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**Date:** 4 September 2025

**Our ref:** 70569/01/SPM/BG/33836933v1

Dear Ms Carney

## **Land at Wuerdle Street, Rochdale, OL16 2SQ | Application to vary conditions attached to planning permission ref. 23/01033/FUL**

On behalf of PossAbilities C.I.C [PossAbilities], Lichfields hereby submit this application seeking to vary conditions 2, 4 and 5 attached to the above full planning permission to Rochdale Borough Council [the Council] pursuant to Section 73 [S73] of the Town and Country Planning Act 1990 (as amended) [the Act].

This Section 73 application [S73] seeks to address issues relating to the provisions of the Fire Safety Act 2021 and the Building Safety Act 2022, and to viability in the context of rising construction costs. The proposed variations seek to bring forward the supported living apartments, which will help to meet an identified need for vulnerable young adults, as soon as possible. This necessitates amendments to the drawings referenced by condition 2 (approved drawings) of this permission, alongside amendments to conditions 4 (materials) and 5 (window and door specification).

### **Application Submission**

The application comprises this covering letter and the following documents:

- Completed application form (ref. PP-14299616);
- Amended drawings prepared by Ryder:
  - Proposed Site Plan (ref. POSWD-RYD-00-00-DR-A-1000-S3-P12);
  - Proposed GA Plan Level 00 (ref. POSWD-RYD-00-00-DR-A-3000-S3-P18);
  - Proposed GA Plan Level 01 (ref. POSWD-RYD-00-01-DR-A-3001-S3-P16);
  - Proposed GA Plan Level 02 (ref. POSWD-RYD-00-02-DR-A-3002-S3-P17);
  - Proposed GA Plan Roof Level (ref. POSWD-RYD-00-R2-DR-A-3003-S3-P9);
  - Proposed GA Elevations North and East (ref. POSWD-RYD-00-XX-DR-A-3601-S3-P14);

- Proposed GA Elevations South and West (ref. POSWD-RYD-00-XX-DR-A-3602-S3-P14);
- Proposed GA Elevations East 2 and West 2 (ref. POSWD-RYD-00-XX-DR-A-3603-S3-P9);
- Proposed GA Sections Sheet 1 (ref. POSWD-RYD-00-XX-DR-A-3800-S3-P9);
- Proposed GA Sections Sheet 2 (ref. POSWD-RYD-00-XX-DR-A-3801-S2-P3);
- Landscape Masterplan (ref. POSWP-RYD-00-ZZ-DR-L-2101-S2-P7);
- Window Section (ref. POSWD-RYD-00-XX-DR-A-6310-S3-P2); and,
- Window Specification (ref. NEW022-00044).

The application was submitted via the Planning Portal and the requisite fee of £2,000 paid at the time of submission.

## **Background**

PossAbilities is a Community Interest Company that provides adult social care services. It was established in April 2014, after spinning out of Rochdale Council. This includes supported living, day services, short breaks, shared lives and an employment service. PossAbilities provides services for 782 adults with a learning disability and/ or mental health needs primarily under contracts with local authorities. It operates across the North West and West Yorkshire, with services in Rochdale, Widnes, Wigan, Runcorn, Stockport, Oldham, Calderdale and Trafford.

PossAbilities secured planning permission (ref. 23/01033/FUL) at the above site [the Site] on 8 August 2024 for the following development:

*“Residential development comprising of 17 supported living apartments including associated office space, entrance hall offering a break out, communal space for residents and visitors with servicing, landscaping, off street car parking and bin storage”*

There is a live application to discharge conditions 14 and 15 (ref. 25/00683/DOC) attached to the planning permission. No other applications have been submitted in relation to the planning permission at the time of submission.

## **Site Context**

The application site [the Site] comprises a vacant area of land located off Halifax Road. The Site also includes Wuerdle Street, a small cul-de-sac providing access to a row of four terraced properties, and an area of hardstanding bordering Halifax Road to the north of those properties currently in use for parking.

Adjacent to the north-east is a petrol filling station and small convenience store. Halifax Road borders the site to the north-west, while the properties on Wuerdle Street border the Site to the south-west. To the south of the Site and to the north of Halifax Road the area is characterised by residential development ranging from detached to terraced properties.

The site is within the Borough’s Defined Urban Area (Policy G/D/1 of the Unitary Development Plan).

The Site is not within an area at risk of flooding. The Site is not within a Conservation Area nor does it contain any listed buildings. The nearest listed building is 200m north-east at Dearnley Old Hall.

## **Section 73 Applications**

Paragraph 013 of the NPPG (ref. 17a-013-20230726) states:

*“an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”*

The Council have expressed the view that the amendments proposed by this application are material in nature, and therefore fall within the scope of Section 73 of the Act.

