

# NOTICE OF APPROVAL OF PLANNING PERMISSION

**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

**Correspondence Address:**

Mr Nick Goodchild  
132-134 Great Ancoats Street  
Manchester  
M4 6DE

**Applicant:**

Mr Ghulam and Mrs Shasta Rasul  
126 Bamford Street  
Chadderton  
Oldham  
OL9 6RJ

**Application Number:** FUL/346634/21

**Date of Application:** 21st June 2021

**Location:** Land Adjacent To 74 Burnley Lane, Chadderton, Oldham, OL1  
2PW,

**Proposal:** Erection of mixed use building comprising ground floor retail unit  
and two first floor apartments

## **Subject to the following conditions:-**

- 1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
- 3 No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan
- 4 Prior to installation a detailed specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be implemented in accordance with the approved scheme. REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.
- 5 No development shall take place unless and until a scheme to soundproof the wall/floor/ceiling between the flats and the commercial premises has been submitted to and approved in writing by the Local Planning Authority and all such works that form the approved scheme shall be completed before the flats are brought into use and shall be retained at all times thereafter. Reason - To protect the future occupiers of the flats having regard to Policy 9 of the Local Plan.
- 6 The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
- 7 The development hereby approved shall not commence until a drawing has been submitted to and approved in writing by the local planning authority that shows the structural details of any structure directly adjacent the adopted highway including details of the foundations of those structures. All works that form part of the approved

drawings shall be implemented before the development is brought into use. Reason - to ensure the structural stability of the retaining structures adjacent the public highway and to ensure that no encroachment of the highway occurs in the interest of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

- 8 The development hereby approved shall not commence until a drawing has been submitted to and approved in writing by the local planning authority that shows details of the structure directly adjacent the adopted highway and that no part of that structure overhangs the adopted highway. All works that form part of the approved drawings shall be implemented before the development is brought into use. Reason - to ensure that no encroachment of the highway occurs in the interest of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
- 9 No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. Reason - To ensure that the presence of any potential coal mining legacy risks that may pose a risk to the development are detected, and appropriate remedial action is taken in the interests of public safety, having regard to paragraph 183 of the NPPF.

- 10 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. Reason - To ensure that the any coal mining risks have been appropriate addressed in the interests of public safety, having regard to paragraph 183 of the NPPF.

## **APPROVED DETAILS SCHEDULE:**

**Reference:**                      **Version:**                      **Description:**

N1282(P) Sheet 0.01 Rev B	Location Plan
N1282(P) Sheet 1.01 Rev B	Layout
N1282(P) Sheet 1.02 Rev B	Details/Freetext (e.g. Advs, LBs)
N1282(P) Sheet 2.01 Rev B	Floor Plans - Proposed
N1282(P) Sheet 2.02 Rev B	Floor Plans - Proposed
N1282(P) Sheet 3.1 Rev B	Elevations - Proposed

## Statement and Informative Notes:

1 Statement in accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

The proposed development complies with the Local Development Framework which would improve and maintain the economic, social and environmental conditions of the area. It therefore comprises sustainable development which is conditioned accordingly to enhance the quality of development and where necessary the Local Planning Authority offered proactive and positive solutions during the decision making process. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2 Please note that this decision does not imply or remove any requirement for approval under any separate legislation, nor does it override any covenants or private agreements, nor permit development on or access to land outside the developer's control, unless the consent of the relevant landowner has been obtained.

3 HOW TO APPEAL AGAINST A DECISION OF THE LOCAL PLANNING AUTHORITY

If an applicant is aggrieved by the decision of the Council as Local Planning Authority to refuse planning permission, or to impose conditions on the grant of planning permission, they may appeal to the Secretary of State within such time after the Council's decision as is set

out below under the following statutory provisions:

Planning applications - Section 78 of the Town and Country Planning Act 1990. Within 6 months of the date of the decision.

The right of appeal is limited to the applicant only; and does not extend to any other party with an interest in the land, nor any other third party. Appeals must be made on a form obtainable from the address below: The Planning Inspectorate

Temple Quay House

2 The Square

Temple Quay

Bristol

BS1 6PN

Tel: 0303 444 5000

Further Information of the appeal process can be found on the following website:

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

#### 4 IMPORTANT INFORMATION

The attached notice refers to an Approval under the Town and Country Planning Acts only.

The proposed works may also require BUILDING REGULATIONS APPROVAL by law.

The Building Regulations ensure that your proposals satisfy minimum standards, for your safety and welfare.

You are therefore advised to contact the Council's Building Control service, to discuss your proposals, before you commence work.

Building Control can be contacted either by post at:

Building Control Services

Chadderton Town Hall

Middleton Road

Chadderton

OLDHAM

OL9 6PP

or by telephone or email:

Tel: 0161 770 4122

Email: [building.control@oldham.gov.uk](mailto:building.control@oldham.gov.uk)

5            There is an existing adopted public highway which passes near the site and statutory obligations exist to ensure that the developer maintains free passage of the public along the public highway. The highway shall not be temporarily closed unless a Temporary Closure Order under Section 14 of the Road Traffic Regulation Act 1984 has been granted.

**Signed on behalf of the Council**

**Dated:** 11th May 2022

*Emma Barton*