ROCHDALE BOROUGH COUNCIL

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 21/00312/FUL

Name and address for correspondence:	Applicant name:
Mr M Farooq Building Design Services 6 Stock Close Rochdale OL12 6BB	Mr Abid Hussain

Part I - Particulars of Application

Date of Application: 22 March 2021

Proposal:	**Change of use from Office (Class E) to hot food takeaway (Sui generis) including installation of flue to side elevation - Resubmission of 20/01339/FUL**
Location:	**361 Yorkshire Street, Rochdale, OL16 2DT,**

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2 This permission relates to the following plans:-

- Site Location Plan
- Existing Plans - Drawing No. 1662/1
- Proposed Plans - Drawing No. 1662/2

and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Core Strategy and the National Planning Policy Framework.

3 The takeaway shall only be open between the hours of 11:00 - 23:00 Mondays to Thursdays including Sundays and Bank Holidays, and 11:00 - 00:00 Fridays and Saturdays.

Reason: In the interest of amenity in accordance with Policy DM1 of the Core Strategy and the National Planning Policy Framework.

4 The extraction system hereby permitted shall be used whenever cooking odours are being produced from cooking operations in the building and in order to ensure the optimum operation of the extraction system, all filters and equipment shall be retained and maintained thereafter in accordance with the details submitted in the "Acoustic Assessment" (produced by Martin Environmental Solutions, February 2021).

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5 Noise from the extraction unit hereby approved shall not exceed 43 dB(A) when measured 1 metres from the unit at any time.

Reason: In the interests of amenity and in compliance with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6 The metalwork of the flue hereby approved shall be colour treated slate grey RAL 7015 upon installation and shall be retained as such thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7 Servicing and the parking of takeaway delivery vehicles to or from the premises shall only take place from Athol Street.

Reason: In the interest of amenity and highways safety and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 21 May 2021



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Signed on behalf of the Council

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:
The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:
The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:
The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:
The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

A separate application to display advertisement for the takeaway use should be submitted to the Council for approval.