

Report to Planning and Licensing Committee



Date of Meeting	8 August 2019
Portfolio	Councillor Carol Wardle Cabinet Member for Planning, Development & Housing
Report Author	Rachel Carney
Public/Private Document	Public

Application: 19/00406/FUL	Township: Pennines	Ward: Littleborough
Applicant: Mr & Mrs Davies	Agent: N/A	
Site Address: 71 Smithy Bridge Road, Littleborough, OL15 0BQ		
Proposal:	Change of use from bakery/snack bar (A1) to a micro pub (A4)	

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee due to the number of representations received.

PROPOSAL SUMMARY

- 2.1 Planning permission is sought for the change of use of the former bakery (A1 use) into a micro pub (A4). Opening hours are proposed between 12:00 to 22:00 Thursday to Sunday only.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves to **REFUSE planning permission.**

REASON FOR RECOMMENDATION

- 4.1 The application site is located within the Smithy Bridge Village Centre but is also neighbouring several residential properties, including a residential flat at first floor level (71a Smith Bridge Road). Due to the proposed opening hours and close proximity of the site to residential properties, the external activities associated with the proposed use would likely result in an undue levels of disturbance and an unacceptable living environment for residents of adjoining residential properties, in particular the first floor flat at the site. This harm could not be mitigated through conditions and the recommendation is for refusal as the application is contrary to policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

SITE

71 Smithy Bridge Road is a two storey end terrace located on the corner of Smithy Bridge Road and Brown Lodge Street. The ground floor is a former bakery/snack bar that is currently vacant and there is a currently vacant flat to the first floor which is accessed via a door to the rear of the property. The premises is within the Smithy Bridge Village Centre which has a large proportion of residential properties, with these interspersed with commercial uses. The majority of commercial uses within the local centre are located to the west of the application site, stretching up to Smithy Bridge Methodist Church and where uses include a pharmacist, convenience store, photographic studio and hot food takeaway. To stretch of properties east of the application site there are other commercial properties until 89-91 Smithy Bridge Road and 97-99 Smithy Bridge Road. There is also an existing commercial use (restaurant and takeaway) outside of the Local Centre at 62-64 Smithy Bridge Road.

The nearest properties to the site are residential, including the upstairs residential flat (71a Smithy Bridge Road) and back to back properties adjoining (73 Smithy Bridge Road and 4 Harry Davies Court).

The main entrance to the property is via Smithy Bridge Road and access is also available via Harry Davies Court to the rear. The applicant has confirmed that they are owners of this access although it does provide access to the rear of the row of terraced properties (75 – 79 Smithy Bridge Road) as well as the sole access for no. 4 Harry Davies Court (back to back with a property on Smithy Bridge Road). Harry Davies Court is also used for bin storage for the existing properties.

To the rear of the property a slightly sloping topography means that ground floor level is slightly elevated and accessed via external steps. There is also an existing attached outhouse to the rear at ground floor level and the change of levels means that the cellar is partially exposed.

PROPOSAL

The application proposes change of use of the property from a bakery/snack bar (Use Class A1) to a micro pub (Use Class A4).

The application relates solely to the ground floor of the property and includes no external changes. Internally a bar area would be provided along with seating, a WC and a heater that would be provided in an existing chimney breast. The property would retain the use of the existing outhouse to the rear where a second toilet would be provided and this would be accessed via an existing external raised landing, under which the bin storage would be provided. Information in the application has confirmed that the external toilet will not be used for customers.

Opening hours are proposed between 12:00 to 22:00 Thursday to Sunday only.

Amendments

The applicant was offered to opportunity to amend the plans to ensure the internal layout and in particular the toilet facilities, would comply with building regulations. The applicant declined to amend the plans.

DEVELOPMENT PLAN

Rochdale Unitary Development Plan (UDP) 2006:

G/D/1	Defined Urban Area
S/6	District Centre, local centres and linear commercial areas

Rochdale Core Strategy (CS) 2016:

E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
E5	Encouraging the visitor economy
P1	Improving image
P3	Improving Design of New Development
DM1	General Development Requirements
T2	Improving Accessibility
G9	Reducing the impact of pollution, contamination and land instability

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Highways and Engineering - No objection to this application as proposed. The site is small and unlikely to generate great volumes of traffic. Whilst Car Parking is none existent the development is within a Local Centre and along a public transport route.

