

**Application Number** 19/00550/FUL

**Proposal** Full planning permission for proposed change of use of ground floor level into 2no. retail shops and a hot food takeaway and the subdivision of the first floor into 3no. residential units with rear 1st floor extension.

**Site** 169 King Street, Dukinfield SK16 4LF

**Applicant** Mr Z.M. Baz

**Recommendation** Grant planning permission subject to conditions

**Reason for report** A Speakers Panel decision is required because one of the objectors to the application has requested to address the Speakers Panel before the application is determined.

## **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks full planning permission for the change of use of the building from A2 (financial services) to a mixed use incorporating 2 retail units (use class A1) and a hot food takeaway (use class A5) at the ground floor level and 3 x 1 bed residential apartments at first floor level.
- 1.2 Despite reference to the raising of the roof in the description of development on the application form, the plans indicate that the existing ridge and eaves height of the roof would remain as existing and the applicant has confirmed that this is the case.
- 1.2 The scheme has been amended from the original submission, to remove one of the first floor residential units originally proposed, the relocation and reduction in the height of the proposed flue associated with the hot food takeaway and reduce the impact of the conversion on the architectural merit of the King Street and Chapel Street elevations of the building.

## **2.0 SITE & SURROUNDINGS**

- 2.1 The application relates to the former Natwest Bank which stands on the junction of King Street and Chapel Street in Dukinfield. The building, which is currently vacant, is constructed of brick elevations and a tiled roof. Three panel windows form prominent features on the eastern and southern elevations of the building. Single storey flat roofed extensions have been added to the rear (northern) elevation of the building, one of which forms a prominent addition on the King Street frontage. No. 79 Chapel Street, an end terrace property is located to the west of the application site. A sandwich shop is located on the southern side of the junction and a 3 storey commercial building is located immediately north of the application site.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 03/01643/FUL - External alterations to make improvements for disabled access – approved
- 3.2 Other site history relates to the use of the building as a bank and is therefore not material to the determination of this application.

## **4.0 RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation**

Unallocated, within the settlement of Dukinfield.

4.4 **Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment.

1.4: Providing More Choice and Quality Homes.

1.5: Following the Principles of Sustainable Development

1.6: Securing Urban Regeneration

1.10 Protecting and Enhancing the Natural Environment

1.11 Conserving Built Heritage and Retaining Local Identity

1.12: Ensuring an Accessible, Safe and Healthy Environment

4.5 **Part 2 Policies**

S6: New Local Shopping Developments

S7: Food and Drink Establishments and Amusement Centres

H1: Housing Land Provision

H2: Unallocated Sites.

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density (Density being relevant to this proposal)

H10: Detailed Design of Housing Developments

OL4: Protected Green Space

OL7: Potential of Water Areas

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

C1: Townscape and Urban Form

C6: Setting of Listed Buildings

C11: Shop Fronts

N3: Nature Conservation Factors

N7: Protected Species

MW11: Contaminated Land

MW14 Air Quality

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 7: Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 11: Making efficient use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the Natural Environment

#### 4.8 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

#### 5.0 **PUBLICITY CARRIED OUT**

5.1 Neighbour notification letters were issued 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. This is in addition to a site notice and press notice.

#### 6.0 **RESPONSES FROM CONSULTEES**

6.1 Local Highway Authority - No objections to the proposals, subject to the imposition of a condition requiring details of secured cycle storage to serve the development to be submitted and approved.

6.2 Lead Local Flood Authority – no objections to the proposals but recommend consultation with United Utilities regarding discharge rates from the development into the main sewerage network and draining foul and surface water via separate connections.

6.3 United Utilities – no comments to make on the application.

6.4 Borough Contaminated Land Officer – no objections and no conditions considered to be necessary.

6.5 Borough Environmental Health Officer (EHO) – no objections to the proposals subject to the imposition of conditions limiting the hours of work during the construction phase of the development, requiring details of the means of storage and collection of refuse, details of external mechanical ventilation equipment and plant equipment and details of the soundproofing of the building between the residential and commercial uses and on the facades facing the highway. A condition is also recommended to limit the hours of operation of the proposed retail and hot food takeaway uses.

