

Report to Planning and Licensing Committee



Date of Meeting	27 November 2019
Portfolio	Councillor Carol Wardle Cabinet Member for Planning, Development & Housing
Report Author	Rachel Carney
Public/Private Document	Public

Application: 19/00847/FUL	Township: Pennines	Ward: Littleborough Lakeside
Applicant: Miss Simone Devereux	Agent:	
Site Address: Change of use from Class A1 (retail) to mixed use Class A1 (retail) and Class A4 (drinking establishments)		
Proposal:	17-19 Todmorden Road, Littleborough, OL15 (DQ)	

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee following a call in request by Cllr Tom Beresford due to concerns over the impact of noise on the nearby residential flats at Olive Standing House. The application has also been subject to significant public interest.

PROPOSAL SUMMARY

- 2.1 Planning permission is sought for the change of use of the existing off license (A1 retail use) into a mixed use that would retain the existing off license and introduce a bar (A4 drinking establishment). Opening hours for the drinking establishment are proposed between 17:00 and 23:30 house.

RECOMMENDATION

- 3.1 That planning permission be **APPROVED** subject to the schedule of recommended conditions.

REASON FOR RECOMMENDATION

- 4.1 The application site is a long established off license (A1 retail use) that is located outside of the Littleborough town centre. The development would support an existing business at the site and not cause undue harm to the vitality or viability of the nearby local centre. Nearby uses in the area include an Indian restaurant and industrial uses but the predominant land use is residential. Subject to appropriate control over opening hours and the provision of suitable sound insulation the development would not result in undue levels of noise and disturbance to the detriment of residential amenity. The traffic movement associated with the development would also not result in undue harm to high safety. The application accords with policy in the adopted Rochdale Core Strategy and the National Planning Policy Framework and the recommendation is for approval.

SITE

17-19 Todmorden Road is an existing retail unit that currently operates as an off-licence. The property occupies a mid-terrace unit and is two storey's in height with a single storey lean-to extension to the rear. To the first floor of the property there is an existing residential flat but this is vacant and unusable. The sole access to the flat is through the retail unit and its bathroom facilities have been separated off and used as toilet facilities for staff at the existing shop. Public access to the retail unit is via the front shop door and there is an additional private access available to the rear.

The adjoining property to the south of the site at 15 Todmorden Road is a licenced Indian restaurant. The adjoining property at no. 21 Todmorden Road and the remainder of the terrace to the north comprises residential dwellings.

To the opposite site of Todmorden Road there is a block of sheltered housing accommodation and adjacent to this there is an industrial site. The predominant land use surrounding the site and particularly to the north and west is residential.

PROPOSAL

The application proposes a change of use from Class A1 (retail) to a mixed use comprise Class A1 (retail and Class A4 (drinking establishments).

The application proposes retention of the existing off licence at the site but in the southern half of the property, in the front section of the building, a bar is proposed. The bar would be accessed through the existing shop entrance and a stud wall would be constructed internally to provide a degree of separation between the off licence and bar areas. No internal door is proposed to separate the two areas of public space.

Internally the bar would be provided with a bar, tables and a seating area. An existing staff toilet to the first floor would be refurbished to provide two toilets that would be for customer and staff use.

Opening hours for the new use are proposed as 17:00 to 23:30 hours, seven days a week, including bank holidays.

DEVELOPMENT PLAN

Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

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 HISTORY

91/D26398 – Single storey rear extension to existing shop – Approved

CONSULTATION RESPONSES

Highways and Engineering – We have no objections to the proposal. The site is close to Littleborough Town Centre and is likely to operate much as the previous businesses already do.

Environmental Health - Noise/Odours - We have no objections in principle to the application, we would recommend conditioning that they apply sound proofing to the party wall of 21 Todmorden road with a sound reduction value of at least 60 dB(A)rw and condition the opening hours to those applied for. We will further control any potential noise issues through the licensing process with a suitable noise management plan.

Strategic Planning – In the absence of any suitable town centre, edge of centre sites, I have reviewed the sequential test and consider that the proposed site is suitable as it is well connected to Littleborough Town Centre, and therefore change of use to A1 and A4 is considered acceptable.

TOWNSHIP PLANNING PANEL

At the Pennines Township Planning Panel of 16th October 2019 the following comments were provided;

- Reduced opening hours would be preferable till 10 during the week and 11 Friday and Saturday.

MEMBER REPRESENTATIONS

Cllr Tom Beresford has requested the application be called into Committee due to concerns over the impact of noise on the nearby residential flats at Olive Standring House.

