

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00292/DEM	Claire Ringwood	2 nd October 2025

Address: Vaynor, Lower Falinge, Cronkeyshaw, Rochdale, OL12 6QZ

Proposal: Prior approval for the demolition of 6 blocks: 417-444 Vaynor, 401-416 Ullesthorp, 265-276 Ollerton, 233-264 Newstead, 349-360 Romsey and 321-348 Quinton

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	PRIOR APPROVAL IS REQUIRED AND IS REFUSED
----------------	---

CHECKED AND SIGNED OFF BY: AC

DATE: 02.10.2025

SITE

The application site relates to a group of six apartment blocks to the north of Spotland Road namely, Quinton, Vaynor, Ullesthorp, Ollerton, Newstead and Romsey. The buildings were constructed circa 1970s and consist of 'stacked maisonettes'. All six buildings are rectangular and have accommodation arranged over four storeys (ground + 3 upper floors) and similar in appearance, consisting of concrete textured external walls and hipped tiled roofs. There are other similar blocks around the site which are to remain.

The sites are within the Defined Urban Area (G/D/1) and Physical Regeneration Area (G/R/1), SSSI Impact Risk Zone and within close proximity to an Air Quality Management Area as identified in the Proposals Map of the saved UDP. The sites are also to the west of the St Edmunds Church Falinge Conservation Area.

BACKGROUND

Application 25/00292/DEM was originally submitted on 21st March 2025 for the demolition of six blocks of vacant social housing on the Lower Falinge Estate. This was granted prior approval on 29th April 2025. A judicial review against this decision was submitted citing four grounds:

Ground 1: D failed to give adequate reasons, failed to comply with the Tameside duty, failed to take into account relevant factors, and/or acted irrationally in determining that the Development did not form a part of the project of regeneration of the Lower Falinge Area.

Ground 2: D failed to make reasonable inquiries as to whether the limitation to Class B in paragraph B.1 was engaged.

Ground 3: D failed to comply with s.149 (1) of the Equality Act 2010.

Ground 4: D failed to comply with section 6 (1) of the Human Rights Act 1998.

The parties agreed that the Council failed to properly consider and set out reasons for why the development was not EIA Development that would require further consideration under the Town and Country Planning (EIA) Regulations 2017. The parties therefore agreed that Ground 1 be quashed and there be no findings as to Grounds 2-4.

The Approved Consent Order was sealed by the court on 5th September 2025 and the application is now required to be redetermined within the relevant timescale.

PROPOSAL

The application gives prior notification, pursuant to the provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), of the proposed demolition of 6 of the existing buildings on site. Relevant matters are the method of demolition and the proposed restoration of the site.

PLANS AND DOCUMENTS SUBMITTED

Location Plan

Outline Method Statement by FREELEY, Rev. 0 (19/03/2025)

Inspection & Assessment in Relation to Bats & Breeding Birds by Tyrer Ecological Consultants Ltd, Project Ref: PR-0260-24, Issue No: 1.0, Date of Issue: 13/11/2024

Dusk Survey Results by Tyrer Ecological Consultants Ltd, Project Ref: PR-0260-24, Issue No: 1.0, Date of Issue: 14/11/2024

Received 21st March 2025

Site Notice photographs
Received 27th March 2025

Statutory Biodiversity Metric
Asbestos Surveys for Newstead, Ollerton, Quinton, Romsey, Ullesthorpe and Vaynor
Site Notice
Site Notice Photographs
Received 3rd April 2025

Dusk Survey Results by Tyrer Ecological Consultants Ltd, Project Ref: PR-0260-24, Issue No: 1.0, Date of Issue: 14/11/2024
Received 25th April 2025

Site Notice photographs
Received 11th September 2025

Officer Note: As an aid to help understanding of the wider regeneration programme, RBH provided the Council with their own internal masterplan which is titled 'Rochdale Town Centre Regeneration', received on 15th September 2025. It is understood that this document has changed over the years and may change in the future depending on how the phases/design process progresses however, for the purposes of this application, officers have referenced these phases within this delegated report and to highlight RBH's future development plans.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

Legislation

Part 11 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

RELEVANT SITE HISTORY

Phase 1

Land adjoining Waterhouse Street and Redcross Street

12/56386/FUL - Demolition of vacant public house (Abbey Inn), garage block, undercroft parking and two residential blocks known as Cartmel and Freiston to be replaced with 30 dwelling houses. Approved 26/04/2013.

