

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00333/ANM

CASE OFFICER

Anna Hayes

DETERMINATION DATE 24.04.2025 **EXT OF TIME**

Address: Former Department Of Work And Pensions Dcs Distribution Centre,
Manchester Road, Heywood OL10 2PZ

Proposal: Non-material amendment to the wording of planning condition 23
(background noise level) pursuant to planning permission 22/01410/FUL

PUBLICIT Y	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?	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

COMMENT S	Planning Panel comments received?	n/a
	Neighbour comments received?	n/a

EIA	Screening opinion completed and saved to Onbase?	n/a
------------	--	-----

CONDITIO NS	Pre-commencement conditions proposed?	n
	Pre-commencement conditions agreed (or notification period expired)?	n

RECOMMENDATION	GRANT
-----------------------	--------------

CHECKED AND SIGNED OFF BY: Melanie Hale **DATE:** 12th June 2025

SITE

The site originated as an RAF maintenance unit, and has been more recently used to store documents. It comprises several reasonably well spaced, metal clad warehouses of functional appearance and varying size. These are linked by a circuit of roads, with trees planted in the gaps between, and around the boundary. The latter is enclosed by a high chain-link fence topped with barbed wire. The site is currently vacant and showing signs of age and dilapidation. Planning permission has recently been granted by appeal for the demolition of the existing warehouses on site and replacement by 2 new warehouses: Units 1&2, and Unit 3, together with associated infrastructure.

Bader Drive and Whitehouse Close are located immediately to the north of the proposed position of Units 1&2. Together with Oldbury Close, they are also located to the east of the proposed position of Unit 3. These streets, which generally stand on higher ground than adjacent parts of the site, contain a mix of 2-storey dwellings and bungalows, some of the gardens of which back directly onto the site boundary. Though some large trees grow along the boundary, the screening they provide is patchy. It is therefore apparent that the occupants of many dwellings have clear views into the site, and a correspondingly high level of visual awareness of the existing warehouses and related circulation areas. More limited views are available from within the streets themselves. None of these views can be considered high in quality. The physical and visual relationship between differing uses is nonetheless strongly established.

Land towards the south, southwest and west of the proposed site of Unit 3 falls within the North of Harehills Road Phase of the South Heywood Masterplan. The latter is a strategic mixed-use scheme covering around 350 acres, which in turn forms part of the Northern Gateway. The land, hereafter referred to as the 'approved housing site', is currently open and grazed by horses, but has outline planning permission for residential development. Viewed from within the approved housing site, planting and other self-set vegetation within the appeal site boundary is often substantial in height, but again patchy, allowing views through. The clearest of these views are available along the southwestern part of the site boundary where existing warehouses are clearly visible. Though the views are not as extensive as those from existing dwellings, they are equally lacking in quality.

PROPOSAL

This application relates to planning application 22/01410/FUL which was allowed at appeal on 07 November 2024 (Appeal ref: APP/P4225/W/24/3346477).

Application 22/01410/FUL comprised the following development:

"Redevelopment of the site comprising the demolition of all existing logistics units and erection of new storage and distribution units (Use Class B8) with ancillary office space, vehicular, pedestrian and cycle access, external yards, parking, landscaping and associated works."

This application seeks to make a non-material amendment to the wording of condition 23 pursuant to planning permission 22/01410/FUL, specifically to agree updated background levels following the results of a recent noise survey undertaken by Waterman Group. The findings of the noise survey are set out in the submitted Technical Report (ref: 20647106-WAT-XX-XX-RP-N-710001_S5_P03).

PLANS AND DOCUMENTS SUBMITTED

The following plans and documents have been submitted in support of the application:

- Application form;
- Site Location Plan;
- Waterman Report ref. 20647106-WAT-XX-XX-RP-N-710001_S5_P03

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

25/00152/ANM - Non-material amendment to planning permission 22/01410/FUL for minor amendments to approved plans - Approved

24/01257/ANM - Non-material amendment to application 22/01410/FUL to allow for minor amendments to the approved layout plan to enable the retention of additional trees within the site – Approved

22/01410/FUL - Redevelopment of site comprising the demolition of all existing units and erection of new storage and distribution units (Use Class B8) with ancillary office space, vehicular, pedestrian and cycle access, external yards, parking, landscaping and associated works. – Refused and allowed on appeal (APP/P4225/W/24/3346477).

