



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00690/FUL

Name and address for correspondence:	Applicant name:
Mr Belal Rashid BRTA Limited Office 12 Falcon Business Centre Victoria Street Oldham OL9 0HB	Mr Nawab Khan

Part I - Particulars of Application

Date of Application: 19 October 2023

Proposal:	Change of use of ground floor to hot food takeaway (Sui Generis) and retail unit (Use Class E), including single storey rear extension, alterations to fenestration on front and rear elevations including installation of shop front to hot food takeaway unit and new extraction flue on side elevation (part retrospective), ,
Location:	Former High Sheriff PH, , 71 Halifax Road, Rochdale, , OL12 9BA

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 Plan
- Existing Site Plan

- Proposed Site Plan. Received by email on 11/10/2024
- Existing. Drawing no: A101.B. Dated: 15/11/21. Received by email on 26/06/2024
- Proposed. Drawing no: A102.C. Dated: 10/08/24. Received by email on 30/09/2024

and the development shall be carried out in 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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 The materials used in the construction of the exterior of the hereby permitted rear extension and window on the existing rear elevation shall match those used in the construction of the exterior of the existing building in colour, form, type, size and texture.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 Prior to the installation of the external door to the front elevation of hereby approved retail unit, full details, including samples if so required, of the door shall be submitted to the Local Planning Authority for approval. Such details shall indicate, materials and details of door head and surround. The works shall thereafter be completed in accordance with the approved details and retained as such thereafter.

Reason: To protect the architectural and historic interest of the non-designated heritage asset, in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework

- 5 Prior to the first use of the hereby approved takeaway, full details, including samples if so required, of the door shall be submitted to the Local Planning Authority for approval. Such details shall indicate, materials and details of door head and surround. The works shall thereafter be completed in accordance with the approved details and retained as such thereafter.

Reason: To protect the architectural and historic interest of the non-designated heritage asset, in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 The extraction system hereby approved shall be fitted in accordance with the mitigation measures identified within the submitted 'Acoustic Survey and Assessment for Proposed Residential Development at, 71 Halifax Road, Rochdale, OL12 9BA' (produced by Martin Environmental Solutions Ltd and dated July 2022). The mitigation measures, including silencers shall thereafter be retained and maintained in full working order. A verification report shall be submitted to and approved by the Local Authority showing that the measures have been installed and the noise levels detailed in the submitted 'Acoustic Survey and Assessment for Proposed Residential Development at, 71 Halifax Road, Rochdale, OL12 9BA' have been achieved before the operation of the restaurant.

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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 The extraction system hereby permitted shall be used during 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 mitigation measures detailed in the submitted in the 'Odour Control Report' by Commercial Kitchens Specialist Limited and dated 20th March 2022.

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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 The metalwork of the flue hereby approved shall be colour treated dark grey 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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 The hereby approved takeaway premises shall only be open to customers between the hours of 08:00 and 23:00 from Mondays to Saturdays and between 10:00 and 23:00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 10 Prior to the hereby approved retail use first coming in to use, full details of the opening times shall be submitted to and approved by the Local Planning Authority. The opening times shall be retained as such thereafter unless first submitted to and approved by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policies DM1 and G9 of the adopted Rochdale Core Strategy, Places for Everyone Joint Development Plan 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 18 October 2024

Melanie Hale
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.