

APPLICATION NUMBER: 23/01037/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01037/ANM	Rosalind Gralton	6 October 2023

Address: Carr Wood Cottage School Lane Heywood Rochdale OL11 5UT

Proposal: Non-Material Amendment to planning permission 20/00041/FUL to reduce the scale of the dwelling, altering appearance and fenestration

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	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/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 04.12.23

SITE

The application site relates to land that has planning permission for “Erection of one detached dwelling with associated landscaping and boundary treatments following demolition of existing buildings” ref 20/00041/FUL and approved on 14 July 2020. All pre-commencement conditions, with the exception of Condition 7 (site investigation and risk assessment), Condition 8 (Drainage and Foul Water) and Condition 12 (Tree Protective Fencing) has been discharged.

The site comprises a two storey residential building and a detached stable block set within established gardens and woodland. Works have begun on the site, with the site boarded up for construction purposes.

The property has been known most recently as Carr Wood Cottage but previously was addressed as Nos. 1 and 3 Higher Clough; a pair of semi-detached dwellings. The site lies within the Green Belt and, with the exception of isolated dwellings and farm settlements, the surrounding land is predominantly open countryside and woodland with Naden Brook running close by to the east and south. Part of the site lies within Bamford Wood which connects between Bury and Rochdale Old Road, Gelder Wood and Cobb Wood.

Access to the site is from a private driveway leading from School Lane, which is shared with Lower Clough to the south. A recreational right of way (HeyfP2) runs adjacent to the site. Whilst the site does not have immediate neighbours, there is established residential development to the south (Lower Clough) and Higher and Lower Jowkin Farms to the south east.

PROPOSAL

The amendments to the proposed dwelling consist of:

- Alterations of proposed floorplan
- Alterations in height of proposed building
- Alterations to fenestration on all elevations
- Alterations of external materials

RELEVANT PLANNING POLICY

National Guidance

Section 96A of the Town and Country Planning Act 1990

National Planning Practice Guidance (NPPG). The government published its PPG on 6 March 2014 which is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

RELEVANT SITE HISTORY

23/00250/DOC Submission of details to comply with condition 4 (construction method statement) on planning permission 20/00041/FUL – Request completed – 29/03/2023

NB: All details submitted accepted

20/01366/DOC Submission of details to comply with conditions 3 (Archaeological Investigation), 5 (invasive species removal), 6 (additional bat survey), 10 (badger survey and protection), 11 (finished floor levels), 14 (window and door details) and 18 (landscape and ecological enhancement) of planning permission 20/00041/FUL – Request completed 03/02/2021

NB: All details submitted accepted

20/00041/FUL Erection of one detached dwelling with associated landscaping and boundary treatments following demolition of existing buildings. Approved with conditions 14 July 2020.

19/00695/FUL Erection of one detached dwelling with associated landscaping and boundary treatments, following demolition of existing buildings. Withdrawn

96/D33244 Two storey side extension to dwelling. Granted STC September 1996

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In line with the Council's Code of Publicity, no direct notification was carried out for this application.

ANALYSIS

The PPG states that there is no statutory definition of 'non-material' in respect of non-material minor amendments. 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. This stipulates that 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.

Section 96A of the Town and Country Planning Act 1990 states that in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under S96A (as a NMA), on the planning permission originally granted.

The proposed amendments would materially change the appearance of the dwelling, through an accumulation of various alterations to the floorplate, height and fenestration. While the overall size of the floorplate may be reduced, reducing a storey to the eastern side of the dwelling, the reconfiguration of space introduces new internal space where previously built form was not approved. Additionally, the proposed internal changes alters the roof height of the single storey elements by 1.1m. The changes to the fenestration reduce the scale of the proposed glazing with a design markedly different to that of the approved dwelling. While conditions are attached to the original permission securing details of the materials submitted prior to construction, these are also included within the approved plans and show a change from 'Natural stone wall' to 'Stone cladding'.

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 for the following reason:

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. In particular, the proposed amendments to the elevations, heights and alterations to the floorplate of the dwelling. The accumulation of these works would result in a material change to the visual appearance of the dwelling from the previously approved plans.

Notes for Applicant:

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

- 'Proposed Roof Plan' - M22-29-RP01
- 'First and Ground Floor General Arrangement' - M22-29-GA01
- 'Proposed Elevations' - M22-29-EL01

Report Author Rosalind Gralton