

APPLICATION NUMBER: 24/00821/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00821/ANM

CASE OFFICER

Bob Melling

DETERMINATION DATE 17.09.2024 EXT OF TIME N/A

Address: Falinge Park, Falinge Road, Rochdale, OL12 6LB

Proposal: Application for non-material amendment to planning permission 23/00906/FUL (Erection of 3m high and 2m high temporary security fencing around an existing compound for a period of up to 3 years) to revised the position and type of fencing to 3m high palisade fencing only.

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

RECOMMENDATION

Approve

CHECKED AND SIGNED OFF BY: RC

DATE: 17/09/2024

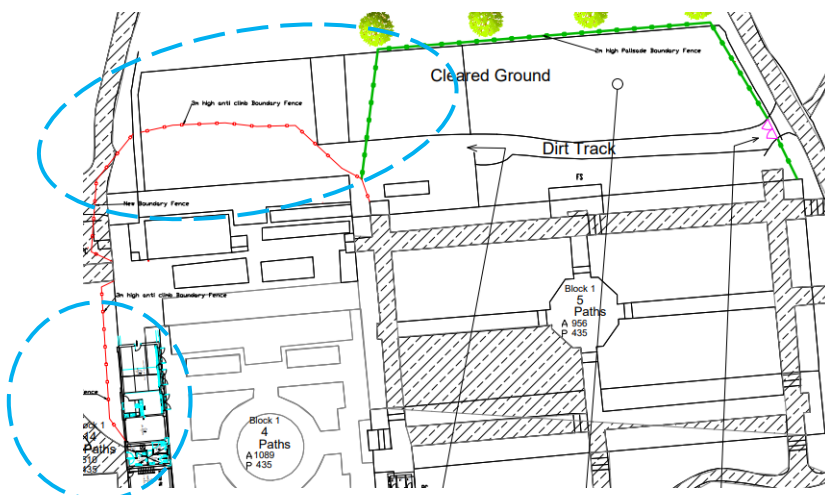
SITE

Falinge Park is a Grade II registered Park and Garden located in the Spotland and Falinge ward of Rochdale approx. 0.8km northeast of the town centre. Located centrally within the park lies a Grade II structure - Falinge Hall and its associated buildings and pavilion, built in the late 18th century. To the north of the Hall is an enclosed structure currently in use as a store for garden equipment and a community bus. The enclosed walls of the compound form part of the historic structures associated with the park.

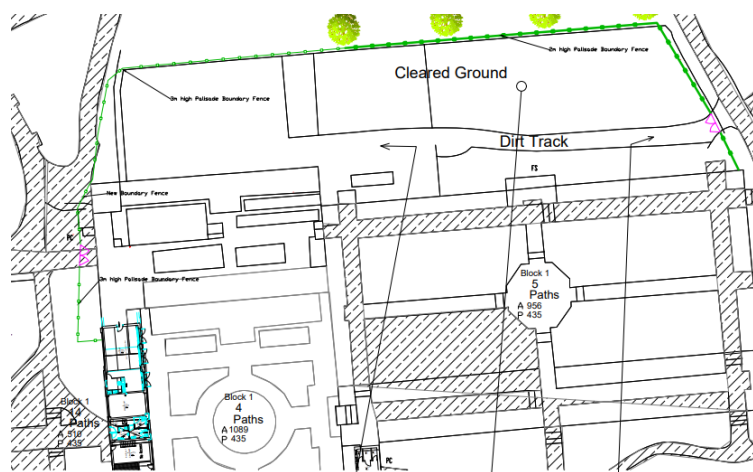
PROPOSAL

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 the temporary security fencing and the type of fencing to be used. The existing approval indicates the use of both anti-climb and palisade fencing, whereas the proposed alterations would see the use of palisade fencing only.

Approved layout (relevant areas indicated in blue):



Proposed amendment:



RELEVANT PLANNING POLICY

National

Sub-regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the nine authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-G1	Landscape Character
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P3	Cultural Facilities

Local

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
P1	Improving Image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving Design of New Development
DM1	General Development Requirements

RELEVANT SITE HISTORY

23/00906/FUL - Erection of 3m high and 2m high temporary security fencing around an existing compound for a period of up to 3 years. Approved with conditions, 03/06/2024

CONSULTATION RESPONSES

Conservation Officer – No objections.

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.

DELEGATION

The applicant is an officer of the Council acting on behalf of the Council in relation to a Council-owned property. However, the applicant does not deal with any planning matters, and in accordance with paragraph 7.1 of part 3 (Responsibility for Functions) of the Council's Constitution, the application can therefore be determined under delegated authority.

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 amendment to the layout of the fencing and the corresponding change to the type of fencing 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.

SUMMARY

As set out above, the amendments subject of this application would result in no greater material impact than the development as previously approved 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 drawing:

A1/287/004. Site Plan Revised Fence (Submitted on 10/09/2024)

comprising the repositioning of the fencing and change of fencing type 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 23/00906/FUL. All conditions previously imposed remain in effect except as modified by this decision.

Report Author Bob Melling