6.6 Coal Authority – no objections to the proposals. Whilst the development is located in an area considered to be at high risk of the effects of coal mining legacy, the development is predominantly a change of use of an existing building. As such an intrusive investigation is considered not to be necessary in this case.

6.7 Greater Manchester Ecology Unit (GMEU) – no objections to the proposals following consideration of the Bat Survey submitted with the planning application. The overall risk to bats is considered to be low and no further survey work is considered necessary as no evidence bats was discovered during the survey of the site and there is a low record of activity in the locality. Conditions requiring compliance with the mitigation measures detailed in the survey and the submission and approval of biodiversity enhancement measures to be incorporated within the development are recommended.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 5 letters of objection to the proposals have been received, raising the following concerns (summarised):

- The proposal would result in an over intensification of the use of the site.
- The lack of parking provision will increase pressure on already congested streets. There was previously public parking available off Bass street and also behind the KeyFax shop, but this has been closed off to the public and is no longer available.
- There are already a large number of takeaways in the locality. There is no demand for an additional takeaway and there is limited parking capacity in the surrounding area to accommodate one.
- The Chapel Street/King Street junction is already a highway safety hazard. Additional traffic in this location will make this situation worse.
- The building is surrounded by double yellow lines – it will therefore not be possible to securely service the proposed commercial units.
- The proposed takeaway use proposes a flue that would have a detrimental impact on the character of the area and the setting of Dukinfield Town Hall

## **8.0 ANALYSIS**

8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the design and scale of the development on the character of the site and the surrounding area;
- 3) The impact upon the residential amenity of neighbouring properties;
- 4) The impact on highway safety;
- 5) The impact on flood risk; and
- 6) Other matters.

## **9.0 PRINCIPLE**

9.1 The scheme proposes retail uses in a location which is not a designated town centre. Paragraph 86 of the NPPF states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre nor in accordance with an up to date plan.'

9.2 Policy S6 of the UDP states that the Council will permit the development of additional neighbourhood foodstores, local shops and other small scale retail outlets serving local needs where suitable sites or buildings are available, so long as these:

- a) Will not adversely affect the vitality and viability of established district or local centres, and
- b) Will not lead to a loss of amenity in the surrounding residential areas, and
- c) Will not result in traffic problems on adjacent highways

9.3 Concerns have been raised by objectors to the application in relation to the impact of the hot food takeaway element of the scheme in particular on the vitality and viability of existing businesses in the locality. However, the unit would also provide 2 retail units and the overall development would result in the re-use of a vacant unit, which currently threatens the vitality of the area through lack of an active commercial use. It is also the case that there are a number of other vacant units along the commercial section of King Street.

- 9.4 Given that competition between businesses is not in itself a material planning consideration, it is considered that there is a lack of evidence to conclude that the proposals would have an adverse impact on the vitality and viability of King Street, the northern portion of which is designated as a local shopping centre adjacent to the junction with Astley Street. The proposals are therefore considered to comply with criteria a) of policy S6, which relates to the principle of development. An assessment of the proposals against criteria b) and c) of the policy will be made in the following sections of this report.
- 9.5 Whilst not located in a designated town centre, the proposals are considered not to conflict with the UDP following the above assessment. Given this lack of conflict (regardless of whether the plan is considered to be up to date or not), a sequential test is not required. This assessment also applies in relation to an impact assessment on town centre vitality and viability, in addition to the fact that the scheme is substantially below the 2,500 square metre limit set by paragraph 89 of the NPPF, with no relevant threshold in the UDP
- 9.7 In relation to the residential element of the proposals on the upper floors of the building, the NPPF states at paragraph 85 f) that LPA's should 'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.' The fact that the dwellings to be provided would not result in the loss of commercial activity on the ground floor of the building is considered to ensure that the scheme would have a positive impact on the vitality and viability of the town centre as required by the NPPF.
- 9.8 Following the above assessment, it is considered that the principle of development is acceptable, subject to all other material considerations being satisfied.

