

APPLICATION NUMBER: 25/00107/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00107/ANM	Claire Ringwood	12 th March 2025

Address: Linkside, Sunny Brow Road, Middleton, Rochdale, M24 4BG

Proposal: Non-material amendment to planning permission 23/00331/FUL (conditions 2 and 11) to revise the approved arboricultural plan to align with the approved Site Plan

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	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/A	Called in or Planning Panel objection?	N

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

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: RC

DATE: 13.03.25

SITE

The application relates to the spacious grounds of a large, split-level dwellinghouse occupying a backland location off Sunny Brow Road. The site also includes a number of outbuildings. Access to the site is via a private driveway off Sunny Brow Road. The site is surrounded by residential properties to the east, south and west.

On site are a number of trees, four of which are protected by Tree Preservation Orders.

To the north, the application shares a boundary with a Greenspace Corridor.

PROPOSAL

The application proposes a non-material amendment to planning permission 23/00331/FUL relating to Condition 2 (approved plans) and Condition 11 (tree protection) in regards to an updated Arboricultural Impact Assessment (AIA) with an updated Tree Protection Plan. The approved Site Plan as shown on Drawing No: L196-01-D – Site and location plans shows more tree removals than are shown on the Tree Protection Plan in the AIA. The submitted non-material amendment proposes to regularise this matter.

PLANS AND DOCUMENTS SUBMITTED

The following plans were submitted on 3rd February 2025:

Arboricultural Impact Assessment by James Royston Arboricultural Consultant, Ref: 220721, Report completed 28th September 2022

Arboricultural Impact Assessment by James Royston Arboricultural Consultant, Ref: 220721A, Report completed 28th September 2022, Update 3rd February 2025

Drawing No: L196-01-D – Site and location plans

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

22/01321/FUL - Erection of 7 no. dwellings, associated access works, infrastructure and landscaping following demolition of the existing dwelling and buildings. Refused 22/02/2023.

23/00331/FUL - Erection of 7 no. dwellings, associated access works, infrastructure and landscaping following demolition of the existing dwelling and buildings on site - resubmission of 22/01321/FUL. Approved 01/08/2023.

24/01243/DOC - Discharge of condition 6 (Construction Method Statement) of planning permission 23/00331/FUL. Request completed 28/01/2025.

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.

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 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.

Assessment of the non-material amendment

The Council's Ecologist raised the discrepancy between the approved Site Plan and the Tree Protection Plan in the AIA prior to the submission of the non-material amendment application. They advised it would be practically impossible to implement the development if some of the trees shown as retained on the Tree Protection Plan were to be kept in situ.

There is a row of Leylandii along the entrance road which will need to be removed to facilitate access and trees to the south eastern boundary. The Council's Ecologist advised that the trees are the wrong type of tree in the wrong place and they do not merit special protection.

The removal of these trees was likely to have been acceptable during the assessment of the application however, to regularise this matter the Tree Protection Plan in the AIA has been updated to match the approved Site Plan. For this reason, and following the Ecologists comments, officers are of the opinion that the amendment would not have any material effect on the planning permission originally granted.

RECOMMENDATION

GRANT subject to the following conditions:

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

Arboricultural Impact Assessment by James Royston Arboricultural Consultant, Ref: 220721a, Report completed 28th September 2022, Updated 3rd February 2025
Received by the Local Planning Authority on 3rd February 2025

and the development shall be carried out in accordance with the approved drawings unless otherwise required by the conditions below.

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. The erection of fencing for the protection of any retained tree or trees shall be undertaken in accordance with the Arboricultural Impact Assessment by James Royston Arboricultural Consultant, 220721a, Report completed 28th September 2022, Updated 3rd February 2025 before any equipment, machinery or materials are brought on to the site. Such protection as required by the above condition shall be retained throughout the entire period of construction and until all equipment, machinery and surplus materials have been removed from the site. No materials, soil, rubbish or vehicles shall be deposited or stored in any area fenced in accordance with this condition and no fires shall be lit, and no raising or lowering of ground levels shall take place within this area. No drains, pits, ditches or trenches shall be dug in or run across the area protected by the fencing, at any time before, during and after the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy G6 of the Rochdale Core Strategy.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 23/00331/FUL. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

Report Author Claire Ringwood