

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**Removal/Variation of Conditions**

APPLICATION REFERENCE: PL/2025/1293

Applicant Culbert Manchester Buildings 71-73 Hyde Road Manchester M12 6BH	Agent Bernard Taylor Partnership Limited Elizabeth House 486 Didsbury Road Heaton Mersey Stockport SK4 3BS
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Part I - Particulars of Application

Proposal: Section 73 application to vary condition 2 (Approved Plans) of planning permission 24/00622/FUL comprising the repositioning of site 2 on Argyle Street.

Location: LAND AT SUTHERLAND ROAD (NORTH OF OUR LADY AND ST PAUL'S RC PRIMARY SCHOOL), AND LAND AT JUNCTION OF LENNOX WALK AND ARGYLE STREET, HEYWOOD, OL10 3PD

Valid On: 12 December 2025

DECISION: GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS**Condition(s) (20)**

- 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 and documents:

- Location Plan Drawing No 100 Rev 1
- Site Clearance Plan Drawing No 102 Rev 1
- Proposed Site Plan 01 Drawing No 105 Rev 10
- Proposed Site Plan 02 Drawing No 106 Rev 4

- Proposed Site Plan (Both Sites) Drawing No 107 Rev 8
- Proposed Boundary Treatment Plan Site 01 Drawing No 108 Rev 4
- Proposed Boundary Treatment Plan Site 02 Drawing No 109 Rev 2
- Proposed 2B3P House T1 Proposed Floor Plans Drawing No 110 Rev 5
- Proposed 2B3P House T1 Proposed Elevations Drawing No 111 Rev 2
- Proposed 3B4P House T1 Proposed Floor Plans Drawing No 116 Rev 6
- Proposed 3B4P House T1 Proposed Elevations Drawing No 117 Rev 2
- Proposed 3B4P House T2 Proposed Floor Plans Drawing No 119 Rev 6
- Proposed 3B4P House T2 Proposed Elevations Drawing No 120 Rev 2
- Proposed 3B4P House T3 Proposed Floor Plans Drawing No 122 Rev 7
- Proposed 3B4P House T3 Proposed Elevations Drawing No 123 Rev 4
- Proposed 3B4P House T4 Proposed Floor Plans Drawing No 127 Rev 2
- Proposed 3B4P House T4 Proposed Elevations Drawing No 128
- Proposed 2B3P House T3 Proposed Floor Plans Drawing No 129 Rev 4
- Proposed 2B3P House T3 Proposed Elevations Drawing No 130
- Proposed Street Elevations 1/2 Drawing No 124 Rev 6
- Proposed Street Elevations 2/2 Drawing No 125 Rev 6
- Site Sections Drawing No 126 Rev 3
- Site Plan 01 Indicating Adopted Areas Drawing No 140 Rev 2
- Site Plan 02 Indicating Adopted Areas Drawing No 141 Rev 2
- Landscape Proposals Drawing No 7300.01 Rev E
- Raised Table Location Drawing No RHC-24-234-03 Rev A

- Materials Tracker (Mottram Multi, RAL 9010 UPVC windows, RAL 9005 Doors and Modern Smooth Grey Tile)
- Sustainable Strategy Plan Drawing No BDL-1763-01-DR-001 Rev P3 Dated 26th June 2024.
- Sustainable Drainage Strategy Rev P4 Dated 22nd January 2025
- Noise Impact Assessment
- Transport Statement Referenced RHC-23-234-TS Revision A
- Arboricultural Impact Assessment July 2024 (Site 1)
- Arboricultural Impact Assessment November 2024 (Site 2)
- Stage 1 Risk Assessment Referenced GUK-0224-05

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 No dwelling shall be occupied until a Management and Maintenance Plan for all public and communal areas has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this includes all public areas identified on Drawing No 140 Rev 2. The approved Management and Maintenance Plan shall be adhered to for the lifetime of the development.

Reason: To ensure a ensure a satisfactory standard of visual amenity and repair for the lifetime of the development in accordance with CS policies DM1 and P3, PfE policy JP-P1 and the National Planning Policy Framework.

- 4 The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing BDL-1763-01-DR-001, Rev P3 - Dated 21/01/2025 which was prepared by Inspire Design & Development. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 5 No above ground works shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and retained as approved thereafter. For the avoidance of doubt, these details should relate to windows, doors, roof slates and all elevation materials (including brick and brick detailing).

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1 and P3 and the National Planning Policy Framework.

- 6 No above ground works shall take place until full details of the alignment, height and appearance of all boundary treatments (fences and walls) to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and to comply with the requirements of Core Strategy Policies P1 and P3 and the National Planning Policy Framework.

- 7 No above ground works shall take place until details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1 and P3 and the National Planning Policy Framework.

