arise through the development it is considered that there are very special circumstances that would outweigh the identified harm. As such the application is considered to be acceptable in this regard.

Other considerations

In addition to the above it is noted that one of the objections raises concerns over the accuracy of the submitted plans. The accuracy of the plans have been checked with the agent for the application and the case officer has also taken independent measurements of the plans based on the information provided by the objector. Based on these investigations it is considered that the plans submitted are accurate. In regards specific comments raised by the objector the LPA has the following response.

Objection - The plans submitted with both this application, and the one in 2016, are inaccurate in showing the rear elevation of Oak House as being some 5 metres to the west of the rear elevation of the tearooms, whereas in fact the difference is less than 1.8 metres. LPA response – The measurements provided by the objector appear to be incorrect. When measuring off the submitted plans the distance between the two properties is less than one metre and the distance of the proposed canopy from the shared boundary is 1.2m.

The measurements shown on a hand drawn plan provided by the objector also largely correspond with the measurements on the submitted application drawing although it is noticed that the distances on the objectors plan are actually slightly larger. As such no impact on the neighbours have been underestimated through the submission.

Objectors have also questioned the site address but this is accurate as per the Council records. There are also concerns over the way that support letters for the application have been canvassed but this is not a matter that can be controlled by the Council.

It has also been mentioned that a separate outdoor seating area has been erected opposite the site without consent. This matter does not comprise part of the current planning application but it can be investigated by our enforcement team.

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. This permission relates to the following plans:

- Existing Site Plan and Elevation
- Location Plan, Proposed Site Plan, Elevations and Section

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 adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. The canopies hereby approved shall be constructed in accordance with the materials listed under question 7 of the submitted application form and as outlined on the approved proposed section drawing.

Reason: In the interests of visual amenity and to accord with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan 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:

For the avoidance of doubt, condition 2 of planning permission 16/00975/FUL is still relevant for use of the tea room and external seating areas. This controls that they shall not be open for trade or business before 08:00 hours nor after 18:00 hours Monday to Saturday inclusive or before 10:00 hours nor after 17:00 on Sundays and Bank Holidays.

Report Author Rachel Carney