

21 October 2025

Planning Department
Rochdale Metropolitan Borough Council
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Dear Sir/Madam,

Re: Application for Certificate of Lawfulness (Proposed Use)

Site: The Bird at Birtle, 239 Bury and Rochdale Old Road, Heywood, OL10 4BQ

Applicant: Heaton Park View Nursery Limited

Proposal: Change of Use from Restaurant (Use Class E(b)) to Children's Day Nursery (Use Class E(f))

I am writing on behalf of the applicant, Heaton Park View Nursery Limited, to formally submit an application for a Lawful Development Certificate (Proposed Use) under Section 192 of the Town and Country Planning Act 1990 (as amended).

The application seeks confirmation that the proposed change of use of the above property from a restaurant (Use Class E(b)) to a children's day nursery (Use Class E(f)) constitutes permitted development under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended.

Basis of Lawfulness

- The premises benefit from an established and lawful Use Class E(b) following planning permission ref. 15/00158/FUL, granted by Rochdale Council for the use of the building as a bar/restaurant.
- The proposed use as a day nursery falls within Use Class E(f).
- Article 3 and Schedule 2, Part 3, Class E of the GPDO expressly permits a change of use from one use within Class E to another use within the same Class without the need for planning permission.
- No external alterations are proposed as part of this application. Internal works will be limited to non-structural alterations required to meet Ofsted standards, which do not constitute development under Section 55(2)(a) of the Town and Country Planning Act 1990.

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Heaton Park View Nursery Limited is an Ofsted Outstanding childcare provider. The proposal will allow the lawful and immediate reuse of a longstanding commercial building, following the cessation of restaurant operations. The nursery will operate only during weekday daytime hours and will represent a significant reduction in traffic, noise and amenity impact when compared to the existing lawful use.

We therefore respectfully request that Rochdale Metropolitan Borough Council issue a Certificate of Lawfulness confirming that the proposed change of use is lawful and does not require planning permission.

Please do not hesitate to contact me should you require any clarification or further information in support of this application. We would welcome the opportunity to engage proactively with the case officer should any additional information be needed.

Yours faithfully,

Mathew Benson- Architect
For Storah Architecture Ltd