My main issue with the proposal is servicing. It will however like most Public Houses be serviced on a weekly basis only a handful of times which is not likely to generate an issue we could class as severe.

People congregating on the Pavement could also create an issue but this is more a public nuisance than a highways matter as they are unlikely to create an obstruction. If an obstruction is caused action can be taken by the local authority.

Environmental Health - Noise/Odours - This section has no objections to the proposal, recommend conditioning the sound proofing is applied as per submitted detail.

TOWNSHIP PLANNING PANEL

At the Pennines Township Planning Panel of 12th June 2019 the following comments were provided;

- Concerns over fire evacuation onto Smithy Bridge Road
- No area for loading/unloading
- Site is on a very busy road and junction with Brown Lodge Street
- Noise issues
- Where will the bins go?

- Neighbours are back to back properties.

PUBLIC REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. 27 letters of objection and 98 letters of support have been received in respect of the application. These are summarised below:

Objections:

- There are sufficient drinking establishments in the area in better locations.
- There are better locations for a micropub to open with large car parks attached.
- Concerns over the proximity of residential properties, particularly due to people being noisy and smoking outside.
- Concerns over the disturbance caused to neighbours with young children.
- Noise increases would arise at unsociable hours.
- Concerns over the noise from music at the site.
- Sound proofing of the building will not prevent noises outside of the site and will be ineffective in summer when windows are open.
- Concerns over anti-social behaviour that may arise from the site.
- Concerns over disturbance caused by customers walking to and from the site, especially to and from the train station.
- Concerns over the lack of parking – double yellow lines on the highway. There are existing parking issues in the area.
- Concerns over the noise from waiting cars/taxis.
- Smithy Bridge Road is narrow and can't accommodate additional customer and delivery traffic associated with the development.
- Concerns that additional parking associated with the pub would increase the number of people parking on the pavement and restrict disabled access.
- Where will delivery vans parks to drop off supplies or collect casks.
- There is no storage available for bins or casks.
- A micropub would require a waste management 4 wheeled bin and this would block access to existing residential properties.
- Concerns over the noise that would be generated through the disposal of bottles.
- The micropub would not only attract older customers as they appeal to a wide variety of age groups.
- The property is not of sufficient size to be changed to a pub.
- Concerns over smells if a microbrewery is planned.
- Concerns that other drinks, other than ale, would be sold.
- How would customer numbers be controlled for health and safety/fire regulations? Fire escape routes from the site are limited and use of the rear exit will impact on the safety of the residents at the upstairs flat.

Support:

- Good idea that will be used mainly by the local community
- Support local business initiatives
- Such establishments done well are not disruptive and add to the local community.
- Micropubs do not attract yobs/trouble and tend to attract a more mature and specialised clientele.

- Similar establishments in Littleborough, Hebden Bridge, Todmorden and Castleton have a lovely feel to them and attract a good clientele.
- There is currently nowhere in the local area to go for a traditional pint.
- The development would provide local employment.
- The development would provide opportunity to promote and sell local craft beers. The applicant has approached existing local brewery about stocking their beer.
- Good asset for Smithybridge Village.
- Would provide a community space for local residents, improving mental health and well-being.
- Would attract a cross section of the community.
- The property is currently rundown and makes the village appear scruffy.
- Do not consider that parking or noise would be an issue. Pub would not be big enough.
- Most people would walk to the site.
- Being located close to Smithy Bridge railway station the micropub would attract customers from Calderdale and Rochdale.
- Customers may also visit Hollingworth Lake facilities and restaurants, increasing tourism and providing a boost to the economy.
- Proposal will enhance the profile of the area.
- Opportunity for a small business that will serve the local community and not the transient passing trade at the front of Hollingworth Lake.
- Perfect venture following the closure of the Smithy Bridge public house.
- The village has lost many things including pubs. The village needs a real pub to bring the community together.
- Good to create competition for other pubs.

