



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00398/FUL

Name and address for correspondence:	Applicant name:
Mr Martin Spencer Martin Spencer Architecture Suite 1.04 CLARENCE ARCADE STAMFORD STREET ASHTON UNDER LYNE OL6 7PT	Mr Bukhtyar Hama

Part I - Particulars of Application

Date of Application: 14 July 2023

Proposal:	Change of use from retail (Class E) to hot food takeaway and restaurant (Sui Generis) at ground and first floors, erection of first floor extension above existing single storey rear extension including installation of extraction flue and external staircase to provide access to proposed second floor staff accommodation - retrospective
Location:	12 South Parade, Rochdale, OL16 1LR,

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:-

- Location/ block and proposed floor plans: P02- E

- Colour scheme render/flue
- Waste disposal strategy
- Flue and casing: Oct 2023 NTS
- Existing and proposed elevations: P02: G
- Proposed site plan: A101

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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 Notwithstanding description of materials in the application, within 3 months of the date of this decision, samples and / or full specification of materials to be used on the parapet roof and the flue cladding shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details within 4 months of the date of this decision thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policy DM1 of the adopted Rochdale 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 and the mitigation measures detailed in the submitted report 'Acoustic and Odour Assessment' by 'Martin Environmental Solutions' (Report number: 2037-1, dated January 2023) shall be implemented and maintained. For the avoidance of doubt, noise levels from the flue and extraction equipment shall not exceed 44 dB(A) leq 5 minutes when measured from any sensitive receptor.

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 The second floor accommodation hereby approved shall only be used for ancillary purposes to the takeaway and not as permanent residential accommodation.

Reason: to ensure that residential accommodation is delivered to a satisfactory standard and in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 Within 3 months of the date of this approval, grease traps shall be installed in accordance with the details set out in the submitted Waste Strategy for Hot Food Takeaway received by the Council on 20th September 2023. The installed grease traps shall be retained and maintained thereafter.

Reason: to prevent unwanted trade effluent entering the sewers and in accordance with Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 The operation of the hot food takeaway hereby approved shall take place in strict accordance with the submitted Waste Strategy for Hot Food Takeaway received by the Council on 20th September 2023.

Reason: to protect the visual amenity of the surrounding area in line with policy P3 of the Core Strategy and in accordance with highway safety as per policy T2.

- 8 The operation of the hot food takeaway hereby approved shall take place in accordance with section 6 of the supporting Flood Risk Assessment (UK Flood Risk - QFRA 2226).

Any physical mitigation measures shall be installed within 3 months of the date of this approval and retained and maintained thereafter.

Reason: To reduce risk to the public during flooding events and in accordance with Policy G8 of the adopted Core Strategy and the National Planning Policy Framework.

- 9 There shall be no deliveries to the Hot Food Takeaway unit hereby approved (as shown on approved site plan) outside of the hours of 11:00-23:00 Monday to Saturday and 12:00-23:00 on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 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 12 October 2023

Daniela Ripa
Interim Head of Planning Services

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.

The site sits within Flood Zone 3, which is a designation for areas at the highest risk of flooding. The applicant should, as soon as reasonably possible, engage with emergency planning services to formulate a flood evacuation plan and sign up for early warning systems.