

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER    | DATE                      |
|-----------------|-----------------|---------------------------|
| 24/00367/ANM    | Claire Ringwood | 5 <sup>th</sup> June 2024 |

**Address:** Land Off Don Street, Middleton

**Proposal:** Non-material amendment to planning permission 23/00070/VRCON for change to house types to plots 211, 212, 215, 216, 228-231 (all)

|           |                            |     |                       |     |
|-----------|----------------------------|-----|-----------------------|-----|
| 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 |
|-----|--------------------------------------------------|-----|

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

|                |       |
|----------------|-------|
| RECOMMENDATION | GRANT |
|----------------|-------|

CHECKED AND SIGNED OFF BY: RG

DATE: 7 June 2024

## 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 lies between the A669 (Oldham Road) to the south, the embankment of the Rochdale to Manchester railway line to the east, the urban fringe of Boarshaw (Glenwood Drive/Hereford Way) to the north and the highway of Hilton Fold Lane to the west. The site is bisected horizontally by the River Irk which runs through the heart of the site.

Established residential areas lie to the north of the site off Glenwood Drive and extend towards Chelford Close and beyond. To the east, the site is bound by a railway line and associated embankment which is heavily covered by trees and shrubbery. Residential and Employment uses are situated to the south and west of the site.

## PROPOSAL

The application proposes a non-material amendment to planning permission 23/00070/VRCON relating to Condition 2 (approved plans) and Condition 21 (materials) which proposes to swap house types from those previously approved.

In an email from the agent dated 5<sup>th</sup> June 2024 it was confirmed that the amendments were as follows:

- ❑ Plots 211-212 - Under the current approval these are **The Maple House Type with the Avenue character Area Elevation** (Attachments Maple – 01 Plan & Maple – 02 Avenue Rev B). We propose to change these plots to **The Garth House Type with The Avenue Character Area Elevation**. (Attachments Garth – 01 Plan & Garth – 02 Avenue (1)).
- ❑ Plots 215-216 – Under the current approval these are **The Cedar House Type with the Avenue character Area Elevation**. (Attachments Cedar – 01 plans & Cedar -02 Avenue Rev B). We propose to change these plots to **The Garth House Type with The Avenue Character Area Elevation**. (Attachments Garth – 01 Plan & Garth – 02 Avenue (1)).
- ❑ Plots 228-229 – Under the current approval these are **The Garth House Type with the River Character Elevation**. (*Attachments Garth – 01 Plan & Garth – 04 River Rev B*). We propose to change these to plots to **The Maple House Type with the River Character Area Elevation**. (*Attachments Maple – 01 Plans & Maple 04 River (1)*).
- ❑ Plots 230 – 231 - Under the current approval these are **The Gorm House Type with the River Character Area Elevation** (*Attachments Gorm – 01 Plan & Gorm – 04 River Rev B*) & **The Garth House Type with the River Character Elevation**. (*Attachments Garth – 01 Plan & Garth – 04 River Rev B*). We propose to change these to **The Acacia House Type with the River Character Area Elevation**. (*Attachments Acacia – 01 Plan & Acacia – 04 River*) & **Cedar House Type with the River Character Area Elevation**. (*Attachments Cedar -01 Plans & Cedar – 04 River*).

*[Officer Note: the amendments above are different from those submitted in the application form and in a previous email from the agent dated 7<sup>th</sup> May 2024 however, the detailed email from the agent dated 5<sup>th</sup> June 2024 relates to the submitted Site Planning Layout – Composite].*

The footprints of the approved and proposed house types are consistent and as such there are no alterations required to the approved landscaping plan.

