

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00982/ANM	Tom Hiles	05 December 2023

Address: Land In The Northern Part Of The South Heywood Masterplan Scheme, Located On Land Bound By Manchester Road, Hareshill Road And Pilsworth Road, West Of Junction 19 Of The M62 In Rochdale

Proposal: Application for non-material amendment to planning permission 22/00787/REM relating to condition 1 changes to the ground levels and sections

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: RG

DATE: 05 December 2023

SITE

The site forms part of the South Heywood Masterplan, comprising land defined by Manchester Road, Hareshill Road, and Pilsworth Road in south Heywood.

Hybrid permission was granted (ref 16/01399/HYBR) for the development of the site with a mix of residential, community, employment, retail and business uses, together with a new link road, landscaping and open spaces and other infrastructure. Reserved matters approval ref 22/00787/REM for elements of the hybrid scheme was approved in September 2022.

The application relates to an area at the north-west of the site, approved for development in B2/B8 uses.

Reserved matters approval was subject to a number of conditions, including the following condition 1:

This approval relates to the plans and documents as listed within 'Schedule of Submission Documents - 8th September 2022'

The development shall be carried out in accordance with these drawings/documents 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.

The list of plans within the approved schedule of submission documents included plans showing cut and fill analysis across the development site, indicating finished ground levels for different parts of the site.

PROPOSAL

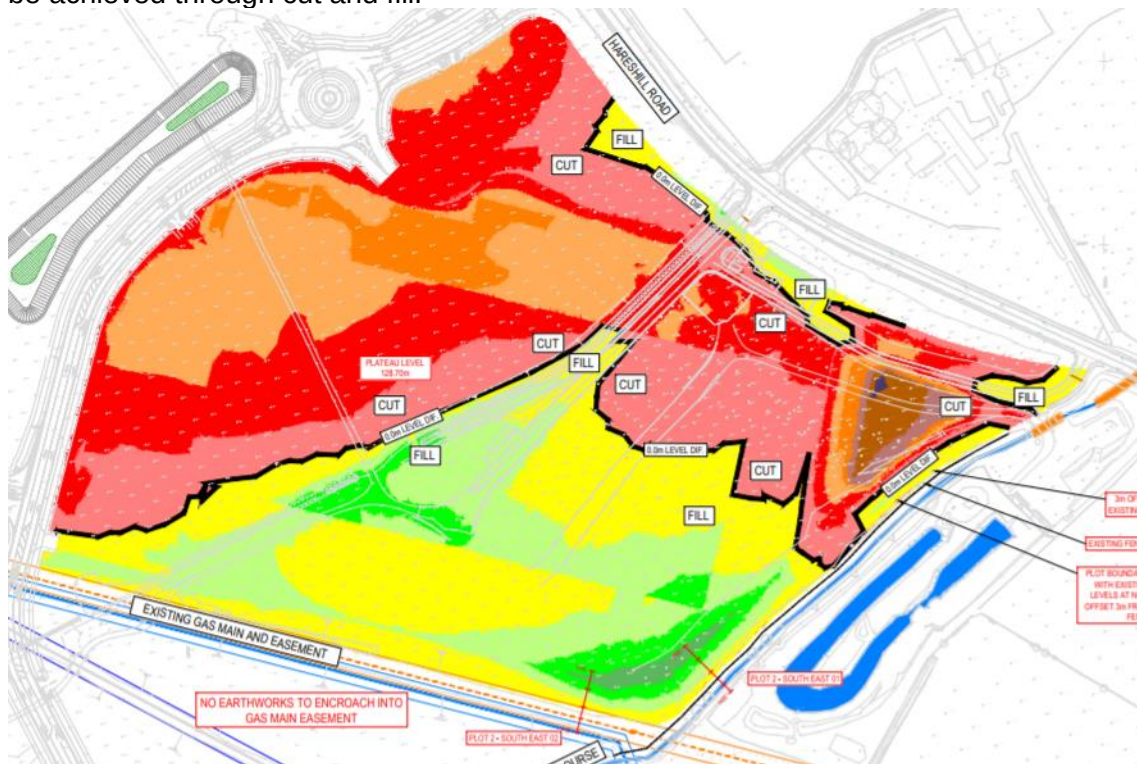
The application seeks approval to increase the finished ground levels in this area of the site. Procedurally, the application seeks to do this by substituting two plans approved under condition 1:

