

Report to Planning and Licensing Committee



Date of Meeting	04 February 2021
Portfolio	Councillor John Blundell, Cabinet Member for a Thriving Economy
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Application: 19/00880/FUL	Township: Rochdale	Ward: Spotland & Falinge
Appeal Reference: APP/P4225/W/20/3258888		Decision level: Delegated
Site Address: Carters Rest, 188 - 190 Spotland Road, Rochdale, OL12 7AF		
Proposal: Change of use and subdivision of premises to form one dwellinghouse, and a hot food takeaway at ground floor and apartments (2no.) at first and second floors.		
Applicant: Mr Mohammed Khalid		Agent: Mr Mohammed Zohaib
Planning Inspectorate Decision: Appeal Dismissed – 14 January 2021		
<ul style="list-style-type: none"> – The application was refused for three reasons; <ol style="list-style-type: none"> 1) Due to the proposed hot food takeaway falling within the 400 metre exclusion buffer around Falinge Park High School resulting in a detrimental impact on children's health; 2) The proposed two self-contained residential flats at first and second floor levels, by reason of the proposed hot food takeaway at ground floor level, would lead to an intensification in comings and goings from the property to the detriment of the amenity of occupiers of these properties by virtue of noise, disturbance and cooking odours; and 3) The proposed flue, by reason of its siting would give rise to noise and odour nuisance that would cause harm to the living conditions of the occupants of the self-contained flats above the proposed takeaway business. – The Inspector agreed with all 3 reasons for refusal. In relation to reason 1) the inspector agreed that the location of the hot food takeaway was contrary to the Council's SPD. The Inspector opined that the Council via the SPD is committed to reducing pupils' access to unhealthy food options thereby improving the health of its residents and reducing childhood obesity. In the absence of any substantive evidence to the contrary, the inspector viewed that the evidence used to formulate the adopted SPD (Hot food takeaways) justifies the approach taken. – In terms of living conditions, the inspector stated that it was highly likely that future occupiers of the residential units would experience unacceptable noise and disturbance caused by customers coming and going, or from customers congregating outside before continuing their journey home. No detailed scheme for sound insulation of the ceiling was provided, and the inspector asserted that he could not be certain that the living conditions of future occupiers of either the apartments above or the adjoining house would not be harmed from the operation of the takeaway. – The inspector found that the proposed extraction system would be insufficient in its location on the flat roof of the single storey section as it would not be at a height that would ensure that neighbouring residents would not experience excess levels of odour. – The inspector acknowledged that the proposed development would bring a building within the Conservation Area back into use with social and economic benefits. However, these factors did not outweigh the reasons for refusal. 		

