

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00278/ANM

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 25.04.2024 **EXT OF TIME** 17.05.2024

Address: Moss Lea 7 Starkey Street Heywood Rochdale OL10 4JS

Proposal: Non-material amendment to planning permission 22/00253/FUL amendments to proposed elevations, with minor changes to floor layouts to suit elevational updates.

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 SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 17 May 2024

SITE

This application relates to Moss Lea, no.7 Starkey Street, a large, two-storey Victorian dwelling located in a predominantly residential area approximately 250m north of Heywood town centre. The property is traditional in its design, including a cross-gable roof form, an attractive bay window which transcends ground floor and first floor levels, various decorative dentil and contrasting brick courses and bespoke fenestration with painted stone surrounds to each elevation. The dwelling occupies a slightly elevated siting in relation to the highway and terraces opposite, and is substantially larger.

At present, the dwelling lies neglected and in a state of disrepair, a coniferous hedge along the southern boundary has been allowed to grow uncontrolled and screens the dwelling at present.

The exact age of the dwelling is unknown, but appears on the earliest available versions of an OS map of the area dating from 1893. The property benefits from a generous, rectangular plot approximately 0.3 hectares in size, which shares boundaries with similarly aged no.5 Starkey Street to the east, abutting an alleyway which enables access to the rears of nos.19-63 (odds only) Starkey Street and the allotment gardens which wrap around to the north of the application site.

The site comprises a significant stock of foliage; more youthful specimens a product of the recent neglect of the site, with larger specimens including an arrangement of conifers to the northern boundary.

PROPOSAL

The application seeks a non-material amendment to the appearance of 'Block A' through the removal of metal box features around windows on all elevations, revised fenestration amendment to projecting entrance and alterations to brickwork detailing.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

The Section 96A application relates to planning permission ref. 22/00253/FUL for the development of 20no. flats for supported accommodation set over two blocks, including parking and landscaping.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

One representation was received requesting to see details of the application. In accordance with the Council's Code of Publicity for Planning Applications, the application was not publicised. Given the application relates to one made under S.96a of the 1990 Act, in granting consent the Council is of the view that the amendments would not result in a materially different impact on the surrounding environment.

ANALYSIS

The overall development comprises a 20no. supported living apartments for people with ASD and LD, together with associated amenity space, parking and landscaping. The development consists of two blocks; block A is a three storey building set at the south of the site fronting Starkey Street and Block B is a single storey structure with a L-shaped floor plate set at the north of the site. This application only concerns the appearance of Block A.

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 alterations to the elevations of Block A would replace the previously approved metal box window surrounds with a revised fenestration arrangement. The windows proposed to be amended under this application would instead be vertical in proportions of an equal degree of visual interest and would not alter the scale, form or materiality of the block and as such would comprise a non-material amendment to the appearance of the structure. Similarly, the alterations to the roof and the revision of the main entrance to the building are considered to sit comfortably within the scope of an application under s.96A.

RECOMMENDATION

Grant, subject to the following amended condition:

2. This permission relates to the following plans:-

- 21.043/02 - Location Plan, Existing Site Plan
- 20.043/05 - Existing Block Plan
- 21.043/11 Rev. C - Proposed Boundary Treatment Plan
- 3402-DEN-ZZ-ZZ-DR-A-1001 – Proposed Site Plan
- 3402-DEN-A-GF-DR-A-2121 – Block A – Ground Floor Plan
- 3402-DEN-A-01-DR-A-2122 – Block A – First Floor Plan
- 3402-DEN-A-02-DR-A-2123 – Block A – Second Floor Plan
- 3402-DEN-A-R-DR-A-2104– Block A – Roof Plan
- 3402-DEN-A-XX-DR-A-4100 D – Block A – Elevations Sheet 1
- 3402-DEN-A-XX-DR-A-4101 D – Block A – Elevations Sheet 2
- 21.043/12 Rev. G - Block B - Proposed Floor Plan
- 21.043/13 Rev. G - Block B - Proposed Elevations
- 21.043/19 Rev. C - Block B - Proposed Roof Plan
- 20.043/100 - Vehicle Tracking - Refuse
- 20.043/101 - Vehicle Tracking - Fire
- J220424-GC-L-DR-3-001 - Soft Landscaping Proposals Plan

and the development shall be carried out in complete 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.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 22/00253/FUL and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.