

Officer Report

Case Reference: 25/00087/VRCON
Location: Land Off Fielding Street Middleton Rochdale M24 6BG
Proposal: Section 73 application to remove condition 9 (unadopted road maintenance arrangements) of planning permission 21/01628/REM
Recommendation: Refuse
Officer: Tom Hiles

SITE LOCATION AND CONTEXT

The application relates to an approved residential scheme of 43 dwellings on Fielding Street in Middleton, approved at outline in 2018, with all reserved matters approved through application ref 21/01628/REM in 2023. The reserved matters approval was subject to a number of conditions, including condition 9 which was as follows:

No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the unadopted roads within the development has been submitted to and approved by the Local Planning Authority. The unadopted roads shall thereafter be maintained in accordance with the approved management and maintenance details.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

PROPOSAL

The application seeks to remove condition 9 from the permission so that the development is no longer required to comply with it. This has been requested on the basis that the internal roads of the development will be adopted by Rochdale BC Highways, who would become responsible for management and maintenance of the roads. The condition would then be unnecessary as the purposes of the condition would be in the Council's control.

The application is supported by a number of technical drawings which are understood to form part of the s38 Highways application for the adoption of the internal roads.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

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.

Adopted Rochdale Core Strategy (CS):

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General Development Requirements

RELEVANT SITE HISTORY

15/00494/OUT - Outline permission for the erection of 49 dwellings (all matters reserved). Approved with conditions, 18/12/2018

21/01628/REM - Submission of reserved matters pursuant to outline planning permission 15/00494/OUT relating to access, appearance, landscaping, layout and scale for the erection of 43 dwellings (re-submission 21/00059/REM). Approved with conditions, 24/05/2023

REPRESENTATIONS

The proposal was publicised by way of neighbour notification, site notice and press notice. No comments were received.

Cllr Keeley O'Mara raised concerns in relation to the potential impact on residents of the development in the event that the condition was removed without adoption being completed.

CONSULTEE RESPONSES

RBC Highways - The applicant has not signed the S38 Agreement relating to this site we cannot remove the condition until the S38 Agreement has been signed and sealed.

ANALYSIS

The proposed amendment does not relate to the principle of development of the approved scheme and only gives rise to potential considerations in terms of highways safety and no other material planning considerations.

In principle it is considered that removing the condition from the permission would be acceptable.

However, it is understood from the Council's highways and legal officers that adoption of the internal roads has not been agreed at this time and negotiations for adoption have been ongoing for a considerable period. It is also understood that parties involved on the applicant side have changed since this application was submitted, and despite early engagement the named applicant has not responded to requests for updates since April 2026. No clear timescale for resolution of the adoption process has been provided by any parties and at this stage it appears that eventual adoption cannot be assumed.

It is also noted that some units on the scheme are understood to be occupied, contrary to the prior to occupation nature of condition 9.

Unless and until the internal roads are formally adopted by RBC Highways, the condition will remain necessary to ensure that the policy objectives are served in relation to the approved development.

The s38 drawings submitted with the application are noted but are not relevant to the above considerations.

For the above reasons, it is recommended that removing condition 9 from the existing reserved matters approval would not be acceptable in terms of the relevant planning policies, and therefore that the application should be refused.

Recommendation: Refuse

Refusal(s) (2)

- 1 Condition 9 is necessary to ensure the appropriate future management and maintenance of the estate roads within the approved development, in the interest of highways safety. Adoption of the estate roads by Rochdale Borough Council via a s38 agreement has not been secured at this time.

Approval of the request to remove condition 9 would therefore be contrary to the objectives of policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework, and unacceptable in the terms of these policies.

- 2 The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable, and it was therefore not possible to approve the application.