

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER    | DATE                        |
|-----------------|-----------------|-----------------------------|
| 25/00358/ANM    | Claire Ringwood | 28 <sup>th</sup> April 2025 |

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

**Proposal:** Non-material amendment to planning permission 23/00070/VRCON for the change of house types to plots 118-121, 133-136 and 178-180

|           |                            |     |                       |     |
|-----------|----------------------------|-----|-----------------------|-----|
| 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: TH      DATE: 30.04.2025

## 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 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) which proposes to swap house types from those previously approved. The submitted application form states this is due to the rationalisation of the extensive house type range.

The amendments are as follows:

### Approved Plots

Plot 118 – detached Lavender 4 bed  
Plot 119 – semi Spruce 3 bed townhouse  
Plot 120 – semi Spruce 3 bed townhouse  
Plot 121 – detached Lavender 4 bed

Plot 133 – semi Hickory 2 bed  
Plot 134 – semi Hickory 2 bed  
Plot 135 – detached Cypress 3 bed  
Plot 136 – detached Lavender 4 bed

Plot 178 – detached Cherry 4 bed  
Plot 179 – semi Spruce 3 bed townhouse  
Plot 180 – semi Spruce 3 bed townhouse

### Proposed Plots

Hazel – detached 3 bed  
Rowan – detached 3 bed  
Rowan – detached 3 bed  
Hazel – detached 3 bed

Rowan – detached 3 bed  
Laurel – semi 3 bed  
Laurel – semi 3 bed  
Hazel – detached 3 bed

Laurel – detached 3 bed  
Rowan – detached 3 bed  
Hazel – detached 3 bed

These changes to the PFS units now show:

### Approved Plots

Lavender - 9  
Spruce - 20  
Hickory - 18  
Cypress - 4  
Cherry - 7  
Hazel - 7  
Rowan - 3  
Laurel - 21

### Proposed Plots

6  
16  
16  
3  
6  
11  
7  
24

The overall total number units remains as 89.

23/00070/VRCON Approved Plan

Proposed Plan

Drawing DS/CSL-CL/01 Rev BE  
BJ

Drawing No: DS/CSL-CL/01 Rev

**PLANS AND DOCUMENTS SUBMITTED**

Drawing No: DS/CSL-CL/01 Rev BJ – Site Planning Layout – Composite  
Received 2<sup>nd</sup> April 2025

**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**

25/00035/ANM - Non-material amendment to planning permission 23/00070/VRCON to change brick type to plots on Phase 2 (further amendment to 24/00968/ANM). Approved 28/01/2025.

25/00145/DOC – Discharge of condition 11 (archaeology) of planning permission 23/00070/VRCON. Request completed 03/03/2025.

24/01119/DOC – Discharge of conditions 6 (piling), 8 (site investigation), 10 (coal mining) and 28 (acoustics) on planning permission 23/00070/VRCON. Request completed 09/04/2025.

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.

## **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. Plot sizes, garden areas and the level of amenity space provided will remain similar to those previously approved. The tenure of the proposed houses has not been amended and remains 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 originally granted.

#### **RECOMMENDATION**

GRANT subject to the following conditions:

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

Drawing No: DS/CSL-CL/01 Rev BJ  
Received 2<sup>nd</sup> April 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.

Report Author Claire Ringwood