

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01108/ANM	Aimee Bovaird	15 January 2024

Address: The Bungalow Hillcrest Road Rochdale OL11 2QB

Proposal: Application for non-material amendment to planning permission
21/00354/FUL adjustment of the proposed footprint of the bungalow

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	Neighbour letters expired?	Y	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	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/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Refuse
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CHECKED AND SIGNED OFF BY: LA DATE: 23.01.24

SITE

This application relates to The Bungalow, Hillcrest Road. The original permission 21/00354/FUL is for demolition of existing bungalow and erection of new dormer bungalow with associated driveway and landscaping works.

The site is within the Defined Urban Area and is surrounded by residential properties.

PROPOSAL

This application seeks a non-material amendment to planning permission 21/00354/FUL. The amendment comprises of moving the footprint of the dwelling towards the front of the plot by approx. 3m. This will reduce the size of the permeable driveway.

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

21/00354/FUL - Demolition of existing bungalow and erection of new dormer bungalow with associated driveway and landscaping works – Approved

93/D29189 - Single Storey Extensions To Side And Front And Conservatory Extension To Front Of Dwelling – Approved

91/D27062 - Single Storey Side And Rear Extensions To Dwelling. – Approved

80/D10915 - Attached Private Garage And Dining Area Extension To South Side Of Bungalow - Approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

ANALYSIS

This application relates to a site on Hillcrest Road, The Bungalow. The dwelling was granted permission under 21/00354/FUL for, 'Demolition of existing bungalow and erection of new dormer bungalow with associated driveway and landscaping works'

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 proposed alteration seeks to move the footprint of the site approx. 3m forward. This would reduce the size of the permeable paving, this was increased through amends in the original permission. In addition, this would reduce the area of driveway available for car parking. The repositioning of the dwelling would potentially have an impact on adjoining neighbours to the east. To explore these matters, consultation with consultees and publicity amongst neighbours needs to be carried out and this goes beyond the scope of a non-material amendment.

As such the LPA are not satisfied that this amendment would not have any material effect on the planning permission originally granted and is therefore refused.

RECOMMENDATION

Refuse

1. In accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015, the revised details submitted cannot be considered as a non-material amendment to the existing planning permission.

The revisions proposed are considered to be a material change and therefore require the submission of a new planning application.

Notes for Applicant:

For the Avoidance of doubt, this decision relates to the following plans:

- As proposed Site Plan PL03C Rev C.