

Report to Planning and Licensing Committee



Date of Meeting	9 th October 2020
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
Report Author	Mubeen Patel
Public/Private Document	Public

Application: 19/01378/FUL	Township: Rochdale	Ward: Central Rochdale
Appeal Reference: APP/P4225/W/20/3250739		Decision level: Delegated
Site Address: 144 Whitworth Road Rochdale OL12 0JG		
Proposal: Change of use of ground floor from retail (Class A1) to Hot food takeaway (Class A5) including installation of extraction system and flue to rear (part retrospective) (re-submission of 19/01040/FUL)		
Applicant: Miss Zara Kabeer		Agent: Mr Brian Murray
Planning Inspectorate Decision: Appeal Allowed – 14 th August 2020		
<ul style="list-style-type: none"> – The application was refused by the Council as 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. In addition, the length, height, appearance and position of the flue would result in a conspicuous and incongruous feature that would have a harmful effect on the residential character. – The Inspector acknowledged that noise would result from customers arriving at and departing from the appeal premises, talking and possibly congregating in groups on the footway. Also that noise would arise from staff legitimately engaged in activities such as clearing away and locking up the premises at closing time in close proximity to neighbouring residential properties. – However, the Inspector goes onto state that in the context of the comings and goings at other local premises, he did not find that this would necessarily be more intrusive in the case of the host property, especially due to the hours of use proposed on the planning application. – In terms of the impact of the flue on noise and odours, the Inspector notes that a number of properties have security bars fitted in front of upper floor windows which would hinder the ability to open these windows to a large extent. The Inspector's views are that due to the height of the flue above the eaves of the property, he is satisfied that the first-floor windows on the adjoining properties would not receive any significant harmful odours from the flue. – In terms of appearance of the flue, the Inspector finds that whilst the flue would form a prominent feature from the rear lane when travelling away from the boundary wall with the public house car park, it does not form a prominent feature in the public realm, mainly due to the presence of the 2-storey rear outrigger at No 142. 		