

APPLICATION NUMBER: 23/00465/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00465/ANM	Aimee Bovaird	24 May 2023

Address: 174 Bury Old Road Heywood Rochdale OL10 3LN

Proposal: Application for non-material amendment to planning permission 18/00488/AM for the addition of a first floor rooflight

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

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: LA

DATE: 31.05.23

SITE

This application relates to 174 Bury Old Road. The original permission 15/01251/OUT (Outline application (including access, appearance, layout and scale) for the erection of 7 dwellings including demolition of existing buildings on site).. A reserved matters application, 18/00784/REM for approval of reserved matters (landscaping) pursuant to planning approval 18/00488/AM was approved.

The site lies approximately 1.6km to the west of Heywood town centre. Existing residential development lies to the east and south within the defined urban area of Heywood, and continues westwards along the frontage of Bury Old Road for a distance of approximately 100 metres beyond the site access. The remaining land to the north and west of the site is open and agricultural in nature, and lies within the Green Belt.

The site is located in the Defined Urban Area.

PROPOSAL

This application seeks a non-material amendment to Planning Permission 18/00488/AM (Section 73 application for minor material amendments to planning permission 15/01251/OUT relating to:- Revision of house type on plot 2; re-orientation of plots 3 to 5; and minor revisions to the road turning head).

The amendment comprises an alteration to a house on Plot 2, an additional first floor roof light is proposed on the front elevation.

RELEVANT PLANNING POLICY

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.

RELEVANT SITE HISTORY

86/D19342 - Established Use Certificate: Use of land for storage of scrap vehicles, plant and equipment for recovery, repair and re-use; use of buildings as house, workshop, garage and offices. Refused

88/D22710 – Erection of a single dwellinghouse on land rear of 166-172A Bury Old Road. Granted

06/D46788 – Residential development – 21 apartments. Withdrawn

15/01521/OUT - Outline application (including access, appearance, layout and scale) for the erection of 7 dwellings including demolition of existing buildings on site. Granted

18/00488/AM - Section 73 application for minor material amendments to planning permission 15/01251/OUT relating to:- Revision of house type on plot 2; re-orientation of plots 3 to 5; and minor revisions to road turning head. Granted 22.06.2018.

18/00784/REM - Application for approval of reserved matters (landscaping) pursuant to planning approval 18/00488/AM – Approved 23.08.2019

21/00461/CPE - Application for a certificate of lawfulness in relation to the lawful commencement of development approved under planning reference 18/00488/AM comprising of the demolition of an outbuilding to the north western area of the site and commencement of foundation trenches relating to plot 4 of the development. – Grant

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

This application relates to a site on Bury Old Road and specifically related to Plot 2, the dwellings were originally granted under reference 15/01251/OUT and amended under 18/00488/AM This approved planning permission for 'Outline application (including access, appearance, layout and scale) for the erection of 7 dwellings including demolition of existing buildings on site'. A reserved matters application 18/00784/REM for approval of reserved matters (landscaping) pursuant to planning approval 18/00488/AM this was approved 23.08.2019.

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 proposal seeks to alter the pitched roof by adding a roof light. The roof light will be approximately 1700mm high.

The proposed alteration to the roof will not have a negative effect on the amenity of the neighbours, it will not overlook onto surrounding properties. There is approximately 28m between the proposed window and Plot 1 and this is not thought to have a negative effect on the amenity of these neighbours or on the surrounding character of the area.

As a whole the change will not materially alter the approved scheme and would not result in a material change.

Summary

The effects of the proposed amendments to the planning approval 15/01251/OUT amended by 18/00488/AM, would not, either in isolation or combination, materially alter the impact of the approved development. The amendments would result in no greater material impact than the development as previously approved and, therefore, constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

Grant subject to an amended Condition 3:

3. This permission relates to the following plans:-

Drg. No. B305/002 General Arrangement

Drg. No. B305/003 General Arrangement Plots 1&2

House Type C Plans and Elevations 1362-P-100 (revised plan)

Site plan and sections showing distance between plots 1 and 2 1362-P-010 (revised plan)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Rochdale Core Strategy and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 18/00488/AM, and all conditions that were imposed on the previous planning permission remain.

Report Author Aimee Bovaird