

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00981/ANM	Tom Hiles	05 December 2023

Address: Land bound by Manchester Road, Hareshill Road and Pilsworth Road West of J19 of M62

Proposal: Application for non-material amendment to planning permission 16/01399/HYBR which refers to the updated land use and parameters plan (Amendment to conditions 11 and 13)

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/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	Approve
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CHECKED AND SIGNED OFF BY: RG

DATE: 05 December 2023

SITE

The site relates to the South Heywood Junction 19 development approved under 16/01399/HYBR comprising a large irregular shaped area of predominantly undeveloped agricultural land that is approximately 129.4 hectares in area. The site is enclosed by a mixture of hedgerows, trees and post and rail fencing. There is also a handful of sporadically sited properties located within the site including Hares Hill Farm, Collop Gate Farm, Siddal Moor Farm depot and some residential properties on Hareshill Road and Manchester Road.

This application relates to proposed amendments within an area at the north-west of the site, approved for development in B2/B8 uses. The original hybrid permission was subject to a number of conditions, including the following:

PROPOSAL

The application seeks amendment to conditions 11 and 13, to alter the approved parameter height for the B2/B8 buildings in the south/east portion of the commercial area.

The eastern side of the southern area (as demarcated below the proposed internal spine road location but north of the gas easement) would be redefined on the parameters plan with a maximum building heights of 17m and 21m above finished floor levels to the eastern and western sections respectively. This would reduce the building heights circa 2m below that most recently approved, but approximately 1-2m taller than originally approved under 16/01399/HYBR.

Previous NMAs have approved taller buildings in these locations, however this was on the basis of reduced ground levels in this location as was approved under 22/00787/REM resulting in a net increase in overall height that was not considered material in the context of the overall proposals. Subsequent works in assessing ground conditions has meant that it is now proposed to remove less material in this area resulting in increased ground levels. It is considered that increased ground levels alongside the increased building heights previously approved would be material and therefore this application seeks to reduce these and bring the building heights in this area of the site back within an acceptable range. The amended ground levels has been applied for through a separate parallel s96a application 23/00982/ANM.

RELEVANT PLANNING POLICY

Legislation

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

National Guidance

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

RELEVANT SITE HISTORY

The application site has been subject to the following relevant applications:

16/01399/HYBR - Part full/part outline planning application for the development of land at South Heywood, including the demolition of a number of existing on-site buildings and structures. Full consent sought for the construction of a new link road between Junction 19 of the M62 and Pilsworth Road, the widening of part of Pilsworth Road, together with associated junction improvements, landscaping, lighting and other works including the importation of material and engineering works in order to construct the link road. Outline consent (with all matters reserved for future approval except access) sought for a major mixed-use development comprising supporting residential uses comprising up to 1000 dwellings (Class C3); employment uses (Classes B2/B8) comprising up to 135,460m2 Gross Internal Area(GIA); a new primary school (Class D1); Class A1/A2/A3/A5 uses comprising up to 2500m2 GIA which includes no more than 499m2 of A1 uses; together with associated landscaping, open space and sports pitches, drainage, ecological enhancements, cycleway and footpath linkages, infrastructure and other works ancillary thereto. (Application accompanied by an Environmental Statement) – Approved

20/00417/ANM - Application for non-material amendment to planning permission 16/01399/HYBE relating to the full construction of the new link road – Approved

20/00464/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for changes to layout and alignment of sections of Link Road and conversion of junction connections from South Heywood Employment Zone and Hill Top Road to traffic-signal control - Approved

20/00933/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for proposed amending wording to Schedule 2 conditions 11, 12, 13, 14, 18 and 37 – Approved

20/01270/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for proposed amending of wording to Schedule 2 conditions 33 and 43 – Approved

20/01413/ANM - Application for non-material amendment to planning permission 18/01399/HYBR to amend the wording of Schedule 2 Conditions 32 (Junction Improvements) and 42 (BREEAM) – Approved