Phase 2

Land Adjoining Howard Street And Abbeydale Road And Land Adjoining Howard Street And Redcross Street

16/01007/FUL - Nineteen new family dwellings for social rent across two sites, to include the demolition of two blocks of garages, a MUGA pitch and the ramp access to the Atherstone flats. Replacement of existing MUGA pitch with new facility on Toad Lane. Approved 23/12/2016.

Phase 3

Land To The West Of Abbeydale, Lower Falinge (Phase 3)

18/00896/FUL – Demolition of 5 existing accommodation buildings comprising of 100 residential units and erection of 55 affordable units, comprising 22 houses and 33 apartments, local open space, landscaping and associated works. Approved 27/11/2018.

Phase 4

Abbeydale

21/01429/DEM - Prior approval for the demolition of Abbeydale, Yarwell and Exbury apartment blocks. Approved 03/03/2022.

Waverley

22/00420/DEM - Prior approval for the demolition of the block of flats known as Waverley 445-460. Approved 27/09/2022.

Phase 5

Garage Site At Lower Falinge Flats

22/00184/DEM - Prior approval for the demolition of 70 garages. Approved 23/09/2022.

Zone 6

Brickcroft Social Club, High Street

22/01024/DEM - Prior approval for the demolition of the Brickcroft Social Club and 9 no. garages to the rear. Approved 19/08/2022.

Providence House, High Street

12/56269/DEM – Prior notification of the demolition of Providence House. Approved 05/12/2012.

RSPCA, 1 Redcross Street

23/01060/DEM – Application for prior approval for the demolition of the two storey building. Withdrawn 25/10/2023.

Premier Works, Toad Lane

21/01428/DEM - Prior approval for the demolition and site clearance of the former ER Williams Premier Works and adjoining MoT Garage. Approved 02/11/2021.

Other sites

Dunstable, Atherstone, Glastonbury, Hinton, Edington And Broomfield, Lower Falinge

21/01216/FUL - Refurbishments works consisting of the creation of communal open spaces and rear private gardens with seating areas, 1.8m high rear fencing and landscaping, new surrounds around the existing stairs with new bin stores and the resurfacing of existing car parking and footpaths. Approved 02/12/2021.

Land And Buildings; Pershore, Stavordale, Thetford, Quinton

23/00723/FUL - Refurbishment works consisting of the creation of communal open spaces and rear private gardens with seating areas and landscaping, removal of existing walkway bridge to Quinton block and existing concrete upstands and fit new balustrade, new surrounds

around the existing stairs/ramps with new bin stores, rebuild retaining wall to road/pathway, alteration to shop canopies/panels and replacement of existing balustrades. Approved 19/01/2024.

SUMMARY OF CONSULTATION RESPONSES

Environment Agency

No comments received.

Environmental Health – Air

No objection.

Environmental Health – Noise

No comments have been received however, no objection to the demolition statement was received on the original application.

Environmental Protection (Land)

Summary: A condition is required for the import of topsoil. The Asbestos Plan of Works also needs to be submitted.

[Officer Note: The Asbestos Plans were submitted and there is asbestos within the buildings. Environmental Protection (Land) advised this only becomes a problem if the asbestos is not removed prior to demolition].

Highways

Summary: No objection subject to a dilapidation survey being secured by condition.

Greater Manchester Ecology Unit

Summary: Protected species have been recorded at some of the buildings and adequate mitigation and protection is required which need to be secured by way of condition.

REPRESENTATIONS

Notification letters were sent on 10th September 2025 to all those who previously made representations giving them a 21-day consultation period. This consultation period ended on 1st October 2025. Site notices have been displayed at the site by the applicant, as is a requirement under Part 11 of the GPDO. 27 letters of objection and 1 letter of support (although no reasons for the support were given) with the following comments:

1. RBH have deliberately kept these homes empty and failed to maintain and repair them and have deliberately allowed them to decline;
2. The homes should have been rented to people in need of homes;
3. Why are the homes not being refurbished and maintained;
4. The homes could be occupied while RBH draw up proposals for new builds;
5. RBH have not consulted existing residents about this demolition;
6. The proposals are unnecessary, wasteful and likely to reduce the already inadequate supply of social housing in Rochdale;
7. Why are properties being demolished without any plans to rebuild new homes for people and when there is a housing crisis;
8. Loss of car parking areas for residents, shop owners, visitors and shoppers;
9. Increase in noise and dust pollution;
10. Increase in air pollution;

