

APPLICATION NUMBER: 23/01155/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01155/ANM	Sam Yuen	8 December 2023

Address: Moss Lodge, Kings Road, Rochdale, OL16 5HW

Proposal: Non material amendment following planning permission 22/00523/FUL (Change of use from Hotel (Class C1 use) to Residential Care Home (Class C2 use) including alterations to fenestration on side elevation) retention of the existing east elevations and not incorporate the changes to the east elevation permitted under the planning approval

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: 11/12/2023

SITE

The application relates to Moss Lodge, a former mill cottage of stone construction built in 1848 and later converted into a hotel. The property falls within the defined urban area and has been identified as a non-designated heritage asset (NDHA) due to its historic and architectural interest.

PROPOSAL

Non-material amendment to planning permission 22/00523/FUL is sought for the retention of the existing ground floor fenestration on the north-east elevation of the building. The approved plans under 22/00523/FUL originally proposed the blocking up of two existing openings with matching stonework.

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

22/00523/FUL - Change of use from Hotel (Class C1 use) to Residential Care Home (Class C2 use) including alterations to fenestration on side elevation - Grant subject to conditions

CONSULTATION RESPONSES

Conservation and Design

Moss Lodge has been identified as a non-designated heritage asset due to its architectural and historic interest. It is depicted on the first edition OS map from 1851.

Planning permission was granted in October 2022 for the conversion of the building into a residential care home (22/00523/FUL refers). This included changes to the fenestration along two elevations. The revised scheme no longer proposes any changes to the fenestration along the eastern elevation.

It is considered that these changes would have a neutral impact on the significance of the non-designated heritage asset. The Conservation Officer raises no objection to the proposal.

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 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.
- The NPPG further adds 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.'*
- The proposed amendments comprises the retention of the existing fenestration on the north-east elevation of the building and would not result in material changes to the exterior of the property. In this respect, the amendments would effectively constitute a partial implementation of the approved plans and thus would not have an impact on the visual appearance of the property.
- With regard to heritage considerations, the Conservation Officer was consulted during the determination of 22/00523/FUL and raised no objection, noting any works to the existing fenestration would fall in the lower end of less than substantial harm to the significance of the non-designated heritage asset, the harm of which can be mitigated via materials condition. On this basis, the retention of the existing fenestration would have neutral impact on the significance of the heritage asset.
- On this basis, the effects of the proposed amendments to planning approval 22/00523/FUL would not, either in isolation or combination, materially alter the development's impact in terms of its design or impact on the character and appearance of the surrounding area. 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 the following condition

1. The permission relates to the following plans:

- ② Existing Ground Floor Plan – Drawing No. NA (-2) 000 dated 10/2023
- ② Existing North East Elevation – Drawing No. NA (-4) 010 dated 10/2023

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 and the National Planning Policy Framework.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 22/00523/FUL and all conditions that were imposed on the previous planning permission remain.

Report Author Sam Yuen