20/01388/ANM - Application for non-material amendment to planning permission 16/01399/HYBR to amend the wording of Schedule 1 Conditions 2 and 4, and Schedule 2 Conditions 11 and 13 – Approved

21/00390/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for amendments to wording of Schedule 2 Conditions 10, 11 and 13 – Approved

21/01210/ANM - Application for non-material amendment to planning permission 16/01399/HYBR to remove the two storey height parameter – Approved

22/00283/ANM - Non-material amendment for planning permission 16/01399/HYBR for the re-wording of condition 34 (external lighting) – Approved

22/00500/ANM - Application for a non-material amendment to planning permission 16/01399/HYBR for revisions to approved parameters plan, comprising commercial buildings height and landscape buffer amend - Approved

23/00100/ANM - Application for non-material amendment to planning permission 16/01399/HYBR which seeks changes to the boundaries of the local centre and commercial area (Amendment to conditions 11 and 13). Approved.

22/00787/REM - Submission of reserved matters (including Appearance, Landscaping, Layout and Scale) for the construction of a distribution centre with ancillary office accommodation, gatehouse and access arrangements, car parking, HGV bays, sprinkler tanks and pump house, attenuation ponds, landscaping, spine road and other associated works, together with preparatory earthworks and landscaping on adjoining development plots pursuant to 16/01399/HYBR. Approved.

22/00989/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for amended wording of conditions 11 and 13 (Schedule 2) in relation to height parameters (commercial area only). Approved

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

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 details 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 of NMA

The proposed amendment is to reduce the maximum height of the commercial units in the south-east part of the commercial to be set at maximum heights of 17m and 21m above FFL.

This change would allow for a parallel increase in the finished ground levels as applied for through 23/00982/ANM. Together these amendments would have a neutral net impact on the overall proposals.

From the assessment set out above, it is considered that this NMA does not impact in anyway the planning balance on which the original approved application was determined.

Whilst the approved application (16/01399/HYBR) was an EIA application, it is considered that the amendments sought have no greater impact than that assessed through the original and addendum ES for the reasons set out above. It is noted that the reduced need to remove materials from the site would have a beneficial reduction in construction activities.

The effects of the proposed amendment, together with the previously approved non-material amendments, would not materially alter the development's impact and therefore it constitutes a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

It is therefore considered and accepted that the amendment proposed can be regarded as a non-material amendment in the context of the existing planning permission, as originally granted and as subsequently amended.

Notes for Applicant:

Conditions and Reasons relating solely to Schedule 2:

Condition 11

The development and all reserved matters applications shall accord with the following approved plan and parameters:

Land Use and Height Parameters Plan Drawing No 4846_SP(90)43 Rev Z

Reason: For the avoidance of any doubt and to ensure that the development is carried out in accordance with the approved parameters and specifications.

Condition 13

Prior to the submission of any reserved matters application, a detailed and comprehensive Phasing Plan and Programme for the development, presenting its

holistic delivery, shall be submitted to and approved in writing by the local planning authority. The submitted details shall indicate the extent of each phase, the sequence of development, the approximate number of units proposed within each phase and the associated timetable of works, and shall broadly accord with the development layout indicated in the Land Use and Height Parameters Plan Drawing No 4846_SP(90)43 Rev Z and the approved Design Code framework. The Phasing Plan and Programme will be updated and resubmitted with each subsequent reserved matters application.

The development shall then be constructed in accordance with the approved Phasing Plan and Programme.

Reason: To ensure the satisfactory coordination of this comprehensive development, that ensures proper planning of the area

Reason for pre-commencement condition: The programming of the development must be agreed before development commences.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 16/01399/HYBR and non-material amendments 20/00417/ANM, 20/00464/ANM, 20/00933/ANM, 20/01270/ANM, 20/01413/ANM, 20/01388/ANM, 21/00390/ANM, 21/01210/ANM, 22/00283/ANM, 22/00500/ANM, and 23/00100/ANM. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.