PUBLIC REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. 158 letters of support and three letters objections have been received in respect of the application. One of the letters of objection is written by an employee of

Rochdale Borough Housing who states to be writing on behalf of a number of residents at Olive Standing House. The representations received are summarised below;

Representations in objection

- The immediate area already sees increased pressures from traffic due to existing businesses. Concerns that the proposal will make the situation worse.
- Concerns over existing parking in the area with speeding cars and reduced visibility due to the volume of parked cars. Concerns that this will cause further parking issues.
- The road is prone to flooding. Concerns that further development may cause continuing strain to existing infrastructure.
- Concerns over increased noise levels and disturbance from the business that will impact on local residents.
- Impact on the well-being of the large number of elderly residents neighbouring the site.
- Concerns over the impact of second hand smoke from patrons of the business and the impact on local residents.
- Concerns over the possibilities of anti-social behaviour arising as a result of the development.
- Concerns over the road safety of inebriated customers that may stumble onto the highway.
- Noted that there a number of elderly residents at Olive Standing House who may be unable to register their objections.

Representations in support

- Residents who lives very close to the shop would support the bar use on just a Friday and Saturday night so to reduce disturbance on family and other young children in the area (officers note that this comment includes a level of objection to the application).
- There is already a restaurant next door and customer could call into the bar afterwards.
- Littleborough needs more small bars/micro pubs.
- The existing family run business (off licence) has existed for 50 years, during which time it has had to evolve and upgrade to meet changing demands. This has always been done in a caring and responsible manner.
- The existing owners have been well recognised as responsible to neighbours for many years.
- Great to extend a local independent business.
- Will be a good addition to a dwindling social scene in Littleborough.
- Fantastic opportunity to increase support for a local business.
- There is parking outside but many would walk there.
- Small establishments like this, such as The Hare on the Hill cause no trouble.

- Very small establishments like this (and The Hare on the Hill) are opened by local people trying to do their bit to further the village.
- Littleborough requires a diversity of bars that appeal to all ages, not just ones with loud music and karaoke. Littleborough is short of venues such as this.
- Many locals visit Todmorden, Hebden Bridge and Sowerby Bridge which have micro pubs and gin/cocktail bars. Similar venues are required in Littleborough.
- It would be amazing if Littleborough could stand shoulder to shoulder with the likes of Hebden Bridge.
- Venues such as this serve high quality, high value products and attract a better quality of patron.
- Will add value to the community.
- Will add charm to the village and be an asset to the community.
- Will encourage more people to spend their money in Littleborough.
- No sense to refuse this when there is a restaurant next door with a drinks licence.
- The use would complement the existing shop.
- Littleborough has great places to eat but no nice quiet bars to go afterwards. This means locals do not stay in Littleborough and go elsewhere.

ANALYSIS

Principle of Development

1. The application relates to an existing retail unit that operates as an off licence. The site is within the Defined Urban Area, as allocated under the saved UDP allocations and as such any development is subject to save UDP policy G/D/1 which establishes that new development will be concentrated in the urban area.
2. As an existing retail unit, the commercial use of the premise is already established. Being located outside of the defined local centre, policy E1/L of the Core Strategy is not relevant to the application. However policy E2 is relevant and this establishes that the Council will support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy.
3. The application aims to diversify the existing retail use at the site through the creation of a mixed use development. This would retain the existing off licence (retail) use and create a new A4 use (drinking establishment). The mixed use would be retained within the single unit (17-19 Todmorden Road).
4. Policy E1 establishes that retail and leisure facilities should be focussed in town and local centres in order to promote the vitality and viability of these centres.

Paragraph 86 of the National Planning Policy Framework also establishes that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. A sequential test has been submitted and this has found that there is only one vacant unit in the nearby Littleborough town centre but this is significantly smaller than the application site and would not accommodate the proposed uses. The sequential test has been assessed by the Council's Strategic Planning Team and in the absence of any suitable town centre or edge of centre sites it is considered that the proposed site is suitable for the proposed use. The site is well connected to Littleborough Town Centre. Strategic Planning have confirmed that the use is acceptable and in accordance with town centre policy E1 of the Core Strategy and policy in the NPPF.

5. Given the above it is considered that the principle of a mixed use (A1 retail and A4 drinking establishment) at the site 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

7. 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.
8. In considering any impacts on noise and disturbance, it is noted that the existing use is retail and that the adjacent property at 9-11 Todmorden Road is an Indian restaurant. There are also existing industrial uses to the opposite side of Todmorden road, but the predominant land use in the area is residential. The submitted plans also identify an existing flat at the first floor of the property. The applicants have confirmed that this flat cannot be let out as the only access to it is through the existing retail unit (as is evident on the plans). Also the only bathroom associated with it is currently used as staff toilets and is proposed as staff and customer toilets.
9. The impact from noise and disturbance resulting from the proposal is one of the major concerns raised in the objection letters. The objections relate to increased noise and disturbance from the proposed A4 use as well as the impact from anti-social behaviour that may arise and the impact from smokers.

