

APPLICATION NUMBER: 25/01000/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO 25/01000/ANM	CASE OFFICER Nick Brookman	DATE 7 October 2025
DETERMINATION DATE 27 October 2025		

Address: 83 Fielding Street, Middleton, M24 6BG

Proposal: Non-material amendment to planning permission 24/00125/FUL to amend and correct an administrative error on the decision notice relating to the approved proposed site plan

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

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: RK

DATE: 08/10/2025

SITE

The application site relates to the existing car parking area associated with the parking areas for 83-87 Fielding Street which is a former two storey detached office building that now benefits from the conversion into 6 apartments under application 21/00975/FUL.

The site is bound to the north by Clough Road with residential properties on the northern and southern sides. Fielding Street lies to the east with further residential properties occupying the eastern side of the street. To the south and west is the application site for 15/00494/OUT and 21/01628/REM for up to 49 dwellings.

A small wrought iron fence bounds the northern and western boundaries on Clough Road and Fielding Street whilst a larger grey palisade fencing spans the entire western boundary.

The application site is approximately 1.2km north of Middleton town Centre.

PROPOSAL

This Section 96A application seeks amendments as follows:

- Non-material amendment to planning permission 24/00125/FUL to amend and correct an administrative error on the decision notice relating to the approved proposed site plan.

No other amendments are sought.

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

Application Reference	Description	Decision / Date
24/00125/FUL	Erection of four No. one bedroom, self-contained apartments together with the creation of 4 new parking spaces and bin storage area	15 May 2025
21/01628/REM	Submission of reserved matters pursuant to outline planning permission 15/00494/OUT relating to access, appearance, landscaping, layout and scale for the erection of 43 dwellings (re-submission 21/00059/RE	24 May 2023
21/00975/FUL	Change of use from offices (Use Class E) to 6 no. dwellings (Use Class C3) with application of render to northeast facing elevation, alterations to fenestration on all elevations and replacement boundary treatments	22 October 2021
15/00494/OUT	Outline permission for the erection of 49 dwellings (all matters reserved)	18 December 2018

CONSULTATION RESPONSES

Not applicable.

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:

'must have regard to 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 NMA

This application is submitted in an exceptional circumstance in that its sole intention is to purely regularise an administrative error on the decision notice attached to the approval of planning application 24/00125/FUL.

To make it explicitly clear, the decision notice issued under application 24/00125/FUL included a condition detailing the approved plans and documents (Condition 2).

Condition 2 states that:

This permission relates to the following plans and documents:

- ② *Location Plan*
- ② *Proposed Site Plan Drawing No 01 Rev C*
- ② *Proposed Elevations Drawing No 04 Rev B*
- ② *Proposed Floor Plans Drawing No 03 Rev B*

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

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.

The condition incorrectly references the approved proposed site plan as Proposed Site Plan Drawing No 01 Rev C when it should instead state Proposed Site Plan Drawing No 02 Rev C.

Accordingly, through post determination correspondence with the applicant's agent, this application now morally seeks to correct this administrative error by amending the wording to Condition 2 and the associated drawing reference number aforementioned above.

Overall, this administrative change would not materially alter the development's impact and therefore it constitutes a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

It is therefore considered and accepted that the amendment proposed can be treated as a non-material amendment.

Notes for Applicant:

Amended Condition

This permission relates to the following plans and documents:

- ② *Location Plan*
- ② *Proposed Site Plan Drawing No 02 Rev C*
- ② *Proposed Elevations Drawing No 04 Rev B*
- ② *Proposed Floor Plans Drawing No 03 Rev B*

and the development shall be carried out in accordance with these details hereby approved unless otherwise required by the conditions below.

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.

INFORMATIVE:

This decision notice is to be read alongside those issued with planning permission 24/00125/FUL. All conditions that were imposed on the previous planning permission remain.

Report Author Nick Brookman