16/00898/SCO EIA Scoping Request in respect of proposed link road.

16/00108/VRCON Variation of condition 2 of planning approval 14/00779/VRCON in order to allow a two year extension (until February 2018) to the period for the deposit of materials and restoration of the site in connection with a development for the construction of equestrian facilities, stables for 40 horses and associated development, horse cross country track and formation of fishing lodges for recreational use – Granted STC.

15/00827/SO Request for screening opinion in respect of a proposed solar park – EIA Required.

14/00779/VRCON Variation of condition 3 of planning approval D44513 in order to allow an 18 month extension (until 11th February 2016) to the period for the deposit of materials and restoration of the site in connection with a development for the construction of equestrian facilities, stables for 40 horses and associated development, horse cross country track and formation of fishing lodges for recreational use – Granted STC.

04/D44513 Construction of equestrian facilities, stables for 40 horses and associated development, horse cross country track and formation of fishing lodges for recreational use – Refused and allowed at appeal.

CONSULTATION RESPONSES

Env Health - Noise/Odours

No objection to the proposed amendments. Confirms that the changes would be non-material.

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ASSESSMENT

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.

Planning Condition 23:

Condition 23 limits the overall rating level of noise generated by operation of the development as measured against background sound levels at different locations. The Inspector attached this condition in the interests of safeguarding amenity. As set out within paragraph 68 of the appeal decision, condition 23 was based on a draft proposed by the appellant, but set levels and limits, and identified locations based on the submitted Noise Impact Assessment.

Condition 23 currently reads as follows:

'23) The rating level (L_A,T_r) of noise generated by the operation of the development hereby permitted shall not exceed:

- (a) the most recently approved background sound levels when measured within the garden of any existing dwelling within Oldbury Close, Bader Drive and Whitehouse Close between 07:00 and 23:00;*
- (b) the most recently approved background sound levels when measured at the facade of any existing dwelling within Oldbury Close, Bader Drive and Whitehouse Close at a height corresponding to that of the bedroom windows between 23:00 and 07:00; and*
- (b) 2dB above the most recently approved background sound level (LA,Tr = LA90 +2dB) when measured at the site's boundary with the North of Harehills Road Phase of the South Heywood Masterplan.*

All measurements shall be completed in line with BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound (or equivalent British Standard if replaced).

Unless further background sound levels are approved in writing by the Local Planning Authority, the approved background sound levels shall be taken as:

- 42dB(A) LAr,1hr between 07:00 and 23:00 and 40dB(A) LAr,15 mins between 23:00 and 07:00, when measured within Oldbury Close, Bader Drive, Whitehouse Close and along the north-west facing boundary of the site; and*
- 50dB(A) LAr,1hr between 07:00 and 23:00 and 46dB(A) LAr,15 mins between 23:00 and 07:00 when measured along the south and south-west facing boundaries of the site.'*

The condition confirms that the approved background sound levels will remain as set out in the bullets above, that is *"unless further background sound levels are approved in writing by the Local Planning Authority"*.

Proposed amendments

Following the results of a recent noise survey undertaken by Waterman Group, this application seeks to agree updated background levels and amend those currently referenced in condition 23 by way of a non-material amendment.

The submitted cover letter sets out the following:

"The report identifies that Waterman conducted a baseline environmental noise survey consisting of long-term unattended noise measurements between Thursday 21st November 2024 until Thursday 19th December 2024 to establish prevailing ambient noise levels over a prolonged measurement period of a month.

The results of the noise survey (as completed in line with the guidance provided in BS4142) identified that the background noise levels are slightly higher than those currently referenced in Condition 23.

In order to regularise the position, the Applicant is seeking to amend the levels referenced in the condition. The relevant part of the condition wording is repeated below with the updated levels underlined and the previous levels struck-through.