## **10.0 CHARACTER**

- 10.1 The scheme has been amended to retain the prominent windows on the southern and eastern elevations of the building in their existing condition. In addition, the location of the flue to serve the proposed hot food takeaway unit within the development has been relocated to the rear of the unit, within the courtyard area to be created through the loss of the single storey store.
- 10.2 The location of the flue has been amended to site it to the rear of the tallest part of the building on the King Street elevation, ensuring that it would be largely concealed from public view. This amendment is considered to be a significant improvement on the original proposal, in which the flue would have extended up the prominent gable elevation of the building and exceeded the ridge height of the host building, result in an overbearing addition that would have been detrimental to the character of the building.
- 10.3 The first floor extension to the northern western corner of the building would continue the ridge height of the existing pitched roof on that part of the building, which sits slightly below the ridge height of the pitched roof element of the building that fronts on to King Street and would continue to the design and form of the existing roof. For this reason, the element of the extension that would be visible on the King Street frontage would not have an overbearing impact on the character of the host building.
- 10.4 The main bulk of the proposed external staircase to allow entry to the first floor flats would be concealed from public views of the site due to it being sited in the recess on the northern elevation of the building that would be produced by the demolition of the existing plant room. The lower section of the staircase would be largely screened by the existing flat roofed extension in the north eastern corner of the site.
- 10.5 Whilst a number of rooflights would be installed within the roofplane of the building to facilitate the conversion, the development would retain the existing ridge and eaves height of the building
- 10.6 Following the above assessment, it is considered that the amended proposals would not result in an adverse impact on the character of the building or the surrounding area.

## **11.0 RESIDENTIAL AMENITY**

- 11.1 The main impact of the proposed development on neighbouring properties is considered to be associated with the proposed first floor extension that would run parallel with the western boundary of the site. The eastern gable elevation of the property at 79 Chapel Street is approximately 2.5 metres from the western elevation of the application site. That neighbouring property has a single storey outrigger extending from the rear elevation of the building. The western elevation of the application site currently extends approximately 3 metres beyond the two storey element of the neighbouring property, with a single storey extension projecting beyond that.
- 11.2 The original scheme proposed to extend the first floor accommodation in that part of the building along the full extent of the existing single storey extension, a further 4 metres from the existing northern elevation of the building. The extent of the additional projection would have conflicted with the 45 degree line from the centre point of the first floor window on the rear elevation of that neighbouring property.
- 11.3 To address these concerns, the scheme has been amended to reduce the extent of the projection of the extension by approximately 2.75 metres, ensuring that the scheme does not now breach the 45 degree line from the affected neighbouring window. Following this amendment, it is considered that the proposals would not result in unreasonable overshadowing of that neighbouring property.
- 11.4 Whilst there would be rooflights in the roofplane of the building that would face that neighbouring property, these would not be at a height of angle to allow unreasonable overlooking and there would be no windows in the main elevation of this part of the extended building.
- 11.5 The gable elevation of no. 79 is blank and therefore no direct overlooking could occur from the window in the western elevation of the building that would sever the kitchen within unit 1. As the kitchen and living space within that proposed unit would be all in one large room, it is considered that sufficient outlook would be provided from the window in the eastern elevation of that room. On that basis, it is considered that the amended proposals would not result in an adverse impact on the residential amenity of that neighbouring property.
- 11.6 The proposal would not result in any new openings on the southern elevation of the building and given that the building would not be increasing in height, it is considered that the proposals would not result in any adverse overlooking into or overshadowing of the properties on the opposite side of Chapel Street.
- 11.7 The neighbouring building to the north of the site is commercial and the two upper floor openings in the southern elevation are obscured. The proposals would not result in any adverse impact on that neighbouring property therefore. There are residential properties to the south east of the site, located on the eastern side of King Street. Given the oblique relationship between those properties and the application site, the separation distance to be retained and the fact that the highway crosses that intervening distance, it is considered that the proposals would not result in any adverse overlooking into or overshadowing of those neighbouring properties.
- 11.8 In relation to the residential amenity of the future occupiers of the development, the amendment to reduce the number of residential units at first floor level within the building from 4 down to 3 has allowed all of the units to meet the minimum national space standards requirements for 1 bedroom units for single occupation (37 square metres where a shower room is provided as opposed to bathroom and unit 1 would substantially exceed the requirements for a 1 bedroom unit occupied by 2 people (61 square metres as opposed to 50 square metres). The scheme would therefore result in a reasonable standard of accommodation for future occupants.

11.9 Following the above assessment, it is considered that the amended proposals would not result in an adverse impact on the residential amenity of any of the neighbouring properties or the future occupants of the development.

