

APPLICATION NUMBER: 24/00618/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00618/ANM

CASE OFFICER

Rachel Carney

DETERMINATION DATE 29.07.2024 EXT OF TIME

Address: Land Off Mossylea Close Middleton Rochdale

Proposal: Application for non-Material Amendment to planning permission 22/01177/FUL to allow for amendments to approved plans under Condition 2 (Approved Plans)

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?	y
	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

REFUSE

CHECKED AND SIGNED OFF BY: LA DATE: 23.07.24

SITE

The application relates to a site off Mossylea Close, where planning permission has recently been approved for the development of 29 dwellings. The site was formally a school playing field but has been left vacant since closure of the school.

PROPOSAL

The application seeks permission for a non-material amendments to planning permission 22/01177/FUL.

Application 22/01177/FUL was for the erection of 29 dwellings on the site and this application seeks to introduce solar panels to the roofs of all the properties.

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

22/01177/FUL - Erection 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 to install solar panels to the roof of the approved dwellings and dependant on their orientation and design, the panels would be sited to the front, side or rear elevations. Elevation plans have been submitted to show the proposed solar panels but no detailed specification of the solar panels has been provided, nor is there any information to indicate their depth or their projection from the roof slopes.

It is recognised that solar panels are a relatively common appearance on the roof slopes of residential properties, but they do undoubtedly change the appearance of the property, particularly when they are on a publicly visible elevation, such as is the case for a number of the properties here (those where the panels are proposed to the front or side elevations). Additionally, the visual impact from solar panels can vary significantly depending on the type proposed, their installation and their projection from the roof slope. In this regard it is noted that some solar panels can be installed flush to the roof, where others have a significant projection. There are also different finishes to solar panels.

The installation of renewable energy technologies is acceptable in principle and something that is welcomed and encouraged on new developments. Nonetheless, the installation of solar panels would materially alter the appearance of the properties, particularly those where the solar panels are proposed to the front and side elevations which are visible from the highway. The extent of this impact can also not be quantified given the sparse details submitted.

With the above in mind it is considered that the installation of solar panels would be a material change from the development previously approved and it would, therefore, constitute a material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

REFUSE

In accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015, the revised proposal cannot be considered as a non-material amendment to the existing planning permission. The proposed installation of solar panels would represent a material change to the appearance of the approved dwellings. The proposal will therefore require an application for planning permission.

Notes for Applicant:

For the avoidance of doubt, this decision notice relates to the following submitted plans:

- Planning Layout – Drawing no. 01 Rev N
- PV Site Plan – Drawing no. 26741/SK1
- Floor Plans and Elevations Plots 1-2 – Drawing no. 20042_HT_02 Rev A
- Floor Plans and Elevations Plot 3 – Drawing no. 20042_HT_11 Rev A
- Floor Plans and Elevations Plots 04-05, 06-07 & 08-09 – Drawing no. 20042_HT_13 Rev B
- Elevations Plots 10-13 – Drawing no. 20042_HT_05 Rev A
- Floor Plans – Drawing no. 20042_HT_04
- Floor Plans and Elevations Plots 14-15 & 16-17 – Drawing no. 20042_HT_01 Rev A
- Elevations Plots 18-20 – Drawing no. 20042_HT_07 Rev A
- Floor Plans Plots 18 – 20 – Drawing no. 20042_HT_06
- Elevations Plots 21-24 – Drawing no. 20042_HT_16
- Floor Plans Plots 21-24 – Drawing no. 20042_HT_15
- Floor Plans and Elevations Plots 25-26 – Drawing no. 20042_HT_14
- Floor Plans and Elevations Plots 27-28 – Drawing no. 20042_HT_03 Rev A
- Floor Plans and Elevations Plot 29 – Drawing no. 20042_HT_12 Rev A

Report Author Rachel Carney