

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00157/ANM	Majid Mir	10 March 2023

Address: Land At Balderstone Road Ruskin Road And Curzon Road (site 3)
Rochdale OL11 2JG

Proposal: Application for non-material amendment to planning permission
21/01807/VRCON to amend landscaping scheme

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
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CHECKED AND SIGNED OFF BY: RG

DATE: 14 March 2023

SITE

The application relates to a development, originally granted planning permission under planning application 20/00837/FUL in March 2021 before being amended through 21/01807/VRCON which received permission in December 2021. The site is approximately 0.51ha in size, and is set between Balderstone Road to the north, Ruskin Road to the west and by residential dwellings to the south and east. A sloping grass verge separates the site from Balderstone Road.

PROPOSAL

The application seeks a non-material amendment to planning permission 21/01807/VRCON. The amendments relate to the landscaping and are as follows:

- ☐ Increase hedge planting along the front boundary planting along some of the properties.
- ☐ Slight variation in the number of species mix used along the boundary planting, and
- ☐ Removal of Crataegus Monogyna planting along the eastern part of the site along the boundary with 101 Curzon Close, 105 Curzon Close and 175 Balderstone Drive.
- ☐ Removal of some planting on block 2.

The applicant wishes to make the amendments to ensure that the raised and private and public areas of the development can be maintained properly and safely.

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

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| 21/01807/VRCON | Application to vary conditions 2 and 10 on planning permission 20/00837/FUL.
Decision: Grant subject to conditions. |
| 21/01462/ANM | Application for non-material amendment to planning permission 20/00837/FUL comprising of the substitution of gabion and brick retaining walls with Secura interlocking retaining walls, updated levels to Block 7, erection of close boarded fence to rear of blocks 6 to 8 and adjacent to the |

	gable of 1 Ruskin Road and erection of palisade fencing around the substation area. Decision: Withdrawn.
21/01080/DOC	Submission of details to comply with condition 6 (materials) on planning permission 20/00837/FUL.
21/00806/DOC	Submission of details to comply with condition 3 (Bird Nesting Season) of planning permission 20/00837/FUL.
20/00837/FUL	permission granted in March 2021 for: Demolition of existing outbuildings and garages and erection of 20no. dwellings with associated access, car parking and landscaping. Decision: Grant subject to conditions.
19/00297/DOC	Submission of details to comply with conditions 5 (Levels), 6 (Remediation), 7 (Drainage) and 10 (CMS) of planning permission 18/00854/VRCON
18/00900/DOC	Submission of details to comply with conditions 6 (Contamination) and 7 (Drainage) of planning permission 15/01426/OUT in respect of the development of the Health Centre
18/00854/VRCON	Section 73 application to vary condition 4 (affordable housing) of planning permission 15/01426/OUT to reflect phasing of development. Decision: Grant subject to conditions.
15/01426/OUT	Outline application for residential development (Use Class C3) and health care (Use Class D1) including demolition of existing buildings. All matters reserved. Decision: Grant subject to conditions.
10/D52890	Engineering Works And Landscaping Works Including Installation Of 1M High Bollards To Form Informal Recreation Area (Community Arts Project). Decision: Grant subject to conditions.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

N/A

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 increase in the boundary treatment on some of the properties would not substantially alter the appearance or have any greater impact on the amenity of any of the neighbouring properties or the future occupiers of the applicant site.

In regards to the alterations in the species mix used for the boundary treatment, it is noted that the same species would be used however, the mix would slightly alter. This would not substantially alter the appearance of the boundary treatment. In regards to the removal of some planting to the rear of block 2, it is noted that this would be to the rear and a small amount of planting. Additionally, it is noted that the location of the planting is where new steps were approved under planning application 21/01807/VRCON. As such it would not be possible to undertake the planting in this location.

It is noted that the alterations in the form of the extension of the boundary treatment to the front of the properties to the north of the site as well as the removal of some of the planting to the rear of block two would mean the planting plan is consistent with the site plan approved under planning application 21/01807/VRCON.

In conclusion, the proposal would not substantially alter the appearance of the development and would retain a similar appearance when viewed from public vantage points.

On the basis of the above considerations, the effects of the proposed amendment within this application 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

GRANT subject to the following conditions:

2. This permission relates to the following list of submitted plans and drawings and documents:
 - Location Plan ref: 101 A
 - Existing Site Plan ref: 102A
 - Existing Site Topographical Survey ref: 102 B
 - **Proposed Site Plan ref: 103 rev E**
 - Proposed Roof Plan ref: 104 B
 - Blocks 1 & 2: Proposed Plans & Elevations ref: 105 A
 - Blocks 3, 4, 5 & 6: Proposed Plans & Elevations ref: 106 A
 - Blocks 7 & 8: Proposed Plans & Elevations ref: 107 B
 - Proposed Boundary Treatments 1 of 2 ref: 109 rev A
 - Proposed Boundary Treatments 2 of 2 ref: 113 rev A
 - Rear Bin Store Detail Plots: 33-44 ref: 110
 - Demolition Plan ref: 111 B
 - Proposed Levels ref: 18.B.12322/205 rev L
 - Site Sections - Sheet 1 ref: 18.B.12322/206 A
 - Site Sections - Sheet 2 ref: 18.B.12322/207 A
 - Proposed 3D Visualisation ref: 112
 - **Detailed Planting Plan - Balderstone Road Site. ref: D7585.004E**
 - Existing and Proposed Drainage ref: 19B.12322-2200 E

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, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

7. Each dwelling to be fitted with biodiversity enhancement measures, as shown on the approved plan '**Detailed Planting Plan - Balderstone Road Site**' ref. **D7585.004E**, shall not be first occupied until such time as the biodiversity enhancement measures to that dwelling have been installed in accordance with the approved details. All biodiversity enhancement measures shall thereafter be retained as installed in perpetuity.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8. The landscaping works shown on the approved landscaping plan (**Detailed Planting Plan - Balderstone Road Site, ref. D7585.004E**) shall be carried out in accordance with the approved details no later than the first planting season following final occupation of the development hereby permitted. Any trees or shrubs planted or retained 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 in accordance

with policies P3, DM1 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 21/01807/VRCON 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.