

Officer Report

Case Reference: PL/2026/0108
Location: 19-21 Boarshaw Road, Middleton, M24 6BR
Proposal: Change of use of a former public house (The Nook) and associated car park to a hand car wash (Sui Generis) and ancillary office and storage, together with the installation of associated equipment and new perimeter fencing.
Recommendation: Refuse
Officer: Luke Rigby

SITE

The application site consists of 'the Nook' Public House and ancillary car park, located at 19 - 21 Boarshaw Road in Middleton. The Nook itself is a two-storey building constructed of facing brick with a pitched roof and ancillary car park.

The application site is located entirely within the Middleton Town Centre Conservation Area and is sited immediately adjacent to the '24 Steps', a Non-Designated Heritage Asset.

PROPOSAL

The application seeks retrospective planning permission for the Change of Use of the site from the public house and associated car park to a vehicular car wash; the Nook itself is being used as offices ancillary to the use of the car wash, which takes place on the car park.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 - Defined Urban Area

Adopted Rochdale Core Strategy (CS):

Policy E2 – Increasing Jobs and Prosperity

Policy P1 – Improving Image

Policy P2 – Protecting and Enhancing Character, Landscape and Heritage

Policy DM1 – General Development Requirements

Policy T2 – Improving Accessibility

Appendix 5 – Schedule of Parking Standards

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE) 2024:

Policy JP-P1 – Sustainable Places

Policy JP-P2 – Heritage

Supplementary Planning Documents (SPD):

None relevant

PUBLICITY

Site Notice: Posted 07.05.2026

Press Notice: Posted 30.04.2026

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

ASSESSMENT

Principle

The application seeks retrospective planning permission for the change of use of a public house (Use Class Sui Generis) and associated car park to a car wash, with the former public house building now functioning as ancillary office accommodation.

Chapter 8 of the National Planning Policy Framework (henceforth, 'the Framework') requires planning decisions to support the creation of healthy, inclusive and safe communities. Paragraph 93 states that planning decisions should enable and support strong, vibrant and healthy communities, including through the retention and development of local services and community facilities. Paragraph 98(c) further

requires that planning policies and decisions guard against the unnecessary loss of valued facilities and services, particularly where such loss would reduce the community's ability to meet its day-to-day needs.

Public houses are widely recognised as important community assets, providing social, cultural and economic benefits, and contributing positively to community cohesion and local identity.

Policy JP-P1 of the Places for Everyone Joint Development Plan seeks to ensure that development contributes to strong, inclusive communities and supports local services and facilities. JP-P1 emphasises the importance of maintaining and enhancing community infrastructure and ensuring that development proposals respond appropriately to local context and community needs.

The submitted Design and Access Statement acknowledge the lawful use of the site as a public house but asserts—without evidence—that the use of the premises is no longer viable as a public house and unlikely to continue as such, citing the surrounding commercial character. However, no substantive evidence has been provided to demonstrate that such use is economically unviable. In particular, no viability assessment, marketing evidence, or appraisal of alternative community or commercial uses has been submitted to justify the permanent loss of the facility.

Furthermore, whilst the site is located within an area containing commercial uses, there are residential properties in proximity, including immediately adjacent to the site, indicating that there remains a local population that could reasonably benefit from such a facility. In the absence of clear and robust evidence, the Local Planning Authority cannot conclude that the loss of the public house is necessary, justified, or that it would not undermine the provision of community facilities within the area.

The proposal therefore fails to demonstrate compliance with the requirements of Paragraphs 93 and 98 of the Framework and conflicts with Policy JP-P1 of Places for Everyone, which seeks to support sustainable, inclusive communities and safeguard local services. The unjustified loss of a valued community facility is a significant material consideration which weighs heavily against the proposal.

Having regard to the above, by virtue of conflicting with the aims of Chapter 8 of the National Planning Policy Framework and Policy JP-P1 of the Places for Everyone Joint Development Plan, the change of use is considered unacceptable in principle.

Character, Appearance and Heritage

Within a Conservation Area, the Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Chapter 16 of the National Planning Policy Framework sets out guidance relating to conserving and enhancing the historic environment. It notes that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can

make to sustainable communities; and the desirability of new development making a positive contribution to the local character and distinctiveness.

Paragraph 213 of the Framework states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*. At Paragraph 215, the Framework states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Paragraph 216 of the Framework also makes clear that the impact of a development on a non-designated heritage asset is a material consideration that carries weight in the planning balance.

At the local level, Policy JP-P2 of the Places for Everyone Joint Development Plan and Policy P2 of the adopted Rochdale Core Strategy deal with preserving and enhancing the historic environment. Furthermore, Paragraph 131 of the Framework and Policies DM1 and P3 require development to be well designed, sustainable, and to make a positive contribution to the character of the area.

