

APPLICATION NUMBER: 23/00193/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00193/ANM	Aimee Bovaird	19 April 2023

Address: Littleborough Community Primary School Calderbrook Road
Littleborough Rochdale OL15 9HW

Proposal: Non-Material Amendment to planning permission 21/00701/FUL (as amended by 22/00899/ANM) including changes to position of fence/gate and landscaping to south west corner

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	APPROVE
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CHECKED AND SIGNED OFF BY: LA DATE: 11.05.23

SITE

This application relates to Littleborough Community Primary School and adjacent parking, play areas and other open space, as well as open space to the east of the sports centre which lies immediately to the north of the school site.

Townhouse Road is to the east and Denhurst Road to the south, both provide access.

North east is Townhouse Conservation Area which contains the Grade II Listed Townhouse and the Grade Listed Townhouse Mill.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 21/00701/FUL (as amended by 22/00899/ANM) including changes to position of fence/gate and landscaping to south west corner.

The amendment comprises of changes to position of fence/gate and landscaping to south west corner. Trees are to be removed

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

10/D52961 - Extension To Gymnasium And Entrance Area, Including New Door & Ramped Access Together With New Astro Turf Muga To Existing Tennis Courts And New Astro Turf Pitch On Rear Playing Fields With Associated 3M And 4M High Fencing And 12M & 15M High Floodlighting Columns- Resubmission Of D52757- Approved

21/00701/FUL - Part demolition of existing school / children's centre / gym, erection of a new school building of up to two storeys and erection of temporary classrooms, with reconfigured and additional car parking, access and landscaping - Approved

22/00899/ANM - Application for non-material amendments to planning permission 21/00701/FUL comprising of changes to the size/location/design of the energy centre to the north of the site; changes to the school building elevations (windows and vent panels); and removal of the energy centre to the east of the site - 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 removal of a tree to accommodate works for the school building will not have a negative effect on the overall site. This is not a protected tree.

The proposed change to the gate in the south west corner of the plot is to make the entrance wider and remove a bollard.

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

Summary

The effects of the proposed amendments to planning approval 21/00701/FUL (as amended by 22/00899/ANM) 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

2. This permission relates to the following plans:

- Site Location Plan, ref: LPS-ALA-00-XX-DR-L-0008 Rev.P09
- Proposed Areas of Development, ref: LPS-ALA-00-XX-DR-L-0021 Rev P04
- Topographical Survey, ref: GM11360-002 Rev.A
- Demolition Plan, ref: LPS-ALA-00-XX-DR-L-0011 Rev.P06
- **Landscape Illustrative Masterplan ref: : LPS-ALA-00-XX-DR-L-0001 Rev.P14**
- **Site Layout as Proposed (Block Plan) ref: LCPS-ALA-00-XX-DR-L-0002 REV.C02**
- **Detailed Site Layout as Proposed (Block Plan), ref: LPS-ALA-00-XX-DR-L-0013 Rev.C06**
- **Fencing General Arrangement ref: LPS-ALA-00-XX-DR-L-0003 Rev.C05**
- Existing and Proposed Site Sections, ref: LPS-ALA-00-XX-DR-L-0004 Rev.P08
- **Planting Plan ref: LCPS-ALA-00-XX-DR-L-0014 Rev. C02**
- **Tree Retention and Removal Plan ref: LCPS-ALA-00-XX-DR-L-001 Rev.C02**
- Ground Floor Plan, ref: LCP-EWA-ZZ-00-DR-A-PL0001 Rev.C1
- First Floor Plan, ref: LCP-EWA-ZZ-01-DR-A-PL0002 Rev.C1
- Roof Plan, ref: LCP-EWA-ZZ-RF-DR-A-PL0003 Rev.C1
- Elevations 1 of 2, ref: LCP-EWA-ZZ-ZZ-EL-A-PL0004 Rev.C1
- Elevations 2 of 2, ref: LCP-EWA-ZZ-ZZ-EL-A-PL0005 Rev.C1
- Refurbished Wall Details, ref: LCP-EWA-ZZ-ZZ-DR-A-12110 Rev.P5
- Energy Centre Layouts, ref: LCP-EWA-ZZ-ZZ-DZ-A-19500 Rev.C2
- Lighting Strategy Layout, ref: 1200-CSD-EX-XX-DR-E-63302 Rev.CP3
- Proposed External Services Layout, ref: 1200-CSD-EX-XX-DR-ME-10001 Rev.CP4

The development shall be carried out in accordance with these plans 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.

10. The development shall be carried out in accordance with the recommendations of the submitted Tree Retention and Removal plan (ref **LCPS-ALA-00-XX-DR-L-001 Rev.C02**) and Tree Survey, Arboricultural Implications Assessment & Method Statement (ref: 21378/A1_AIA).

Reason: To safeguard trees on the site and to ensure that adequate provision is made for their protection whilst the development is carried out in accordance with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. The landscaping works shown on the approved Landscape Illustrative Masterplan (ref LPS-ALA-00-XX-DR-L-0001 Rev.P14:) and Planting Plan (ref LCPS-ALA-00-XX-DR-L-0014 Rev. C02), shall be carried out in line with the phasing strategy shown in the Construction Management Plan (dated 06.07.21) if such timing is within a planting season and if not then within the next planting season.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to ensure the provision of replacement and additional habitats in accordance with Policies P3, G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

16. The boundary treatments to the site shall be erected in accordance with the detail shown on the Fencing General Arrangement (re LPS-ALA-00-XX-DR-L-0003 Rev.C05), and in line with the phasing strategy shown in the Construction Management Plan dated 06.07.21. The boundary treatment shall be retained as installed thereafter.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

18. The total number of Electric Vehicle charging points installed shall meet or exceed the number indicated on the approved Site Layout as Proposed (Block Plan) (ref LPS-ALA-00-XX-DR-L-0013 Rev.C06). The charging points will have a minimum power rating output of 7kW, universal sockets and at least mode 3 or equivalent. These Electric Vehicle charging points will be installed and made available in line with the phasing strategy shown in the Construction Management Plan (dated 06.07.21) and maintained in working order for the lifetime of the development.

Reason: In the interests of air quality management in accordance with Core Strategy Policy T2 and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 21/00701/FUL (as amended by 22/00899/ANM) and all conditions that were imposed on the previous planning permission remain.