

APPLICATION NUMBER: 25/00208/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00208/ANM

CASE OFFICER

Tom Hiles

DETERMINATION DATE 31.03.2025 EXT OF TIME N/A

Address: Land At Nixon Street Rochdale OL11 3JW

Proposal: Application for non-material amendment to planning permission 20/01429/FUL (Proposed erection of 102 no. dwellings with associated roads, footpaths, parking and gardens) in relation to revisions to the approved tree planting plans

PUBLICITY	Weekly list expired?	Y	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	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/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

Approve

CHECKED AND SIGNED OFF BY: AC

DATE: 23.09.25

SITE

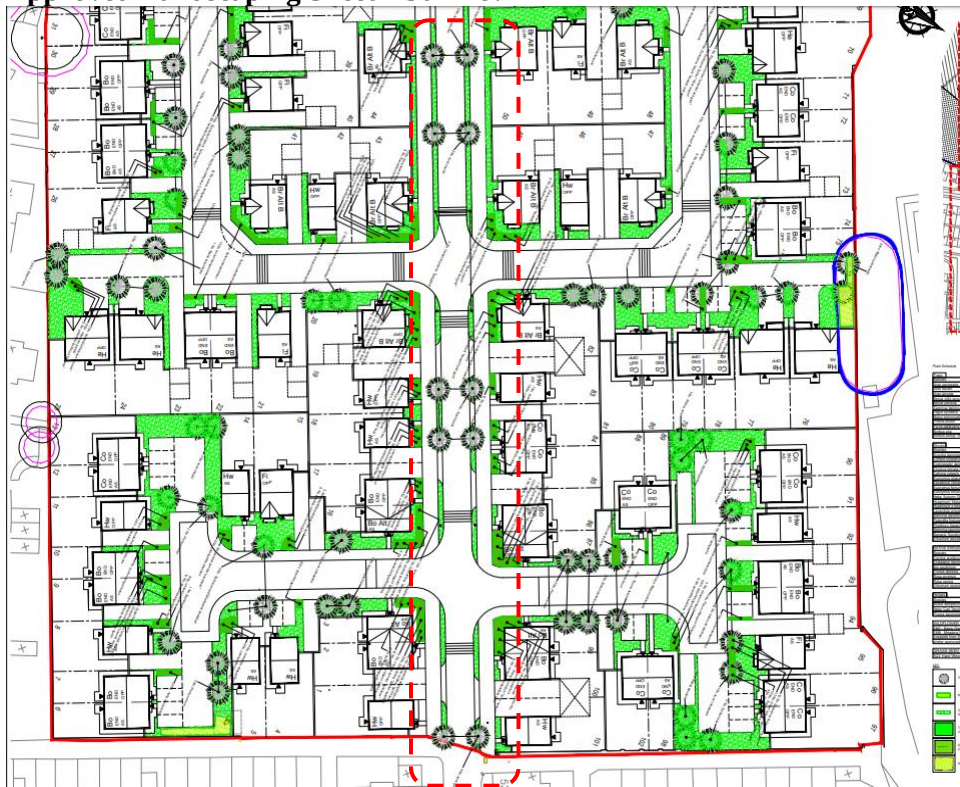
The application relates to a consented scheme for residential development of 102 dwellings on land off Nixon Street in Rochdale.

The approved scheme included soft landscaping plans including tree planting within the streets and open spaces of the development. Details of these were confirmed by discharge of condition 11 under 22/01008/DOC.