The application site is located entirely within the Middleton Town Centre Conservation Area which is identified as outstanding by Policy P2 of the Core Strategy, with its special character deriving from its medieval buildings, 19th century architecture and high-quality arts and crafts. The Conservation Area is currently included on Historic England's 'Heritage at Risk' register and therefore protecting the surviving historic character and fabric is of critical importance.

The immediate area surrounding the Conservation Area developed in the 19th century and the Nook itself is first shown on the 1890s town plan. The Conservation and Design Officer note that The Nook itself holds architectural and historic merit, owing to its surviving elements such as brick detailing, decorative fascia boards, terracotta tiles and stone sills. Whilst the ancillary car park itself is of little historic merit or significance, the site is located immediately adjacent to the '24 Steps' which were built in 1851 and are a non-designated heritage asset; the steps survive as an important local feature and contribute to the significance and character of the area.

The application seeks retrospective permission for the change of use of the site to a car wash, including the erection of 1.8m high metal fencing directly adjacent to the highway. 2No. canopies are also proposed; whilst little information has been given in relation to these, sufficient information has been provided for the Local Planning Authority to assess the harm of the development in this instance.

Whilst the existing car park does not contribute positively to the Conservation Area, it is not a particularly intrusive feature within the street scene owing to the low-level fencing. The proposed introduction of a 1.8m high metal fence and canopies would appear as incongruous, utilitarian structures. Such features would be directly at odds with the architecture and detailing of the 19th century buildings—both the Nook itself and the nearby terraces—and would significantly detract from the setting of the adjacent 24 Steps. The applications assertion that tall fencing exists elsewhere in the

street scene does not justify its introduction into this sensitive context. Industrial uses elsewhere do not set a precedent for further degradation of the historic environment, especially having regard to the fact that the Conservation Area is already recognised to be at risk.

Furthermore, the applicant's justification of the development relies on the assertion that the Nook will be used for ancillary storage and office space, thereby bringing the Nook back into active use. The Conservation Officer, however, notes that no details have been provided as to how these functions would operate. Given the modest scale of the car wash, it is unlikely that the ancillary functions would meaningfully occupy the building or secure its optimum viable use in line with Paragraph 216 of the Framework.

Amenity

The application site is located within a mixed-use transitional area; whilst there are residential dwellings in the immediate vicinity, the immediate context includes established commercial uses such as a tyre garage to the rear. Furthermore, Boarshaw Road carries existing traffic noise.

The Design and Access Statement indicates that the car wash would operate between the hours of 08:00 and 18:00. It is acknowledged that the established nature of the immediate surroundings and historical use of the site as a public house and associated car park will undoubtedly produce a discernible level of noise that likely has an impact upon the amenity of residential occupiers, however, the noise character of a car wash, that could be characterised by greater frequencies of comings and goings, car engine ignitions, car doors slamming shut and use of equipment such as vacuum cleaners or pressure washers all present potential, impulsive noise sources that could amount to a unacceptable level of disturbance. Whilst it is acknowledged that this impact can be mitigated through restrictions on opening hours, in the absence of a suitable assessment, it is not possible to conclude that the noise impacts from the proposals would have an acceptable impact upon residential amenity, or indicate any mitigation that could be required. The application submission has therefore, through omission of a suitable Noise Impact Assessment, failed to demonstrate that the proposed development would not have a detrimental impact on the amenity of neighbouring dwellings in respect of noise. The proposed development therefore falls contrary to Policy DM1 of the adopted Rochdale Core Strategy.

The proposed boundary treatment and canopies are not considered to appear overbearing or overshadowing for neighbouring dwellings. Having regard to the above, it is considered that the proposed development would have no adverse impacts in respect of amenity.

Highways and Parking

The application site is located along Boarshaw Road, an adopted public highway which is maintained at public expense. Existing access arrangements in the form of dropped kerbs exist and would be retained as a result of the proposal.

Whilst the representation received regarding parking is acknowledged, it is considered that sufficient space would be available within the site for vehicles to park whilst utilising the services, and it is not considered that vehicles entering and exiting the site would raise concerns in regard to highway safety. The Council's Highway Department as local highway authority was consulted on the proposal and raise no concern in relation to highway safety. Restrictions are in force on neighbouring streets in the form of double yellow lines which would prevent inappropriate parking.

Flooding and Drainage

The application site is predominantly located in Flood Zone 1; a small portion of the site is located within Flood Zone 2. The application submission indicates that the existing drainage setup will be retained and that the proposed development would maintain the existing sites topography and impermeable footprint., therefore it is asserted that surface water runoff patterns will be identical to the existing use of the site.

