

APPLICATION NUMBER: 25/00036/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER
25/00036/ANM	Aimee Bovaird

DETERMINATION DATE 12.02.2025 **EXT OF TIME**

Address: Land Between 27 And 41A Aspinall Street, Heywood, OL10 4HL

Proposal: Non-material amendment to planning permission 23/00558/VRCON revision to condition 2 to replace the approved drawing (C393-001/F - Proposed Site Plan, Floor Plans and Elevations) with revised proposals drawing C393-001/G - Proposed Site Plan, Floor Plans and Elevations

PUBLCITY	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	GRANT
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SITE

The application relates to land Between 27 and 41A Aspinall Street, Heywood. The original permission 21/01477/FUL was for '3no. two-bedroom bungalows'. This permission was varied under 23/00558/VRCON, 'Section 73 application for minor material amendment to planning permission 21/01477/FUL (3 no. two-bedroom bungalows) comprising of revisions to relocate driveway to plot 1 and slightly widen drives to plots 2 and 3, general revisions to internal arrangements with subsequent minor changes to external openings to suit, increased sizes of entrance porches and amendments to boundary treatments and landscaping to plot 1.'

The site fronts Aspinall Street and was previously green space. The site is located in a residential area.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 23/00558/VRCON. The amendment consist of Plots 2 and 3 being combined to create one bungalow.

This will not result in any external alterations or changes in site layout.

RELEVANT PLANNING POLICY

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.

RELEVANT SITE HISTORY

21/01477/FUL - 3no. two-bedroom bungalows – Approve

23/00558/VRCON - Section 73 application for minor material amendment to planning permission 21/01477/FUL (3 no. two-bedroom bungalows) comprising of revisions to relocate driveway to plot 1 and slightly widen drives to plots 2 and 3, general revisions to internal arrangements with subsequent minor changes to external openings to suit, increased sizes of entrance porches and amendments to boundary treatments and landscaping to plot 1 – Approve

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.

ANALYSIS

The application relates to land Between 27 And 41A Aspinall Street, planning permission was originally granted under reference 21/01477/FUL for 3.no. two-bedroom bungalows. This permission was varied under 23/00558/VRCON, this permission consisted of relocating driveways and various minor amends.

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 proposal seeks to combine plots 2 and 3 to be one bungalow. This will not consist of any external alterations and will not have a negative effect on privacy of neighbours. Internally the layout will change, however rooms will still have sufficient outlook and the bedrooms will receive sufficient light. The bedrooms will be an acceptable size and provide an acceptable standard of amenity for occupiers.

Summary

The effects of the proposed amendments to the planning approval 23/00558/VRCON would not, either in isolation or combination, materially alter the impact of the approved development. The amendments would result in no greater material impact than the development as previously approved and, therefore, constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

GRANT subject to amended Condition 2:

2. This permission relates to the following plans:-

- Location Plan
- C393-001/G – Proposed Site Plan, Floor Plans and Elevations
- Outline Drainage Plan by The Alan Johnston Partnership LLP ref. ASP-AJP-ZZ-XX-DR-C-100/P01

and the development shall be carried out in 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.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission, 21/01477/FUL and all conditions that were imposed on the previous planning permission remain.

Report Author Aimee Bovaird