

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00813/ANM

CASE OFFICER

Nick Brookman

DETERMINATION DATE 02.10.2024

Address: Land east of Hollins Lane, Middleton, Rochdale

Proposal: Application for non-material amendment to planning permission 18/01300/REM for the substitution of the Camtech Baccara Handmade Brick on Plot 27 for a Wienerberger Oakland Multi Brick and for the substitution of the Camtech Baccara Handmade Brick on plots 64-70 for a Wienerberger Durham Claret Brick only

PUBLICITY	Weekly list expired?	NA	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		

CHECKED AND SIGNED OFF BY: LA

DATE: 02.10.24

SITE

The application site extends to approximately 5.95 hectares and is located to the east side of the A6046 (Hollin Lane) in Middleton and is Phase 1 of the wider site granted consent under application 15/01183/OUT, which also encompassed land further east on the opposite side of the public right of way (Stott Lane).

The approval of application 15/01183/OUT was granted on 30 November 2015 with the subsequent Reserved Matters application approved on 18 February 2019.

PROPOSAL

This Section 96A application seeks amendments as follows:

- Amendment to planning permission 18/01300/REM for the substitution of the Camtech Baccara Handmade Brick on Plot 27 for a Wienerberger Oakland Multi Brick and for the substitution of the Camtech Baccara Handmade Brick on plots 64-70 for a Wienerberger Durham Claret Brick only

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)

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

21/00450/ANM – Non-material amendment to planning permission 18/01300/REM to allow for change of roof tiles. Granted subject to conditions 13 May 2021.

18/01300/REM – Submission of reserved matters pursuant to outline planning permission 15/01183/OUT relating to the appearance, landscaping, layout and scale for the erection of 103 dwellings – Granted subject to conditions 18 February 2019.

18/00087/REM – Submission of reserved matters pursuant to outline planning permission 15/01183/OUT relating to the scale, layout and appearance of the proposed detached garages – Granted subject to conditions 18 September 2018.

16/01556/REM – Submission of reserved matters following outline approval 15/01183/OUT relating to appearance, landscaping, layout and scale for the erection of 103 no. dwellings – Granted subject to conditions 16 March 2017.

15/01183/OUT – Outline application (including access) for up to 205 residential units (Use Class C3) with associated landscaping, open space, access arrangements and car parking (Resubmission of 14/00849/OUT) – Granted subject to conditions 30 November 2015.

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

The applicant has confirmed that the substitution of brick is required because the originally proposed brick (Camtech Baccara Handmade) for plots 27 and 64-70 is now unavailable.

The proposed substitution material was originally the Wienerberger Oakland Multi Brick and it is acknowledged that this is an originally approved material proposed on a number of plots along the most eastern and southern plots of the site.

Upon initial review of the Wienerberger Oakland Multi Brick on the proposed plots to be amended, it was not considered that the proposed substitution was a good colour match. A handmade brick alternative was preferred (as originally approved) because they offer a much more bespoke and high quality feel that would be better suited to the location and plots subject to this application.

Following correspondence with the applicant the LPA have been made aware that whilst an initial delivery of the Camtech Baccara Handmade Brick could be imported, it would be insufficient to complete the site. Therefore the LPA requested the applicant to find a more suitable alternative and this has been found by way of the Wienerberger Durham Claret Brick. This material is an improvement on the previously proposed substitution and on this basis, the LPA are satisfied with the proposal.

For the avoidance of doubt, the Wienerberger Oakland Multi Brick will still be substituted on Plot 27 only, but the Wienerberger Durham Claret Brick will be substituted onto Plots 64-70 as shown on the submitted Proposed Materials Layout Drawing TW-ML-M-HLE-01 Rev O.

In summary, the effects of the proposed amendments to planning approval 18/01300/REM would not, either in isolation or combination, materially alter the development's impact in terms of its design, relationship with neighbouring uses or impact on the character and appearance of the surrounding area.

The amendments would result in no greater material impact than the development as previously approved and, therefore, they would constitute 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 only:

- Drawing No: TW-ML-M-HLE-01 Rev O.

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 18/01300/REM. All conditions that were imposed on the previous planning permission remain.