

APPLICATION NUMBER: 24/00361/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00361/ANM

CASE OFFICER

Rachel Carney

DETERMINATION DATE 16.05.2024 EXT OF TIME 13.05.24

Address: Land Off Mossylea Close, Middleton

Proposal: Non material amendment of planning approval 22/01177/FUL [Erection 29 dwellings (Use Class C3) with associated access, landscaping and infrastructure] for alterations to front elevations of 2no' house types

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

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: LA

DATE: 13.06.24

SITE

The application relates to a site where planning permission has recently been approved (application 22/01177/FUL) for the erection of 29 dwellings. Development on site has commenced but prior to this, the site was considered to be greenfield land, having last been used as a playing field for Alkrington Moss Primary School which closed in July 2007.

PROPOSAL

The application seeks permission for a non-material amendment to planning permission 24/00634/FUL.

The application proposes a change to house type C22-3B5P which relates to plot nos. 4 – 9 through provision of a smaller first floor bathroom window above the front door. The same amendment is also proposed to plot no. 19 (house type F322).

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

22/01177/FUL - Erection of 29 dwellings (Use Class C3) with associated access, landscaping and infrastructure - 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 and no representations 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 application seeks changes to plot nos. 4-9 and 19 through the provision of a smaller first floor bathroom window above the front door. It is stated that this amendment is sought so that the window cill will sit above the sanitary ware. Without this alteration, the applicant states that the previous design (as approved) would have resulted in the build up of blockwork behind the bottom half of the windows.

Considering the changes proposed, it is noted that the development would result in the loss of some of the vertical proportions as approved. However, the main fenestration for the front elevations would remain with the approved verticality and it is this that would comprise the main character and appearance of the dwellings. Whilst the bathroom windows would be smaller, it is not unusual to see such arrangement and viewing this change in the context of the development it is considered that the alterations would comprise only a very minor change to the approved scheme. The dwellings impacted by the amendments would remain in keeping with the development as a whole and would retain attractive front elevations that would contribute positively to the area as a whole and provide a visually appropriate development within the site.

The proposed alterations would have no impact on residential amenity or any other material planning considerations. Based on the above it is therefore considered that the proposed change to fenestration would not materially alter the approved scheme.

Summary

The effects of the proposed amendments to planning approval 22/01177/FUL would not, either in isolation or combination, materially alter the development's impact in terms of its design, relationship with neighbouring uses or impact on the character and appearance of the surrounding area. The amendments would result in no greater material impact than the development as previously approved and, therefore,

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

APPROVE

1. This decision relates to the following plans and documents:

- Location Plan - Drawing no. 00
 - Site Location & Existing Site Plan - Drawing no. 001 Rev A
 - Planning Layout - Drawing no. 01 Rev L
 - Illustrative Planning Layout - Drawing no. 02 Rev L
 - Boundary Treatment Layout - Drawing no. 03 Rev A
 - Illustrative Street Scenes - Drawing no. 05 Rev A
 - Landscape Layout - Drawing no. 101 Rev C
 - Type D22 - Drawing no. 20042_HT_01
 - Type D22 - Drawing no. 20042_HT_02
 - Type D22 - Drawing no. 20042_HT_03
 - Type F222 Floor Plans - Drawing no. 20042_HT_04
 - Type F222 Elevations - Drawing no. 20042_HT_05
 - Type F322 Floor Plans - Drawing no. 20042_HT_06
 - Type F322 Elevations - Drawing no. 20042_HT_07_A
 - Type F322 Floor Plans - Drawing no. 20042_HT_08
 - Type F322 Elevations - Drawing no. 20042_HT_09
 - House Type BU 1 - Drawing no. 20042_HT_11
 - House Type BU 2 - Drawing no. 20042_HT_12
 - House Type C22 - Drawing no. 20042_HT_13_A
 - Illustrative Visual 1 - Drawing no. 20042_08
 - Illustrative Visual 2 - Drawing no. 20042_09
 - Ecological Impact Assessment, prepared by Bowland Ecology and dated July 2022
 - Crime Impact Statement, ref: 2022/0305/CIS/01 Version B: 01/08/22
- 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.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 22/01177/FUL and all conditions that were imposed on the previous planning permission remain.

Report Author Rachel Carney