

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01169/ANM

CASE OFFICER

Majid Mir

DETERMINATION DATE 21.11.2023 **EXT OF TIME** 06.12.2024

Address: Former Akzo Nobel Site, Off Hollingworth Road, Littleborough.

Proposal: Non-Material Amendment to planning permission 21/01146/FUL to the layout to the scheme involving the repositioning of plots 1, 3, 10-13, 17-18, 24-34, inclusion of detached garage to plot 18, alterations to boundary treatment and to replace solar panels/photovoltaic panels with air source heat pumps on all units

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
	Neighbour comments received?	N

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

GRANT SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: RG

DATE: 5 November 2024

SITE

The application site relates to land formerly occupied by the Akzo Nobel chemical works. The site has since been cleared and residential development is underway in respect to 21/01146/FUL.

The application site is immediately bounded by the Rochdale Canal along its north-western side; by Hollingworth Road along its eastern boundary; and, otherwise by open fields within the Green Belt. A pond lies adjacent to part of the southern boundary.

There are two public rights of way (references: LitFp425 and LitFp424), which run alongside the eastern and along part of the southern boundaries. These link up with the relatively dense local network of public footpaths in this area.

PROPOSAL

The application seeks a non-material amendment to planning permission 21/01146/FUL to amend the layout of plots 1, 3, 10-13 24-34. This application proposes to alter the layout so that the majority of the plots have garages that are adjoining. This would mean that the location of the dwellings within the plot will also be amended. Additionally, the application proposes to reposition a retaining wall by plot 1, construct a detached garage in the rear garden of plot 18 and to replace solar panels/photovoltaic panels with air source heat pumps on all units. The alterations to the layout therefore also require alterations to the approved boundary layout so that it is consistent with the proposed amendments to the layout.

The following amendments are proposed:

- Plot 1 - Reposition the retaining wall by plot 1 by 0.5m eastwards.
- Plot 3 - Approved plans show adjoining detached garage with plot 10. Application proposes to amend to single detached garage.
- Plot 10 - Approved plans show adjoining detached garage with plot 3. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 11. Dwelling is moved northwards and closer to boundary with plot 3.
- Plot 11 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins detached garage of plot 10.
- Plot 12 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins detached garage of plot 13.
- Plot 13 - Approved plans show adjoining detached garage with plot 24. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 12. Dwelling is moved southwards and closer to boundary with plot 24.
- Plot 17-18 – On the approved plans show three off-street parking spaces in the rear garden of plot 18 which were allocated to plot 17. Plot 18 was allocated parking spaces off-street to the front the properties. The parking for plot 17 would now be to the front and the parking to the rear would be allocated to plot 18. The application also proposes to replace one of the off-street parking spaces with a detached garage. Two off-street parking spaces would remain. The distances between the proposed detached garage and the neighbouring properties would be similar to those found on other plots in the development.
- Plot 24 - Approved plans show adjoining detached garage with plot 13. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 25. Dwelling is moved northwards and closer to boundary with plot 13.

- ❑ Plot 25 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 24.
- ❑ Plot 26 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 27. Dwelling is moved northwards and closer to boundary with plot 25.
- ❑ Plot 27 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 26. Dwelling is moved slightly southwards.
- ❑ Plot 28 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 29. Dwelling is moved slightly eastwards and closer to the boundary with plot 27.
- ❑ Plot 29 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 28.
- ❑ Plot 30 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 31. Dwelling is moved slightly eastwards and closer to the boundary with plot 29.
- ❑ Plot 31 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 30. Dwelling is moved slightly eastwards.
- ❑ Plot 32 - Approved plans show single detached garage. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 33.
- ❑ Plot 33 - Approved plans show adjoining detached garage with plot 34. Application proposes to amend so that the detached garage adjoins with the detached garage of plot 32. Dwelling is moved slightly eastwards and closer to the boundary with plot 34.
- ❑ Plot 34 - Approved plans show adjoining detached garage with plot 33. Application proposes to amend so that the detached garage does not adjoin another garage. The garage is moved to the eastern side of the plot and close to the boundary with plot 35. The dwelling is moved westwards and closer to the boundary with plot 33.
- ❑ All plots – The application proposed to install solar panels/photovoltaic panels on select units. This application proposes to install air source heat pumps on all units instead of the solar panels/photovoltaic panels.
- ❑ The application also proposes to amend the boundary treatment to some plots on the site.

