

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

APPLICATION REFERENCE: PL/2025/1301

Applicant Mr Harrison 769 Rochdale Road, Slattocks, Middleton M24 2RA	Agent Josh whitehill 769 Rochdale Road, Slattocks, Middleton M24 2RA
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Part I - Particulars of Application

Proposal: Section 73 application to vary Condition 2 (Approved Plans) of planning permission 25/00776/VRCON in order to make amendments to the shared boundary of Plots 2 and 3, alterations to Plot 2 comprising a single storey rear extension and alterations to Plot 3 comprising the insertion of a first floor window on the north east facing elevation

Location: Land Adjacent To Rochdale Road At Hillbank Street And Church Avenue
Middleton

Valid On: 15 December 2025

DECISION: GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS**Condition(s) (19)**

- 1 The development hereby permitted shall begin no later than three years from the date of planning permission 24/00959/FUL issued on 6th May 2025.

Reason: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans and documents:

- Location Plan Drawing No 2501-203C
- Hillbank Street Proposed Site Plan Drawing No 2501-402A
- Church Avenue Proposed Site Plan Drawing No 2501-201B
- Plot 1 Proposed Elevations (Hillbank Street) Drawing No 2501-806
- Plot 1 Proposed Floor Plans (Hillbank Street) Drawing No 2501-805

- Plot 2 Proposed Elevations (Hillbank Street) Drawing No 2516-1108
- Plot 2 Proposed Floor Plans (Hillbank Street) Drawing No 2516-1107
- Plot 3 Proposed Elevations (Hillbank Street) Drawing No 2516-1104
- Plot 3 Proposed Floor Plans (Hillbank Street) Drawing No 2516-1103
- Plot 4 and 5 Proposed Elevations (Church Avenue) Drawing No 2501-402A
- Plot 4 and 5 Proposed Floor Plans (Church Avenue) Drawing No 2501-401A
- Generic Details Drawing No 2501-403
- Material Schedule Referenced 2501/JW dated 3rd March 2025
- Phase 1 Contaminated Land Assessment Referenced 81844.01R1
- Heritage Statement dated January 2025
- Revised Arboricultural Method Statement
- Preliminary Ecological Appraisal and BNG Report V2 dated 13 February 2025
- Sustainable Drainage Assessment Referenced 81844R1

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 The materials to be used in the construction of the development hereby approved shall be those as approved under discharge of condition application 25/00574/DOC issued on the 5th November 2025.

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, P2 and P3 and the National Planning Policy Framework.

- 4 Notwithstanding any details shown on previously submitted plans, upper floor windows to the rear elevation windows of Plot 1 as identified on the submitted Drawing 'Plot 1 Elevations as Proposed Drawing No 2501-306 (Hillbank Street)' shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring properties and their residential gardens to the south.

- 5 The boundary treatments to be used in the construction of the development hereby approved shall be those as approved under discharge of condition application 25/00574/DOC issued on the 5th November 2025. 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 heritage and to comply with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

- 6 The hard landscaping details to be used in the construction of the development hereby approved shall be those as approved under discharge of condition application 25/00574/DOC issued on the 5th November 2025. 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, P2 and P3 and the National Planning Policy Framework.

- 7 Prior to the commencement of development, a detailed soft landscaping scheme and specification shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the types and numbers of trees, plants and shrubs to be planted, their distribution and arrangement on the site and those areas to be seeded.

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.

- 8 Pursuant to Condition 7, all proposed planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the completion of the development. 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.

9 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10 Prior to the commencement of the development, a detailed construction management plan outlining working practices during construction shall be submitted for approval in writing by the Council, as Local Planning Authority, which for the avoidance of doubt should include:

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust Management Plan;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy, vehicular access point, vehicular activity associated with construction and swept path analysis; and,
- Parking of construction vehicles and staff.

The development shall be carried out in accordance with the approved construction management plan throughout the construction period.

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.

- 11 Prior to the commencement of development, a highway dilapidation survey of all highways fronting and in the vicinity of the two application sites shall be undertaken and be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, this should include photographs and commentary on the condition of the local highways and footways on construction vehicle routes surrounding the site.

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.

- 12 Prior to commencement of the development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and shall have been first submitted to and approved in writing by the Local Planning Authority before development commences. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s)

The development shall thereafter be completed in full accordance with the approved recommendations.

Reason: To ensure the safety of the development in accordance adopted Rochdale Core Strategy policy G9 and the National Planning Policy Framework.

- 13 All earthworks and vegetation clearance shall take place in accordance with the Japanese Knotweed Site Survey and Management Plan referenced JKE13601 Version 1 as approved under discharge of condition application 25/00574/DOC issued on the 5th November 2025. The agreed method statement shall be adhered to and implemented in full.

Reason: To eradicate invasive species and protect the biodiversity of the area.

- 14 No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. If any retained tree is removed, uprooted or destroyed or dies (as a consequence of the development), another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy G6 of the Rochdale Core Strategy.

- 15 No site clearance shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the Local Planning Authority.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of PfE and the National Planning Policy Framework.

- 16 The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site including, but not limited to, the provision of bird boxes, bird bricks, bat boxes and bat bricks are submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the dwellings 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 and the National Planning Policy Framework.

17 The proposed development must be constructed in line with the requirements of the submitted and approved Noise Assessment submitted by Enviro Solution on 16 January 2025 to achieve the following internal and external noise levels:

- 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
- Noise in external amenity areas shall not exceed 55 dB(A).

Upon completion and prior to occupation of the development hereby permitted, validation testing must be carried out to ensure the required noise levels have been achieved, the details of which shall be submitted to and approved in writing by the LPA prior to first occupation of the apartment hereby approved.

Reason: To protect the amenity of future occupiers in accordance with Policy G9 of the Rochdale Core Strategy.

18 All construction work associated with the development hereby permitted shall only take place between 08:00am and 18:00pm on Mondays to Fridays, between 09:00am and 14:00pm on Saturdays and not on Sundays or Bank or other National Public Holidays.

Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.

19 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)

- 1 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: 04/02/2026

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.