

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01011/ANM

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 08.11.2024 **EXT OF TIME**

Address: Land to the west of North of West Starkey Street

Proposal: Non-material amendment to planning permission Non-material amendment to planning permission 23/00852/PSID amendments to parking layout and landscaping

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/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
-----	--	-----

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

RECOMMENDATION

GRANT SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 26 November 2024

SITE

The application relates to land on the north side of West Starkey Street in Heywood and which is designated as 'Recreational Open Space' as set out in Saved UDP Policy G/3. The site is comprised of former playing fields / open space, currently unused, adjacent to Heywood Sports Village leisure centre. The site is a regular shaped parcel of land, with Heywood Sports Village immediately to the east. The rear boundaries of dwellings on the east side of Cedar Avenue lie to the west and an existing playing field lies to the north, beyond which are the rear boundaries of dwellings on the south side of Clay Bank Street. There is an existing strip of woodland/scrub along the west boundary of the application site, as well as an existing hedgerow to the south of the site, along the north side of West Starkey Street.

PROPOSAL

The application seeks a non-material amendment under s.96A of the Town and Country Planning Act to the parking layout and landscaping.

Changes to landscaping are in the interests of correctly applying the Biodiversity Net Gain metric, and changes to the parking layout are in order to avoid United Utilities and Cadent underground assets.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

Local Planning Authorities are enabled to make changes to planning permission; 1990 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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

23/00852/PSID	Erection of a two-storey school building, with associated access, parking, refuse store, outdoor recreation facilities,
---------------	---

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, the application was not publicised. Given the application relates to one made under S.96a of the 1990 Act, in granting consent the Council is of the view that the amendments would not result in a materially different impact on the surrounding environment.

ANALYSIS

Planning permission 22/01200/FUL granted consent for the development of a SEN school comprising a two-storey building located broadly central within the site, with a car park set against West Starkey Street, outdoor recreational facilities to the north of the building.

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 proposals seek minor reconfigurations of car parking at the southeast of the site but ultimately retain the overall arrangement and numbers of parking spaces and landscaped areas as per the approved plan. It is clear that the proposed changes would not give rise to materially different impacts in respect of the visual appearance of the development, or its impact on highway or pedestrian safety.

In light of the above, the proposals are considered to sit comfortably within the scope of an application under s.96A.

RECOMMENDATION

GRANT subject to the following condition(s):

2 This permission relates to the following plans:-

- FS0911-EWA-ZZ-ZZ-D-A-9001_Proposed Site Plan Rev C04

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.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 23/00852/PSID and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.