



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/01311/FUL

Name and address for correspondence:	Applicant name:
Mr Edward James PWA Planning 2 Lockside Office Park Lockside Road Preston PR2 2YS United Kingdom	Mr Mohamed Ali ShariPWA Planning

Part I - Particulars of Application

Date of Application: 15 January 2024

Proposal:	Change of use of ground floor from retail shop (Class E) to hot food takeaway (sui generis) and installation of externally mounted flue to rear
Location:	28 Market Place, Heywood, Rochdale, OL10 4NL

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: KK/1/24/R
- Site plan: KK/1/24/R
- Existing and proposed ground floor plans: KK/1/24/R
- Proposed side and rear elevations: KK/1/22
- Ventilation Strategy ,FusionHOT Ltd, 04/12/2023

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 The extraction system hereby permitted shall be in accordance with the type, model, and make listed detailed in Ventilation Strategy' by 'Fusion HOT Ltd' (04/12/2023). The extraction system shall be used whenever cooking odours are being produced from cooking operations in the building. 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 'Ventilation Strategy' by 'Fusion HOT Ltd' (04/12/2023) shall be implemented and maintained. For the avoidance of doubt, noise levels from the flue and extraction equipment shall not exceed 40 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.

- 4 The development hereby approved shall not be brought into use until such time as details of a grease trap and the disposal of associated fats/oils have been submitted to and approved in writing by the Local Planning Authority. The grease trap shall be installed in accordance with the approved details and retained and maintained as such thereafter and all wastewater resulting from the cleaning of the premises shall be passed through the grease trap.

Reason: To promote the sustainable drainage of the site and to prevent damage to the surrounding sewer network and in accordance with Policy G8 of the adopted Rochdale Core Strategy, the Hot Food Takeaways SPD and the National Planning Policy Framework

- 5 The development hereby approved shall not be brought into use until such time as the bin storage area has been made fully available for use. The refuse facilities shall be retained at all times.

Reason: To ensure the satisfactory storage of refuse containers and servicing of the premises, and to ensure the safe operation of the local highway network and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 The development hereby approved shall not be operated outside the hours of 18:00pm-12:00am Sunday- Thursday (including bank holidays), and 18:00-01:30am on Fridays and Saturdays.

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 15 March 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.

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.