The LLFA were consulted on the proposal and raise an objection. The LLFA notes that no details have been provided in relation to the existing surface water drainage arrangement; notwithstanding, the LLFA consider that if the existing scheme discharges into a combined sewer, that this would not be acceptable in principle for the proposed use.

Furthermore, the proposed development fails to incorporate a comprehensive drainage strategy in accordance with the Drainage Hierarchy. The LLFA notes that brownfield sites should aim to provide a betterment over the existing drainage arrangement. It is considered that the applicant has failed to consider alternative drainage options, for example if ground infiltration is not considered a viable option, the LLFA notes that there is an existing watercourse, Whit Brook, in close proximity to the site, and that rainwater could be recycled and used for vehicle washing.

Overall, the LLFA considers that the submitted proposal is unacceptable in principle; it is further considered unacceptable to impose conditions in relation to drainage to a scheme that is unacceptable in principle. Consequently, in the absence of an acceptable drainage strategy which accords with the Drainage Hierarchy, the applicant has failed to demonstrate that surface water and trade effluent can be sustainably managed without exacerbating flood risk or causing environmental pollution.

Ecology

Paragraph 187 of the Framework requires planning policies and decisions to contribute to and enhance the natural and local environment.

In England, biodiversity net gain (BNG) is a mandatory instrument introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act). This framework requires most development to deliver a minimum 10% increase in biodiversity value relative to the pre-development baseline, achieved through onsite measures, registered offsite provision, or statutory biodiversity credits. However, as this application is submitted retrospectively under Section 73A of the Act, it is exempt

from the statutory BNG requirement, and there is no obligation to demonstrate a 10% net gain in this instance.

Notwithstanding this exemption, Policy JP-G8 of the Places for Everyone Plan seeks a measurable net enhancement in biodiversity, typically of no less than 10%, where relevant. Similarly, Core Strategy Policy G7 requires that sites and features of biodiversity and geodiversity importance are afforded full recognition and protection, and that development proposals avoid net loss while seeking opportunities for enhancement through design, landscaping, and construction.

The application site comprises the Nook Public House and associated car park, which is predominantly hardstanding but includes several mature trees along the rear boundary. Furthermore, the site lies within the Middleton Town Centre Conservation Area, where such trees are likely to make a positive contribution to character and appearance and may benefit from statutory protection. In addition, the Local Planning Authority has a duty under Paragraphs 136 and 180 of the Framework to assess impacts on trees, landscaping, and green infrastructure.

However, the application submission fails to acknowledge the presence of these mature trees. They are not shown on the site location or elevation plans, and no tree survey, arboricultural impact assessment, or protection measures have been provided. As a result, it is not possible for the Local Planning Authority to determine whether the development would adversely affect trees that may be protected, or which contribute to the significance of the Conservation Area.

In the absence of sufficient information relating to existing trees, landscaping, and green infrastructure, the Local Planning Authority is unable to properly assess the impacts of the development on these features. The proposal therefore falls contrary to Policy G7 of the adopted Rochdale Core Strategy and the aims of Paragraphs 136 and 180 of the National Planning Policy Framework.

Planning Balance

Paragraph 11 of the Framework establishes a presumption in favour of sustainable development. This means approving applications for development unless there are material considerations that indicate otherwise; where these conflicts exist, these conflicts must be weighed against the benefits of approving the proposal.

The application would bring back into use a vacant site and would generate a modest number of local jobs, therefore contributing to the local economy. The applicant also suggests that utilising the Nook as ancillary storage and office space would protect the building from further deterioration. However, given the small scale of the development and lack of detail in regards to this ancillary use, these benefits carry little weight in the planning balance.

When weighed against these minor benefits, the proposal conflicts with both local and national planning policy. Firstly, the development would result in the permanent loss of a community facility, and no suitable evidence has been provided to the Local Planning Authority that to justify this loss. The proposed development therefore conflicts with Chapter 8 of the Framework.

Furthermore, the introduction of utilitarian commercial infrastructure, specifically the 1.8m high fencing and canopies, would give rise to less than substantial harm to the character of the Middleton Town Centre Conservation Area and the adjacent 24 Steps. The limited public benefits of the proposal are insufficient to outweigh this harm and would not secure the optimal viable use of the Nook itself. The proposal therefore conflicts with the aims of Paragraph 215 of the Framework.

The application further lacks a suitable surface water and drainage strategy that takes into account the Drainage Hierarchy. The proposed development has therefore failed to demonstrate that surface water can be appropriately discharged without increasing the risk of flooding elsewhere or causing environmental pollution.

