

APPLICATION NUMBER: 23/00853/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00853/ANM	Tom Hiles	21 August 2023

Address: Hexpol Tpe Ltd Don Street Middleton Rochdale M24 2GG

Proposal: Application for non-material amendment to planning permission 21/00744/FUL for the proposed handing of 'cherry' house type on plot 143 and change to layout at rear of plot 262.

PUBLICITY	Weekly list expired?	Y	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
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Approve
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CHECKED AND SIGNED OFF BY: LA **DATE:** 06.11.23

SITE

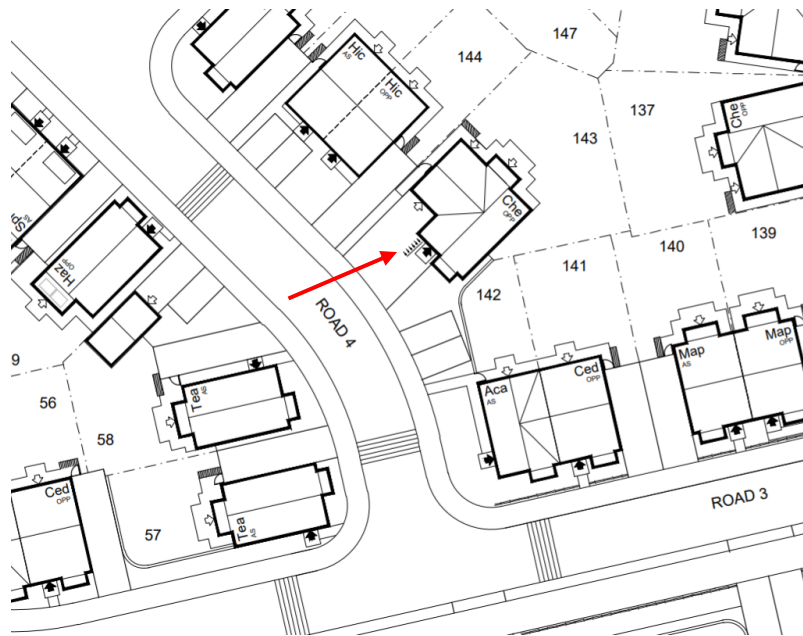
The application relates land off Don Street, to the north of Oldham Road in Middleton, subject of a recent planning approval for the development of 311 dwellings.

There is a pending section 73 application relating to the approved scheme, seeking minor material amendments to the original permission.

PROPOSAL

The application seeks the Council's confirmation that proposed alterations to the approved scheme are non-material amendments. The changes relate to the layout of two plots, 143 and 262, as indicated on the following plans.

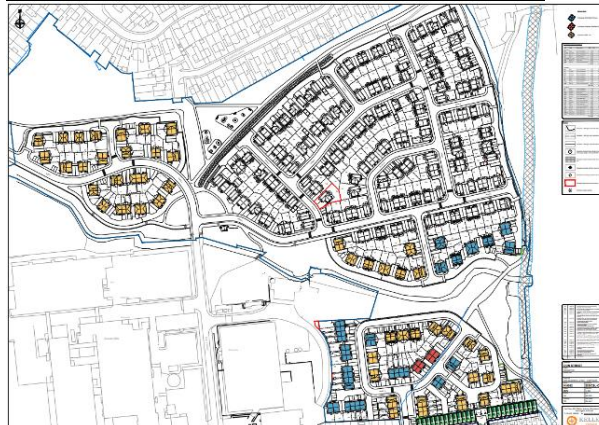
Approved layout – plot 143



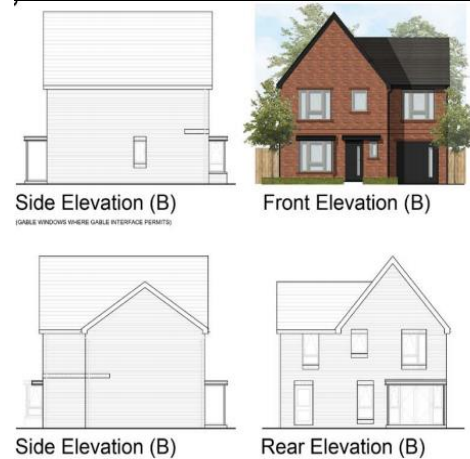
Proposed amended layout – plot 143 mirrored