## **Proposed Amendments**

PossAbilities is seeking to make amendments to the proposed layout and design of the scheme for the reasons set out above. The approved drawings accompanying associated with the planning permission have been revised to reflect the proposed amendments. These are summarised below.

### **Stair and Lift Core Amendments**

Internally, to meet the revised BS9991 fire safety in the design guidance, an evacuation lift has been provided, as shown on the proposed floorplans (refs. POSWD-RYD-00-00-DR-A-3000-S3-P17, POSWD-RYD-00-01-DR-A-3001-S3-P16 and POSWD-RYD-00-02-DR-A-3002-S3-P17). Unlike the approved platform lift, the proposed lift requires a lift overrun. This extends approximately 600mm proud of the flat roof. The lift has been positioned centrally within the building footprint to minimise the overrun's visibility from the street. The staircase has also been relocated and lift core repositioned and enlarged to meet the updated guidance and to respond to the requirements of the Fire Safety Act 2021 and the Building Safety Act 2022.

### **Communal Lounge and Staff Rest Space**

To accommodate the repositioned lift core and stairs, the ground and first floor layouts have been amended. The size, quantum of bedrooms and flats, and positions of the flats remained unchanged. To facilitate the updated layout, the 'Communal Lounge' and 'Staff Rest' areas have been repositioned within the proposed floorplans (refs. POSWD-RYD-00-00-DR-A-3000-S3-P17 and POSWD-RYD-00-01-DR-A-3001-S3-P16), relocating the staff rest area to above the main entrance.

This has resulted in the Communal Lounge now being proposed on the ground floor. PossAbilities understands that the Council are concerned about the outlook towards the neighbouring convenience store from this position, as raised within the determination of the original planning application. They did not feel able to support habitable accommodation in this location for this reason. This point has been discussed with the Council and the proposed use of the Communal Lounge further explained. PossAbilities is of the view that the Communal Lounge would not represent a 'habitable' space but rather one which residents may use from time to time as surplus to the private lounge spaces provided within each habitable apartment.

PossAbilities contends that the ground floor position provides a better level of amenity for the residents as a larger lounge can be provided in this location. Due to the internal rearrangements as a result of the fire safety guidance described above, the lounge would have to reduce from 3250mm wide to 2850mm. PossAbilities feel this would not provide sufficient space to accommodate the type of amenities they would wish to provide for residents (such as games tables and consoles). It is considered that this would also limit the number of residents who could use the space. The now proposed lounge on Level 00 is 3175mm wide which would be able to provide a more functional space. Due to the proposed use of the room by the young residents for activities and gaming, the outlook is not considered to be a key issue by PossAbilities, and the size of the space is viewed as more important.

The positioning of the Staff Rest Space on the first floor is considered more appropriate as this room will likely have only one user at a time so can be accommodated in the smaller space. To make the Staff Rest Space more private, the central window on the eastern elevation has been reduced in size. As this is the rear elevation of the building, it is not considered to impact the visual appearance to members of the public.

### **Integral Blinds**

The approved plans detail that each ground floor window will be equipped with integral blinds and one-way film. The cost of providing integral blinds to 18 ground floor windows is £22,000. Should any damage occur the maintenance costs are likely to be quite high for this type of installation. This is considered to be an unnecessary cost which would have to be passed onto the local authority through higher contract prices. PossAbilities intend to install permanent fitted blinds and a film on ground level windows to maintain the same level of privacy for residents, and it is noted that the landscaping and boundary treatment along Halifax Road have been designed to enhance the privacy of the ground floor flats. Therefore, even with this amendment it is considered that the residents will have an adequate level of privacy.

### **Bin Store and Entrance Space**

Externally, the bin store has been relocated from adjacent to the entrance of the building to a dedicated area with the communal garden, as shown on the site plan (ref. POSWD-RYD-00-00-DR-A-1000-S3-P12). This will declutter the entrance space, and provide a more welcoming entrance for residents and visitors whilst maintaining ease of access for staff both in terms of disposing of waste and for readying the bins for collection. The retaining wall between the car park and entrance has also been straightened, which can be achieved due to the relocation of the bin store. This allows for increased landscaping in front of the entrance area, again improving this key gateway.

The aluminium panel between the entrance and escape doors has been replaced with brick for fire compartmentation purposes, as shown on the Proposed GA Elevations South and West (ref. POSWD-RYD-00-XX-DR-A-3602-S3-P14). The canopy above the entrance area has been replaced with a smaller glass canopy above the entrance door only. Due to the discrete location of the eastern elevation, located at the rear of the building, this amendment is not considered to be discernible to members of the public.

