

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**Full Planning Application**

APPLICATION REFERENCE: PL/2026/0279

Applicant Ms Lynn Phillips Rochdale Borough Council Floor 3 Number One Riverside Smith Street Rochdale OL16 1XU	Agent Ms Alison Duxbury Lower Ground Floor 4 Jordan Street Manchester M15 4PY
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Part I - Particulars of Application

Proposal: Change of Use of land to form Community Gardens land (Sui Generis) and erection of 1.8m high boundary fence
Location: Land to the south of Queens Drive, Kirkholt, postcode OL11 2NW
Valid On: 5 May 2026

DECISION: GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:**Condition(s) (6)**

- 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 drawings and documents:

Drawings

Location Plan Drawing No 1 Rev A

Site Topographical Survey Drawing No 02 Rev A

Existing Site Plan Drawing No 03 Rev A

Proposed Site Plan Drawing No 04 Rev A

Site Sections Drawing No 05 Rev A

Documents

Planning Covering Letter 22-042C Planning Statement Rev A

Preliminary Ecological Appraisal & BNG Assessment RHE.4415 Queens Drive Kirkholt - Allotment Site PEA BNG Assessment 2026-FINAL Rev B dated 08/06/2026

BNG Metric Calculations RHE.4415-Queens Drive Kirkholt - Allotment Site- Statutory Metric dated 03/06/2026

Ground Contamination Risk Assessment referenced 26-138.01L

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 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons.

The submitted report shall 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) to form a remediation strategy for the site.

The development shall be carried out in accordance with the approved remediation strategy thereafter.

No part of the development shall be occupied until a verification report demonstrating that the approved remediation has been implemented has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

- 4 Prior to the commencement of any earthworks or vegetation clearance, a method statement detailing eradication or avoidance measures for Himalayan Balsam should be supplied to and agreed in writing by the Local Planning Authority. If any other non-native invasive species are identified on site, a method statement detailing their eradication or avoidance measures for such invasive species shall be submitted to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.

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

Reason for Pre-commencement Condition: Construction/clearance works on site have the potential to cause the further spread invasive species, which therefore need to be managed sensitively prior to works starting on site.

- 5 No part of the development hereby permitted shall be occupied until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. Such measures could include, but not be limited to, the provision of bird boxes, bat boxes, bug hotels, hibernaculum, wildflower seeding and hedgehog habitat (including provision of 'Hedgehog friendly fencing'). The duly approved scheme shall be implemented in full prior first use of the development hereby approved and shall be 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, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 Notwithstanding any details submitted as part of the application, the proposed boundary fencing shall match in colour, material, appearance, design, style and height to the fence bounding the existing Q Gardens Community site.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Approval Reason(s) (1)

- 8 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 of Decision: 13/07/2026

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.

Your attention is drawn to the following (2)	
7	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.
9	Should any protected species or evidence of protected species be found prior to or during development, work must stop immediately, and Ecological advice must be sought or Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement.

Notes

- 1 The decision is for planning purposes only and for no other. It does not grant approval under any other regulatory regime, including the building regulations. Separate approvals may be required.
- 2 This permission does not give any legal right to carry out the development on, over or under land owned by or contrary to the rights of another person. You are advised to seek independent legal advice. Your attention is also drawn to the Party Wall Act.
- 3 If you are unhappy with the decision to grant permission subject to conditions you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Details of how to appeal can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>.
- 4 If permission to develop land is granted subject to conditions, whether by the Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve a Purchase Notice on the Council requiring the Council to purchase your interest in accordance with the provision of Part IV of the Town and Country Planning Act 1990.
- 5 Some conditions attached to a grant of permission may require you to submit details and/or information before you start work. Please note that we aim to deal with these requests within 8 weeks. There is a fee for 'approval of details reserved by a condition'. These fees are set by Government and the current level can be found at: <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>.