11. Loss of green space and trees;
12. Loss of biodiversity;
13. Impact of loss of green space on wellbeing and physical health;
14. Impact of the demolition on mental health and wellbeing;
15. Impact of the demolition on neighbouring residents with specific needs;
16. Some of these homes are very accessible friendly and some large enough to house families;
17. RBH should be closed down and Rochdale Council needs to step in and find another organisation to take over;
18. RBH have increasingly failed tenants in all manner of ways;
19. This is legal stealing of public money;
20. There is a housing crisis and Rochdale Council decide to demolish;
21. Demolishing and re-building will make it harder to achieve RBC and RBH carbon reduction commitments;
22. Efforts are underway to find funding for a viable Community Plan to retrofit and refurbish the blocks to save them for future use which should be allowed to progress;
23. Residing residents should be allowed to remain;
24. RBH has through inaction failed to maintain habitability and so the development is not a permitted development for the purposes of the GPDO;
25. Contrary to the SPD;
26. The decision on permission for the development need not be determined in 28 days;
27. The development is an EIA Development;

Neil Emmott, Leader of the Council has also raised an objection due to the demolition of the blocks being contrary to council policy and that demolishing the flats will add to the difficulties the council faces in trying to house homeless people.

Officer Note: It should be highlighted that this is not a planning application. Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended "the GPDO") allows these types of applications to be used for proposals to demolish a building or structure where the demolition is covered by 'permitted development' rights.

Permitted development rights are a national grant of planning permission which allow certain building works including demolition of buildings to be carried out without needing to make an application for express planning permission from the Local Planning Authority. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

Although demolition works are known as 'permitted development', the applicant must apply to the Local Planning Authority to see if its prior approval will be required for the method of demolition and any proposed restoration of the site. The purpose of this control is to give Local Planning Authorities the opportunity to regulate the details of demolition in order to minimise the impact of that activity on local amenity, and the scope of such prior approval is limited to these considerations. The principle of demolition has already been established and the statutory requirements relating to prior approvals are much less prescriptive than those relating to planning applications. This means that the Local Planning Authority are only able to consider specific matters that are addressed in the conditions and limitations below and in the GPDO generally.

ANALYSIS

Permitted Development

Schedule 2, Part 11, Class B permits any building operation consisting of the demolition of a building, subject to the exclusions set out in paragraph B.1. In relation to this paragraph, it is noted that criteria (b) to (e) are not applicable. With regards to criteria (a) the buildings have been vacant for a time and objectors have made reference to this. The applicant has noted that

the empty blocks have suffered vandalism and anti-social behaviour and clarified that the buildings have been vacant due to upcoming proposals for redevelopment within the area. Vacancy does not in itself trigger criteria (a) and in this instance the applicant has taken actions to protect the buildings from deterioration through vandalism. The buildings as a whole remain substantive and in appropriate condition and it is not considered that the buildings have been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land. As such the proposal does not fall within any of criteria (a) to (e).

Class B.2 of the same, states development is permitted by Class B subject to relevant conditions:

(a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the Local Planning Authority a written justification of the demolition;

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition –

(i) the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site

As highlighted above the submitted application form refers to the empty blocks as having suffered vandalism and anti-social behaviour but works have been undertaken to secure the buildings, which are in relatively good condition and are currently vacant, and as such the demolition cannot be considered to be urgently necessary in the interests of safety or health within the meaning of the GPDO and therefore the proposal does not fall within paragraph (a) and does not represent ‘excluded demolition’. Therefore, the developer has correctly applied to the Council for determination as to whether prior approval is required in respect of the method of demolition and the proposed restoration of the site.

Class B.2 (b) continues under (iv) to set out that the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

The applicant has provided photographic evidence of the site notices placed at the site and as such has satisfied the site notice requirements.

Therefore, in view of the above, the applicant seeks a determination from the Council that, the application constitutes permitted development under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Environmental Impact Assessment (EIA)

Environmental Impact Assessment Guidance states that the process of EIA in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

The Guidance continues that these regulations apply the amended EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the ‘Environmental Impact Assessment Directive’) to the planning system in England. The regulations only apply to certain types of development. They can even apply

to ‘permitted development’ which is development for which you do not need to get planning permission”.

The Guidance also states that:

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

There are 5 broad stages of EIA:

1. Screening;
2. Scoping;
3. Preparing an Environmental Statement;
4. Making a planning application and consultation; and
5. Decision making

Screening

‘Screening’ is a procedure used to determine whether a proposed project is likely to have significant effects on the environment and therefore requires an assessment.

The Local Planning Authority should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If it is listed in Schedule 1 an EIA is required in every case; if the project is listed in Schedule 2, the Local Planning Authority should consider whether it is likely to have significant effects on the environment.

The relevant section of Schedule 2 is 10(b) Infrastructure Projects which specifies:

Column 1 - Description of development	Column 2 - Applicable thresholds and criteria
10. Infrastructure projects	
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;	(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.

If a proposed project is listed in the first column in Schedule 2 and exceeds the relevant thresholds or criteria set out in the second column, the proposal needs to be screened by the Local Planning Authority to determine whether significant effects on the environment are likely and hence whether an EIA is required. Projects which do not exceed the relevant thresholds or meet the criteria in the second column are not Schedule 2 development.

The main reason behind the quashing of the previous prior approval was that the Local Planning Authority failed to properly consider and set out reasons for why the development was not EIA Development that would require further consideration under the Town and Country Planning (EIA) Regulations 2017.

Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 refers to permitted development and states:

3..—(1) Subject to the provisions of this Order and [F1regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017] (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

Article 3(10) of the GPDO provides:

“(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) is not permitted by this Order unless—

(a) the local planning authority has adopted a screening opinion under regulation 6 of those Regulations that the development is not EIA development within the meaning of those Regulations;

(b) the Secretary of State has made a screening direction under regulation 5(3) of those Regulations that the development is not EIA development within the meaning of those Regulations; or

(c) the Secretary of State has given a direction under regulation 63(1) of those Regulations that the development is exempted from the application of those Regulations.”

Article 3(11) provides:

“(11) Where—

(a) the local planning authority has adopted a screening opinion under regulation 6 of the EIA Regulations that development is EIA development within the meaning of those Regulations and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 5(3) of those Regulations nor directed under regulation 63(1) of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Secretary of State has directed that development is EIA development [within the meaning of those Regulations,

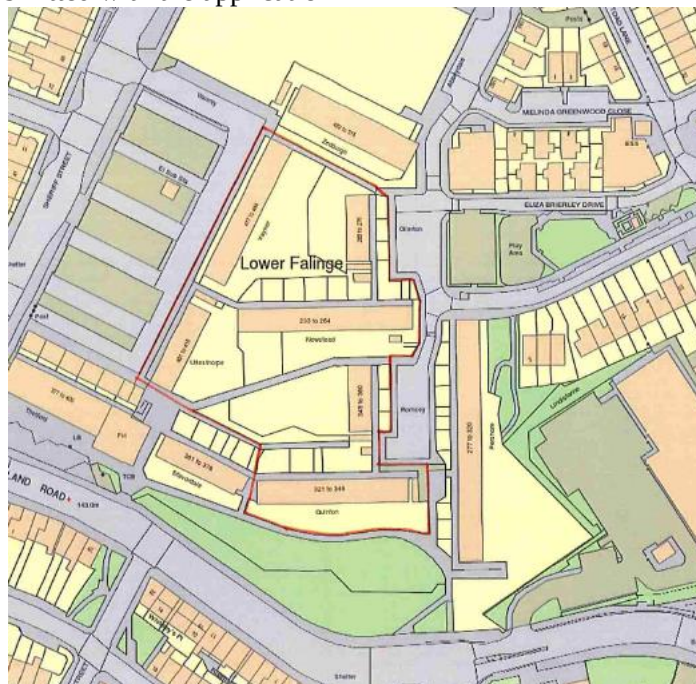
that development is treated, for the purposes of paragraph (10), as development which is not permitted by this Order.”

The effect of Article (10)-(11) is that development which is required to be the subject of EIA under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is not permitted by the GPDO 2015.

In regard to the above, the Local Planning Authority are therefore required to determine whether the development requires a Screening Opinion as required by Article 3(10) of the GPDO.

The Prior Approval Application as submitted provided a Location Plan with the red line around the 6 blocks to be demolished as shown below:

Location Plan submitted with the application



The applicant has advised that a total of 126 units of accommodation would be demolished as part of this prior approval application which are broken down by block as follows:

Newstead – 30
Ollerton – 12
Quinton – 28
Romsey – 12
Ullesthorpe – 16
Vaynor – 28

The prior approval site is part of a larger regeneration programme in Lower Falinge which is being introduced over 6 phases. To date, 100 dwellings have been delivered across 3 phases. Phase 1 delivered 26 dwellings (completed in 2015), Phase 2 delivered 19 dwellings (completed in 2018) and Phase 3 delivered 55 dwellings (completed in 2022). Garages in Zone 4 as shown on the Masterplan were demolished in 2022.

The prior approval site falls within Phase 5 (although it does not include all the land included within Phase 5).

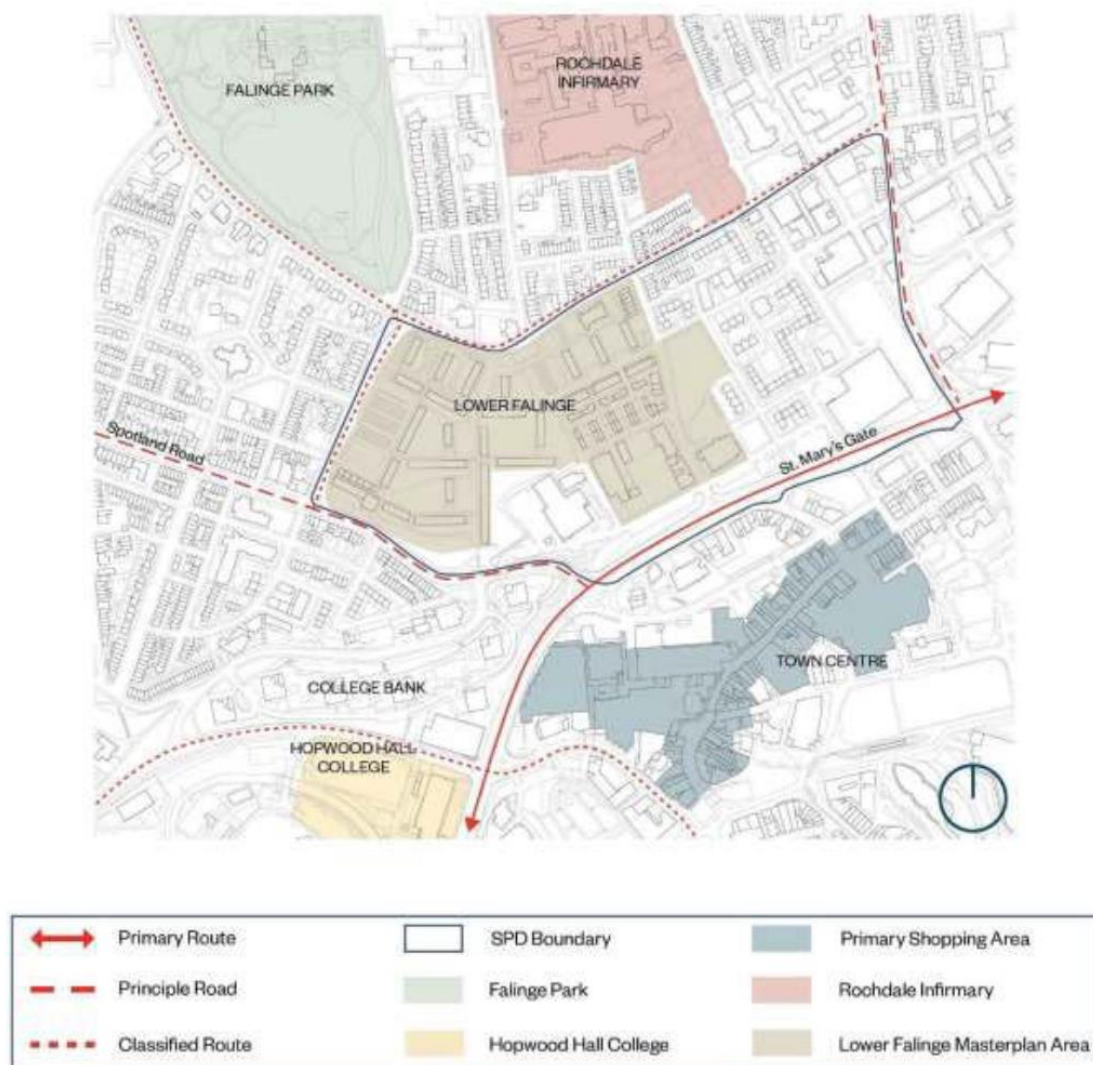
Rochdale Boroughwide Housing (RBH) are a major landowner across Lower Falinge and College Bank and they prepared a masterplan for Lower Falinge and College Bank. The applicant has advised that this masterplan has now been superseded by the Lower Falinge Supplementary Planning Document which was adopted by the Council in September 2021.

The Council's SPD in section 1.3 states *'the purpose of the SPD is to provide a framework for delivery of development and investment across Lower Falinge. It outlines potential development opportunities within the area including appropriate development mix and scale that will be supported across the neighbourhood'*.

The SPD in section 1.4 specifically refers to the relationship between the SPD and the College Bank and Lower Falinge Spatial Strategy Masterplan. As majority landowners across College Bank and Lower Falinge, RBH prepared a masterplan to inform future investment decisions across the neighbourhoods. This section notes that although the SPD seeks building on the College Bank and Lower Falinge Spatial Strategy Masterplan area it only covers the Lower Falinge area as the initial focus of investment. It is also noted that the SPD boundary extends beyond the RBH masterplan boundary to reflect potential future areas of change outside of RBH control.

Section 3.1 of the SPD states *'Lower Falinge is located adjacent to Rochdale Town Centre and comprises of approximately 400 homes, primarily owned and managed by RBH.....Since 2015, RBH has delivered a number of new family houses and bungalows, with more new homes under construction'*.

SPD boundary (which also highlights the Lower Falinge Masterplan Area)



Page 23 of the SPD refers to scale and massing and highlights that the average height across Lower Falinge will be 2-4 storeys and up to 3-5 storeys on the development edges in key locations. Higher density development will be supported where it does not undermine meeting housing need within the area.

Section 7 of the SPD identifies 4 focus areas but states *‘the focus areas are not rigidly defined for development and do not imply that the SPD requires separate developments for these areas.....Consequently, the plans are not intended to imply a specific layout but rather are intended to show the importance of strong and active frontages to the surrounding road network’*.

SPD Focus Areas



Section 7.1 of the SPD refers to Focus Area 1 which includes the prior approval site. This section continues that *‘specific existing blocks of flats are identified in the Masterplan as being most suitable for clearance to create a redevelopment site for new residential development’*. This SPD is a key component of the delivery strategy underpinning the Masterplan.

The SPD does not reference the number of dwellings envisaged to be provided within the SPD boundary.

The submitted application form states the reason why the demolition needs to take place as *‘to prepare the site for a major redevelopment. The blocks are all empty and attracting anti-social behaviour’*.

Lower Falinge is also referenced in the Strategic Housing Land Availability Assessment (the “SHLAA”) and the Lower Falinge Masterplan Area (the “LFMA”) first appeared in the 2017 SHLAA. The Council’s Strategic Planning Officer has stated that in the current published SHLAA document (as at 1st April 2024) the LFMA entry has a total supply of 486 to come forward. This is made up of the 560 new build homes identified by RBH minus the dwellings that have already been constructed (and which are identified in the planning history above). Of the 486, 280 were expected to come forward in the first five years with the remainder in years 6-10.

Over recent years, changes at RBH has meant that assumptions regarding the scale of delivery and timescales for new homes has changed considerably and this will be reflected in the next published SHLAA however, as part of this current Prior Approval Application,

Officers have not been able to establish the background to prior consideration of demolition in the context of a wider scheme of redevelopment and the approach to planning permission and EIA in that context has not been fully presented and there seems to be no timeframe for the future redevelopment.

With all of the above in mind, the Local Planning Authority need to consider whether this demolition proposal together with other demolitions likely to come forward (in Phase 6 and the 7th block in Phase 5) will be associated with, and integral to, residential development in excess of the 150 dwelling threshold in paragraph 10 of Schedule 2 of the 2017 EIA Regulations noted above. Taking into account the information that is known, Officers consider that the existing evidence does point away from the demolition being properly seen as a discrete and standalone project and does tend to support the view that it is to be seen within a wider scheme of redevelopment which has taken place and will take place. Officers therefore consider that the proposal is required to be looked at under Schedule 2 of the EIA Regulations and specifically paragraphs 10 and 13.

Paragraph 13 is addressed to extensions to development that has already taken place. The question there posited is concerned with “Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.” The threshold applicable refers back to paragraph 10. The relevant wording is as follows:-

“Either—

(i) The development as changed or extended may have significant adverse effects on the environment; **or**

(ii) in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.”

As the submitted application form states the reason why the demolition needs to take place as ‘*to prepare the site for a major redevelopment. The blocks are all empty and attracting anti-social behaviour*’ it is clear that there is an obvious interrelationship between the demolition and the housing to replace it and it is not easy to see how it can be seen as “no more than demolition”.

Officers therefore consider that in the absence of a Screening Opinion which can be adopted by the Council and advises that the proposed demolition is not EIA development, it appears to the Council that the proposed demolition is not a standalone proposal but forms part of, and is integral to, a larger scheme of development that is likely to facilitate the provisions of dwellings in excess of the threshold as set out in paragraph 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, the proposal falls outside Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

OTHER CONSIDERATIONS

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person’s rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out their rights in respect for private and family life and for the home. These articles are qualified and are not “absolute” which means a public authority can sometimes interfere with such a right if it is in the interest of the wider community or to protect other people’s rights. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – ‘Embracing All Voices (2024-2026)’, which seeks to promote a culture of equity, diversity and inclusion that benefits the community as a whole.

Equality Act 2010, Section 149

The above provision requires authorities to consider how their policies and decisions affect people protected under the Equality Act. Its purpose is to ensure that public authorities promote equality and improve society in their day-to-day operations. This duty is known as the Public Sector Equality Duty (“PSED”) and requires public authorities to have due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations between different people when carrying out their activities. In writing this report due regard has been given to these matters and the PSED.

The only residents of properties within Phase 5 are the claimants in the above referred judicial review court case and that case identified that the claimants had protected characteristics such that they would be particularly affected by demolition work close to their residence.

Council officers raised this issue with the Applicant and the Applicant in response has advised that support has been offered to these residents to explore respite options during demolition works in an effort to address their concerns along with options for rehousing in the future. These offers are ongoing. Had the decision been to grant prior approval it would have been made subject to this offer being maintained and to conditions governing the means of how the demolition was carried out and the aftercare of the site post demolition.

RECOMMENDATION

PRIOR APPROVAL IS REQUIRED AND IS REFUSED

1. In the absence of a screening opinion which can be adopted by the Council (or a Screening Direction under Article 3 (10)(b) of the GPDO) which advises that the proposed demolition is not EIA development it appears to the Council that the proposed demolition is not a standalone proposal but forms part of, and is integral to, a larger scheme of development comprising redevelopment (and any associated demolition work) of phases 4/5 and 6 as shown on the Rochdale Town Centre Regeneration plan which the Council consider is likely to facilitate the provisions of dwellings in excess of the threshold as set out in paragraph 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and/or is in excess of the threshold set out in paragraph 13(b) of Schedule 2 to the 2017 regulations with the same effect and as such falls outside Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes for Applicant:

1. For the avoidance of doubt, this decision is based on the following list of plans and documents:

Location Plan

Outline Method Statement by FREEELEY, Rev. 0 (19/03/2025)

Inspection & Assessment in Relation to Bats & Breeding Birds by Tyrer Ecological Consultants Ltd, Project Ref: PR-0260-24, Issue No: 1.0, Date of Issue: 13/11/2024

Received 21st March 2025

Statutory Biodiversity Metric

Asbestos Surveys for Newstead, Ollerton, Quinton, Romsey, Ullesthorpe and Vaynor

Received 3rd April 2025

Dusk Survey Results by Tyrer Ecological Consultants Ltd, Project Ref: PR-0260-24,
Issue No: 1.0, Date of Issue: 14/11/2024
Received 25th April 2025

Site Notice photographs
Received 11th September 2025

Rochdale Town Centre Regeneration [*phasing plan*]
Received 15th September 2025

Report Author Claire Ringwood