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):

Guidelines & Standards for Residential Development (June 2016)

Oldham and Rochdale Urban Design Guide (September 2007)

RELEVANT SITE HISTORY

24/01096/DOC	Submission of details to comply with condition 16 (Remediation and verification) on planning permission 21/01146/FUL. Decision: Undetermined.
23/00538/DOC	Submission of details to comply with condition 3 (CEMP) on planning permission 21/01146/FUL. Decision. Request completed.
23/00754/DOC	Submission of details to comply with condition 4 (surface water drainage - precom) on planning permission 21/01146/FUL. Decision. Request completed.
23/00642/DOC	Submission of details to comply with condition 13 (Canal Stability Buffer) on planning permission 21/01146/FUL. Decision. Request completed.
23/00839/DOC	Submission of details to comply with condition 17 (gas monitoring) on planning permission 21/01146/FUL. Decision. Request completed.
23/00986/DOC	Submission of details to comply with condition 14 (piling assessment) on planning permission 21/01146/FUL. Decision. Undetermined.
23/01068/DOC	Submission of details to comply with condition 30 (approved levels) on planning permission 21/01146/FUL. Decision. Request completed.
23/01087/DOC	Submission of details to comply with condition 6 (water main PRECOM) on planning permission 21/01146/FUL. Decision. Undetermined.
23/01089/DOC	Submission of details to comply with condition 7 (landscaping) on planning permission 21/01146/FUL. Decision. Undetermined.
23/01095/DOC	Submission of details to comply with condition 15 (materials) on planning permission 21/01146/FUL. Decision. Request completed.
23/01094/DOC	Submission of details to comply with condition 5 (pumping station) on planning permission 21/01146/FUL. Decision. Undetermined.
23/01142/DOC	Submission of details to comply with condition 11 (energy statement) on planning permission 21/01146/FUL. Decision. Request completed.

23/01069/DOC	Submission of details to comply with condition 19 (surface water drainage) on planning permission 21/01146/FUL. Decision. Request completed.
23/01088/DOC	Submission of detail to comply with condition 22 (EV Charging) on planning permission 21/01146/FUL. Decision. Request completed.
23/01067/DOC	Submission of details to comply with condition 12 (TRO Precom) and 18 (20 mph zone) on planning permission 21/01146/FUL. Decision. Request completed.
23/00756/DOC	Submission of details to comply with condition 7 (landscaping scheme) on planning permission 21/01146/FUL. Decision. Request completed.
23/00755/DOC	Submission of details to comply with condition 7 (landscaping scheme) on planning permission 21/01146/FUL. Decision. Request completed.
23/00622/DOC	Submission of details to comply with condition 34 (bird nesting) on planning permission 21/01146/FUL. Decision. Request completed.
23/00542/DOC	Submission of details to comply with condition 15 (materials) on planning permission 21/01146/FUL. Decision. Request completed.
23/00539/DOC	Submission of details to comply with condition 6 (water main) on planning permission 21/01146/FUL. Decision. Request completed.
23/00541/DOC	Submission of details to comply with condition 10 (invasive species) on planning permission 21/01146/FUL. Decision. Request completed.
23/00540/DOC	Submission of details to comply with condition 9 (ecology report) on planning permission 21/01146/FUL. Decision. Request completed.
21/01146/FUL	Residential development - erection of up to 127 residential dwellings including new vehicular access points, footpaths, cycle paths, boundaries, landscaping, creation of open space, a pumping station and other associated works. Decision: Grant subject to conditions (April 2023).

21/00378/SO	Screening opinion in relation to proposed residential development of 174 dwellings. Decision: Screening not required (April 2021).
17/01188/VRCON	Variation to conditions of 11/D55085 to allow implementation of that permission. Decision: Grant subject to conditions (February 2018).
11/D55085	Residential development – 174 dwellings. Decision: Grant subject to conditions (March 2015).
11/D54208	Application to extend time limit for implementation of 07/D49551 (see below). Decision: Grant subject to conditions (May 2011).
07/D49551	Outline application for mixed use development comprising 164 dwellings, restaurant, public house, hotel and business use, together with remediation of the site. Decision: Grant subject to conditions and s106 (May 2008).

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) (Reference ID: 17a-002-20140306) 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 (Reference ID: 17a-008-20140306) states that in making decisions on non-material amendment applications, the local planning authority should take into account:

“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 (Reference ID: 17a-011-20140306) 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 amendments would involve the alteration of the layout of plots 1, 3, 10-13, 17-18 and 24-34. The amendments to plots 3, 10-13 and 24-34 would see the majority of the garages for these plots paired up so that there are two adjoining garages. The alterations to the layout also therefore require alterations to the approved boundary layout. A plan has been submitted with the amended boundary treatment so that it is consistent with the proposed layout. The amended boundary treatment also includes alterations to the boundary treatment proposed. This has been discussed below.