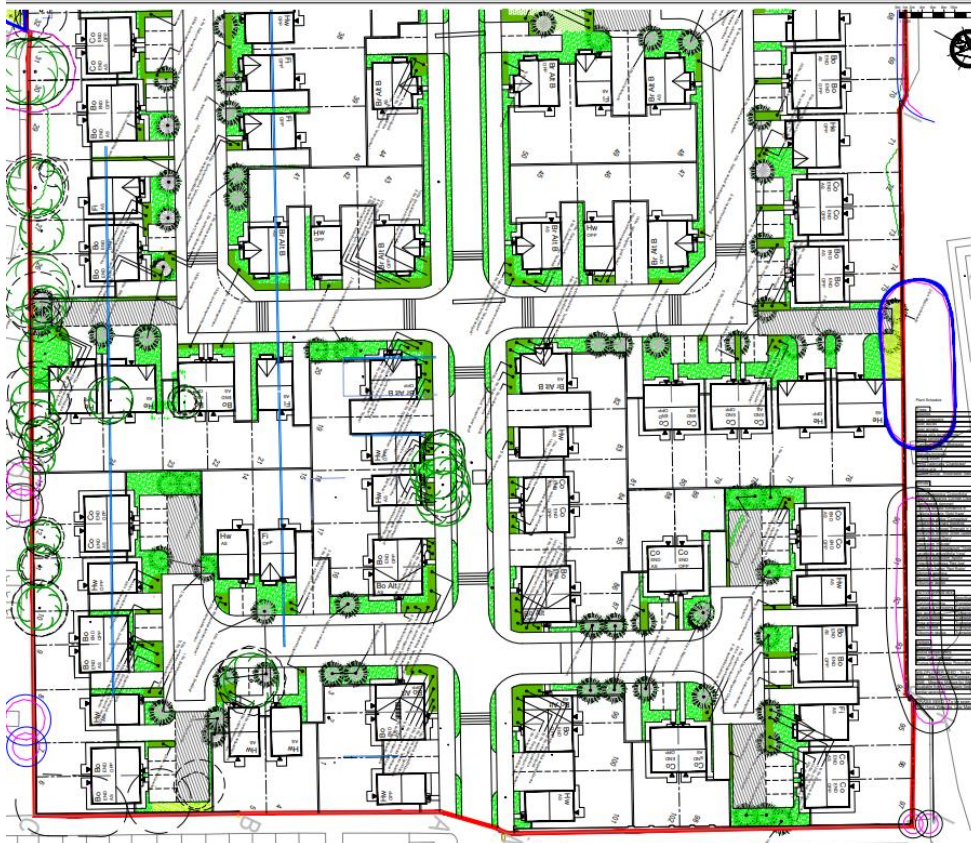
PROPOSAL

The application seeks the Council's confirmation that proposed alterations to the approved scheme are non-material amendments. The changes relate to the proposed tree planting indicated in the approved landscaping plans. The developer has indicated that it is not feasible to install 12 street trees which were previously approved in the main north-south street running through the residential area of the development, due to conflicts with required services. These trees would not be planted. As compensation, around 30 additional trees would instead be planted in the large open space forming part of the development to the north of the houses. These changes are shown on the following plans, indicated by red dashes.

Approved Landscaping Sheet LS02 Rev A



Proposed Amended Landscaping Sheet LS-002 Rev H



The amended landscaping plan Rev H indicates the removal of 10 approved trees from pavements along the central 'boulevard' street running north-south, in the southern extent of the development.

Approved Landscaping Sheet LS01 Rev C:



Proposed Amended Landscaping Sheet LS-001 Rev H



The amended landscaping sheet for the northern section of the development indicates two further trees removed from the street, and around 30 additional trees compared to the approved landscaping scheme for this area, compensating for those removed elsewhere on the site.

RELEVANT PLANNING POLICY

National

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 nine authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1	Sustainable Development
JP-H3	Type, Size and Design of New Housing

Local

Adopted Rochdale Core Strategy (CS):

P3 - Improving design of new development
DM1 - General development requirements

RELEVANT SITE HISTORY

20/01429/FUL - Proposed erection of 102 no. dwellings with associated roads, footpaths, parking and gardens

- 22/01008/DOC - Submission of details to comply with conditions 11 (landscaping scheme), 12 (FFL), 18 (EV Charging) and 19 (materials specification) on planning permission 20/01429/FUL. Part approved, 06.04.23

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued and no public comments have been received.

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 proposed removal of 12 street trees from the approved landscaping plans and inclusion of 30 trees elsewhere in the development is not considered to be a material amendment, in terms of all relevant planning considerations, relative to the scale and nature of the approved scheme.

SUMMARY AND RECOMMENDATION

The proposed changes to the scheme originally approved would be a non-material amendment and can be approved as follows:

The amendments to the approved development as indicated on the following submitted drawings:

LS-001 Rev H Proposed Landscaping Plan Sheet One
LS-002 Rev H Proposed Landscaping Plan Sheet Two

comprising changes to tree planting around the approved development are a non-material amendment.

This decision relates only to this alteration as described above, and should be read alongside the decision for the original planning permission ref 20/01429/FUL and subsequent approval ref 22/01406/VRCON. All conditions previously imposed remain in effect except as modified by this decision.