## **Halifax Road Boundary**

The retaining wall on the western perimeter, located adjacent to Halifax Road, has been straightened out to form a single wall. This will simplify the construction and reduce the protrusion into the public footpath alongside the road, widening the footpath in front of the building. This also allows space for more low-level planting to improve resident's outlook.

The straightening of the boundary wall leaves a small area to the north which is within PossAbilities ownership but outside of the wall. The intention is that this will not be adopted. It will be surfaced in a different material to the tarmac footpath in order to delineate the ownership boundary and privately maintained to ensure no obstruction to the public highway. The rest of the footpath will be made good to adoptable standards.

## **Roof Amendments**

As shown on the Proposed GA Elevations (refs. POSWD-RYD-00-XX-DR-A-3601-S3-P14, POSWD-RYD-00-XX-DR-A-3602-S3-P14 and POSWD-RYD-00-XX-DR-A-3603-S3-P9), there have been some amendments to the roof. These include slightly increasing the height of the central roof gable to improve the roof valley details. The roof pitch has also increased by 3 degrees to improve buildability. The ridge height has slightly increased whilst the eaves height has reduced.

The area of flat roof has increased in length by 800mm towards the rear of the building. This is required to accommodate the overrun of the repositioned lift core. The automatic opening vents [AOVs] have been adjusted to suit the internal layout changes, as shown on the accompanying roof plan (ref. POSWD-RYD-00-R2-DR-A-3003-S3-P9). The hatches are not seen on the rear elevation drawing as they only protrude 50 mm above the parapet. The overrun protrudes 540mm above the parapet. As the flat roof is towards the rear of the building and positioned behind the taller northern part of the building, this will not impact the visual appearance from the public highway. The flat roof also does not extend to the outer eaves and is largely obscured from the rear and from the properties to the west by the roof gables.

## **Materials**

Full details of materials will be provided separately to discharge condition 4 (materials). However, as shown on the Proposed GA Elevations (refs. POSWD-RYD-00-XX-DR-A-3601-S3-P14, POSWD-RYD-00-XX-DR-A-3602-S3-P14 and POSWD-RYD-00-XX-DR-A-3603-S3-P9), PossAbilities is seeking to substitute the grey roof slate for grey roof tiles. The materials to be procured will be designed to replicate the appearance of slate and so this amendment is not considered to be discernible. It is also noted that solar panels are intended to be provided on the roof which will cover almost a third of the roof space once installed, breaking up the appearance of the final proposed material.

The grey aluminium windows will be substituted for slimline grey uPVC windows. Similarly, the rainwater goods will be amended from aluminium to grey uPVC on all but the front (north) elevation. Such materials can be easily found within nearby buildings, so these amendments are not considered to reflect a departure from the surrounding context.

The proposed amendments to materials have been driven by increasing costs resulting from inflation and the need to keep rents affordable for their Local Authority contracts. Care has been taken to

maintain a high-quality design that is both visually attractive to residents and neighbours, and operational for the future residents. The exact specification for the materials will be agreed with the Council through the condition discharge process.

## **Windows**

Full window specifications will be provided pursuant to condition 5 (window and door specifications). The proposed elevations show that transoms have had to be added to some of the window types. This has been discussed at length with the case officer, design team and supplier. Openings have been added to all windows to comply with ventilation requirements. The now proposed opening uPVC windows cannot facilitate openings of the sizes shown on the approved drawings for reasons of weight and structural rigidity. For this reason, in order to comply with the supplier's maximum opening sash thresholds, transoms are required. If the panes were any larger, the openings are more susceptible to failure and the supplier would be outside of their performance guarantee range.

The approved proposed elevations (refs. (ref. POSWD-RYD-00-XX-DR-A-3601-S3-P8; POSWD-RYD-00-XX-DR-A-3602-S3-P8; POSWD-RYD-00-XX-DR-A-3603-S3-P4) show a number of windows with transoms. The proposed windows will reflect this style and PossAbilities have sought a supplier with a slimline frame product to replicate the approved aluminium frames. An indicative specification is provided with this application for reference (ref. NEW022-00044). The transoms have been placed at a high level so as not to affect sight lines. Transoms are commonly found in the surrounding area, including on the Co-op Funeralcare building and Belvoir Residential Care Home on Halifax Road, alongside most (if not all) surrounding residential buildings.

The aluminium window 'pods' will remain for architectural interest, and reveals will be provided to prevent a 'flat' appearance to the facades (see Window Section ref. POSWD-RYD-00-XX-DR-A-6310-S3-P2).

