

APPLICATION NUMBER: 24/00261/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO. CASE OFFICER

24/00261/ANM

Tom Hiles

DETERMINATION DATE 10.04.2024 EXT OF TIME 08.07.2024

Address: Land Off Don Street, Middleton

Proposal: Application for non material amendment to planning permission 21/00744/FUL (Residential development of 311 dwellings (Use Class C3) with associated infrastructure, landscaping and access) with reference to the proposed footpath fronting plots 287-290 being rerouted to run parallel with the proposed to be adopted highway.

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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

Approve

SITE

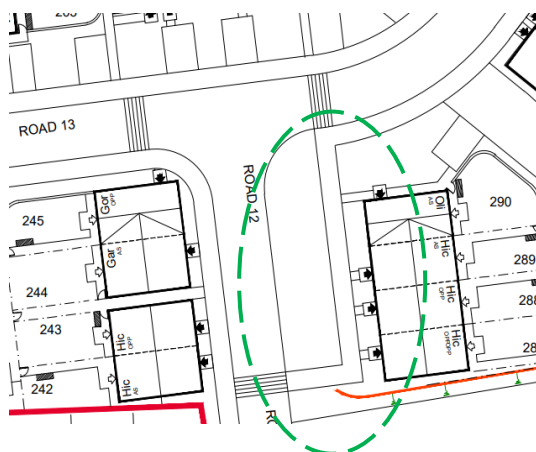
The application relates to land off Don Street, to the north of Oldham Road in Middleton, subject of a recent planning approval for the development of 311 dwellings.

A recent non-material amendment was approved for minor changes to the layouts of two units on the development. A S73 approval for other changes to designs of other plots, the approved allotment, and boundary details has also been recently approved.

PROPOSAL

The application seeks the Council's confirmation that proposed alterations to the approved scheme are non-material amendments. The changes relate to the layout of an estate footpath at the front of plots 287-290 as indicated on the following plans.

Approved layout (relevant area indicated in green):



Proposed amendment:



The existing approval includes soft landscaping details including tree planting in the area between the houses and the road. The proposed amended site plan submitted with the application was updated during determination to incorporate tree planting back into this area of 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

21/00744/FUL - Residential development of 311 dwellings (Use Class C3) with associated infrastructure, landscaping and access. Approved with conditions, 13/09/2022

- 22/01248/DOC - Submission of details to comply with conditions 3 (tree protection), 4 (bird nesting), 6 (piling), 7 (levels), 8 (SI), 9 (dewatering), 10 (coal mining), 11 (wsi), 12 (drainage), 13 (lighting), 14 (invasive species), 15 (CMS), 16 (CTMP), 17 (CEMP), 18 (LCHMP), 19 (river corridor strategy), 20 (bus stop), 21 (materials), 22 (pedestrian crossing), 23 (20mph), 24 (oldham rd parking), 25 (landscaping), 26 (drainage maintenance), 27 (travel plan) and 28 (acoustics). Approved, 03/03/2023
- 23/00070/VRCON - Section 73 application for minor material amendment to planning permission 21/00744/FUL relating to condition 2, comprising amended allotment and parking area, plot substitutions and associated boundary treatment changes. Approved, 20/11/2023
- 23/00853/ANM - Application for non-material amendment to planning permission 21/00744/FUL for the proposed handing of 'cherry' house type on plot 143 and change to layout at rear of plot 262. Approved, 06/11/2023
- 24/00367/ANM - Non-material amendment to planning permission 23/00070/VRCON for change to house types to plots 211, 212, 215, 216, 228-231 (all). Approved 07.06.24.

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 amendment to the layout of the estate footpath at the front of units 287-290 and the corresponding change to the relevant landscaping details 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

As set out above, the amendments subject of this would result in no greater material impact than the development as previously approved (or, as taken together with the pending minor material amendment application) and, therefore, would 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

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 drawing:

DS/CSL-CL/01 Rev BG - Site Planning Layout - Composite (version received 20.06.2024 showing proposed tree planting)

comprising the repositioning of the estate footpath and proposed tree planting at the front of plots 287-290 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 21/00744/FUL and subsequent approvals ref 23/00070/VRCON, 23/00853/ANM and 24/00367/ANM. All conditions previously imposed remain in effect except as modified by this decision.

Report Author Tom Hiles