

12th December 2024

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Lambert Smith Hampton
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24 Mount Street
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Our Ref:
Your Ref:
File Ref:

Dear Sir / Madam

Re: Change of use of dwelling house (Use Class C3) into Special Education Needs School (Use Class F1 (a)); demolition of outbuilding; erection of new single storey classroom building together with alterations to existing access and car park and the installation of multi-use games area and fencing - Rainshore House, Over Town Lane, Rochdale, OL12 7TQ – Application 24/00568/FUL

We refer to the above application. Lambert Smith Hampton act on behalf of the applicant's Mr & Mrs Antony Whiteside. We are mindful that your authority refused planning consent for the proposal. We are instructed to appeal to the Planning Inspectorate against the decision of your authority.

In reaching its decision we are aware that the authority gave two reasons for refusal, the second of which relates to an alleged insufficiency of information in terms of the potential noise impact of the proposal.

We are of the view that the issue of noise impact could have been dealt with by way of the imposition of suitably worded planning conditions. We note the advice of Planning Practice Guidance that:-

When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls. (PPG Paragraph: 001 Reference ID: 21a-001-20140306)

In the interests of reducing the areas of potential dispute between the parties the applicants have however commissioned a Noise Impact Assessment. It is the clear conclusion of the Impact Assessment that: -

In summary, the predicted level of noise from the Development is sufficiently low enough at the closest residential dwellings to accord with the 'No Observed Adverse Effect Level' as detailed in the PPG and as such noise should not be deemed to be a determining factor in the granting of planning permission for this Site.

We have pleasure in providing a copy of the full report. In the light of the forgoing, we would take this opportunity of asking that you confirm that for the purposes of the determination of the appeal the authority now withdraw its second reason for refusal. We have taken this action in the

interests of ensuring that neither party to the appeal is required to commit unnecessary time and expense to the consideration of the issue of noise impact.

We look forward to hearing from you

Yours sincerely,

Richard Moffat

For: Lambert Smith Hampton

Director

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