

Susan Chadwick

From: [REDACTED]
Sent: 04 October 2019 10:47
To: Susan Chadwick
Cc: [REDACTED]
Subject: Application for a premises licence - 5 Rochester Close

Dear Susan,

Please see below comments on behalf of Rossendale Borough Council's Planning Department in relation to the above licensing application;

- As the Local Planning Authority commenting on such licensing applications, we focus the response on the effect of the licensable activity at the property in question and in this instance, on persons living in the area around the property as the property is located within an entirely residential area.
- The Planning Department considers that there will be an obvious and more frequent increase in noise and disturbance emanating from the property and its immediate surroundings (caused by vehicle engines, car radios / music systems, car doors, groups of voices, and amplified music and speech), which would clearly differ significantly from noise from existing sources around the residential area. Such noise, events and disturbance would be occurring on a more frequent weekly basis during unsociable hours, including late into the evening when the ambient noise would be lower and at a time when existing residents should reasonably expect a quieter living environment.
- The Planning Enforcement team are aware that various events have previously taken place at the property and from a planning perspective, National Planning Practice Guidance states that Planning permission will not normally be required to home work or run a business from home, provided that a dwellinghouse remains a private residence first and business second. However, when assessing the impact of this nature it is significantly important to measure the level of activity associated with the use. In this instance the test would be to assess the business activity associated with the use together with the impact the use has on the amenity of local residents which is considered to be a material planning consideration.
- The test on site would be to assess and establish whether the property/pop up restaurant remains incidental to the enjoyment of the dwellinghouse in accordance with Section 55 (d) of the Town and Country Planning Act 1990. But, having already reviewed the website <http://twosandthreeshideaway.co.uk/index.html> there is at present a clear intensification of the primary use of the property as a residential dwelling by also using the land for a business operation from such events being held which will no doubt lead to a number of vehicles and patrons coming to and from the property.
- In addition it is considered by the Planning Department that a premises license for such events for up to 30 people on site (including staff) would not be incidental to the dwellinghouse and this would impact upon the amenity of local residents quite significantly through the various disturbances already outlined above. If the applicant wishes to try and regularise the pop up restaurant business then they need to submit an application for planning permission. As it stands, the Local Planning Authority is not aware of any extant planning permission and so accordingly, a planning enforcement investigation into this matter has now been opened.

Therefore, in light of the above, the Planning Department **objects** to the premises licence application on the grounds that the ongoing use of the residential dwelling as a pop up restaurant would amount to an unlawful public nuisance resulting from a use that does not benefit from planning permission.

Kind Regards

[REDACTED]