## **Proposed Condition Wording**

In order to facilitate the proposed amendments as set out above, it is proposed that conditions 2, 4 and 5 are amended as below. Proposed additions are shown in red text and deletions shown with a strikethrough.

### **Condition 2**

The wording of condition 2 is proposed to be amended as below to reference the updated plans showing the amendments described in this letter.

*"This approval relates to the plans and documents as listed below:*

- Site Location Plan - Drawing no. 0100 Revision P6
- Existing Site Plan - Drawing no. 0101 Revision P4
- Existing Site Sections - Drawing no. 0102 Revision P5
- Proposed Site Plan - Drawing no. 1000 Revision ~~P9~~ **P12**
- Landscape Masterplan - Drawing no. 2100 Revision ~~P4~~ **P7**

- Proposed GA Plan Level 00 - Drawing no. 3000 Revision ~~P11~~ **P18**
- Proposed GA Plan Level 01 - Drawing no. 3001 Revision ~~P10~~ **P16**
- Proposed GA Plan Level 02 - Drawing no. 3002 Revision ~~P10~~ **P17**
- Proposed GA Plan Roof Level - Drawing no. 3003 Revision ~~P6~~ **P9**
- Proposed GA Elevations - Drawing no. 3601 Revision ~~P8~~ **P14**
- Proposed GA Elevations - Drawing no. 3602 Revision ~~P8~~ **P14**
- Proposed GA Elevations - Drawing no. 3603 Revision ~~P4~~ **P9**
- Proposed GA Sections **Sheet 1** - Drawing no. 3800 Revision ~~P5~~ **P9**
- **Proposed GA Sections Sheet 2 - Drawing no. 3801 Revision P3**

*The development shall be carried out in accordance with the drawings/documents hereby approved unless otherwise required by the conditions below."*

## Condition 4

The wording of condition 4 is proposed to be amended as below to remove reference to aluminium windows to allow for uPVC windows to be provided instead.

*"No above ground construction works shall take place until samples and full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include, grey roof tiles, red facing brick, ~~grey-aluminium~~ windows and a sample panel of the proposed corbelled brick. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details."*

## Condition 5

The wording of condition 5 is proposed to be amended as below to remove reference to the integral blinds and one way film shown on the former elevations.

*"No above ground works shall take place until a scheme for the full specification of the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The specification shall include, at a scale of not less than 1:20 the longitudinal and cross sectional detailing with the depth of the reveal shown, cill and lintel detailing and means of opening together with any finished treatment ~~and for the avoidance of doubt, the integral blinds and one way film shown on drawing nos. 3601 and 3602 (Proposed GA Elevations)~~ shall be included. The window and doors shall be installed in accordance with the approved specification prior to first occupation and retained thereafter."*

## Assessment of Proposed Amendments

The proposed amendments above would not alter the overall context of the development, the red line boundary, or the description of development. The general layout, nature of development, and number of

apartments will all remain the same. As such, there is not considered to be any conflict with the operative part of the permission. There have been no other changes made to the scheme previously.

The internal amendments seek to achieve compliance with the Fire Safety Act 2021 and the Building Safety Act 2022, while creating a more efficient layout for staff and residents. The amendments to the materials seek to aid the scheme's viability whilst remaining in line with the local design context. The amended window design is necessary to facilitate the proposed uPVC material and is in keeping with surrounding buildings. The proposed amendments to the central gable, roof ridge, and lift overrun are considered to be largely imperceptible to members of the public. The relocation of the bin store and straightening of the retaining walls have also promoted a more efficient use of the Site, allowing additional landscaping in front of the entrance area and widening the footpath in front of the building.

Overall, the majority of the proposed amendments are located to the rear of the building or internally and so will be largely indiscernible from the street. Therefore, the proposed amendments do not considerably alter the visual appearance of the scheme or affect the proposed use. They seek to ensure that the scheme provides housing to meet an identified need for young adults with learning disabilities in a safe and attractive setting which accords with the Fire Safety Act 2021 and the Building Safety Act 2022. They also seek to provide a financially viable scheme which can be feasibly constructed and utilised to help deliver the Council's social services on completion.

## **Conclusion**

This application is made pursuant to Section 73 of the Act and proposes amendments to full planning permission ref. 23/01033/FUL in order to facilitate the delivery of the assisted living apartments. The proposed amendments are considered by the Council to be of material nature, but not affecting the operative part of the permission. Therefore, a S73 application is considered the most appropriate course of action and is considered to be acceptable in terms of satisfying all material planning considerations.

We trust that the information provided is sufficient to validate and determine the application within the statutory timescales. However, should you require any further information, please contact me via the telephone number found at the head of this letter.

Yours sincerely



**Becca Gray**

Planner

MPlan