

Officer Report

Case Reference: PL/2026/0307
Location: 766 MANCHESTER ROAD, ROCHDALE, OL11 3AW
Proposal: Proposed change of use of ground floor from commercial use (hot food takeaway) to one bedroom flat (residential C3) including alterations to front and rear elevations of the property.
Recommendation: Approve with Conditions
Officer: Luke Rigby

SITE

The application site consists of a ground floor commercial unit sited along Manchester Road. The unit is sited within the middle of a commercial cluster of units with a barbers and takeaway immediately adjacent, however there are residential units immediately adjacent.

PROPOSAL

The application seeks planning permission for a Change of Use to 1No. self-contained residential apartment (Use Class C3).

RELEVANT PLANNING HISTORY

None relevant.

Conclusion

Subject to the conditions set out below and taking into account the provisions of the development plan and all other material planning considerations, it is recommended that planning permission be granted.

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

Local Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

C1 Delivering the right amount of housing in the right places

C3 Delivering the right type of housing

P3 Improving Design of New Development

DM1 General Development Requirements

T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

Supplementary Planning Documents (SPD):

Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016)

PUBLICITY

Site Notice: N/A

Press Notice: N/A

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 planning permission for the Change of Use of an existing, vacant ground floor commercial unit to one self-contained apartment. The first floor of the unit is already in use as a residential unit, and this arrangement would be retained.

Policy C1 of the adopted Rochdale Core Strategy seeks to deliver the right amount of housing in the right places to attract and retain residents, ensuring that these dwellings are in sustainable locations with good transport links and facilities. Policy C1 states that one way the Council will achieve this aim is to maximise the potential of previously developed sites including empty homes and buildings.

The proposed development would bring back into use a vacant unit in a sustainable location and is therefore in accordance with the aims of Policy C1; there are a number of residential dwellings nearby and whilst there are some commercial units along this stretch of Manchester Road, it is a predominantly residential area. There are no other constraints associated with the site that would preclude the presumption in favour of sustainable development in line with Paragraph 11 of the National Planning Policy Framework (the Framework) and therefore it is considered that the principle of development is established and acceptable in this instance.

Design and Appearance

Paragraph 131 of the Framework states that a fundamental aim of the planning system is the creation of high quality, beautiful, and sustainable places. Paragraph 135 of the same states that planning decisions should ensure that development is sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

Policy DM1 of the Core Strategy requires all development proposals, including changes of use of land and buildings, extensions, and alterations, to demonstrate that they are of a high-quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit, and can also improve health, safety and the environment and reduce long-term costs.

The application proposes the removal of the existing shop front and the existing opening partially blocked and installation of a new window; render will be provided at ground floor to match the existing at first floor. The existing entrance door would be retained however will be provided with a new frame and door. To the rear, the existing outrigger roof will be raised and replaced, and roof lights will be provided.

The proposed changes are considered acceptable on design terms. Whilst it is acknowledged that the proposed residential use would appear incongruous to some degree between two commercial units, this is not considered to appear significantly incongruous or out of character to warrant refusal in this instance and to substantiate at any future appeal. Notwithstanding, the proposed external alterations would provide a significant betterment over the existing front elevation of the vacant unit which as existing detracts from the visual character and appearance of the surrounding street scene.

The proposed development is therefore considered to accord with Policies DM1, P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, and the design guidance of the National Planning Policy Framework.

Amenity

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Paragraph 135 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

Policy JP-P1 of the Places for Everyone Joint Development plan requires all development to be *"comfortable and inviting, with indoor and outdoor environments"*. Policy JP-H3 of PfE establishes a requirement for all new dwellings to be compliant with the Government's Nationally Described Space Standards (NDSS) and to be in accordance with Part M4(2) of the Building Regulations.

The proposed development would comprise some 37.7sqm internal floor area and is therefore marginally compliant with the requirements of the NDSS for a 1-bed 1-person apartment. Whilst it is acknowledged that the proposed environment is modest in scale, it provides a sufficient quantum of space for single occupancy, and such arrangement is not uncommon for apartments located in such locations.

