

**APPLICATION REPORT – FUL/350739/23**  
**Planning Committee 19<sup>th</sup> July 2023**

Registration Date: 14<sup>th</sup> April 2023  
Ward: Chadderton South

Application Reference: FUL/350739/23  
Type of Application: Full

Proposal: Change of use from retail to cafe and hot foot takeaway including external extraction.

Location: 451 Broadway, Chadderton, OL9 8AP.

Case Officer: Sophie Leech  
Applicant: Mr T Nazir  
Agent: Mr M Yaseen

## **1. INTRODUCTION**

- 1.1 The application has been referred to Planning Committee for determination because the application has been called in by Councillor Shuttleworth raising issues with parking and highways issues, noise, and impact on neighbouring residential properties.

## **2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved for the reasons set out in this report, subject to the conditions recommended below, and that the Head of Planning be authorised to issue the decision.

## **3. SITE DESCRIPTION**

- 3.1 The site relates to an existing commercial unit located on the southern side of Broadway, close to the Long Lane junction, Chadderton. The site is neighboured by a dental practice and a fast-food restaurant (Subway). To the rear lies residential properties on Long Lane and Argyll Road. To the front of the units there is a small car park.
- 3.2 The site is located on the A663 Broadway that forms part of the Strategic Road Network operated and managed by National Highways (formerly known as Highways England).

## **4. THE PROPOSAL**

- 4.1 The application proposes the change of use of the unit from retail to a cafe and hot foot takeaway unit including external extraction.

## **5. PLANNING HISTORY**

Not applicable.

## 6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 9 Local Environment
- Policy 14 Supporting Oldham's Economy
- Policy 16 Local Services and Facilities
- Policy 20 Design
- National Planning Policy Framework

## 7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objections subject to the imposition of conditions requiring:  Waste storage facilities Hot food takeaway hours Scheme for treating noise and fumes
National Highways	No objections
OMBC Highways Engineer	No objections

## 8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a minor development by neighbour notification letters.

8.2 In response, eight letters of objections and three letters of support have been received. It is noted that during the consideration of the application, some objections later changed to letters of support.

The objecting comments raised are as follows:

- Parking is an issue (see section 13 of report);
- An inappropriate location for another takeaway unit; and,
- Issues with noise, odour, and vermin.

The supporting comments raised are as follows:

- An appropriate location for business in an existing unit; and,
- A new business to support the local economy.

## **ASSESSMENT OF THE PROPOSAL**

### **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Policy 9 and 20 state that the council will protect and improve local environmental quality and amenity and promote community safety across the borough. Policy 9 states that proposals must not be located in areas where it would be adversely affected by neighbouring land uses; and does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.
- 9.2 Both Policy 9 and 20 state that proposals must not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and do not result in unacceptable level of pollutants or exposure of people in the locality or wider area, minimises traffic levels and does not harm the safety of road users.
- 9.3 Policy 14 states that the council will support the local economy and states that it is important that Oldham has a range of sites to support the local economy. Employment areas are spread across the borough. They provide land for existing firms to expand and for new firms to locate here, so providing for job opportunities. Development proposals which would harm the amenity of neighbouring occupiers are not supported.
- 9.4 Policy 16 states that the council will support locally available services contribute towards vibrant communities by providing convenient facilities near people's homes, so reducing the need to travel and can provide a valuable service for less mobile members of the community. The council will ensure the need for local shops, leisure facilities and offices are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built-up areas.
- 9.5 Subject to the consideration of the policies referred to above in the following sections of the report the principle of development is considered acceptable in land use terms.

### **10. LOCAL FACILITIES AND THE LOCAL ECONOMY**

- 10.1 Policy 14 and Policy 16 both seek to promote businesses within the borough and this proposal will allow the reuse of an existing commercial unit in a sustainable location. It will support the creation of new jobs and will ensure that existing buildings are reused opposed to building new. As such, the use is considered acceptable and the impact on the amenity of neighbouring uses and the character and appearance of the area is discussed below.

### **11. RESIDENTIAL AMENITY**

- 11.1 Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy. It states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.

- 11.2 The unit is an existing commercial unit and was previously operating as a vape shop. The unit is part of a small commercial row of a takeaway unit (Subway) and there is a detached building to the east serving a dental practice. Other surrounding uses are primarily to the rear which consist of residential housing. Some residential housing shares a boundary with the commercial units.
- 11.3 While the takeaway unit would be in close proximity to residential gardens, the suggested conditions from Environmental Health relating to waste storage facilities and the management of odour and fumes would allow the Council to approve and control such matters, to ensure that the amenity of nearby residents would not be significantly harmed. In considering the acceptability of the proposal, there is already a takeaway unit adjacent, and this use has been considered appropriate to this location. Therefore, the addition of one additional use is not considered significantly detrimental or harmful.
- 11.4 Following the above assessment, the proposed development complies with Policy 9 in respect of the amenity of neighbouring occupiers.

## **12. DESIGN AND INTEGRATION WITH LOCAL CHARACTER**

- 12.1 Policy 20 states that new development must have a positive impact upon an area and be well designed. Externally, the dwelling is of a typical bungalow design with a single storey height and a pitched roof. The materials would reflect existing materials seen around the site which consists of slate and red brick.
- 12.2 The unit would be refurbished with a shop front and extraction similar to the adjacent unit. As such, in this regard, the proposal is considered compliant with Policy 20 which requires amongst other things that new development is well designed having appropriate regard to its surroundings and local character, of which in this case is mixed use commercial and residential.

## **13. HIGHWAY SAFETY**

- 13.1 The proposal is to be sited on Broadway which is part of the Strategic Road Network operated by National Highways who operate, control, and maintain this road. National Highways have raised no objections to the proposal on highway safety grounds. In addition to this, the Council's Highways Engineer has raised no objection and also advised that the Traffic Section do not receive any regular complaints about the use of this parking area, or about congestion caused by parked vehicles in the immediate vicinity.
- 13.2 Whilst it is appreciated there will be vehicles coming and going more frequently with the unit back in use, the overall impact is considered to be limited given the siting of the business on an existing main strategic road. As such, the proposed development complies with Policy 9.

## **14. CONCLUSION**

- 14.1 It is considered that the change of use of the existing unit from retail to cafe and hot foot takeaway including external extraction is acceptable and is recommended for approval, subject to the conditions set out below.

## 15. RECOMMENDATION

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The development hereby approved shall not be brought into use until facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme which has previously been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter. REASON - To protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.
4. The development hereby approved shall not be brought into use until a detailed scheme for treating fumes and odours before their emission to the atmosphere so as to render them innocuous has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction unit will be attenuated and mounted to minimise the transmission of airborne and structure-borne noise and vibration. The works forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place. REASON - To protect the amenities of the occupiers of nearby premises having regard to Policy 9 of the Oldham Local Plan.
5. The use hereby permitted shall not be open to customers outside the following times 09:00 to 23:00. REASON - To protect the amenities of occupiers of nearby premises having regard to Policy 9 of the Oldham Local Plan.

**SITE LOCATION PLAN (NOT TO SCALE):**

