

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00446/ANM	Claire Ringwood	10 th June 2024

Address: Land And Buildings, Pershore, Stavordale, Thetford, Quinton, Lower Falinge, Cronkeyshaw, Rochdale, OL12 6RE

Proposal: Non-material amendment to planning permission 23/00723/FUL for the re-design of the pattern to the balustrade, the removal of the fob access gates and a meadow garden to the rear, at Stavordale and a new gate to the rear staircase surround at Thetford.

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	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N

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

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: RG

DATE: 12 June 2024

SITE

The application site relates to a group of three apartment blocks to the north of Spotland Road namely, Thetford, Stavordale and Pershore. The buildings were constructed circa 1970s and consist of 'stacked maisonettes'. All three buildings are rectangular and have accommodation arranged over four storeys (ground + 3 upper floors) and similar in appearance, consisting of concrete textured external walls and hipped tiled roofs. Window frames are painted dark grey, with white painted feature surrounds.

PROPOSAL

The application proposes a non-material amendment to planning permission 23/00723/FUL relating to Condition 2 (approved plans) which consists of:

Stavordale Block

- A re-design of the proposed pattern to the new balustrade;
- The removal of the proposed fob access gate and fencing to the side of the staircase; and
- A meadow garden to the rear.

Thetford Block

- New gate added to the rear staircase surround.

The reason for the amendments follow on from a consultation with the residents who have chosen a different design for the new balustrade.

PLANS AND DOCUMENTS SUBMITTED

The following plans and documents were submitted on 9th May 2024:

Drawing No: 108 Rev 5 – Elevations as Proposed – Stavordale Ph4 OP1
Drawing No: 123 – Typical Elevation – Balustrade OP1

The following plans and documents were submitted on 13th May 2024:

Site Plan

The following plans and documents were submitted on 23rd May 2024:

Drawing No: 100 Rev 2 – Location Plan Ph4
Drawing No: 106 Rev 6 – Site Plan as Proposed Ph4

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

23/00723/FUL - Refurbishment works consisting of the creation of communal open spaces and rear private gardens with seating areas and landscaping, removal of existing walkway bridge to Quinton block and existing concrete upstands and fit new balustrade, new surrounds around the existing stairs/ramps with new bin stores, rebuild retaining wall to road/pathway, alteration to shop canopies/panels and replacement of existing balustrades. Approved 19/01/2024.

09/D52199 - Erection of replacement external staircases including demolition of connecting walkways. Approved 21/08/2009.

93/D30158 - Environmental improvement alterations and extensions to existing flats including new walkways, stairways, ramps, refuse disposal blocks, roofs, walls, landscaping and roadways and removal of existing walkways and ramps. Approved 03/02/1994.

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 the non-material amendment

The change of the balustrade from stainless steel mesh panels to a leaf-design perforated aluminium panel system at Stavordale would be a minor visual improvement and add more interest to this elevation so is not considered to materially impact on the character and appearance of the approved development. Concerns were raised during the previous application in regards to residents feeling more exposed/visible when using their balconies. The change from stainless steel mesh to perforated aluminium panels is not considered to have any greater impact and is considered acceptable and the residents of Stavordale, as detailed in the submission, have chosen the amended balustrade design as part of further consultation.

The previous officer's delegated report makes reference to the proposed fob access which, does not require specific planning permission, but which was welcomed as it would increase safety and security. Although this fob access gate and fencing to Stavordale are to be removed from the development, as they do not require specific planning permission, officers raise no issue with this matter.

The meadow garden would be a benefit to the site and the surrounding area and the new gate to Thetford is acceptable.

For the reasons given above, officers are of the opinion that the amendments would not have any material effect on the planning permission originally granted.

RECOMMENDATION

GRANT subject to the following conditions:

1. This permission relates to the following plans and documents:

Drawing No: 108 Rev 5 – Elevations as Proposed – Stavordale Ph4 OP1
Drawing No: 123 – Typical Elevation – Balustrade OP1
Received 9th May 2024

Drawing No: 100 Rev 2 – Location Plan Ph4
Drawing No: 106 Rev 6 – Site Plan as Proposed Ph4
Received 23rd May 2024

The development shall be carried out in accordance with the approved plans and documents.

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:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 23/00723/FUL. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.