## **12.0 HIGHWAY SAFETY**

12.1 In relation to parking, the proposals do not include any provision in this regard. The established use of the premises as an A2 unit would require 1 car parking space per 25 square metres of floor space, with additional provision for disabled spaces. The requirement for non-food retail is 1 space per 30 square metres i.e. less than the extant use. The two proposed retail units would require 1 less parking space than the existing use on the application of these standards.

12.2 Policy T10 includes a parking standard for restaurants (use class A3) drive through fast food uses but not for hot food takeaways. Applying the drive through standards to the public floor area of the proposed scheme, 2 car parking spaces should be provided to meet the maximum standard set out in policy T10.

12.3 In accordance with policy RD8 of the RDG, 1 car parking space should be provided per 1 bed dwelling, equating to 3 for this scheme. It is therefore clear that the proposals fall short of the maximum standards set out in the UDP. It is also the case that the objections received to the application refer to concerns regarding congestion and the fact that the development would rely on on-street parking.

12.4 However, the application of maximum parking standards is no longer compatible with national planning policy. The site is in a location that is well served by public transport, with regular services connecting King Street to Ashton town centre, providing a sustainable alternative means of transport to the private car. It is also the case that large sections of Chapel Street adjacent to the site are not subject to traffic Regulation Orders.

12.5 When taken in combination, these factors are considered to ensure that the proposals would not result in a detrimental impact on highway safety, within the context of the fall-back position of the extant A2 use of the site. This assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority, subject to a condition being imposed requiring the provision of secured cycle parking as part of the development.

12.6 It is considered that there is space in the courtyard area to the rear of the proposed takeaway use to provide a minimum of 4 cycle parking spaces and a condition to this effect is attached to the recommendation. On that basis, it is considered that the proposals would not result in a severe impact on highway safety and therefore, in accordance with paragraph 109 of the NPPF, planning permission should not be refused for this reason.

## **13.0 FLOOD RISK/DRAINAGE**

13.1 The application site is located within flood zone 1 and is therefore considered to be at a lower risk of flooding. The applicant has indicated on the application form that both surface and foul water would be drained from the site via connections to the existing sewerage network. The Lead Local Flood Risk Authority has not objected to the proposals but recommended that United Utilities be consulted on the discharge rates from the development into the mains sewerage network.

13.2 United utilities have indicated that, as the proposal constitutes the change of use of an existing building, they have no comments to make on this application. As a legal agreement will be required between the developer and United Utilities to agree the discharge rates and

further information regarding drainage is required by the Building Regulations process, it is considered not necessary to attach any conditions in this regard.

#### **14.0 OTHER MATTERS**

- 14.1 The Borough EHO has raised no objections to the proposals, subject to the imposition of a number of conditions. It is considered reasonable to require the soundproofing of the building to preserve the amenity of the future occupiers of the first floor units from the impact of the noise generated by the noise of traffic on King Street and Chapel Street and from the commercial uses proposed at ground floor level.
- 14.2 Whilst the bin storage arrangements are indicatively shown on the proposed site plan for the hot food takeaway and the apartments, provision is also required for the retail units. As such, a condition requiring details of the refuse storage arrangements to serve the development is considered to be necessary and is attached to the recommendation.
- 14.3 In relation to the hours of opening, the applicant requested to open the retail uses between 0600 and 2300 Monday to Saturday and between 100 and 1700 on Sundays, with the hot food takeaway to open between 0900 and 2300 Monday to Saturday and between 1000 and 1700 on Sundays. The EHO has suggested more restrictive timing for the retail use of between 0700 and 2200 Monday to Saturday, with the remainder of the proposed operating hours considered to be acceptable. The applicant has confirmed that they have no objection to the imposition of a condition limiting the hours of operation of the ground floor units in line with the EHO's recommendation.
- 14.2 In relation to ecology, the applicant has submitted a Bat Survey report in support of the planning application. The survey comprised an internal and external inspection of the building; however access to the boiler room and the loft was not possible. No bats or signs of bats were found during the initial inspection but the building was considered to have some bat roosting potential and further surveys were recommended.
- 14.3 A subsequent dusk emergence survey was undertaken and no bats were seen to emerge from the building and only a low level of bat activity was recorded in the locality. No further surveys for bats are therefore considered necessary at this time and work can commence with a low risk to roosting bats. The GMEU has not raised any objections to the findings of the report or the application, subject to the imposition of conditions requiring compliance with the mitigation measures detailed in the survey and the submission and approval of biodiversity enhancement measures to be incorporated within the development are recommended. These conditions are considered to be reasonable and are attached to the recommendation.
- 14.3 The site is located in an area considered to be at high risk from the ground condition implications associated with coal mining legacy. However, as the development is predominantly a change of use of an existing building, the Coal Authority has not raised any objections to the proposals and an intrusive investigation is considered not to be necessary in this case.
- 14.4 Likewise, the Borough Contaminated Land Officer considers that an intrusive investigation into the ground conditions on the site is not necessary given the nature of the proposed development. Informatives outlining the responsibilities incumbent on the developer with regard to these matters can be added to any planning permission granted.