Plot 143 shown in context of the development

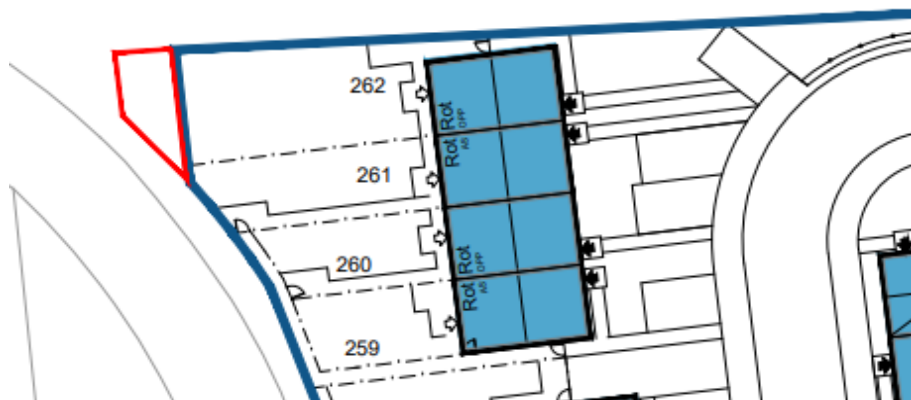


Plot 143 housetype 'Cherry' elevations

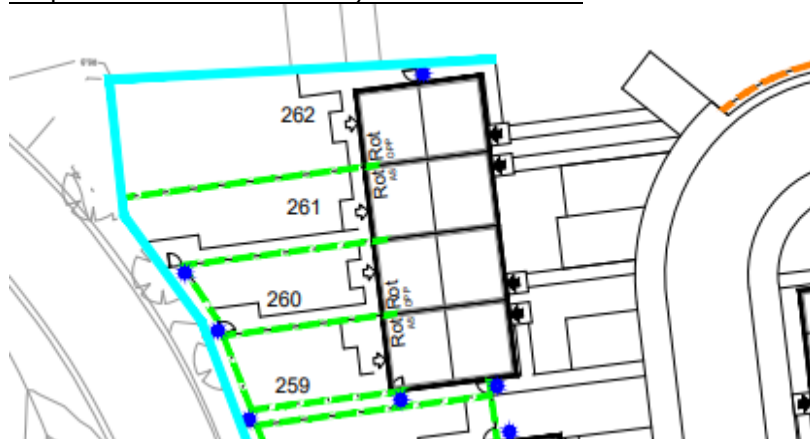


The application originally proposed to alter the red-line application site boundary to reduce the land included at the rear of plot 262, as shown below.

Proposed Amended Site Layout – Plot 262



Proposed Amended Boundary Details – Plot 262



However, it was considered that an alteration to the application site boundary cannot appropriately be achieved through this S96A application, and procedurally speaking is not necessary in order to reduce the extent of the garden, as these changes can be undertaken within the site boundary originally approved.

Following discussion with the developer it was agreed that the scope of the application would be modified to allow for approval of the reduction in the depth of the garden (from around 20m approved to around 16m) and to the boundary treatment, without the application site boundary being modified. The description of development for the application has been modified accordingly to refer to the change to the layout at plot 262 rather than a modification to the site boundary.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P3 - Improving design of new development
DM1 - General development requirements

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

21/00744/FUL - Residential development of 311 dwellings (Use Class C3) with associated infrastructure, landscaping and access. Approved with conditions, 13/09/2022

22/01248/DOC - Submission of details to comply with conditions 3 (tree protection), 4 (bird nesting), 6 (piling), 7 (levels), 8 (SI), 9 (dewatering), 10 (coal mining), 11 (wsi), 12 (drainage), 13 (lighting), 14 (invasive species), 15 (CMS), 16 (CTMP), 17 (CEMP), 18 (LCHMP), 19 (river corridor strategy), 20 (bus stop), 21 (materials), 22 (pedestrian crossing), 23 (20mph), 24 (oldham rd parking), 25 (landscaping), 26 (drainage maintenance), 27 (travel plan) and 28 (acoustics). Approved, 03/03/2023

23/00070/VRCON - Section 73 application for minor material amendment to planning permission 21/00744/FUL relating to condition 2, comprising amended allotment and parking area, plot substitutions and associated boundary treatment changes. Decision pending.

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 and no public comments have been received.

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 mirroring of the unit at plot 143 is not considered to be a material amendment, in terms of all relevant planning considerations, relative to the scale and nature of the approved scheme.

The 'Cherry' housetype is a two-storey house with a two-storey side gable, and plot 143 is set between other houses on the street. Mirroring the unit will not have a material impact on any of the adjacent units in amenity terms. It is noted that the housetype at the closest adjacent plot, 144, has small windows at ground and first floor facing plot 143 at close proximity. One of these serves a WC and the other is a secondary window serving an open-plan kitchen diner. Therefore it is considered that the closer placement of the deeper main body of the house at 143 would not result in any greater impacts in terms of outlook or daylight. The alteration would not result in any greater impact on amenity to the occupants of the houses at the other adjacent plots 141 and 142.

The amendment at plot 143 would not give rise to any material change to the character or appearance of the approved development and is therefore considered to be non-material in design terms.

The reduction in the extent of rear garden and the corresponding alteration to the boundary treatment at plot 262 would not materially change the approved development in any relevant regard, including in terms of design or the standard of accommodation for future occupiers. This alteration is likewise therefore considered to be non-material in nature.

SUMMARY

As set out above, the amendments subject of this application (reduced in scope as agreed with the applicant) would result in no greater material impact than the development as previously approved (or, as taken together with the pending minor material amendment application) and, therefore, would 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

The proposed changes to the scheme originally approved would be a non-material amendment and can be approved as follows:

The amendments to the approved development as indicated on the following drawings:

*DS/CSL-CL/01 Rev BD – Site Planning Layout - Composite
KH/DS/MP/01 Rev Z - Materials Plan
KH/BS/BTP/01 Rev T - Boundary Treatment Plan*

are a non-material amendment. This decision relates only to this alteration as described above, and should be read alongside the decision for the original planning permission ref 21/00744/FUL. All conditions previously imposed remain in effect.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 21/00744/FUL. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

For the avoidance of doubt, this decision does not grant approval to any change to the approved 'red line' application site boundary subject of the original planning permission ref 21/00744/FUL.

Report Author Tom Hiles