### Condition 2 of 23/00070/VRCON

The permission relates to the following plans and documents:

- ❑ Site Location Plan (Drawing KH/DS/SLP/01 dated 29 October 2021)
- ❑ Site Layout (Drawing DS/CSL-CL/01 Revision BE dated 20 September 2021)
- ❑ Proposed Boundary Treatment Plan (Drawing KH/DS/BTP/01 Revision U dated 28 September 2021)
- ❑ Landscape Layout (Planting Plans 1 to 8 inclusive) (Drawing P.1580.22.04 Revision C dated 30 September 2023)
- ❑ Character Area and Housetype Pack (Revision C)
- ❑ Proposed Allotment Layout (Visibility Splays) (Drawing KELL-PAL-04-2022 Revision C dated 14 March 2022)
- ❑ Arboricultural Impact Assessment prepared by Ascerta (Reference 1580.21 dated January 2022)
- ❑ Ecological Surveys prepared by Rachel Hacking Ecology ('Land off Don Street, Middleton, Manchester dated April 2021)
- ❑ Foundation Plan Sheet 1 of 4 (Drawing 5639/Fd/01 Revision B dated 03 March 2022)
- ❑ Foundation Plan Sheet 2 of 4 (Drawing 5639/Fd/02 Revision B dated 03 March 2022)
- ❑ Foundation Plan Sheet 3 of 4 (Drawing 5639/Fd/03 Revision B dated 03 March 2022)
- ❑ Foundation Plan Sheet 4 of 4 (Drawing 5639/Fd/04 Revision B dated 03 March 2022)
- ❑ External Works Sheet 1 of 5 (Drawing 40-22-01 Revision P7 dated August 2021)
- ❑ External Works Sheet 2 of 5 (Drawing 40-22-02 Revision P8 dated August 2021)
- ❑ External Works Sheet 3 of 5 (Drawing 40-22-03 Revision P7 dated August 2021)
- ❑ External Works Sheet 4 of 5 (Drawing 40-22-04 Revision P7 dated August 2021)
- ❑ External Works Sheet 5 of 5 (Drawing 40-22-05 Revision P8 dated August 2021)
- ❑ Phase I and II Geo-Environmental Site Assessment report. Land off Don Street Middleton. Prepared by E3P. Report Ref: 14-554-R1-2. Date: December 2022.
- ❑ Supplementary Assessment (Controlled Waters). Don Street. Middleton. Prepared by E3P. Report Ref: 14-554-L5-2. Date: 18th January 2022.
- ❑ Remediation & Enabling Works Strategy. Land off Don Street. Middleton. Prepared by E3P. Report Ref: 14-554-R2 Rev 10. Date: February 2023.
- ❑ Method Statement (Mechanical Mixing, Screening, Particle Size Reduction Remedial Works). Prepared by Urban Soil Solutions. Don Street. Rochdale. Rev 4. Date: 6th February 2023.
- ❑ Specification for the consolidation of abandoned mine workings. Land off Don Street. Middleton. Prepared by E3P. Report Ref: 14-554-R6-Rev 2. Date: February 2023.
- ❑ 'Don Street Dewatering Plan Summary' prepared by Urban Soil Solutions
- ❑ Dewatering Sketches Areas 1-4 ('367 Don Street')
- ❑ Remediation & Enabling Works Strategy - Don Street. E3P. Report Ref: 14-554-R2 Rev 7. Date: January 2023
- ❑ Foundation Plan (Sheet 1 of 4) - Drawing Number 5639/ Fd / 01. Revision B. Prepared by Coopers. Date: 3rd March 2022
- ❑ Phase I + II Geo-Environmental Site Assessment report - Land off Don Street Middleton. Prepared by E3P. Report Ref: 14-554-R1-2. Date: December 2022.
- ❑ Supplementary Assessment (Controlled Waters) - E3P. Don Street. Middleton. Prepared by E3P. Report Ref: 14-554-L5-1. Date: 22nd November 2022 - E3P Ref: 14-554-L5-2. Date January 18th 2023
- ❑ Performance Specification Consolidation of Abandoned Mine Workings E3P Don Street Middleton. 14-554-R6- Rev 2 Date Issued: February 2023
- ❑ Written Scheme of Investigation for a Programme of Archaeological Investigation prepared by Nexus Heritage (Reference 3596.R01a dated September 2022)
- ❑ Adoptable Drainage Layout Sheet 1 rev P16 dated 06.02.23 by RSK

