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Dear Daniela

1 Drake Street, Rochdale, OL16 1RE Lawful Development Certificate : Proposed Use

Introduction

On behalf of our client, Cassel & Fletcher, we are pleased to submit an application for a Lawful Development Certificate: Propose Use. The application seeks formal confirmation that planning permission 13/00166/FUL is extant and can be fully implemented without the requirement of planning permission.

Background

1 Drake Steet occupies a prominent corner plot location at the junction of Drake Street and Smith Street in Rochdale town centre. The building is Grade II listed and located within the Rochdale Town Centre Conservation Area.

1 Drake Street comprises ground floor commercial units and residential flats on the upper floors. 'Bombay Brew' previously occupied the ground floor unit fronting Drake Street, but has now permanently closed. There are a further two retail units fronting onto Smith Street. The upper floors have been converted to provide seven residential flats.

The planning history for the building is set out below:

Application Reference	Proposal	Decision and Date
13/00166/FUL	Change of use of the ground floor into three retail units and a bar/restaurant/café and the conversion of the upper floors to provide 19 apartments. Four new shop fronts, first and second floor rear extensions and external alterations to the building to include the partial rebuilding of the rear outbuilding.	Approved 04 Nov 2013
13/00199/LBC	Listed Building Consent to change of use of the ground floor into three retail units and a restaurant/café and to convert the upper floors to provide 19 apartments. Four new shop fronts, first and second floor rear extensions and external alterations to the building to include the partial rebuilding of the rear outbuilding.	Approved 04 Nov 2013

14/00844/FUL	Change of use from nightclub to two retail units (use class A1) together with new shop fronts to elevation on Smith Street and installation of an Automated Teller Machine including reconstruction of boundary wall to car park elevation and alterations to the rear elevation to provide loading doors	Approved 29 Aug 2014
14/00845/LBC	Listed building consent for new shop fronts to elevation on Smith Street and installation of an Automated Teller Machine including reconstruction of boundary wall to car park elevation and alterations to the rear elevation to provide loading doors together with internal alterations	Approved 29 Aug 2014
14/01267/LBC	Application to replace three windows at second floor level (marked W3, W4 and W5 on submitted plan)	Withdrawn 12 Jan 2015
15/00033/LBC	Application to replace eleven windows and first and second floor levels	Approved 10 Mar 2015
15/00077/DOC	Submission of details reserved by conditions 4 and 5 of planning permission 14/00844/FUL	Request Completed 27 Jan 2015
15/00078/DOC	Submission of details reserved by conditions 4 to 7 of planning permission 14/00845/LBC	Request Completed 27 Jan 2015
17/00072/FUL	Change of use and conversion of existing nightclub to form 9 self contained apartments at first and second floor levels, with a restaurant/bar at ground and first floor levels, including alterations and refurbishment of external elevations	Approved 07 Aug 2017
17/00073/LBC	Listed building consent for internal alterations and refurbishment of external elevations to provide 9 self contained apartments at first and second floor levels, with a restaurant/bar at ground and first floor levels.	Approved 07 Aug 2017
18/00554/FUL	Change of use of part first floor to bar/restaurant/function room; formation of outdoor seating area; insertion of recessed door, iron gates, replacement double doors and replacement of existing door with window to front of building; and erection of external fire escape to rear including new openings	Approved 07 Jun 2018
18/00555/LBC	Change of use of part first floor to bar/restaurant/function room; formation of outdoor seating area; insertion of recessed door, iron gates, replacement double doors and replacement of existing door with window to front of building; and erection of external fire escape to rear including new openings	Approved 28 Sep 2018

Evidence of Extant Permissions

As detailed above, planning permission and listed building consent was granted in 2013 for the conversion of the building to commercial uses at ground floor and 19 residential apartments above (13/00166/FUL and 13/00199/LBC). The applicant is seeking a lawful development certificate to confirm that the proposed use of the upper floor levels as 19 flats (12 flats more than the existing seven which have been built out and occupied) - is lawful, in compliance with permissions 13/00166/FUL and 13/00199/LBC.

The following evidence is provided to demonstrate that permissions 13/00166/FUL and 13/00199/LBC are extant:

1. Decision Letters for applications 13/00166/FUL and 13/00199/LBC
2. Certificate of Practical Completion Issued by A.J Cocker and Associates, confirming Practical Completion of the Works (CAT A fit out and enabling works at 1 Drake Street) achieved on 6th February 2015.
3. Officer report from application 15/00033/LBC, dated 9th March 2015, stating that *"Planning permission and listed building consent (13/00166 and 13/00199) remains extant to use the ground floor of this section of the building as a restaurant while the upper floors would be used as apartments"*. The report also confirms that *"The ground floor of the rear section of the building is currently being converted into a small supermarket"*. Please refer to the highlighted sections on the submitted officer report.

The above suite of evidence confirms that permissions 13/00166/FUL and 13/00199/LBC have been implemented and were considered to be extant by Rochdale Council as confirmed in the 2015 officer report. Permissions 13/00166/FUL and 13/00199/LBC are therefore extant in perpetuity. We therefore respectfully request that this application for a Lawful Development Certificate is approved to establish that these permissions are extant and that the development could lawfully be implemented in full with the delivery of an additional 12 flats (19 in total accounting for the existing flats).

The applicant is keen to secure the lawful development certificate so that the surplus floorspace on the upper levels of the building can be converted to flats, to provide a more efficient use for the site. No external alterations are required to deliver the remaining residential flats. This will be associated with a range of economic, social and environmental benefits.

An application fee of £289.00 is payable with this application. Payment of this amount has been made by my client at the time of submission.

We trust the above is sufficient to validate and progress the application, but should you require any further information please don't hesitate to get in touch.

Yours sincerely



Lynsay Ewart BSc (Hons), MSc, MRTPI
Principal Planner