Having regard to the above, the proposed development is not considered to represent sustainable development. The marginal public benefit that would arise as a result of the development is insufficient to outweigh the harm that it would cause. It is therefore recommended that the application be refused.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

1No. objection received in relation to parking.

SUMMARY OF CONSULTATION RESPONSES

Environmental Health:

No response received

Highways Department

No objection, no significant volume of traffic is expected and access to the site is suitable.

LLFA

Objects to the proposal. Comments can be summarised as follows: the drainage proposals submitted are vague and not acceptable in principle; the application should be supported by an acceptable Drainage Strategy; it is considered inappropriate to apply conditions to a proposal that is not acceptable in principle.

Conservation and Design

Objects to the proposal. Comments can be summarised as follows: the 1.8m high metal fencing, gates, and canopies would neither preserve or enhance the character and appearance of the Conservation Area; the proposed boundary treatments would be incongruous and at odds with the architectural character of the 19th century buildings nearby; the proposal would give rise to less than substantial harm which should be justified and only approved if outweighed by the public benefits of the proposal.

Officer Notes: Justification was sought from the applicant to address the concerns of the Conservation Officer. The Conservation Officer considers this justification does not change their original response.

PROCEDURAL STATEMENT

Article 35 Declaration

The development does not comply with the development plan and therefore does not comprise sustainable development. The proposed development is unacceptable in principle and therefore 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.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment have taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: Refuse

Refusal(s) (5)

- 1 The proposed Change of Use would result in the permanent loss of a public house (the Nook) of which Paragraph 88 of the National Planning Policy Framework recognises as a valued community facilities. The application submission has, through the omission of suitable evidence such as a viability assessment or prolonged marketing exercise, failed to demonstrate that the use of the site as a public house is no longer economically viable or beneficial to the local community. In the absence of such clear and convincing justification, the proposed development is contrary to aims of Policy JP-P1 of the Places for Everyone Joint Development Plan and Chapter 8 of the National Planning Policy Framework.
- 2 The application site is located within the Middleton Town Centre Conservation Area and within the immediate setting of the '24 Steps', a non-designated heritage asset. The proposed developments, by virtue of the proposed utilitarian structures—namely the 1.8m high fence and associated canopies—would appear as incongruous features which neither preserve or enhance the character and appearance of the Conservation Area. The proposed development would therefore result in less than substantial harm to the significance of a designated heritage asset. The Local Planning Authority considers the limited benefits of the proposal are insufficient to outweigh this harm. The proposed development is therefore contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies DM1, P3, P2 of the adopted Rochdale Core Strategy, Policy JP-P2 of the Places for Everyone Joint Development Plan and Chapter 16 of the National Planning Policy Framework.
- 3 The application submission, by virtue of omission of a suitable drainage strategy that follows the Drainage Hierarchy, has failed to demonstrate that surface water runoff and trade effluent can be suitably and sustainably managed. The application submission therefore fails to demonstrate that the proposed use of the site as a car wash would not exacerbate flood risk or cause environmental pollution, contrary to the requirements of the National Planning Policy Framework.
- 4 Insufficient information has been submitted to enable the Local Planning Authority to fully assess the impact of the development on existing trees, landscaping, and green infrastructure within the site. The application fails to adequately identify or consider the presence of mature trees, which may be subject to statutory protection and contribute positively to the character and appearance of the Middleton Town Centre Conservation Area. In the absence of a tree survey, arboricultural impact assessment, or details of protection and retention measures, the application submission has failed to demonstrate that the proposal would avoid harm to these features or result in no net loss of biodiversity. The application also fails to clearly demonstrate that the proposals would be exempt from statutory biodiversity

net gain requirements, and the proposal is therefore contrary to Policy G7 of the adopted Rochdale Core Strategy, Paragraphs 136 and 180 of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

- 5 By virtue of the omission of a Noise Impact Assessment, the application submission has failed to demonstrate that the development would not have a detrimental impact on the amenity of neighbouring dwellings in respect of noise, or that these impacts can be appropriately mitigated. The development therefore falls contrary to Policy DM1 of the adopted Rochdale Core Strategy and the aims of the National Planning Policy Framework.

- 1 For the avoidance of doubt, this decision relates to the following plans/documents:-

- Application Form
- Location Plan
- DWG No. 2391/1 (Site Plan)
- DWG No. 2391/3 (Proposed Site/Block Plan)
- DWG No. 2391/4 (Proposed Elevations)
- Heritage Statement (received by the Local Planning Authority on 06.05.2026)
- Design and Access Statement (received by the Local Planning Authority on 06.05.2026)