

APPLICATION NUMBER: 24/00858/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00858/ANM

CASE OFFICER

Nick Brookman

DETERMINATION DATE 26.09.2024

Address: Castle Inn, Manchester Road, Rochdale, OL11 4HY

Proposal: Application for non-material amendment to planning permission 24/00276/FUL for removal of the first floor window above the stairs and infilling the opening to continue the mock-Tudor timber panelling and render along the facade to respect the building's non-designated heritage asset status

PUBLICITY	Weekly list expired?	NA	Site notice expired?	NA
	Neighbour letters expired?	NA	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	Y	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?	NA
	Neighbour comments received?	NA

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

GRANT subject to conditions

CHECKED AND SIGNED OFF BY: LA

DATE: 16.09.2024

SITE

The application site relates to the former 'Castle Inn' Public House on Manchester Road (A58) in Rochdale. The large detached 'Mock Tudor' property has attractive architectural features including stone mullion windows, decorative arched stone entrances, first floor timber margins and bargeboards, and a slate roof with brick ridge detailing.

The site is located in an area which is both commercial and residential in nature. To the south of the property is the former pub car park, half of this car park belongs to the Castle Inn and the other half to the neighbouring pub known as the St Albans Inn. This car park previously served both pubs but was subdivided when both buildings were sold. To the north of the site is a detached brick garage/store room (within the curtilage of the application property) and beyond are a number of purpose built commercial office buildings. On the opposite side of Manchester Road is a row of terraced houses and a children's nursery. Directly to the east of the site is the dual carriageway (A58) which connects Rochdale Town Centre to the motorway, although the building is set lower than the dual carriageway and reasonably well screened by mature trees positioned on the thin section of intervening land.

PROPOSAL

This Section 96A application seeks amendments to planning permission 24/00276/FUL for removal of the first floor window above the stairs and infilling the opening to continue the mock-Tudor timber panelling and render along the facade to respect the building's non-designated heritage asset status

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)

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

24/00276/FUL - Change of use and conversion of the former castle inn pub into 8 no dwellings (Class C3b use) with ancillary/office space in the cellar to provide facilities to support the function of the supported housing, including alterations to fenestration on all elevations, following demolition of toilets on rear elevation – Granted subject to conditions 26 June 2024

21/01366/DOC - Submission of details to comply with conditions 3 (window specification) and 5 (acoustic repairs) on planning permission 20/00509/FUL- Refuse

20/00509/FUL - Change of use from a public house to a single dwelling – Grant subject to conditions

19/01517/DOC – Submission of details to comply with conditions 3, 4 and 5 on planning permission 18/01232/FUL – Request completed

18/01231/FUL – Change of use and conversion of public house to 7 self-contained flats office and alterations to elevations to include new windows and doors and roof repairs. – Grant subject to conditions

14/00778/DOC - Submission of details to comply with condition 6 of planning permission 11/D54447 – Request completed

13/00206/FUL – Change of use to a restaurant/ take away (use class A3) – Grant subject to conditions

11/D54447 - Change Of Use From Public House (Use Class A4) To Residential Dwelling (Use Class C3) Resubmission Of D54259. – Grant subject to conditions

11/D54259 - Change Of Use From Public House Use Class A4) To Dwelling (Use Class C3). - Withdrawn

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

The change of use from the former public house to residential properties under application 24/00276/FUL has been established in principle.

The proposed changes subject to this application purely seek to remove the originally proposed window above the stairwell on elevation 4 and infill the void by continuing the timber panelling across this part of the elevation.

The proposed amendments have a negligible impact and the proposed change would still ensure that a visual interest remains across the rear elevation. This change would help maintain the visual amenity of the development as a whole and will preserve the high quality of the development. The building makes a positive contribution to the surrounding area due to its architectural quality and this change helps preserve that contribution.

This application does not seek to vary any significant change in material or colouration and for that reason the end result would not constitute such a deviation from the originally approved plans that would be considered a material change. As such this amendment is considered non-material.

Accordingly, the proposed changes 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 amendments proposed can be treated as a non-material amendment.

Notes for Applicant:

Amended Condition

This approval relates to the plans and documents as listed below:

- ☐ Proposed Elevations Drawing No: 23-032 08 Rev B
- ☐ Proposed Floor Plans Drawing No: 23-032 06 Rev B

The development shall be carried out in complete accordance with the drawings/documents 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, Places for Everyone and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside those issued with planning permission 24/00276/FUL. All conditions that were imposed on the previous planning permission remain.

Report Author Nick Brookman