

APPLICATION NUMBER: 22/01422/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01422/ANM	Ryan Killeen	24 November 2022

Address: 2, 4, 5, 6, 8, 9, 10, 12, 13, 15, 17, 18, Kirkway, 1, 3, 5, 7 Tavistock Road, 80, 82, 84, 86 Mornington Road And 49, 50, 51, 52, 53, 54, 55, 56 And 57 The Strand, Rochdale

Proposal: Non-material amendment to planning permission 21/01384/FUL relating to condition 2 plans (removal of external stores to the front of 9, 15 and 17 Kirkway (House Type D) and (reconfiguration of bin storage areas at 2-8 Kirkway, 1-7 Tavistock Road)

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	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: AT

DATE: 08.12.2022

SITE

The application relates to 29 dwellings set across Kirkway, Tavistock Road, Mornington Road and the Strand in Kirkholt area of Rochdale, approximately 2.5km south of Rochdale town centre. The dwellings are of a mid-20th century construction, and are split across rows of terraces and blocks of flats. At present the dwellings are finished predominantly in light coloured render with a single dwelling finished in pebbledash. The properties are located adjacent to the Kirkholt Regeneration area and The Strand Local Centre, as set out under saved UDP policy S/6.

PROPOSAL

The application seeks a non-material amendment to planning permission 21/01384/FUL:

Revision of bin storage areas to the fronts of 1-7 Tavistock Road and 2-8 Kirkway
Removal of external stores to 9, 15 & 17 Kirkway

RELEVANT PLANNING POLICY

Local Planning Authorities are enabled to make changes to planning permission; 1990 Planning Act (as amended), section 96A provides:

96A Power to make non-material changes to planning permission

(1) A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

It is clear that provided *they are satisfied* that the change is not material Rochdale BC can *make a change* to the original permission.

RELEVANT SITE HISTORY

21/01384/FUL	Refurbishment of existing properties, comprising of new external wall insulation, windows, doors and roofs including replacement stairwells to flats, reconfiguration of externally accessed store cupboards and erection of bin stores. – Granted STC
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CONSULTATION RESPONSES

N/A

REPRESENTATIONS

N/A

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 proposals would, on the whole retain bin storage areas of the same quantity with similar appearance, albeit breaking up larger stores into two.

Given the similarities, which would not reduce the ability for bins to be stored out of view of the street scene, it is considered that this element would not be materially different from the approved development.

In respect of the stores approved to the front of nos. 9, 15 and 17 Kirkway, it is noted that these features are relatively unobtrusive owing to their limited projection, massing and scale. The stores at present are read against the elevation of the host properties, and the visual appearance of each property would not materially change as a consequence of their removal as the property would be made good with materials of a similar appearance.

On the basis of the above considerations, the effects of the proposed amendment within this application 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

GRANT subject to the following conditions:

2. This decision relates to the following plans:-

- ② 021289/41/C3 – Proposed Site Plan
- ② 021289/23/C3 – House Type C Proposed Elevations
- ② 021289/26/C2 – Reconfiguration of storage cupboards
- ② 021289/27/C2 – Bin Stores

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 Unitary Development Plan and the National Planning Policy Framework.

4. Within 3 months of the development taking place, the bin stores shall be erected in accordance with the details on approved plans ref. 021289/27/C2 – Bin Stores and 021289/41/C3 – Proposed Site Plan, and made available for use. The bin store shall remain at all times thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 21/01384/FUL and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.

Report Author Ryan Killeen