

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/01248/ANM	Claire Ringwood	17 th January 2025

Address: Silver Hill Farm and Plot W of Kingsway Business Park, Broad Lane and Lower Lane

Proposal: Non-material amendment of planning permission 22/00998/FUL for alterations to front and rear bay roof/pods on various house types

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: 20 January 2025

SITE

The application site relates to a 2.38 hectare plot of land which includes the Grade II listed Silver Hill Farm, its associated barn, outbuildings, former farmyard and a 1.9 hectare area of vacant field. The site lies to the east of the Asda Chilled Distribution Depot, west of Broad Lane, south of the public bridleway Lower Lane and north of residential development on Verdant Way. The site is bound by residential development on three sides, with Kingsway Business Park to the east.

The site, excluding the heritage assets, falls within Plot W of the Kingsway Business Park Masterplan which was originally granted outline planning permission in 1999 and has since been amended and implemented. Other vacant fields which surround the development site to the north east have either been developed and occupied as part of Kingsway Business Park or benefit from extant permission for employment-related development.

PROPOSAL

The application proposes a non-material amendment to planning permission 22/00998/FUL relating to Condition 2 (approved plans) which proposes:

1. A pitched front bay roof added on seven House Types:

Drawing No: Dunnet (Core Quarter) - Y422 XDCC 1100 Rev P01
Drawing No: Dunnet (Core Quarter) - Y442 XDCH 1100 Rev P01
Drawing No: Dunnet (Edge Quarter) - Y442 X-H7 DS00 Rev P01
Drawing No: Conwy (Core Quarter) - Y456 XDCC 1100 Rev P01
Drawing No: Conwy (Edge Quarter) - Y456 X-G7 DS00 Rev P01
Drawing No: Hamford (Core Quarter) - N431 XDCH 1100 Rev P01
Drawing No: Hamford (Edge Quarter) - N431 X-H7 DS00 Rev P01

2. A pitched rear bay pod roof added on one House Type:

Drawing No: Langstone (Core Quarter) N322 XECC 1100 Rev P01

3. A pitched front bay roof and pitched rear bay pod roof added on two House Types:

Drawing No: Berney (Core Quarter) - Y411 XDCH 1100 Rev P01
Drawing No: Berney (Edge Quarter) - Y411 X-H7 DS00 Rev P01

The amendments relate to the following locations as shown on the amended Planning Layout:

01) A pitched front bay roof added on seven House Types:

Dunnet: Locations: 03, 05, 07, 16, 23, 24, 36, 37 & 38
Conwy: Locations: 08, 15, 40, 46 & 49
Hamford: Locations: 11, 39 & 48

02) A pitched rear bay pod roof added on one House Type:

Langstone: Locations: 19 & 20

03) A pitched front bay roof and pitched rear bay pod roof added on two House Types:

Berney: Locations: 09, 17, 18, 21, 22 & 50

The applicant has stated that the reason for the amendment is:

To reduce the need for Air Cycle Machine fans (ACM), by mitigating the security risks of first floor windows. In England, Approved Document Part (AD) O took effect from 15th June 2022 with a one year, plot-by-plot transition. The key objective of AD O is the mitigation of overheating through the removal of excessive heat from the home in a safe way – essential to protect the occupant health and welfare. To achieve the required levels of ventilation in certain house types an ACM fan is required where a window cannot be opened due to security risks as identified under AD Q.