- ❑ SOHW-WYG-00-ZZ-90-C-0125, Rev C02 - EASTERN PLATEAU CUT AND FILL ANALYSIS
- ❑ SHP1-ASA-00-ZZ-ZZ-D-A-0013-(SO-P2)-PROPOSED SITE SECTIONS

Amended versions of these two plans are submitted with the application. These indicate the increase in finished ground levels. The previously approved cut and fill plan and the proposed amended version are shown below.

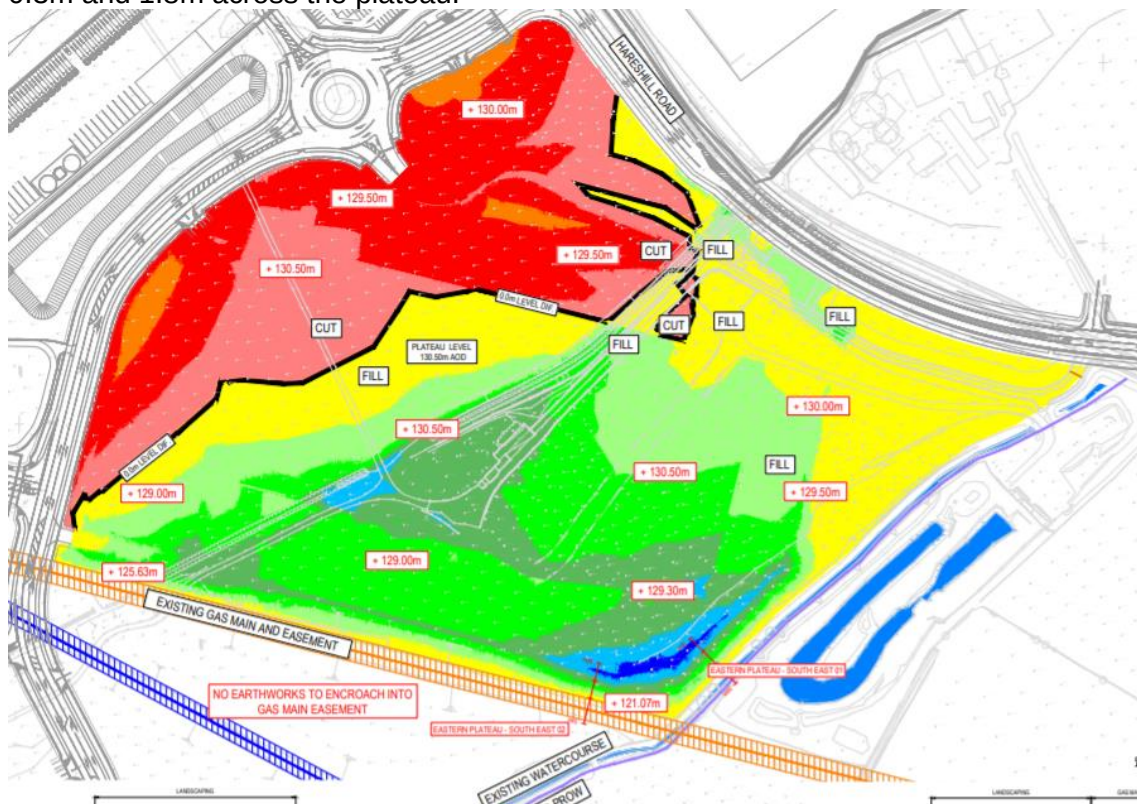
Approved cut and fill level

The approved ground level on the cut and fill analysis plan indicated that the ground level for the eastern plateau would be 128.7m AOD, with a flat level at this height to be achieved through cut and fill.



Proposed amended cut and fill levels:

The proposed ground levels indicated on the amended cut and fill analysis plan would increase to between 129m AOD and 130.5m AOD, an increase of between 0.3m and 1.8m across the plateau.