10. To assess the impact on noise and disturbance consultations have been undertaken with the Council's Public Protection Officer (Noise and Odours) who has confirmed no objection to the application. It has however been recommended that sound proofing be provided to the party wall of 21 Todmorden Road with a sound reduction value of at least 60 dB(A)rw and a condition should control the opening hours of the A4 use to those applied for, that being 17:00 – 23:30. If acceptable, both these matters can be reasonably controlled through condition.
11. In regards the existing retail use, it is noted that this is a well-established use that has been on site for circa 50 years. Whilst this application would introduce a new A4 use at the site, it is not considered this would materially impact on the operation of the existing retail operations and the opening hours shall be controlled to match those considered appropriate for the A4 use.
12. The objections received have raised concerns over external noise generation associated with the mixed use (specifically the proposed A4 use element), including the possible impacts from smokers and from anti-social behaviour. In respect of these matters the behaviour of customers cannot be controlled through planning condition and it is accepted that evening uses and drinking establishments can create external noise disturbance. Public Protection have however advised that they would control any potentiation noise issues through the licensing process with a suitable noise management plan. It is also noted that the site is located on a busy road with existing traffic noise and is also located next door to an existing Indian restaurant which has evening opening hours (closing time of 10:45 Sunday – Thursday, and midnight Friday and Saturday).
13. Given the proximity of adjacent residential properties it is considered that any night time use should be appropriately managed. However, with the existing surrounding environmental factors (the existing Indian restaurant and traffic noise) alongside the additional controls that can be offered through the licensing process, it is considered that the creation of the mixed use would not unduly impact on residents through external noise generation. The hours for the A4 use should however not extend beyond those that are in operation at the adjacent Indian Restaurant and shall at their latest, not extend beyond 11pm. These hours would be close to those suggested by the Pennines Township Planning Panel and are considered to offer appropriate protection to existing residents.
14. Subject to appropriate conditions it is considered that the development would not result in undue noise and disturbance to the detriment of residential amenity. In this regard the application accords with policies G9 and DM1 of the adopted Core Strategy.

Highways and Parking

15. 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.
16. It is noted that highway safety concerns have been raised by objectors given the traffic from existing business and parking in the area as well as speeding cars and reduced visibility.
17. Highway Services have been consulted and have raised no objections to the application. Highways have advised that the site is close to Littleborough Town Centre and is likely to operate much as the previous businesses already do. It is also noted that the application site is on a main road, the A603 which has regular bus services operating between Halifax and Rochdale, furthermore the site is within walking distance of Littleborough town centre and Littleborough train station.
18. Given the above it is considered that the traffic movements associated with the creation of a mixed use on the site would not result in any undue harm to highway safety. The application is acceptable in this regard and in accordance with policies DM1 and T2 of the Core Strategy.

Other considerations

19. In other considerations it is noted that an objection has been received over the potential impacts on flooding from the development. The application site is located within a critical drainage area and flood zones 2 and 3 and in accordance with policy G8 of the Core Strategy it is important that new development does not result in any increased risk of flooding. However, given the application is however purely for a change of use, the use of which is not more vulnerable than existing, it is considered that the development would not result in any increased risk of flooding or result in alterations of drainage at the site and the application accords with policy G8 of the Core Strategy.
20. It has also been noted that there may be a number of elderly residents at Olive Standing House that have been unable to comment/object on the application. This is noted and an objection from an employee of Rochdale Borough Housing has been submitted on the behalf of a number of residents.

Conclusion

21. The proposed mixed use as A1 (retail) and A4 (drinking establishment) is acceptable. The existing retail use is established at the site and subject to appropriate conditions controlling opening hours and noise transmission to the adjoining property, it is considered that the inclusion of a bar (drinking establishment) within the same site would not result in any undue harm or disturbance for neighbours. Additionally, being sited on a main road with close links to Littleborough town centre, it is considered that the traffic movements associated with the development would not result in any undue detriment to highway safety.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **APPROVE** planning permission subject to the following conditions:

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:-

- Location Plan
- Existing Ground Floor Plan
- Existing First Floor Plan
- Proposed Ground Floor Plan
- Proposed First Floor Plan

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, the Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The mixed A1(retail) and A4 use (drinking establishment) hereby approved shall not be open for trade or business outside of the hours 09:00 to 22:45, Monday to Thursday and 09:00 to 23:00 Saturday and Sunday.

Reason: In the interests of residential amenity and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

4. Prior to first operation of the approved A4 use a scheme for sound proofing to the party wall with 21 Todmorden Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a sound reduction of at least 60 dB(A)rw. The approved sound proofing measure shall be fully installed before the A4 use is first brought into use and be retained as such thereafter.

Reason: In the interests of residential amenity and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.