ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION REFUSED

APPLICATION REFERENCE: 19/00088/FUL

Name and address for correspondence:	Applicant name:
Mr AIDEN PHILLIPS-WHALLEY JAMES CAMPBELL ASSOCIATES CAMPBELL HOUSE 173 ROCHDALE RD FIRGROVE, MILNROW ROCHDALE OL16 3BN	Mr AMBER DITTA

Part I - Particulars of Application

Date of Application: 27 February 2019 Application No: 19/00088/FUL

Proposal:	**Change of use of residential dwelling (Class C3) to hot food takeaway (Class A5) at ground floor, 2 bed flat at first floor, installation of flue to side elevation, first floor extension to rear, new shopfront and insertion of window in side elevation**
Location:	**37 Gale Street, Rochdale, OL12 0SQ**

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **REFUSED** for the carrying out of the development referred to in Part I hereof for the following reason(s).

Reasons:

1 The proposed hot food takeaway would lead to intensification in the comings and goings from the property, including in the evenings and at night when residents might expect a degree of peace and quiet. The increased noise and disturbance that would arise from such activity which would cause harm to the living conditions of the occupants of neighbouring residential dwellings, including the proposed residential accommodation at first floor level. The proposal would therefore conflict with adopted Rochdale Core Strategy Policies DM1 and G9 and the Council's Hot Food Takeaway Uses SPD, which aim amongst other things to protect residential amenity. The proposal would also be in conflict with the National Planning Policy Framework.

2 The proposed flue, by reason of it's siting in close proximity to the accommodation at first floor level and to residential properties, would give rise to noise and odour nuisance that would cause harm to the living conditions of the occupants of neighbouring residential dwellings, including the occupants of the proposed residential accommodation at first floor level. In addition, the size, height, appearance and prominent raised position of the flue on the property would result in a conspicuous and incongruous feature that would have a harmful effect on the

residential character and appearance of the area. The proposal would therefore conflict with adopted Rochdale Core Strategy Policies DM1 and G9 and the Council's Hot Food Takeaway Uses SPD, which aim amongst other things to protect residential and visual amenity. The proposal would also be in conflict with the National Planning Policy Framework.

3 The proposed first-floor flat roofed rear extension would appear as an incongruous addition to the property which would detract from its character and be detrimental to visual amenity. As such, the proposed development fails to demonstrate high quality design and does not enhance the quality of the area. The development is therefore contrary to Policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4 The proposed first floor extension, due to its positioning, projection, scale and mass would have an unacceptable impact on the amenity of the occupiers of No. 35 Gale Street, due to a significant loss of light and outlook from the habitable rear elevation windows at ground and first floor levels. As such, the proposal fails to comply with the guidance contained within the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) and is contrary to policies DM1 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5 Due to the lack of private amenity space available, inadequate provision would exist for the disposal of domestic waste from the proposed first floor flat. As such the proposal is contrary to the relevant parts of policy DM1 of the adopted Rochdale Core Strategy, the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) and the National Planning Policy Framework.

Procedure Statement:

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Date Decision Issued 24 April 2019



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Signed on behalf of the Council

IMPORTANT
PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:
The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

For the avoidance of doubt, this Decision Notice relates to the following drawings:-

- Site Location Plan, Scale 1:1250
- Existing scheme drawings, drawing no: 18.1774.1
- Proposed scheme, drawing no: 18.1774.2A