

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00910/ANM	Ryan Killeen	18 September 2023

Address: Land At Royle Road Rochdale OL11 3EH

Proposal: Application for non-material amendment to planning permission 20/01401/AM relating to condition 2 (approved plans) and condition 4 (boundary treatments)

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: RG

DATE: 25 September 2023

SITE

The application site is a large, vacant and cleared former employment site which has planning permission for 222 dwellings. It once housed the Royle Works and associated buildings. The main entrance of the former works is located on Royle Road, and a lower entrance is off Silk Street shared with the Tesco service access, overspill parking and petrol forecourt access.

To the north of the application site is Edinburgh Way and the associated retail units on the opposite side of that road, to the east is the railway line and a large industrial estate. To the south are further employment units and to the west is a residential area.

The Edinburgh Way and Royle Road frontages of the site are relatively level, with a steep slope leading to the main site plateau, which is an average of 10 metres higher than the surrounding levels. The slope is predominantly heavily wooded, giving parts of the site a semi-natural and attractive appearance.

To Edinburgh Way, this wooded slope gives way to a largely grassed retaining slope which reduces in gradient and height difference in the most northerly corner point adjacent to the rail bridge and the Sandbrook junction.

At the southern corner of the site the remains of a former building are evident in the form of high brick walls, with a larger retaining wall element that steps back up to the main plateau.

The site is within a Primary Employment Zone, and there is a group Tree Preservation Order on the trees growing within the site.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 20/01401/AM (pursuant to planning permission 18/01399/FUL) for the addition of solar photovoltaic panels to 98 plots in response to changes under Part L of the Building Regulations. It also seeks to reduce the height of a boundary treatment along the northern boundary of the site from 1200mm to 1100mm.

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

The Section 96A application relates to a Section 73 application which was granted in December 2020 permitting the erection of 198 dwellings and a block of 24 apartments including the demolition of existing structures together with associated ground works to the north of the site, public open space, landscaping and vehicular access from Royle Road (Ref: 20/01401/AM).

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

N/A

ANALYSIS

The site comprises a development of 222 dwellings together with associated ground works to the north of the site, public open space, landscaping and vehicular access from Royle Road off Edinburgh Way in Rochdale, as originally granted under planning application ref. 18/01399/FUL and subsequently amended under S73 application ref. 20/01401/AM.

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 addition of solar photovoltaic panels is well-established permitted development right for dwellinghouses with limited restriction on their placement and overall quantity. The development is not currently afforded such rights only by virtue of not being complete or able to be occupied thus not commencing the use as a dwellinghouse.

The proposed panels are recessed into the roof slope and are a similar tone to the approved roof tiles. It is not considered that they would appear as a particularly conspicuous or incongruous feature over the approved design of the dwellings. Given that solar PV panels are becoming an increasingly common feature in residential areas as households seek to reduce their reliance on the grid, the addition of solar PV panels would read as a typically domestic feature and it is not considered that the proposed amendments would result in a material impact to the character of this residential development.

Whilst solar PV panels would introduce the consideration for the impact of glare upon neighbouring properties, the suitability of solar PV panels in residential areas is well-established and there is no evidence to suggest that such a typical installation would lead to a material impact on dwellings within the development and the wider surrounding area.

The amendments sought to boundary treatments would maintain the hooped to metal railing in black, but would be 100mm shorter than the previously approved specification. Such changes are not be considered to be material.

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

2. This decision relates to the following plans:-

- SK536-PL-01/Rev. BA – Planning Layout
- SK536-BP-01/Rev. R – Boundary Plan
- NSTDF-8101 – Indicative PC Panel Arrangements/Locations

and the development shall be carried out in complete 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.

4. No dwelling shall be occupied until such time as the associated boundary treatments pursuant to each plot have first been installed in accordance with the details contained within the following plans:

- ☐ Hooped top railings detail (NSD 9202)
- ☐ Wall types 1 to 4 (NSD 9001)
- ☐ Fence types A to D (NSD 9102)
- ☐ Boundary Plan (SK537-BP-01 Rev R)

The associated measures shall be retained and maintained thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to ensure adequate levels of privacy between neighbouring dwellings in the interests of the amenity of future occupiers in accordance with the requirements of Core Strategy Policies P3 and DM1 and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 20/01401/AM 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.