- ~~42dB(A)~~ 45dB(A) LAr,1hr between 07:00 and 23:00 and ~~40dB(A)~~ 42dB(A) LAr,15 mins between 23:00 and 07:00, when measured within Oldbury Close, Bader Drive, Whitehouse Close and along the northwest facing boundary of the site; and*

- ~~50dB(A)~~ 52dB(A) LAr,1hr between 07:00 and 23:00 and ~~46dB(A)~~ 48dB(A) LAr,15 mins between 23:00 and 07:00 when measured along the south and southwest facing boundaries of the site.”

Analysis

Due to the technical matters raised by this application, the Local Planning Authority (LPA) have consulted with the Council's Environmental Protection Team (EPT) for completeness.

Firstly, Environmental Health Officers have confirmed that they are satisfied with the scope and duration of the monitoring and agree with the findings of the noise survey in that there has been an increase in background noise levels since the previous noise assessment prepared by BWB, Reference: 220785, Dated: June 2023. The LPA have no reason to disagree with the findings of the report and have been assured by the EPT that the testing period/ method was sufficient to produce accurate results and so represent the current background noise levels on/around the site.

However the important consideration is whether the proposed changes to the wording of condition 23 can be accepted under section 96A of the Town and Country Planning Act 1990 and whether these changes would constitute a 'non-material' amendment, or whether an application under section 73 would be the necessary procedure.

As the background noise levels have increased generally around the site since the initial noise assessment, the EPT agree with the findings of the Waterman Group report and the conclusion that, relatively, the proposed amendments will not have a material impact on the amenity of residents when compared with the previously agreed levels. The already approved mitigation measures are considered sufficient and overall the increase in the background noise levels and the amendment to the boundary levels will not have a material change.

The proposed amendment to condition 23 to the following updated levels is therefore accepted as a non-material amendment:

- 45dB(A) LAr,1hr between 07:00 and 23:00 and 42dB(A) LAr,15 mins between 23:00 and 07:00, when measured within Oldbury Close, Bader Drive, Whitehouse Close and along the northwest facing boundary of the site; and
- 52dB(A) LAr,1hr between 07:00 and 23:00 and 48dB(A) LAr,15 mins between 23:00 and 07:00 when measured along the south and southwest facing boundaries of the site.

Other

As a method of further control, Condition 19 of permission 22/01410/FUL requires the provision of a Noise Management Plan setting out how the scheme will comply with the limits set out within Condition (23), and ways in which generation of distinct sounds will be avoided or minimised. As concluded by the Inspector, this condition will help to safeguard amenity and avoid annoyance.

Conclusion

Overall, the proposed alterations, together with previous changes made under section 96A, would comprise a non-material amendment to application 22/01410/FUL.

RECOMMENDATION

GRANT subject to the following conditions:

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

Site Location Plan 21157 - ASA - 00 - ZZ.ZZ - D - A - 0001_ (S3 - P1)
Waterman Report, titled "Report to support the Non-Material Amendment of Condition 23 of Planning Permission 22/01410/FUL in relation to Noise" ref: 20647106-WAT-XX-XX-RP-N-710001_S5_03 dated March 2025.

The development shall be carried out in accordance with the approved plans and documents.

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.

2. In substitute of condition 23 of planning permission 22/01410/FUL, the rating level (L_{Ar},Tr) of noise generated by the operation of the development hereby permitted shall not exceed the most recently approved background sound levels which shall be taken as:

(a) 45dB(A) L_{Ar},1hr between 07:00 and 23:00 and 42dB(A) L_{Ar},15 mins between 23:00 and 07:00, when measured within Oldbury Close, Bader Drive, Whitehouse Close and along the northwest facing boundary of the site; and

(b) 52dB(A) L_{Ar},1hr between 07:00 and 23:00 and 48dB(A) L_{Ar},15 mins between 23:00 and 07:00 when measured along the south and southwest facing boundaries of the site.

(c) 2dB above the most recently approved background sound level (L_A,Tr = L_{A90} +2dB) when measured at the site's boundary with the North of Harehills Road Phase of the South Heywood Masterplan.

All measurements shall be completed in line with BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound (or equivalent British Standard if replaced).

Reason: To safeguard the amenity of surrounding existing and future residents in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.