- ☐ Adoptable Drainage Layout Sheets 2&3 rev P14 dated 23.11.2022 by RSK
- ☐ Land Drain proposed works drg KH002-E-601 rev B dated 29.11.2022 by Kellen Homes.
- ☐ S278 Road and Drainage Construction Details by RSK on drgs 41-04-01-P4 (dated 06.02.23) and 41-04-02-P1) dated 27.01.22 and 14-15-P2 dated 23.11.22.
- ☐ Watercourse Diversion - Plan & Long Section AND Headwall Details by RSK on drgs 882333/ 40-18-01 and 02 (both rev P8 dated 12.01.23)
- ☐ Headwall Details (for outfalls to river) drg by RSK 882333/ 40-06-01/P5 & 02/P4 & 03/P4 & 04/P4 & 05/P5 (all dated 2.11.22)
- ☐ Drainage Construction details Sheets 1-10 (Drawings 40-15-01 - 40-15-10 Revision P1 dated July 2021)
- ☐ Manhole Details Sheets 1 - 4 (Drawings 40-16-01 - 40-16-04 Revision P5 dated July 2021)
- ☐ SW Manhole Details Sheets 1 - 7 (Drawings 40-17-01 to 40-17-07 Revision P6 dated July 2021)
- ☐ Watercourse Diversion Plan and Long section (Drawing 40-18-01 Revision P6 dated July 2021)
- ☐ Watercourse Diversion Headwall Details (Drawing 40-18-02 Revision P6 dated July 2021)
- ☐ Section 104 Agreement Plan Sheets 1 - 3 (Drawing 40-20-01 to 40-20-03 Revision P12 dated July 2021)
- ☐ Private Drainage Sheets 1 - 5 (Drawing 40-23-01 to 40-23-05 Revision P6 dated January 2022)
- ☐ Invasive Species Management Plan (Ascerta, 22/03/2023)
- ☐ Construction Method Statement prepared by Kellen Homes, received September 2022)
- ☐ Construction Environmental Management Plan (Also containing Construction Traffic Management Plan) prepared by Kellen Homes, received January 2023)
- ☐ Ascerta river corridor landscape proposals P.1580.21.06 Rev.A
- ☐ Ascerta River Corridor Management Plan Ref: P.1580.
- ☐ Landscape Layout Sheets 1 and 2 P.1580.21.03 Rev B
- ☐ Remediation & Enabling Works Strategy - Don Street. E3P. Report Ref: 14-554-R2 Rev 7. Date: January 2023
- ☐ FRA & Outline Drainage Strategy - Don Street Middleton. Prepared by RSK Ltd. Report Ref: 882333 R1 (02). Date: May 2021.
- ☐ Adoptable Drainage Layout - Sheet 1, 2 and 3 (Revision P14). Ref: 40-01-01 - 03. Date: 23rd November 2022.
- ☐ Foundation Plan (Sheet 1 of 4). Drawing Number 5639/ Fd / 01. Revision B. Prepared by Coopers. Date: 3rd March 2022
- ☐ Phase I + II Geo-Environmental Site Assessment report. Land off Don Street Middleton. Prepared by E3P. Report Ref: 14-554-R1-2. Date: December 2022.
- ☐ Supplementary Assessment (Controlled Waters). - E3P. Don Street. Middleton. Prepared by E3P. Report Ref: 14-554-L5-1. Date: 22nd November 2022. - E3P.Ref: 14-554-L5-2. Date January 18th 2023
- ☐ Method Statement. Dewatering Plan - V1.2. Prepared by Urban Regen. Ref: 367/004. Date: 12th January 2022.
- ☐ Method Statement - Mechanical Mixing, Screening, Particle Size Reduction Remedial Works. Area B (Former Landfill). Prepared by Urban Soil Solutions. Report Ref: MS 367-03 (Rev 03). Date: Not specified.
- ☐ Performance Specification Consolidation of Abandoned Mine Workings - E3P. Don Street Middleton. 14-554-R6- Rev 2 Date Issued: February 2023
- ☐ Ascerta Invasive Species - Method Statement Don Street, Rochdale Ref: P.1580.21 Rev C Date; Feb 22nd 2023
- ☐ River Bank Sections - KH002-E-501 Rev D Date 21st February 2023 - KH002-E-501 Section F
- ☐ River Corridor Habitat Creation & Management Plan - P.580.21A - Ascerta Feb 2023
- ☐ Longitudinal Sections - 40-02-07 - Sheet 7 of 7
- ☐ River Bank Geo Grow - GE2305\_ID\_RevB\_C February 22/02/223
- ☐ Approved Street Lighting Design (Reference 'Electrical-R13')
- ☐ Street Lighting Specifications Schedule (Reference 'off Don Street, Middleton' dated 15 September 2023)

