

Town and Country Planning Act 1990 (as amended)

NON MATERIAL AMENDMENT TO EXISTING PLANNING PERMISSION

APPLICATION REFERENCE: 25/00791/ANM

Name and address for correspondence:	Applicant name:
Mr Richard Fletcher Equilibrium Architects Ltd 3 Manchester Road Bury BL9 0DR United Kingdom	Mr Jon Walker

Part 1 - Particulars of Application

Date of Application: 31 July 2025

Proposal:	Application for a non-material amendment to alter the wording of Condition 3 (Affordable Housing Scheme) in relation to securing subsidy recycling pursuant to planning permission 23/01162/FUL, ,
Location:	Land Off Greenhill Road / Smethurst Street, , Middleton, M24 2BB,

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 Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that the revised details listed in Part I above have been approved as a non-material amendment to the existing planning permission.

The Council hereby GRANTS the above development in accordance with the revised details as stated on the application form subject to the following conditions and reasons:

Conditions and Reasons:

- 3 The dwellings hereby approved shall be retained for the provision of Affordable Housing (as defined in Annex 2 (Glossary) of the National Planning Policy Framework) save as set out in (A) or (B) below:

(A) This Condition shall not apply to a dwelling if any one of the following events has occurred at any time in respect of the dwelling:

- o a person has exercised the right to acquire pursuant to the Housing and Regeneration Act 2008 or any other statutory provision for the time being in force (including a preserved right to buy) or any equivalent contractual right in respect of a particular dwelling; or
- o a person has exercised any statutory right to buy, purchase or acquire or any equivalent contractual right in respect of a particular dwelling including without limitation via a rent to buy arrangement

(B) This Condition 3 shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

- such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the dwellings to a registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
- such disposal has not completed within the three-month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the dwellings free from the provisions of this condition 3 which shall cease to apply to such dwellings and shall determine absolutely.

Reason: For the avoidance of doubt and to ensure the delivery of a 100% fully affordable residential development.

Date Decision Issued 24 September 2025

Melanie Hale
Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE.

THIS DECISION NOTICE SHOULD BE READ IN CONJUNCTION WITH THAT OF THE PARENT PLANNING PERMISSION THE CONDITIONS OF WHICH APPLY TO THE PROPOSAL AS AMENDED.

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 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.

This decision notice is to be read alongside that issued with planning permission 23/01162/FUL and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.