- 8 No above ground works shall take place until full details of the proposed retaining wall (including elevation appearance and specification details) to the rear of plots 11-15 (notwithstanding any such detail shown on previously submitted plans) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved and shall be completed and thereafter retained in all respects before the first occupation of all plots 11, 12, 13, 14 and 15.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity and heritage and to comply with the requirements of Core Strategy Policies P1 and P3 and the National Planning Policy Framework.

- 9 The development shall be carried out in accordance with the submitted Intrusive Site Investigation, Project Ref: GUK-0224-05 and the submitted Ground Gas Risk Assessment, Project Ref: GUK-0224-05, approved under discharge of condition application OTH/2025/1188 issued on 21st January 2026.

No part of the development shall be occupied until a verification report demonstrating that the approved remediation has been implemented has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 10 All proposed planting set out within Proposed Landscaping Plan Drawing No. 7300.01 Rev E shall be carried out in accordance with the approved details within the first planting and seeding seasons following the very first occupation of the development (or in accordance with a phased timing plan to be submitted to and agreed in writing by the Local Planning Authority). Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policy G7 of the adopted Rochdale Core, Policies JP-P1 and JP-G2 of the Places for Everyone Plan and the NPPF.

- 11 No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. Such measure shall include, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks to be integrated to the fabric of the buildings hereby approved, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog Highways') The duly approved scheme shall be implemented in full prior to final occupation of the phase of development to which the measures relate and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 12 No part of the development shall be occupied until revised road markings on Sutherland Road and the highway lining immediately adjacent to the proposed Site 1 access is refreshed in line with a scheme that has first been submitted to and approved by the Council as Local Planning Authority.

Reason: In the interests of highway safety and to ensure the functionality of the wider highway network in accordance with the Core Strategy policy T2 and the National Planning Policy Framework.

- 13 No part of the development shall be occupied until a scheme for highway improvement works (including the proposed junction works with Sutherland Road and the proposed site access for Site 1) has been implemented in accordance with details (including their layout, design and surfacing) which have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of any doubt, these details shall also include the introduction of no waiting at any time parking restrictions at the new junction with Site 1 and Sutherland Road and at the existing junction on Bury Old Road and Sutherland Road.

Reason: In the interests of highway safety and to ensure the functionality of the wider highway network in accordance with the Core Strategy Policy T2 and the National Planning Policy Framework.

- 14 The development shall be carried out in accordance with the Construction Management Plan dated 10th November 2025 approved under discharge of condition application OTH/2025/1188 issued on 21st January 2026.

Reason: To safeguard the amenities of nearby residents and businesses, highway safety and air quality, pursuant to policies DM1 and T2 of the

adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 Prior to first occupation of the development hereby approved, a Habitat Management and Monitoring Plan (the HMMP), shall have been submitted to, and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

The development shall thereafter be undertaken in accordance with the approved plan.

Reason: To ensure that the requirements of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 are fulfilled and in order to ensure the delivery of a net gain in biodiversity in accordance with the requirements of Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 16 No works to install any solar PV panels or Air Source Heat Pumps shall take place until full details and specifications of such features including large scale drawings at a scale of not less than 1:50 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 thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, Policies JP-S2 and JP-P1 of the adopted Places

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

- 17 The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment by Braiden Acoustics Ltd dated 4 July 2024 and referenced Report No: 11219. The noise mitigation measures shall be retained as installed thereafter in for the lifetime of the development.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 18 The development hereby approved shall not be occupied until such time as the access, servicing and parking provisions as shown on the approved site plans have been installed in accordance with the approved plans and made available for use. The parking spaces shall be retained as such thereafter.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwellings hereby approved shall not be altered or extended, and no buildings or structure shall be erected within their curtilage under Schedule 2, Part 1, Classes B and D of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent undue harm to the amenity of existing and future occupiers and in the interest of visual amenity and in accordance with Policies P3 and DM1 adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

20 **BIODIVERSITY NET GAIN**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority,
- and;
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Rochdale Borough Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

For the purposes of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, a biodiversity gain plan is a plan which:

- (a) relates to development for which planning permission is granted, and;
- (b) specifies the matters referred to below:

The matters are:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

Please be advised that Section 73 applications are not required to be accompanied by the minimum information requirements such as the pre-development biodiversity value of the onsite habitat for biodiversity net gain set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This baseline information has already been provided under application 24/00959/FUL.

This planning permission granted under section 73 does not affect the post development value of the onsite habitat however, the approval of a

biodiversity gain plan before development is begun is still required because none of the statutory exemptions or transitional arrangements are considered to apply.

Approval Reason(s) (1)

21 Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Date of Decision: 11/02/2026

Melanie Hale
Head of Planning

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.