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.

#### Condition 21 of 23/00070/VRCON

The Development shall be carried out in accordance with the approved details (Materials Schedule Rev H, dated 23/05/2023 & Materials Plan KH/DS/MP/01 Rev W) before each dwelling is occupied.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy.

#### **PLANS AND DOCUMENTS SUBMITTED**

The following plans and documents were submitted on 22<sup>nd</sup> April 2024:

Drawing No: KH/DS/BTP/01 Rev Y – Boundary Treatment Plan  
Drawing No: DS/CSL-CL/01 Rev BG – Site Planning Layout – Composite  
Drawing No: KH/DS/MP/01 Rev A-A – Materials Plan  
Drawing No: KH002 – Location Plan Plot Sub 211-212 /215-216 /228-229 /230-231

The following plans and documents were submitted on 7<sup>th</sup> May 2024:

Front Elevation – The Maple – Avenue  
Front Elevation – The Cedar – Avenue  
Front Elevation – The Cedar – River  
Front Elevation – The Garth – River  
Front Elevation – The Gorm – River  
Front Elevation – The Garth – Avenue  
Front Elevation – The Maple – River  
Front Elevation – The Acacia – River  
Ground & First Floor Plans – The Maple – Plans  
Ground & First Floor Plans – The Cedar – Plans  
Ground & First Floor Plans – The Acacia – 01 Plans  
Ground & First Floor Plans – The Garth – Plans  
Ground & First Floor Plans – The Gorm – Plans

#### **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**

24/00261/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. Pending consideration.

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 house types as proposed are not considered to have a material impact on the character and appearance of the approved development and would not have any impact on any of the adjacent units in terms of amenity. The amendments to the house types are minor and there are no significant differences in the approved and amended designs. There are no amendments to the garden areas and the level of amenity space provided will remain as previously approved.

The tenure of the proposed houses has been amended as follows:

|               | <u>Approved</u>   | <u>Amended</u>    |
|---------------|-------------------|-------------------|
| Plots 211-212 | Open Market       | Affordable Tenure |
| Plots 215-216 | Open Market       | Affordable Tenure |
| Plots 228-231 | Affordable Tenure | Open Market       |

This tenure change is noted but officers do not consider this to have a material impact on the overall scheme and the number of dwellings in each tenure, remain the same.

For the reasons given above, officers are of the opinion that the amendment would not have any material effect on the planning permission granted.

## **RECOMMENDATION**

GRANT subject to the following conditions:

1. This permission relates to the following plans and documents:

Drawing No: KH/DS/BTP/01 Rev Y – Boundary Treatment Plan  
 Drawing No: DS/CSL-CL/01 Rev BG – Site Planning Layout – Composite  
 Drawing No: KH002 – Location Plan Plot Sub 211-212 /215-216 /228-229 /230-231  
 Drawing No: KH/DS/MP/01 Rev A-A – Materials Plan  
 Received on 22<sup>nd</sup> April 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 23/00070/VRCON. All conditions that were imposed on the previous planning permission remain alongside any other amendments subsequently granted.