

## DELEGATED DECISION CHECKLIST AND REPORT

**APPLICATION NO.**

25/00780/ANM

**CASE OFFICER**

Rosalind Gralton

**DETERMINATION DATE** 02.09.2025 **EXT OF TIME**

**Address:** Denehurst House Edenfield Road Rochdale OL11 5AU

**Proposal:** Application for non-material amendment to planning permission 22/01352/FUL to enlarge the outside cafe seating area

|           |                            |    |                       |    |
|-----------|----------------------------|----|-----------------------|----|
| PUBLICITY | Weekly list expired?       | NA | Site notice expired?  | NA |
|           | Neighbour letters expired? | NA | Press Notice expired? | NA |

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

|          |                                   |    |
|----------|-----------------------------------|----|
| COMMENTS | Planning Panel comments received? | NA |
|          | Neighbour comments received?      | N  |

|     |                                                  |    |
|-----|--------------------------------------------------|----|
| EIA | Screening opinion completed and saved to Onbase? | NA |
|-----|--------------------------------------------------|----|

|            |                                                                      |    |
|------------|----------------------------------------------------------------------|----|
| CONDITIONS | Pre-commencement conditions proposed?                                | NA |
|            | Pre-commencement conditions agreed (or notification period expired)? | NA |

**RECOMMENDATION**

**APPROVE NON MATERIAL AMENDMENT**

**CHECKED AND SIGNED OFF BY:** TH

**DATE:** 02/09/2025

### SITE

The application site relates to Denehurst House, an attractive early 20<sup>th</sup> century detached villa residence set within Denehurst Park.

## **PROPOSAL**

The application is made under Section 96A of the Town and Country Planning Act (1990) to amend application 22/01352/FUL to extend the outdoor café area by approximately 10sqm.

## **RELEVANT PLANNING POLICY**

### **Legislation**

Town and Country Planning Act 1990 – Part III Section 96A

Local Planning Authorities are enabled to make changes to planning permission; 1990 Planning Act (as amended), section 96A provides:

96A Power to make non-material changes to planning permission

(1) A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

It is clear that provided *they are satisfied* that the change is not material Rochdale BC can *make a change* to the original permission.

### **National Guidance**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## **RELEVANT SITE HISTORY**

16/00720/FUL - Change of use from offices (Use Class B1) to five self-contained flats (Use Class C3) and ground floor café (Use Class A3) together with associated external alterations - Grant subject to conditions – 03/05/2019

20/00134/AM - Section 73 application for a minor material amendment to planning permission 16/00720/FUL to allow for the construction of an external ramp to facilitate wheelchair access to ground floor flat - Grant subject to conditions 04/09/2020

22/01352/FUL - Change of use from offices (Use Class E) to five self-contained flats (Use Class C3) and ground floor café (Use Class E), alterations to fenestration on all elevations, construction of ramped access on side elevation and provision of car parking area and the use of part of the basement for mess facilities for the park rangers – Approved subject to conditions 05/09/2024

## **CONSULTATION RESPONSES**

Not applicable.

## **REPRESENTATIONS**

N/A

## **ANALYSIS**

Paragraph 002 to section 17a of the National Planning Practice Guidance (NPPG) states that:

*'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990'.*

Therefore, the purpose of the application is to seek the Council's determination as to whether the changes to the previously approved plans are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission or not. Non-material amendment applications are not an application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.

Paragraph 008 to section 17a of the NPPG states that in making decisions on non-material amendment applications, the local planning authority should take into account:

*'the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'*

Paragraph 011 to section 17a of the NPPG states that the issuing of an approval for a non-material amendment application:

*'...only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.'*

Section 96A of the Town and Country Planning Act 1990 also allows for new conditions to be imposed, or existing conditions to be removed or altered in the issuing of a decision for a non-material amendment application.

The amendment would not intensify the use of the outdoor seating area to an unacceptable degree, nor would the increase in space result in an unacceptable visual appearance of the building. Following informal consultation with the Environmental Health Officer, no objections were raised to the increased area for café seating and no unacceptable impact upon the above residential use is anticipated. As such, the proposals clearly comprise an amendment which is non-material.

## **RECOMMENDATION**

**Grant, subject to the following amended condition:**

2. This permission relates to the following plans:-

Proposed Basement and Ground Floor Plans - R339-104/F

Proposed Site Layout - R339-116 rev B  
Proposed First and Second Floor Plans - R339-105/A  
Proposed Elevation - R339-106/C  
Ramp Details – R339-112 rev A  
Bin Store – R339-113  
Cross Section - R339-107  
Changing Places WC – schematic - R339-117  
Window Section - R339-115  
GATE DESIGN OPTION 3  
Location Plan – R339-005 rev B  
PROPOSED EXTERNAL SEATING SCHEDULE – Dated 07/07/2025

and the development shall be carried out in complete accordance with these drawings 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.

**Notes for Applicant:**

1. This decision notice is to be read alongside that issued with planning permission 22/01352/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.

Report Author Rosalind Gralton