## 15.0 CONCLUSION

- 15.1 Following the assessment in the main body of this report, the principle of development is considered to be acceptable given the fact that the proposal would result in the re-use of a currently vacant building and would include commercial uses at the ground floor level. Given that there are other vacant units within the locality, it is considered that the proposal would enhance the vitality and viability of this commercial part of King Street. There are no locally adopted planning policies that indicate that a hot food takeaway use would be inappropriate in this location.
- 15.2 The conversion of the upper floor to 3 x 1 bedroom apartments would increase the supply of housing in a sustainable location, would not be detrimental to the character of the building or the surrounding area. Following revisions to the scale of the proposed first floor extension, it is considered that the proposals would not result in unreasonable overlooking into or overshadowing of any of the neighbouring properties.
- 15.3 There are no objections to the proposals from the statutory consultees and the proposals are therefore considered to comply with the relevant national and local planning policies quoted previously in this report.

## RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:
  - 1:1250 Site location plan
  - 1:100 Amended proposed elevations plan (drawing no. 07 Rev. C)
  - 1:100 Amended proposed ground floor plan (drawing no. 07 Rev. C)
  - 1:100 Amended proposed first floor plan (drawing no. 04 Rev. C)
  - 1:100 Amended proposed section plan (drawing no. 05 Rev. C)
  - Bat Survey Report produced by Angela Graham bat Consultancy Service (Report Date 3/9/19)
  - Dusk emergence survey produced by Angela Graham bat Consultancy Service (Report Date 13/9/19)
3. The materials to be used in the construction of the extension and external works to the building as part of the development hereby approved shall match the type, colour and external appearance of the materials of the existing building at 169 King Street Dukinfield on the date of this notice. The development shall be retained as such thereafter.
4. Prior to the commencement of development above ground level, details of a scheme to provide a minimum of 4 secured cycle storage spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include scaled plans showing the location of the storage and details of the secured means of enclosure. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.
5. Notwithstanding the details shown on the approved plans, prior to the commencement of development above ground level, details of the refuse storage and collection arrangements to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the

storage and details of the means of enclosure. The refuse storage shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.

6. Notwithstanding the details shown on the approved plans, prior to the installation of any plant and/or ventilation equipment on the external surfaces of the building, details of the equipment to be installed (including scaled plans showing their location on the building and elevations of the equipment, a manufacturers specification of the installations and details of any means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
7. The development hereby approved shall be carried out in accordance with the mitigation measures contained within the ecology survey submitted with the planning application.
8. No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
9. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
10. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - Wheel wash facilities for construction vehicles;
  - Arrangements for temporary construction access;
  - Contractor and construction worker car parking;
  - Turning facilities during the remediation and construction phases;
  - Details of on-site storage facilities;The development shall be carried out in accordance with the approved Construction Environmental Management Plan.
11. The retail (use class A1) units that form part of the development hereby approved shall not be operate and no deliveries shall be made to or taken from the site outside of the hours of between 0700 and 2200 Monday to Saturday and between 100 and 1700 on Sundays and Bank/Public Holidays.
12. The hot food takeaway (use class A5) units that form part of the development hereby approved shall not be operate and no deliveries shall be made to or taken from the site outside of the hours of between 0900 and 2300 Monday to Saturday and between 1000 and 1700 on Sundays and Bank/Public Holidays.