ANALYSIS

Principle of Development

1. The application relates to a vacant bakery that is located within the Smithy Bridge Village Centre. Any development at the site is therefore subject to saved UDP policy S/6 which establishes that the development of, or change of use to, shops, financial and professional services, food and drink outlets, offices, community and cultural facilities and other uses appropriate to district or local centre will be permitted provided that:
 - a) It will be of a scale and character appropriate to the size, role and function of the centre or area;
 - b) It will be compatible with surrounding land uses and will not harm local residential amenity.
2. Adopted Core Strategy policy E1 is also relevant to commercial activity and this establishes that we will focus retail, cultural, residential and other development to promote the viability and vitality of the borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations to people living, working and visiting the borough.
3. In regards the boundary of the Smithy Bridge Village Centre, this currently extends from Smithy Bridge Methodist Church to the west, to no. 99 Smithy

Bridge Road to the east. This is proposed to change in the proposed Development Plan Document, where the local centre would be reduced to the east to terminate at the boundary between the application site (71 Smithy Bridge Road) and the adjoining properties (79 Smithy Bridge Road and 4 Harry Davies Court).

4. Given the above it is considered that the principle of a proposed micropub in a local centre is acceptable. It is however important to ensure that the development would result in no undue harm to the surrounding local residents and would also be appropriate for the area in terms of traffic generation.

Noise and disturbance

5. Policy G9 of the Core Strategy requires that applications do not lead to an unacceptable increase in noise or other pollution. Policy DM1 requires that development is compatible with surrounding land uses in terms of its impact upon amenities of neighbouring residents and also requires that developments mitigate against any impacts due to noise.
6. In considering any impacts on noise and disturbance, the character of the Smithy Bridge Village Centre is a little unusual in that it includes a high proportion of residential uses, particularly along the stretch of properties to the east of the application site, where there are no other commercial property until 89-91 Smithy Bridge Road and 97-99 Smithy Bridge Road.
7. The majority of commercial uses within the local centre are located to the west of the application site, stretching up to Smithy Bridge Methodist Church and where uses include a pharmacist, convenience store, photographic studio and hot food takeaway and these are interspersed with residential properties. There is also close a commercial use (restaurant) outside of the defined Village Centre, at no. 62-64 Smithy Bridge Road. In recognition of the large proportion of residential use in the area there is a proposed reduction in the size of the local centre in the forthcoming Land Allocations Development Plan Document, however the application property would remain within the local centre given its established retail use.
8. The impact from noise and disturbance resulting from the proposal is one of the major concerns raised in the objection letters and these concerns relate to internal and external noise associated with the development as well as disturbances caused by customers accessing the site and the servicing of the use, e.g. deliveries and bin storage.
9. Although the application site is located within the Smithy Bridge Village Centre, as referenced above, it is also located close to several residential properties, including an existing residential flat at first floor level and two properties in a back-to-back house in the adjoining property. Given the close proximity of existing residents it is particularly important that the development is appropriately assessed to ensure no harm to their amenity due to activities associated with the proposed use.
10. To control internal noise transmission the applicant has submitted details of sound insulation boards that they intend to install to the walls and ceiling of the property. This along with the proposed opening hours has been assessed

by the Council's Public Protection Team who have confirmed no objection to the development, subject to the installation of the sound proofing as submitted. Given these comments, it is considered that subject to an appropriately worded condition controlling the sound insulation, internal noise transmission to the neighbouring properties can be appropriately controlled so that the surrounding residents would not be adversely affected by any noise and disturbance created by internal activities at the micro-pub.