The application submission indicates that the glazed shopfront would be removed and replaced with matching brickwork and a standard, residential uPVC window to serve the primary living area. Whilst the property would directly abut the public footpath and lacks any defensible space, this relationship is not uncommon for terraced dwellings in a densely populated area. It is considered that future occupiers could achieve an adequate level of privacy through the use of blinds and/or curtains which would not be uncommon.

To the rear, the proposed bedroom would be served by a newly formed double-glazed uPVC window and openable rooflights. Whilst the rear would look out onto a service alleyway heavily utilised for vehicular parking and bin storage, cumulatively the proposed fenestration would provide sufficient level of natural light and ventilation for future occupiers. It is considered that on balance, a refusal on the basis of lack of outlook could not be substantiated at any future appeal given the urban context of the immediate site location. Whilst it is acknowledged that there would be no rear amenity space, this would not be uncommon for a single occupier apartment.

The application site is situated immediately adjacent to existing commercial operations, including a hot food takeaway and barber shop. It is noted that there is an existing commercial flue to the rear of the property which is indicated to be removed and made good. Such removal would undoubtedly reduce potential for noise impacts, and it is therefore considered this be secured by way of condition in the interest of protecting the amenity of future occupiers.

Furthermore, it is acknowledged that a residential apartment already exists at first floor. Given the established presence of residential accommodation in the immediate site context, the principle of residential use adjacent to these commercial uses is established and accepted. It is further acknowledged that during the site visit, there did not appear to be any flue—or other machinery which would cause odour—present

near the proposed bedroom window. It is therefore considered that a refusal on odour could not be substantiated at any future appeal.

Furthermore, such changes of use are strongly supported by permitted development rights, which subject similar changes of use to the consideration of natural light and noise from adjacent commercial premises, which in light of this assessment the development would comply with.

Having regard to the above, the proposed development is not considered significantly detrimental to the amenity of future occupiers or neighbouring dwellings and accords with Policy DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided. Paragraph 116 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Parking is available to the rear elevation of the building, and the application form indicates that 2No. spaces would be provided. It is noted that this appears to be shared with neighbouring units and also the first-floor use of the building. Notwithstanding, the application site is considered to be located in a sustainable location in close proximity to local amenities which could reasonably be expected to serve everyday needs and reduce the reliance on vehicular travel. Castleton Train Station is located in walking distance.

It is also noted that segregated cycle lanes are provided along Manchester Road which would both encourage cycle travel and prevent inappropriate parking. Cumulatively having regard to the above, the proposed development is considered to accord with Policy T2 of the Core Strategy.

Ecology

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

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

PfE Policy JP-G8 also states that through local planning and associated activities a net enhancement of biodiversity resources will be sought where relevant. In particular, development will be expected to achieve a measurable net gain in biodiversity of no less than 10%.

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The application relates entirely to the change of use of an existing commercial property with marginal external changes. The existing rear of the property consists solely of hardstanding and therefore there would be no impact on ecology or protected species, nor is there any scope for net gain. The application form indicates the applicant believe the development be exempt as it is subject to the de minimis exemption; Officer's agree that this would be the case having regard to the above.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

None received.

SUMMARY OF CONSULTATION RESPONSES

None received.

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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 has 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: Approve with Conditions

Condition(s) (5)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason – To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following plans and documents hereby approved: -

- DWG No. S513-02 (Site Location Plan, Proposed Floor and Elevation Plans)

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, the saved Unitary Development Plan, 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 the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 4 Prior to the first occupation of the development hereby permitted, the extractor flue to the rear elevation shall be removed and surfaces made good in accordance with submitted plan S513-02 (Proposed Floor Plans and Elevations).

Reason – To prevent the transference of noise from adjacent commercial properties in the interest of protecting the amenity of future occupiers in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the provisions of the National Planning Policy Framework.

- 5 The dwelling hereby approved shall not be occupied until such time as all fenestrations including roof lights have been installed in accordance with the approved plans.

Reason: In the interest of the amenity of the future occupiers and in accordance with Policy DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Approval Reason(s) (1)

- 1 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.