

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01041/ANM

CASE OFFICER

Michael Atkinson-Smith

DETERMINATION DATE 18.11.2024

Address: Sladen Mill Halifax Road Littleborough Rochdale OL15 0LB

Proposal: Non-material amendment to planning permission 21/00950/REM for alterations to the vehicular access and parking layout for plots 1-8, amendments to plots 16, 17 and 18 and amendments to private footpaths which serve plots 1-8

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	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/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

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

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

RECOMMENDATION

GRANT SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 18 November 2024

SITE

The Sladen Mill site comprises a broadly rectangular parcel of previously developed land of circa 1.4ha which until recently contained a range of vacant industrial/commercial buildings, external hard standings and circulation areas, car parking and access roads. The buildings provided approximately 60,000 sq.ft of covered space and about 12,000 sq.ft of walled space without a roof.

The site lies within a narrow valley and is not therefore particularly visible or prominent from medium and longer distance views. Levels along the eastern boundary are in the range of 173m AOD - 180m AOD and levels along the western boundary are in the range of 163m AOD - 169m AOD. In general the site steeply falls towards Greenvale Brook which flows along the western border and more gradually in a northerly direction. The site is bordered by a canal drain along its eastern boundary which is the responsibility of the Canal & River Trust. To the north lies a wooded area containing a series of lagoons that would have historically served the purpose of filtering wastewater from the mill.

The site is accessed via an unadopted road off the A58 Halifax Road. The access road is of varying widths and is restricted to single file traffic along some sections. The access is also a continuous Public Right of Way.

There are a number of isolated dwellings within the vicinity of the site with the closest being Lightowlers Farm, which lies some 150m to the west.

The site lies within the Green Belt and it is situated some 2km from the centre of Littleborough. The site is designated under saved UDP policy D/5 'Infilling at Major Existing Developed Sites in the Green Belt'.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 21/00950/REM which granted Reserved Matters Approval for appearance, landscaping, layout and scale for 25 dwellings pursuant to Outline Permission 15/01235/OUT.

The amendments include:

- Alterations to the vehicular access and parking layout for plots 1-8
 - The proposal seeks to utilise the access 'as is' which would eventually serve plots 1-8. This amendment would ensure part of the existing retaining wall is retained which would improve the visual approval of the scheme. This amendment also includes amendments to layout of the car park which serves plots 1-8.
- Amendments to plots 16,17 and 18
 - The submission includes amending the private footpaths which will serve plots 1-8. The need for this change is driven to ensure the future residents of plots 1-8 have convenient access to the bin standing area.
- Amendments to private footpaths which serve plots 1-8
 - The changes in plots 16, 17 and 18 relate to changes to the side/rear gardens. The amendment to the access to serve plots 1-8 will result in a slight increase in the side garden serving plots 16. The rear gardens serving plots 17 and 18 have been rationalised.

RELEVANT LEGISLATION AND 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, the LPA can grant a change to the original permission.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

21/00950/REM	Reserved Matters Approval for appearance, landscaping, layout and scale for 25 dwellings pursuant to Outline Permission 15/01235/OUT. Granted STC 30.03.23
15/01235/OUT	Outline planning permission (including means of access) for residential development and the demolition of the existing buildings. Granted STC 28.06.18
14/00179/DEM	Application for prior approval for the demolition of an existing building. Approved.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, the application was not publicised. Given the application relates to one made under S.96a of the 1990 Act, in granting consent the Council is of the view that the amendments would not result in a materially different impact on the surrounding environment.

ANALYSIS

Planning Permission 21/00950/REM granted Reserved Matters Approval for appearance, landscaping, layout and scale for 25 dwellings pursuant to Outline Permission 15/01235/OUT.

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.

Assessment

Taken individually, the proposed amendments comprise minor tweaks across the development which cumulatively would not give rise to materially different impacts in respect of the visual appearance of the development, its impact on highway and pedestrian safety, or to the amenity of surrounding occupiers. The proposed amendments would provide minor aesthetic improvements in terms of retaining an existing retaining wall and site functionality benefits for Plots 1-8 in respect of ensuring adequate bin standing area access. The modifications to rationalise the rear garden sizes of plots 16, 17 and 18 would have no material impact on the overall design and layout of the scheme.

In light of the above, the proposals are considered to sit comfortably within the scope of an application under s.96A.

RECOMMENDATION

GRANT subject to the following amended condition:

2 This permission relates to the following plans:-

PL01 Location Plan
General Arrangement Site Plan - dwg-tjba-luxure-sladden mill - 090621 Rev6
PL03 Existing Levels Rev. G
PL04 Existing and Proposed Levels Rev. G
PL05 Wider Context Plan Rev. E
PL06 Site Sections 1-3 Rev. L
PL07 Site Sections 4-6 Rev. K
PL08 Site Sections 7-9 Rev. M
PL09 Site Sections 10-11 Rev. L
PL14 Sections 14-15 Rev. J
PL15 Site Section Location Plan (incl. accommodation schedule and levels)
PL16 External Works Rev. D
PL20 Plot 1-8 Rev. B
PL21 Plot 9 & 10 Rev. C
PL22 Plot 11 Rev. B
PL23 Plot 13 Rev. D
PL24 Plot 14 Rev. B
PL25 Plot 16 Rev. D
PL26 Plots 14, 15 Front Elevations & 16 Side Elevations Rev. E
PL27 Plots 14, 15 Rear Elevations & 16 Side Elevations Rev. G
PL28 Plot 17 Rev. D
PL29 Plot 18 and 20 Rev. B
PL30 Plot 19 Rev. B
PL31 Plot 21 and 22 Rev. C
PL32 Plot 23 Rev. B
PL33 Plot 24 Rev. B
PL34 Plot 25 Plans Rev. D
PL35 Plot 25 Side Elevations Rev. D
PL36 Proposed Ownership Boundaries Rev. A
UG_1404_LAN_SL_DRW_04 Soft Landscape Plan Sheet 1 of 2 P10
UG_1404_LAN_SL_DRW_05 Soft Landscape Plan Sheet 2 of 2 P09

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

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:

This decision notice is to be read alongside that issued with planning permission 21/00950/REM 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.