

Officer Report

Case Reference: 25/01084/FUL
Location: Headyhill Stores 27 Heady Hill Road Heywood Rochdale OL10 3JH
Proposal: Retrospective application for change of use to parts of ground floor to a takeaway and barbershop together with formation of two new shop front entrances
Recommendation: Refuse
Officer: Aimee Bovaird

SITE

The site is located at Headyhill Stores, 27 Heady Hill Road Heywood, a former public house known as the Royal George in Heywood, west of the town centre. The site sits in a predominantly residential area that is characterised by two-storey terraced properties dating from the post-war era. There is associated parking at the front of the building.

The site is within the Defined Urban Area as set out under saved UDP Policy G/D/1.

PROPOSAL

The application seeks retrospective planning permission for the change of use from ground floor units to a barbershop and a takeaway stop. Two new shop entrances have also been created. The current use of the building is a shop.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable places

Adopted Rochdale Core Strategy (CS):

DM1 General Development Requirements

C1 Delivering the right amount of housing in the right places

P3 Improving design of new development

P2 Protecting and enhancing character

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

DM1 General Development requirements

SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 - Defined Urban Area

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways And Engineering

No objections

Env Health - Noise/Odours

Objection

REPRESENTATIONS

Letters of representation have been sent out to surrounding neighbours. One objection has been received raising concerns over the hygiene rating, and litter in the vicinity.

ANALYSIS

Principle of Development

The application is located within the Defined Urban Area. As such saved policy G/D/1 of the UDP is relevant to any development at the site and this establishes that development should be concentrated in the urban area.

The building was previously used as a shop, however there is no record of the building lawfully changing use from the former public house use to a shop; under the arrangements of the previous Use Classes Order (pre-September 2020) a pub fell within Use Class A4 (now sui generis) and a shop A1 (now E) and both changes would have required planning permission in order to be lawful. Publicly available data which may assist determining when the change took place is inconsistent, however, it is apparent that the Royal George was in a very poor state of disrepair in 2009, along with being marketed for sale, and on the balance of probabilities, it is likely that the change to the shop took place following this.

Therefore, in assessing this application, a change of use to a barbers (Use Class E) would be possible without the need for planning permission, however the takeaway use, which falls under sui generis, would.

The subdivision of the building, to introduce an additional commercial, main town centre use in the form of a hot food takeaway, would engage the requirement for a sequential assessment as per paragraph 91 of the Framework. As such assessment has not been submitted, it is not possible to determine the impact upon the vitality and viability of the nearby Heywood Town Centre.

The National Planning Policy Framework also sets out in paragraph 97 that Local Planning Authorities should refuse applications for hot food takeaways that are within walking distance of schools. The Guidelines and Standards for Hot Food Takeaway SPD sets out there should be a 400m exclusion zone around secondary schools and does not specify a distance for primary schools, however this is inconsistent with the more recently updated December 2024 version of the Framework, which applies to all schools, and the 400m distance specified within the SPD is a useful marker for determining walking distance. St Margaret's Primary School is 300 metres to the south of the site and therefore can reasonably be determined to fall within walking distance of the school, in conflict with paragraph 97.

In light of the above, the proposals would not be acceptable in principle due to conflict with paragraph 97a) and as it is considered that the application is not supported by sufficient information to determine that the development would not give rise to an unacceptable impact upon the vitality and viability of Heywood town centre.

Design

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 application seeks retrospective planning permission for external works consisting of adding two doors on the front elevation and inserting windows on the ground floor. An extraction flue fan has also been added; this would require planning permission. The building was previously finished in a mismatch of red brick at ground floor level; this did not maintain a high standard of design. The front elevation is now painted grey and on balance is considered acceptable as there is not a greater negative impact on design.

The design of the proposal is therefore acceptable and accords with policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity

The Council's adopted Core Strategy policy DM1 states that proposals need to demonstrate that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Paragraph 5.1 of the 'Guidelines and Standards for Residential Development' SPD (June 2016) states that extensions 'should be carefully designed to protect the amenity of the occupants of adjoining properties.' Additionally, the National Planning Policy Framework (NPPF) advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Noise and Disturbance

Policies JP-P1 and DM1 aim to ensure that development is compatible with surrounding land uses and has a neutral or positive impact on the amenities of future and existing residents, particularly in terms of noise.

The Council's Environmental Health Officer has been consulted and raised an objection. The Environmental Health Officer has set out in their response that no measurements or assessment have been provided to demonstrate the potential impact during evening or nighttime periods. There is no supporting evidence that the operation of the extraction system will not result in adverse noise impacts on nearby residents.

The submitted Odour Impact Assessment has been reviewed by the Environmental Protection Team, and they have not considered it to be acceptable. It does not adequately demonstrate that odour emissions from the premises will not have a negative impact on nearby residential amenity. On balance the proposed development cannot demonstrate that there will not be a negative impact on surrounding occupiers and is not considered acceptable.

The application does not comply with CS Policies G9 and DM1, as it would result in unacceptable pollution or harm to residential amenity.

Highways

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.

As part of the application process the Council's Highways Officer has been consulted and raised no objections. The Highway Officer has set out that there is existing parking that is adequate for the use of the building, and no road safety concerns would result from the proposal. Refuse collection and servicing would continue from this location as existing.

Overall, the proposed development is considered acceptable in terms of its impact on highways, in accordance with policies DM1 and T2.

Recommendation: Refuse

Refusal(s) (3)

- 1 The development proposals would site a fast-food use within walking distance of St Margaret's Primary School and thus are in clear conflict with the requirements of paragraph 97a) of the National Planning Policy Framework, giving rise to an adverse impact upon the health outcomes in children. The application is therefore contrary to the requirements of Policy C6 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P6 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 2 In the absence of a suitable assessment, the development proposals are unable to demonstrate that they would not have a harmful impact upon the vitality and

viability of Heywood town centre, contrary to Policy E1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 The proposed development is not supported by sufficient information for the Local Planning Authority to assess the potential impacts of noise and odour from the site. The submitted odour assessment does not demonstrate that odour emissions from the premises will not have a negative impact on nearby residential amenity, nor does the noise impact assessment provide sufficient details on the impacts on sensitive receptors during the nighttime. In the absence of this information the Local Planning Authority cannot be satisfied the development would not give rise to negative odour impact. This does not comply with Policy DM1 of the adopted Rochdale Core Strategy and the aims of the National Planning Policy Framework.
- 1 The proposal would not improve the economic, social and environmental conditions the area nor does it comply with the development plan and therefore does not comply with sustainable development. 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.
- 2 For avoidance of doubt the decision related to the following plans and documents:
 - Location Plan
 - As Existing Floor Plans and Elevations DS/25/00155
 - Odour Impact Assessment
 - Noise Impact Assessment