
Appeal Decision

Site visit made on 30 September 2025

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/P4225/W/25/3369111

11 South Parade, Rochdale OL16 1LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by ARI Brothers Limited against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 25/00013/FUL.
 - The development proposed is the change of use at first and second floors into two self-contained flats above and the provision of bin and cycle storage to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant advises that, although described as a retrospective application on the application form, the conversion works are not fully complete and no person is residing on the upper floors of the building. I have considered the appeal on that basis, omitting reference to retrospective development in the banner header above as in any event that is not an act of development.

Main Issue

3. The main issue is whether the proposed development would integrate with the existing neighbouring businesses and night-time economy in an acceptable manner.

Reasons

4. The appeal site comprises both the first and second floors of 11 South Parade. It appears that the uppermost two floors of the adjoining building at 9-10 South Parade are occupied by a venue whose operation includes the provision of live music, although no details of the internal configuration of that building have been provided. Representations made by interested parties refer to live music taking place on weekend afternoons and late into the night on weekend evenings. The National Planning Policy Framework (the Framework), which in its current revision post-dates the development plan, seeks to ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
5. An Acoustic Survey and Assessment (ASA) was undertaken between 1:00pm on Wednesday 5 February 2025 and 11:35am on Friday 7 February 2025. No details are provided of whether live music was played at the adjoining venue at any point during those times. The ASA sets out that the existing party wall would ensure that

the recommended night-time sound level could be achieved within the proposed flats. This, it is stated, would be achieved even in what the assessment considers to be the unlikely event that a noise level of 85db(A), equivalent to that of a busy manufacturing site, is generated in the neighbouring property. Mitigation against other noise sources is also recommended in the form of attenuation between the ground and first floor of the appeal building, and in terms of providing alternative means of ventilation and cooling so that windows could remain closed. It is also highlighted that the bedroom of the proposed first floor flat would be positioned away from the party wall, although the bedroom of the proposed second floor flat would be immediately adjacent to that wall.

6. Crucially however, it is not clarified within the ASA as to whether live music played at the adjoining building might be expected to generate a higher or lower noise level than a manufacturing site. The absence of confirmation as to whether or not live music took place during the monitoring period of the ASA further adds to the uncertainty as to what the impact might be. As a whole, this means that it has not been demonstrated that the proposed development could be accommodated without the adjoining venue having a significant adverse effect on the living conditions of the future occupiers of the proposed flats. The Framework is clear that, as the agent of change, the appellant should be required to provide suitable mitigation before the development has been completed. I am not satisfied on the basis of the evidence that is before me that that requirement could be met.
7. As the proposed flats would be located in a town centre location, the provision of alternative ventilation and cooling to allow windows to be closed would be appropriate to safeguard against the more generalised night-time noise that would be expected to be found in such a location. However, this does not overcome the fundamental concern relating to the potential impact of the adjoining use.
8. Given the clear planning policy steer of the Framework with respect to agents of change, this is not a matter that can be left to chance. On the basis of the evidence before me, I find that the proposed development fails to accord with the requirements of the Framework in that regard. A failure to provide acceptable living conditions for the future occupiers of the proposed flats would also mean that there would be a failure to accord with Policies DM1 and G9 of the Core Strategy 2016, which collectively require that proposed development is compatible with surrounding land uses, and a consequent conflict with the development plan taken as a whole.

Other Matters

9. The occupiers of the proposed flats would have excellent access to the services and facilities in the town centre, and to public transport. The provision of flats would contribute to providing a housing mix and might particularly be suitable to provide living accommodation for younger age groups, couples and students. It would also bring back into use disused and empty parts of the building which the appellant states have been empty for a long time, albeit they provide no evidence to substantiate their suggestion that there is no other viable use for these two upper floors. There is nothing to suggest that the proposed development would itself have an adverse impact on the amenity of any adjacent occupiers, beyond that I have identified in terms of the relationship to the use of the adjoining building.

10. Taken individually and collectively, these are not however considerations which justify the permitting of the appeal proposal in the face of my findings on the main issue in the appeal. There is the further consideration that whilst the appellant considers that the proposal would align with the broad objectives of the development plan and the Framework in that it would help support the role of the town centre and its viability and vitality, if the appeal proposal had an adverse impact on the operation of the adjacent live music venue then it would in all likelihood serve to act counter to those objectives. This is a consideration which further weighs against the proposed development.

Conclusion

11. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR