

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

PL/2026/0184

CASE OFFICER

Nick Brookman

DATE14th May 2026**DETERMINATION DATE**22nd May 2026 (Extension of Time)

Address: Land at Hillbank Street and Church Avenue, Middleton, M24 2RB

Proposal: Section 73 application to vary Condition 2 (Plans) of planning permission PL/2025/1301 in order to remove a parking space, reduce the size of the garage and introduce more soft landscaping at the front of Plot 1

PUBLICITY	Weekly list expired?	Y	Site Notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

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

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG**DATE: 18 May 2026**

SITE

The original application site relates to two parcels of land which are privately owned and were formerly occupied as singular garage plots. The application site now benefits from full planning permission for 5 dwellings owing to the original approval of application 24/00959/FUL.

The two plots are located approximately 4km to the north of Middleton Town Centre and 6.5km to the south of Rochdale Town Centre.

The surrounding area is virtually entirely residential with properties to the north, south and west. The east of the application site is currently open land which is presumed to be used for agricultural purposes although this land is now allocated to deliver a large mixed-use development through the recently adopted Places for Everyone Development Plan. The allocation refers to Policy JP Allocation 2 known as Stakehill and the 2 parcels of land were recently released from the Greenbelt following the adoption of Places for Everyone.

The application site is not located within a Conservation Area but it is in close proximity to the Church of St John in the east which is Grade II Listed.

The closest bus stop is located within a 2-minute walk which provides bus service through Rochdale to Manchester city centre. The closest railway station is Castleton which lies approximately 1.1km north of both plots.

There are a number of local amenities within ten-minute walk, including a local food store, a petrol garage, school, church and public house.

PROPOSAL

This application seeks to vary Condition 2 (Plans) of planning permission PL/2025/1301 in order to remove a parking space, reduce the size of the garage and introduce more soft landscaping at the front of Plot 1 on Hillbank Street.

The garage will still maintain the required 3m internal width to accommodate a vehicle meaning that 2 off street parking spaces are provided for this dwelling in line with the other plots.

RELEVANT PLANNING POLICY

National Guidance

- National Planning Policy Framework (NPPF) 2024
- National Planning Practice Guidance (NPPG)

Local

Adopted Rochdale Core Strategy (CS):

SO3 Improving Design, image and quality of place

- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development

DM1 General Development Requirements

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Places for Everyone Joint Development Plan (Pfe)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1 Sustainable Development

RELEVANT SITE HISTORY

PL/2025/1301 - 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 – Approved subject to conditions 4th February 2026.

25/01123/ANM - Application for non-material amendment to planning permission 25/00776/VRCON to vary Condition 2 (Approved Plans) comprising the removal of the proposed basements from plots 1-3. Approved.

25/00878/DOC - Submission of details to comply with conditions 7 (Soft Landscaping), 9 (Drainage), 10 (CMP), 11 (Dilapidation Survey) and 12 (Investigation and Risk Assessment) on planning permission 24/00959/FUL – Approved 27th March 2026.

25/00776/VRCON - Section 73 application to vary Condition 2 (Approved Plans) of planning permission 24/00959/FUL in order to make amendments to Plot 2 comprising an increase in the ground floor area – Approved subject to conditions 10th November 2025.

25/00574/DOC - Submission of details to comply with conditions 3 (material samples), 5 (boundary treatments), 6 (hard landscaping) and 13 (invasive species) on planning permission 24/00959/FUL – Approved 5th November 2025.

24/00959/FUL - Erection of 5 no. dwellinghouses with associated landscaping and car parking following the demolition of existing garages – Approved subject to conditions 6th May 2025.

PREAPP/00089/23 – Pre-application advice for the erection of 7 dwellings with associated parking and landscaping on two parcels of land.

NEIGHBOURING SITE HISTORY

25/00681/TDC1 - Submission of Technical Details pursuant to Permission in Principle application 24/00969/PIP for the erection of 5no. dwellinghouses with associated access, landscaping and car parking – Approved 25th February 2026.

24/00969/PIP – Permission in principle for the erection of up to 5 dwellings – approved 12th November 2024.

23/00650/HYBR - Hybrid planning application (EIA development) seeking:

Full Planning permission for the erection of residential development of 233 dwellings (Use Class C3) with associated landscaping, means of access, drainage, and other necessary supporting infrastructure

Outline planning permission with access (all other matters reserved) for residential development of up to 1147 dwellings (Use Class C3), mixed-use development, land for primary school extension, local centre and MUGA, landscaping, and supporting infrastructure.

Pending determination.

CONSULTATION RESPONSES

Highways

No objection.

REPRESENTATIONS

Letters of notification were sent to the occupiers of surrounding properties on 7th January 2026 and a site notice was posted adjacent to the site entrance from Hillbank Street on the 8th January 2026.