11. Whilst internal noise transmission can be controlled, there are concerns over the external activities that would be associated with the proposed use. These relate in part to the comings and goings by customers, including into the evening given the closing hours of 22:00 proposed. These concerns also extend to customers smoking outside the premises given it is a two storey end terrace. The adjoining residential properties are two back to back dwellings (73 Smithy Bridge Road and 4 Harry Davies Court), so the windows of the dwelling fronting onto Smithy Bridge Road are the only windows serving this property, hence any customers congregating at the front of the premises or leaving the premises later into the evening could cause nuisance to the occupiers of the adjoining property, particularly in the summer months when windows might reasonably be open during the evening.
12. The existing first floor residential flat above the proposed micro-pub includes windows to its front, side and rear elevations and the noise created by customers potentially smoking, chatting and congregating outside the site, or being picked up or dropped off by vehicles including late into the evening, would drift up to these windows creating a disturbance to its residents, especially during the summer months when it is reasonable for windows to be open during the night. This disturbance, which would extend into the evening to 22:00 and potentially beyond (for example with taxis and customers departing around closing time) Thursday to Sunday, would harm the amenity of the occupiers of the first floor flat, contrary to policies G9 and DM1 of the Core Strategy.
13. There are also concerns with the external toilet facility that is shown on the plans to be provided in an existing rear outhouse. Use of this toilet, through having to access it via an external corridor/platform would also result in further unacceptable levels of disturbance to occupiers of the upstairs flat. However, after raising this issue with the applicant they have confirmed that this toilet would not be for customer use and customers would also not have general use of the external rear access to the site. With this confirmation, use of the toilet and rear access could be controlled through condition and as a result, it is considered that the proposed use would not harm the amenity of the occupiers of 4 Harry Davies Court. Building Control have however confirmed that neither the internal or external toilet would meet building regulations standards for disabled access. The applicant was offered the opportunity to amend the plans but declined to do so.
14. The potential impact from customers congregating outside the premises has also been raised by the Council's Highway Service, which advises that people congregating on the pavement and deliveries/servicing could create a public nuisance. They have however confirmed that this is unlikely to create a highways obstruction and if a highways obstruction is caused, action can be taken by the local authority.

15. Further to the above, the application would result in undue levels of noise and disturbance to occupants of adjoining properties, in particular the existing residential flat at first floor level, from comings and goings and also activities associated with the use, including into the late evenings. These include customers congregating on the pavement outside the site and undertaking activities such as smoking and chatting. This would create an unacceptable living environment and would harm the amenity for residents contrary to policies G9 and DM1 of the adopted Core Strategy and the NPPF.

Highways and Parking

16. Policy DM1 requires that applications mitigate against any impacts due to traffic generation or inadequate access and they should provide satisfactory vehicle access with adequate parking, manoeuvring and service arrangements, taking into account the proposed use and location.

17. It is noted that highway safety concerns have been raised by objectors given the absence of on street parking and existing traffic movements, as well as congestion in the area.

18. Highway Services have been consulted and have raised no objections to the application. Highways consider that the site is small and as such is unlikely to generate high volumes of traffic. They have noted that the proposal includes no parking provision, however as the site is within a local centre and along a public transport route, they do not consider this to be a matter for concern. Highways have confirmed that their main potential concern with the development is servicing. However, given the likely infrequency of this, they have confirmed that this would not result in any severe highway safety issues.

19. Highways have also noted (as referenced above), that the proposal could result in customers congregating on the pavement. They consider however that this would be more of a public nuisance than a highways matter as the customers would be unlikely to create an obstruction and if an obstruction is caused, action can be taken by the local authority.

20. Further to the above the application would not result in any undue harm to highway safety and the application is acceptable in this regard and in accordance with policies DM1 and T2 of the Core Strategy.

Other considerations

21. In other considerations it is noted that several of the supporter letters refer to the fact that the development would provide a welcome community facility within the area. The supporters have also referenced that the development may provide a new tourist attraction to support those at Hollingworth Lake. Policy E5 of the Core Strategy establishes that the Council will promote and support development that can enhance the visitor attraction of the area covering Hollingworth Lake and Countrypark, Rochdale Canal and Littleborough town centre. Whilst this development is not intended to provide a tourist facility, it is recognised that it may assist in contributing to existing tourist facilities. However, these matters do not outweigh the harm that would arise to the amenity of the occupants of neighbouring properties.

Conclusion

22. The proposed use is unacceptable due to the likely disturbance and unacceptable living environment it would create for residents of adjoining residential properties, in particular the first floor flat at 71a Smithy Bridge Road, through external activities associated with the use. This harm could not be controlled through condition and the recommendation is for refusal.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **REFUSE** planning permission for the following reason:-

1. The proposed micro-pub use would likely generate external noise through the comings and goings of customers and activities such as smoking outside the premises. The noise created through such activities would create a harmful level of disturbance for adjoining residents, in particular the existing and future occupants of the first floor flat at 71a Smithy Bridge Road. The application is therefore contrary to policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.