A separate S96A application (ref 23/00981/ANM) to reduce the maximum building height parameters by 2m across this area is submitted in parallel and is currently under consideration to be determined alongside this application.

RELEVANT PLANNING POLICY

Legislation

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

National Guidance

National Planning Policy Framework (NPPF)
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

20/01270/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for proposed amending of wording to Schedule 2 conditions 33 and 43 – Approved

20/01413/ANM - Application for non-material amendment to planning permission 18/01399/HYBR to amend the wording of Schedule 2 Conditions 32 (Junction Improvements) and 42 (BREEAM) – Approved

20/01388/ANM - Application for non-material amendment to planning permission 16/01399/HYBR to amend the wording of Schedule 1 Conditions 2 and 4, and Schedule 2 Conditions 11 and 13 – Approved

21/00390/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for amendments to wording of Schedule 2 Conditions 10, 11 and 13 – Approved

21/01210/ANM - Application for non-material amendment to planning permission 16/01399/HYBR to remove the two storey height parameter – Approved

22/00283/ANM - Non-material amendment for planning permission 16/01399/HYBR for the re-wording of condition 34 (external lighting) – Approved

22/00500/ANM - Application for a non-material amendment to planning permission 16/01399/HYBR for revisions to approved parameters plan, comprising commercial buildings height and landscape buffer amend - Approved

23/00100/ANM - Application for non-material amendment to planning permission 16/01399/HYBR which seeks changes to the boundaries of the local centre and commercial area (Amendment to conditions 11 and 13). Approved.

22/00787/REM - Submission of reserved matters (including Appearance, Landscaping, Layout and Scale) for the construction of a distribution centre with ancillary office accommodation, gatehouse and access arrangements, car parking, HGV bays, sprinkler tanks and pump house, attenuation ponds, landscaping, spine road and other associated works, together with preparatory earthworks and landscaping on adjoining development plots pursuant to 16/01399/HYBR. Approved.

22/00989/ANM - Application for non-material amendment to planning permission 16/01399/HYBR for amended wording of conditions 11 and 13 (Schedule 2) in relation to height parameters (commercial area only). Approved

CONSULTATION RESPONSES

N/A

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.

Assessment of NMA

The proposed amendment to increase the ground levels to various extents across the southern plateau area of the development site should be considered to be a non-material amendment, when taken together with the reductions to maximum building heights applied for under 23/00981/ANM.

From the assessment set out above, it is considered that this NMA, when considered alongside 23/00981/ANM does not impact in anyway the planning balance on which the original approved application was determined.

Whilst the approved application (16/01399/HYBR) was an EIA application, it is considered that the amendments sought have no greater impact than that assessed through the original and addendum ES for the reasons set out above. It is noted that the reduced need to remove materials from the site would have a beneficial reduction in construction activities.

The effects of the proposed amendment, together with the previously approved non-material amendments, 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 recommended that the amendment can be approved to refer to the two revised plans, subject to the development according with the reduction in maximum building height indicated in the other pending S96A application.

As the original condition referred to a separate schedule of all of the approved plans (and an updated schedule listing the amended plans has not been submitted), it is suggested that approval should be subject to the following amended version of condition 1:

This approval relates to the plans and documents as listed within 'Schedule of Submission Documents - 8th September 2022'

*The development shall be carried out in accordance with these drawings/documents hereby approved, **except as superseded by the following amended drawings hereby approved:***

SOHW-WYG-00-ZZ-90-C-0125 Rev **P03** - EASTERN PLATEAU CUT AND FILL ANALYSIS

SHP1-ASA-00-ZZ-00-D-A-0013 _ (S0 - **P3**) - PROPOSED SITE SECTIONS

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.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 22/00787/REM. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

The Local Planning Authority has determined this application with reference to the other pending S96A application on the site, ref 23/00981/ANM, for changes to maximum building height parameters. This decision should be read alongside the approval of that application. The amendment approved by this decision notice should be undertaken in conjunction to the amendments approved by 23/00981/ANM.