PLANS AND DOCUMENTS SUBMITTED

The following plans and documents were submitted on 19th December 2024:

Approved Plans

Drawing No: Planning Layout - H7491-203001 Rev P02
Drawing No: Dunnet (Core Quarter) - Y422 XDCC 1100
Drawing No: Dunnet (Core Quarter) - Y442 XDCH 1100
Drawing No: Dunnet (Edge Quarter) - Y442 X-H7 DS00
Drawing No: Conwy (Core Quarter) - Y456 XDCC 1100
Drawing No: Conwy (Edge Quarter) - Y456 X-G7 DS00
Drawing No: Hamford (Core Quarter) - N431 XDCH 1100
Drawing No: Hamford (Edge Quarter) - N431 X-H7 DS00
Drawing No: Langstone - N322 XECC 1100
Drawing No: Berney (Core Quarter) - Y411 XDCH 1100
Drawing No: Berney (Edge Quarter) - Y411 X-H7 DS00

Amended Plans

Drawing No: Planning Layout - H7491-203001 Rev P03
Drawing No: Dunnet (Core Quarter) - Y422 XDCC 1100 Rev P01
Drawing No: Dunnet (Core Quarter) - Y442 XDCH 1100 Rev P01
Drawing No: Dunnet (Edge Quarter) - Y442 X-H7 DS00 Rev P01
Drawing No: Conwy (Core Quarter) - Y456 XDCC 1100 Rev P01
Drawing No: Conwy (Edge Quarter) - Y456 X-G7 DS00 Rev P01
Drawing No: Hamford (Core Quarter) - N431 XDCH 1100 Rev P01
Drawing No: Hamford (Edge Quarter) - N431 X-H7 DS00 Rev P01
Drawing No: Langstone (Core Quarter) N322 XECC 1100 Rev P01
Drawing No: Berney (Core Quarter) - Y411 XDCH 1100 Rev P01
Drawing No: Berney (Edge Quarter) - Y411 X-H7 DS00 Rev P01

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

14/00542/OUT - Outline application, with all matters reserved, for a mixed use business park comprising buildings within development plots as shown on the site location plan for General and Light Industrial Uses (Classes B1 and B2), Offices in the Use Class B1, Distribution and Storage Uses (Class B8), Research and Development Uses in Use Class B1, Car Showrooms (Sui Generis Use), Hotels in Use Class C1, Ancillary Retail and Leisure in Use Classes A1 - A5 and D2, and Residential in Use Class C3 – Grant subject to conditions – 22nd August 2014.

16/01085/VRCON - Variation of condition 12 (maximum floor space thresholds) on planning permission 14/00542/OUT to remove the references to Use Classes B1(c)/B2 and B8 and the associated floorspace figures – Grant subject to conditions – 6th December 2016.

18/00943/VRCON - Removal of condition 45 (requirement for BREEAM rating) of outline planning permission 16/01085/VRCON - Grant subject to conditions – 8th December 2018.

22/00998/FUL - Residential development of up to 57 dwellings, including part demolition and refurbishment of Grade II Listed Building Silver Hill Farmhouse and associated buildings, together with new vehicular access points, car parking, boundaries, landscaping, creation of open space, and other associated works. Approved 2nd September 2024.

22/00999/LBC - Listed building consent for the refurbishment and external alterations to Grade II listed Silver Hill Farmhouse, together with the part demolition and conversion of the associated barn to form a residential dwelling and the demolition of the late 19th and 20th century ancillary outbuildings. Approved 2nd September 2024.

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 amendments to the flat roof front and rear bay windows of some of the house types to a pitched roof as proposed above are not considered to have a material impact on the character and appearance of the approved development. The amendments are required to reduce the need for Air Cycle Machine fans by mitigating the security risks of first floor windows. The amended bay roofs are not significantly dissimilar to those previously approved and are considered acceptable. 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:

Drawing No: Planning Layout - H7491-203001 Rev P03
Drawing No: Dunnet (Core Quarter) - Y422 XDCC 1100 Rev P01
Drawing No: Dunnet (Core Quarter) - Y442 XDCH 1100 Rev P01
Drawing No: Dunnet (Edge Quarter) - Y442 X-H7 DS00 Rev P01
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Drawing No: Berney (Core Quarter) - Y411 XDCH 1100 Rev P01
Drawing No: Berney (Edge Quarter) - Y411 X-H7 DS00 Rev P01
Received 19th December 2024

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 22/00998/FUL. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.