

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 24/01037/FUL

Name and address for correspondence:	Applicant name:
Ms sherry payami SP Architects Ltd Suite 17b 111 Piccadilly Manchester Manchester WA15 8RP United Kingdom	Mr Shailin RaghvaniSignature Estates (NW) Ltd

Part 1 - Particulars of Application

Date of 3 December 2024
Application:

Proposal:	Conversion of existing 2 storey commercial building to 12 residential apartments comprising of 1 and 2 bedrooms with associated works, landscaping and parking.
Location:	Unicorn Aerobic Fitness Centres , Cheetham Street, Middleton, M24 4DG

Part 2 Compliance with Conditions

It is YOUR responsibility to comply with planning conditions. The Council's Planning Enforcement Team is responsible for investigating alleged breaches of planning control. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration. In some cases, failure to comply with planning conditions can lead to the loss of the planning permission.

Part 3 - 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:

- o Location Plan Drawing No 398(PL)001
- o Proposed Site Plan Drawing No 398(PL)002
- o Proposed Ground Floor General Arrangement Plan Drawing No 398(PI)030
- o Proposed First Floor General Arrangement Plan Drawing No 398(PI)031
- o Proposed Roof Plan Drawing No 398(PI)032
- o Proposed Front and Side South Elevations Drawing No 398(PI)050 Rev A
- o Proposed Rear and Side North Elevations Drawing No 398(PI)051 Rev A
- o Proposed Cross Section Drawing No 398(PI)052
- o Proposed Landscaping Plan 398(PL)003 Rev A
- o Planning Statement dated 04/02/2025
- o Heritage Statement dated February 2025
- o Crime Impact Statement Reference 2024/0305/CIS/01 Rev A
- o Sustainable Drainage Assessment Reference 83402R1 dated 23/09/2024
- o Noise Impact Assessment Reference 202422051M2051C/1
- o Energy Statement Reference 202422051M2051C/2
- o Design and Access Statement Reference 398/DAS Rev A
- o Arboricultural Impact Assessment Reference 2212_AIA.01 dated 10/02/2025
- o Arboricultural Method Statement Reference 2212_AMS.01 dated 10/02/2025
- o Preliminary Ecological Appraisal Reference UES04621/02 dated 26/02/2025
- o Biodiversity Net Gain Assessment Reference UES0462/01 V3 dated 20th May 2025
- o Bat Scoping Survey Reference UES04621/03 dated 24/02/2025
- o Bat Presence-Absence Survey dated 30th May 2025

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 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) A comprehensive investigation of existing drainage regimes for the paved and permeable areas of the site. This should include for full connectivity surveys and infiltration assessment using site-based data.
- (ii) If infiltration is not found to be viable then either a surface water connection to a local watercourse or public surface water sewer which are considered to be within reasonable proximity (<100m).
- (iii) A restricted rate of surface water discharge shall not exceed 2 l/s as stated within the Sustainable Drainage Strategy subject to detailed design.

- (iv) Green surface-based SuDS source control and storage components should be promoted in preference to buried storage options.
- (v) Construction details for any permeable paving including kerbing and cross-section of open graded sub-base.
- (vi) Construction details for any surface-based SuDS components eg attenuation ponds / basins, swales, tree pits.
- (vii) Levels of the proposed drainage systems including proposed invert, ground and finished floor levels in mAOD.
- (viii) Detailed layouts providing conduit sizes, storage volumes, storage component footprint areas, controls, gradients and any other relevant details.
- (ix) The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design. These should include drain down times for any storage features.
- (x) Provision of a Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The approved scheme 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/ use of the proposed development, the drainage scheme 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. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 4 Notwithstanding any details shown on the approved plans, no above ground works (other than internal works or site clearance) shall take place until full details of the alignment, height and appearance of all boundary treatments (including but not limited to vehicular and pedestrian access gates, fences, railings and walls) to be erected to the site boundaries 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. All boundary treatments 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 and P3 and the National Planning Policy Framework.

- 5 Notwithstanding any details shown on the approved plans, no above ground works (other than internal works or site clearance) shall take place until full details of the colour, form and texture of all hard landscaping (ground surfacing 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 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.

- 6 Prior to first occupation of any part of the development hereby approved, all proposed planting shall be carried out in accordance with the approved details (Proposed Landscaping Plan 398(PL)003. 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.

- 7 No site clearance shall occur between the 1st March and 31st August in any year unless a competent Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before clearance and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds interests on site.

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.

- 8 No part of the development hereby approved shall 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.

- 9 The development hereby approved shall be constructed in accordance with the recommendations set out in section 7 of the submitted and approved Noise Assessment submitted by Compliance 4 Buildings Ltd and referenced as 202422051M2051C/1 to achieve the following internal and external noise levels:

- o 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 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;
- o 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.
- o 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.

- 10 The development hereby approved shall be implemented in accordance with the recommendations contained within Section 3.3 and 4 of the submitted Crime Impact Statement dated 13/09/2024 and referenced 2024/0305/CIS/01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of public safety and security in accordance with Policy JP-P5 of the Places for Everyone Plan and the NPPF.

- 11 The site provides suitable habitat to support hedgehog and other small mammals and birds and the proposed reasonable avoidance measures detailed within section 4.2.3 of

the submitted Preliminary Ecological Appraisal must be implemented throughout the entire construction period of the development hereby approved.

Reason: For the conservation of protected species and to safeguard identified protected species which live within the site in accordance with Policy JP-G8 of the Places for Everyone Plan and the NPPF.

- 12 No part of the development hereby approved shall be occupied until all vehicle parking spaces have been provided and clearly marked out in accordance with the plans hereby approved. The parking spaces shall be kept available for parking at all times thereafter and shall not be used for any other purpose.

Reason: In order to ensure there is adequate provision for vehicles to be parked and adequate turning and servicing provision clear of the highway in order to comply with policy T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 13 No part of the development hereby approved shall be occupied until such time as the bike store and bin store as shown on the approved plan 398(PI)030 Ground Floor - PROPOSED General Arrangement has been installed in accordance with the approved details and made available for use. The bike and bin store shall remain available for use in perpetuity thereafter.

Reason: In the interest of visual amenity and highways safety and in accordance with Policies P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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.

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 4 July 2025

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: [Fees for Planning Applications in England](#)

INFORMATIVE:

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further

guidance can be obtained from The Mining Remediation Authority's website at:
www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk) In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.