A notice was also published in the local newspaper on the 22nd April 2026.

Four comments were received from members of the public but some of the comments raised were against the development as a whole (which already benefits from planning permission). The following concerns were raised against the development subject to this application:

- Proposal contravenes the law.
- The option of on road parking is not sustainable.
- Vehicles will spill over onto the main road.
- Size of the garage will not accommodate a vehicle.
- Part of the application site is on unregistered land and part of an existing garage lies on the applicants land.
- Development is contrary to parking standards.

ANALYSIS

Principle

The principle of the residential development of the application site has already been established through the original approval of planning application 24/00959/FUL. Notwithstanding updated planning policy and guidance, it is not considered that any material change in circumstances has occurred since the original permission.

The proposed development subject to this application is therefore accepted in principle subject to satisfying all other relevant material considerations which in this instance relate to design, appearance and impacts on highway related matters.

Design and Appearance

The garage associated with plot 1 is purely being reduced in size and it would retain the appearance of the previously approved garage. The development would still remain subservient to the host dwelling and the design would not result in due harm to the character of the area or the dwelling itself. The proposed changes to the garage are trivial and the garage would still seamlessly fit in with the approved development.

The reduction in the size of the driveway associated with plot 1 and the substitution of this with additional grassed and soft landscaped areas is welcomed and is considered to be a betterment on the originally approved scheme. The additional landscaping will soften and improve the appearance and entrance of the cul-de-sac and would provide a higher quality arrival experience.

It is therefore considered that the proposal would satisfy the overarching aims and objectives set out in local and national design guidance in addition to Policies P1, P2, P3 and DM1 of the adopted Core Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Highway Safety and Parking

It is noted that CS Policy T2 sets out that the Council will require developments to provide parking in compliance with the Council's Car Parking Standards which in this instance requires a maximum of 2 spaces per dwelling.

However, on the basis of what is being proposed, the scheme is not considered to have an adverse impact on highway safety and nor would it lead to any additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. The principle of the development and impacts on highway safety are already considered acceptable in principle and this proposal is insignificant in the context of the surrounding area.

Whilst the garage associated with plot 1 is being reduced in size it would still be capable of accommodating a parked car and therefore 2 parking spaces would remain associated with plot 1. It is notable that this would be an identical provision to the other plots on the cul-de-sac. In any case, in this site specific application, this development is a private access road which would only be used by residents and any guests associated with the 3 residential dwellings as well as the small singular allotment to the north so levels of vehicular traffic would be limited and would not be impacted above and beyond what has already been accepted.

Highways Services have raised no objection to the development of this site and subject to compliance with conditions, the proposals still comply with the requirements of CS Policies T1 and T2, Policy JP-C8 of PfE and the NPPF.

RECOMMENDATION

GRANT subject to the following conditions:

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 2501-1301
- Church Avenue Proposed Site Plan Drawing No 2501-201B
- Plot 1 Proposed Elevations (Hillbank Street) Drawing No 2501-1303
- Plot 1 Proposed Floor Plans (Hillbank Street) Drawing No 2501-1302
- 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. The soft landscaping details to be used in the construction of the development hereby approved shall be those as approved under discharge of condition application 25/00878/DOC on the 5th February 2026 and as shown on the drawings listed under Condition 2 of this permission. 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: 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. The proposed surface and foul water drainage schemes to be implemented in the construction of the development hereby approved shall be those as approved under discharge of condition application 25/00878/DOC on the 27th

March 2026. 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: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10. The development shall be carried out in accordance with the approved Construction Management Plan throughout the construction period as approved under discharge of condition application 25/00878/DOC on the 5th February 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.

11. The development shall be carried out in accordance with the approved highway condition surveys referenced as dwg-tjba-HCL-hillbank & church st-170725 (Hillbank Street Site) and dwg-tjba-HCL-hillbank & church st-170725 (Church Avenue Site) as approved under discharge of condition application 25/00878/DOC on the 5th February 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.

12. The proposed development shall be carried out in accordance with the conclusions of the Geo Environmental Audit, Phase 1 Preliminary Risk Assessment, Phase 2 Site Investigations, Phase 3 Remediation Strategy for Church Avenue, Report Reference rep-tjba-harrison-church ave-phs1_2_3env-270824.docx, and a Geo Environmental Audit, Phase 1 Preliminary Risk Assessment, Phase 2 Site Investigations, Phase 3 Remediation Strategy, Hillbank Street, Report Reference rep-tjba-harrison-hillbank st-phs1_2_3env-270824.docx as approved under discharge of condition application 25/00878/DOC on the 5th February 2026.

The development shall be carried out in accordance with the remediation measures described within the approved documents.

Prior to the first occupation of any dwelling, a further submission will be required to provide a verification report to confirm the implementation of the approved measures in order to comply with the requirements of the condition.

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.

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 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.

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.