APPLICATION NUMBER: 20/01270/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01270/ANM	Ryan Grant	28 October 2020

Address: Land Bound by Manchester Road, Hareshill Road and Pilsworth Road, West of Junction 19 of the M62, Rochdale

Proposal: Application for non-material amendment to planning permission 16/01399/HYBR for proposed amending of wording to Schedule 2 conditions 11, 12, 13, 14, 18 and 37

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	**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
	Neighbour comments received?	N/a

EIA	**Screening opinion completed and saved to Onbase?**	N

CONDITIONS	**Pre-commencement conditions proposed?**	N/a
	Pre-commencement conditions agreed (or notification period expired)?	N/a

RECOMMENDATION	APPROVE

CHECKED AND SIGNED OFF BY: EH **DATE: 28.10.2020**

SITE

The site relates to the South Heywood Junction 19 development which is a large irregular shaped area of predominantly undeveloped agricultural land that is approximately 129.4 hectares in area. The site is enclosed by a mixture of hedgerows, trees and post and rail fencing. There is also a handful of sporadically sited properties located within the site including Hares Hill Farm, Collop Gate Farm, Siddal Moor Farm depot and some residential properties on Hareshill Road and Manchester Road.

The urban fringe of Heywood bounds the north and western sides of the site, comprising residential and employment/commercial areas which include the Heywood Distribution Park, Hareshill Business Park and Pennine Business Park. Residential areas are also present to the eastern side of the site, which include: Bader Drive, Wings Grove, Mercers Road, Lenten Grove, Salthill Avenue, Whittlebrook Grove and Middleton Road.

PROPOSAL

This Section 96A application seeks an amendment to the Schedule 2 condition 33 in relation to the Travel plan requirements for the elements of the outline approval alongside the insertion of a new associated planning condition. These changes represent a procedural change in the timings for submission of travel plans dependent on the circumstances of the different use classes being provided onsite.

The proposed amendment to the conditions would remove the commercial B2 and B8 Class uses from condition 33 which requires submission of a Full Travel Plan with any reserved matters application. These B class uses would then be covered under a separate new condition 43 which requires submission of a Full Travel Plan for these uses prior to occupation.

The applicant has stated that the long-lead in times for these B class use developments, combined with the speculative nature of some applications at the point of submission, make it impractical to submit a Full Travel Plan at the stage of reserved matters submission. Submission at the earlier stage would fail to take into consideration the occupiers practices.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

The application site has been subject to the following relevant applications:

16/01399/HYBR - Part full/part outline planning application for the development of land at South Heywood, including the demolition of a number of existing on-site buildings and structures. Full consent sought for the construction of a new link road between Junction 19 of the M62 and Pilsworth Road, the widening of part of

Pilsworth Road, together with associated junction improvements, landscaping, lighting and other works including the importation of material and engineering works in order to construct the link road. Outline consent (with all matters reserved for future approval except access) sought for a major mixed-use development comprising supporting residential uses comprising up to 1000 dwellings (Class C3); employment uses (Classes B2/B8) comprising up to 135,460m2 Gross Internal Area(GIA); a new primary school (Class D1); Class A1/A2/A3/A5 uses comprising up to 2500m2 GIA which includes no more than 499m2 of A1 uses; together with associated landscaping, open space and sports pitches, drainage, ecological enhancements, cycleway and footpath linkages, infrastructure and other works ancillary thereto. (Application accompanied by an Environmental Statement) – Approved

20/00417/ANM - Application for non-material amendment to planning permission 16/01399/HYBE relating to the full construction of the new link road – Approved

20/00464/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for changes to layout and alignment of sections of Link Road and conversion of junction connections from South Heywood Employment Zone and Hill Top Road to traffic-signal control - Approved

20/00933/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for proposed amending wording to Schedule 2 conditions 11, 12, 13, 14, 18 and 37 - Approved

CONSULTATION RESPONSES

Highways – No objection to the amended trigger for submission of Full Travel Plans for B2 and B8 Use classes

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 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.

In this instance, the proposal seeks amendment to Conditions 33 of Schedule 2 and the imposition of a new Condition 43.

Assessment of NMA

In dealing with the application it is considered that the proposals fall to be considered as non-material in the context of the scheme; both individually and cumulatively.

The amended trigger point for the submission of Full Travel Plans for B2 and B8 use class units will allow for a more complete Travel plan submission which will more accurately reflect the end occupiers typical travel arrangements. Rochdale Council Highways raise no issue with this amended trigger point. Furthermore, the applications for any B class uses are still bound by the Framework Travel Plan approved as part of the original hybrid permission. This will ensure best practice in bringing forward developments which are prepared to accommodate the suggestions that will be fully formed in the Full Travel Plans submitted prior to occupation of the units.

On the basis of the assessment set out above, it is considered that this NMA does not impact in anyway the planning balance on which the original approved application was determined.

Whilst the approved application (16/01399/HYBR) included the submission of EIA, officers it is considered that the amendments sought have no impact on the EIA for reasons set out above.

On the basis of the above considerations, the effects of the proposed amendment, together with the previously approved non-material amendments, 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

It is therefore considered and accepted that the amendments proposed can be treated as non-material amendments in the context of the details of the original planning permission. The specific amendments being sought in this case are individually and as a whole considered to be acceptable and can be accepted in this case.

Notes for Applicant:

Conditions and Reasons relating solely to the Outline Application (Schedule 2)

Condition 33

The submission of any reserved matters application for residential uses, the new primary school, shops, professional/financial services, restaurants/cafes or hot food takeaways should be accompanied by subsidiary Full Travel Plan(s) (FTP) for each phase of development. The FTP must be submitted to and approved in writing by the Local Planning Authority, and shall be implemented and reviewed in accordance with the timetable set out in the Framework Travel Plan. The FTP shall then be implemented as approved.

Reason: To provide for sustainable travel and to limit the effects of the increase in travel movements in accordance will Policies T1 and T2 of Rochdale Core Strategy.

Reason for pre-commencement condition: To ensure satisfactory details appropriate to the construction of a development of this significance.

New Condition 43

Prior to the occupation of any approved buildings of Use Class B2 or B8, a subsidiary Full Travel Plan(s) (FTP) for that particular building must be submitted to and approved in writing by the Local Planning Authority, and shall be implemented and reviewed in accordance with the timetable set out in the Framework Travel Plan. The FTP shall then be implemented as approved.

Reason: To provide for sustainable travel and to limit the effects of the increase in travel movements in accordance will Policies T1 and T2 of Rochdale Core Strategy.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 16/01399/HYBR and non-material amendments 20/00417/ANM, 20/00464/ANM, and 20/00933/ANM. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

Report Author Ryan Grant