

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00035/ANM	Claire Ringwood	23 rd January 2025

Address: Land off Don Street, Middleton

Proposal: Non-material amendment to planning permission 23/00070/VRCON to change brick type to plots on Phase 2 (further amendments to 24/00968/ANM)

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: 29 January 2025

SITE

The application site is an irregular parcel of land measuring circa 12.85ha. The site was a part greenfield / part brownfield site. The western portion of the site was formerly covered by Rex Mill, while the remainder was historically agricultural land, before later being converted into playing fields which were vacant. The site is currently being built out

PROPOSAL

The application proposes a non-material amendment to planning permission 23/00070/VRCON relating to Condition 21 (materials) which proposes to change the brick types from those previously approved on Phase 2.

There have been a number of previous non-material amendment applications (ref: 24/00367/ANM and 24/00968/ANM) that have been approved which amended the approved materials plans of 23/00070/VRCON.

The proposed amendments are to substitute the following materials and plans alongside an amendment to the requisite condition:

24/00968/ANM Approved Brick Type

Weinerberger Oakwood Multi
Weinerberger Woodland Multi
Weinerberger Witton Multi

25/00035/ANM Proposed Brick Type

Ibstock Granger Antique
Ibstock Kilcreggan Multi
Ibstock Regent Stock

A fourth brick type was originally proposed (Ibstock Mellow Ashridge Stock to replace Wienerberger Dorton Manor) however, officers did not consider this an acceptable replacement due to its orange colour. This brick was removed and only 3 brick types are now proposed.

24/00968/ANM Approved Plans

Materials Schedule Rev: O
Drawing No: KH/DS/MP/01 Rev A-B –
Materials Plan

Proposed Plans

Materials Schedule Rev: R, 21/01/2025
Drawing No: KH/DS/MP/01 Rev A-D -
Materials Plan

PLANS AND DOCUMENTS SUBMITTED

The following plans and documents were submitted on 15th January 2025:

Drawing No: KH/DS/MP/01 Rev A-C – Materials Plan
Materials Schedule Rev: Q, 10/01/2025
Brick Substitution Sample

The following amended plans and documents were submitted on 23rd January 2025:

Drawing No: KH/DS/MP/01 Rev A-D – Materials Plan
Materials Schedule Rev: R, 21/01/2025
Email from agent confirming 3 brick types are now proposed rather than 4

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

24/01119/DOC – Discharge of conditions 6 (piling), 8 (site investigation), 10 (coal mining) and 28 (acoustics) on planning permission 23/00070/VRCON. Pending consideration.

24/00968/ANM - Non-material amendment to planning permission 23/00070/VRCON to change brick type to plots on Phase 2. Approved 08/11/2024.

24/00719/DOC - Submission of details to comply with condition 8 (Validation Report), condition 22, 23 and 24 (S38/S278), condition 25 (Landscaping Plan), condition 26 (Suds Management Plan) and condition 28 (Acoustic Statement from Hepworth Acoustics) of planning permission 23/00070/VRCON. Pending consideration.

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 07/06/2024.

24/00261/ANM - 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. Approved 02/07/2024.

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.

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.

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). Request Completed 03/03/2023.

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

14/00357/OUT - Outline application (including access only) for up to 303 dwellings and associated highway, landscaping, public open space and infrastructure provision – Approved.

13/00740/OUT – Outline application (including access only) for 303 dwellings and associated highway, landscaping, public open space and infrastructure provision – Withdrawn.

09/D52421 (Dale House) – Residential development comprising 25 dwellings – Deemed withdrawn.

06/D47320 – Erection of 5 office blocks (4 two-storey units and 1 three storey unit) – Approved.

05/D46540 – Erection of 24 industrial units – Approved.

96/D33173 – Erection of factory with associated offices – Approved.

95/D32557 – Formation of 2 artificial grass five-a-side soccer pitches with associated car parking erection of 12' high perimeter fencing installation of 8m high floodlights and siting of mobile structures for changing rooms showers toilets and offices – Refused.

95/D32486 – Erection of factory with associated offices external plant loading areas and upgrading of existing access and formation of car parking area – Approved.

93/D30026 (Rex Mill) – Change of use from factory to warehouse – 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 the non-material amendment

The change of materials as proposed above are not considered to have a material impact on the character and appearance of the approved development. The amendments are required due to brick availability for some of the remaining plots on the final phase. The amended brick selection is not significantly dissimilar to those previously approved and are considered a suitable alternative to those previously approved. For this reason, officers are of the opinion that the amendment 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:

Brick Substitution Sample (Excluding Ibstock Mellow Ashridge Stock)
Received 15th January 2025

Drawing No: KH/DS/MP/01 Rev A-D – Materials Plan
Materials Schedule Rev: R, 21/01/2025
Email from agent confirming 3 brick types now proposed
Received 23rd January 2025:

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 23/00070/VRCON. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.