

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00829/ANM

CASE OFFICER

Nick Brookman

DETERMINATION DATE 18.09.2024

Address: Former Soccer Village, Wildhouse Lane, Milnrow, Rochdale, OL16 3TW

Proposal: Application for non-material amendment to planning permission 20/00639/FUL (Demolition of the existing buildings, hardstanding areas and sports pitches, and the erection of 47 dwellinghouses including provision of associated roads, footways, public open space, parking areas, drainage, landscaping and boundary treatments along with ground levelling works, works to trees and ponds and other associated works) to amend the elevations to house types HT07 and HT08

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	NA	Press Notice expired?	NA

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?	NA
	Neighbour comments received?	NA

EIA	Screening opinion completed and saved to Onbase?	NA
-----	--	----

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANT subject to conditions
----------------	-----------------------------

SITE

The application site relates to 4.8ha of land located to the east of Wildhouse Lane, equidistant between Milnrow and Smithy Bridge. The site has full planning permission for 47 dwellings, granted on 17 May 2021 under planning permission 20/00639/FUL and most recently under planning permission 22/00830/VRCON which related to a Section 73 application for a minor material amendment to 20/00639/FUL (regarding external and internal amendments to house types including additions of roof openings and alterations to site levels). This permission was granted on 1 June 2023.

Operations are now currently underway to build out the approved development accordingly.

PROPOSAL

This Section 96A application seeks amendments as follows:

- Amendment to elevations of house types HT07 and HT08

No other amendments are sought.

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)

Sub-Regional

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1 Sustainable Development
JP-H3 Type, Size and Design of New Housing

Adopted Rochdale Core Strategy (CS):

- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development

DM1 General development requirements

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

20/00639/FUL – Demolition of the existing buildings, hardstanding areas and sports pitches, and the erection of 47 dwellinghouses including provision of associated roads, footways, public open space, parking areas, drainage, landscaping and boundary treatments along with ground levelling works, works to trees and ponds and other associated works – Approved 17 May 2021

21/01257/DOC – Submission of details to comply with conditions 8 (Bat Survey), 14 (Invasive Plant Species) and 18 (Construction Environment Management Plan) of planning permission 20/00639/FUL – Approved 2 November 2021

21/01794/DOC – Submission of details to comply with conditions 3 (Vehicular Access), 4 (Off-Site Highway Works), 7 (Bus Stop Relocation), 19 (Drainage), 24 (Levels) and 26 (Site Investigation) on planning permission 20/00639/FUL – Approved 26 April 2022

22/00830/VRCON - Section 73 application for minor material amendment to planning permission 20/00639/FUL (Demolition of the existing buildings, hardstanding areas and sports pitches, and the erection of 47 dwellinghouses including provision of associated roads, footways, public open space, parking areas, drainage, landscaping and boundary treatments along with ground levelling works, works to trees and ponds and other associated works) relating to external and internal amendments to housetypes including addition of roof openings, and alterations to site levels – Approved 1 June 2023.

22/01482/DOC – Submission of details to comply with condition 29 (Piling Risk Assessment) on planning permission 20/00639/FUL – Approved 5 December 2022.

24/00268/DOC - Submission of details to comply with condition 19 (materials) of planning permission 22/00830/VRCON (Section 73 application for minor material amendment to planning permission 20/00639/FUL (Demolition of the existing buildings, hardstanding areas and sports pitches, and the erection of 47 dwellinghouses including provision of associated roads, footways, public open space, parking areas, drainage, landscaping and boundary treatments along with ground levelling works, works to trees and ponds and other associated works) relating to external and internal amendments to housetypes including addition of roof openings, and alterations to site levels) – Approved 25 April 2024.

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

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

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 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:

‘must have regard to 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.

Assessment of NMA

Across the development the bricks have a course finish but house types 07 and 08 also benefit from an added detailing. It is agreed that the originally proposed brick detailing on these two house types does not correspond well with the textured, uneven brick and the projecting detail lends itself more so towards a cleaner edge faced brick.

The proposed changes to house type 07 and 08 now purely seek to vary the proposed brick pattern detailing to the front and side elevations. The changes now propose less detailing (incorporating a 4 brick length on the front elevation with 8.5 bricks along the side elevation). Whilst less detailing is now proposed, the proposed amendments continue to provide a positive depth and articulation ensuring that the level of the detailing remains obvious which adds quality to the façade overall.

These changes have a negligible impact and the proposed changes still ensure that a visual interest remains across the front and side elevations of these house types as per the originally approved drawings. These changes help maintain the visual amenity of these house types and will preserve the high quality of the development as a whole.

This application does not seek to vary any change in material or colouration and for that reason the end result would not constitute such a deviation from the originally

approved plans that would be considered a material change. As such this amendment is considered non-material.

Overall, the proposed changes affects 14 units out of a total of 47 (12 x HT07 and 2 x HT08) and the effects of the proposed amendments in isolation and cumulatively, together with the previously approved house types, 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

It is therefore considered and accepted that the amendments proposed can be treated as a non-material amendment.

Notes for Applicant:

Amended Condition

This approval relates to the plans and documents as listed below:

- ☐ Drawing No: HT07_PLAN_001 Rev D
- ☐ Drawing No: HT07_ELEV_001 Rev D
- ☐ Drawing No: HT08_PLAN_001 Rev D
- ☐ Drawing No: HT08_ELEV_001 Rev D

The development shall be carried out in complete accordance with the drawings/documents 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.

INFORMATIVE:

This decision notice is to be read alongside those issued with planning permission 20/00639/FUL and 22/00830/VRCON. All conditions that were imposed on the previous planning permission remain.

Report Author Nick Brookman