

## DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER | DATE         |
|-----------------|--------------|--------------|
| 23/00434/ANM    | Ryan Killeen | 15 June 2023 |

**Address:** Land East Of Hollins Lane Middleton M24 5LF

**Proposal:** Application for non-material amendment to planning permission 19/01183/REM for the substitution of brick types to plots 110-114, 134,146, 150-153, 157-173, 176-182, 186,187,191 and 192

|           |                            |     |                       |     |
|-----------|----------------------------|-----|-----------------------|-----|
| 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 |
|-----|--------------------------------------------------|-----|

|            |                                                                      |     |
|------------|----------------------------------------------------------------------|-----|
| 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: 19 June 2023

## **SITE**

The application site extends to approximately 4.6 hectares and is located to the east side of Stott Lane in Middleton and is Phase 2 of the wider site granted consent under application 16/01183/OUT, which also encompassed land further west on the opposite side of the public right of way, running adjacent to Hollin Lane. Phase 1 to the West is not included within this current application and was the subject of previous reserved matters approvals (latterly 18/01300/REM).

The application site forms part of a larger area of residential development around Hollin Lane/Langley Lane, referred to collectively as the Hollin Lane Masterplan Area.

## **PROPOSAL**

This application seeks amendments to the approved materials, substituting the Wienerbeger Crofters Medley Brick for the Manchester Brick Company Shropshire Red and Wienerbeger Oakwood Multi Brick for the Manchester Brick Company Barcombe Blend on the plots specified on the submitted Material layout insofar as it relates to plots 110-114, 134,146, 150-153, 157-173, 176-182, 186,187,191 and 192. This would reverse an earlier amendment approved under 22/00198/ANM.

## **RELEVANT PLANNING POLICY**

### **National Guidance**

Section 96A of the Town and Country Planning Act 1990

National Planning Practice Guidance (NPPG). The government published its PPG on 6 March 2014 which is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

## **RELEVANT SITE HISTORY**

|              |                                                                                                                                                                                                              |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22/00198/ANM | Application for non-material amendment to planning permission 19/01183/REM for the substitution of brick types                                                                                               |
| 19/01183/REM | Submission of reserved matters (appearance, landscaping, layout and scale) for 90 dwellings pursuant to outline planning permission 15/01183/OUT (Phase 2) – Approved                                        |
| 18/00067/DOC | Submission of details to comply with condition 27 (Stott Lane crossing details) of planning permission 15/01183/OUT – Request Completed                                                                      |
| 15/01183/OUT | Outline application (including access) for up to 205 residential units (Use Class C3) with associated landscaping, open space, access arrangements and car parking (Resubmission of 14/00849/OUT) - Approved |

## **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 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 proposed amendments would involve the substitution of the approved brick types on the various dwellings across Phase 2 of the Hollin Lane East Development, reverting to a previously approved brick type due to significant supply issues.

The amendments are clearly non-material, consisting only of minor changes to the overall appearance of the development over that approved as a result of the slight colour variation. As such, the proposals are not considered to be material as to require a new planning application.

In summary, the effects of the proposed amendments to planning approval 19/01183/REM would not, either in isolation or combination, materially alter the development's impact in terms of its design, relationship with neighbouring uses 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 conditions:

1. This permission relates to the following plans:-

- 20218-MT-02 – Materials Layout Rev. I
- Submitted Brick Sample Photograph

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 policies of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. The development shall be carried out in accordance with the approved materials specification (as detailed on the approved Materials Layout plan ref. 20218-MT-02 Rev. I).

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of 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 19/01183/REM and all conditions that were imposed on the previous planning permission remain.