Originally, plots 3 and 10, plots 13 and 24, plus plots 33 and 34, had adjoining garages. The rest of the identified plots for this application had single garages. Plot 34, moves from east where it was adjoined plot 33, to now become a single garage to west by the boundary with plot 35. Plot 3 had an adjoining garage with plot 10 but now has a single garage. Plots 33-32, 31-30, 29-28, 27-26, 24-25, 12-13 and 10-11 all now have adjoining detached garages. This has led to relocating the dwellings within the plot. The plots are located along Hollingworth Road and the proposed new road off Hollingworth Road. These plots are the most prominent plots within the development. The proposed amendment with the detached adjoining garages is similar in layout to other plots within the development. The addition of the adjoining garages will allow for greater amount of space between the two storey elements of the dwellings which would allow for more open views in to the development. The proposed amendment would allow for a greater sense of openness through the creation of the greater space between the two storey elements of the dwellings.

These proposed amendments are considered to represent a small but positive amendment. The amendments are considered to be non-material, consisting only of minor changes to the overall layout and appearance of the proposed development over that approved.

The application also proposes to reposition the location of the retaining wall by plot 1 to the east by approximately 0.5m. The amendment is considered to be non-material, consisting only of a minor change to the overall layout of the proposed development over that approved.

In regards to plots 17-18 the proposed alterations in parking allocation would not have an impact on the overall layout or the appearance of the development. In regards to the proposed detached garage to the rear of plot 18, it is noted that the inclusion of the proposed detached garage would replace one of the off-street parking spaces that is located in the rear garden. It is however noted that the plot would still retain two off-street parking spaces excluding the proposed detach garage. This would meet the maximum standards set out in Appendix 5 of the adopted Core Strategy. Additionally, it is noted that the proposed detached garage

would be located to the rear, and would be sited in a similar position to many of the other detached garages on the site. As such, the appearance of the plot and the impact on the amenity of the occupiers of the plot and the neighbouring plot would be similar to the rest of the site. The amendment is considered to be non-material, consisting only of minor change to the overall layout and appearance of the proposed development over that approved.

In regards to the proposed heat pumps, it is noted the application proposed the installation of solar panels/photovoltaic panels on a select number of units. The previous application was accompanied by an Energy Statement that sets out the commitment to comply with building regulations (Part L) for residential development. The applicant also provided a supplementary letter (dated 19/07/2022) clarifying commitment to adhere to the updated requirements that were published following receipt of that application.

To aid compliance with the updated building control regulations, the applicant has proposed to install air source heat pumps on all units rather than the originally proposed solar panels/photovoltaic panels.

Air source heat pumps and solar panels/photovoltaic panels both support the reduction in the use of carbon energy sources. It is unclear where the air source heat pumps would be sited, however, when viewed from within the development, appropriately sited air source heat pumps would not be prominent from public vantage points. Additionally the change would remove the visual impact of solar panels/photovoltaic panels on some roofs. Furthermore, the use of air source heat pumps would allow for the reduction in the use of carbon energy sources for all units. Overall, the proposed amendment is considered to be non-material, consisting only of minor change to the overall layout and appearance of the development over that approved. It is however noted that details of the air source heat pumps, including where they would be sited, have not been provided. A condition requiring full details of the air source heat pumps should be included with any approval.

In regards to the boundary treatment, the application seeks to make slight amendments to some of the boundary treatment within the development. Most of the amendments to the boundary would relate to the boundary between adjoining properties or to the rear. Additionally, the application proposes to slightly increase the height of some of the boundary treatment (approximately 0.2m). The increase would be nominal and would not be noticeable in most part. Therefore these elements would not be clearly visible from public vantage points and would no impact on the overall layout or appearance of the development over that approved.

In conclusion, the proposals are not considered to be material as to require a new planning application. The effects of the proposed amendments to planning approval 21/01146/FUL 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, 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 Grant subject to following amended conditions:

2. This permission relates to the following plans:
 - a) Location Plan: PL_001 Rev.P3
 - b) Route Hierarchy Plan: PL_505 Rev.P6

- c) Proposed Site Layout: PL_501 Rev.P18. Received by email on 25/10/2024.
- d) House Types Booklet: dated Jun-22
- e) Culvert Easement: PL_506 Rev.P6

and the development shall be carried out in accordance with these 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 Places for Everyone Joint DPD, adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

11. Prior to the first occupation of the approved units, a scheme for the installation of air source heat pumps shall be submitted to and approved by the Local Planning Authority. For the avoidance of doubt, all units within the approved development shall be installed with an air source heat pump in accordance with the submitted Energy Statement (reference number: 008091; dated: October 2023; issue: 6) unless first agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to occupation of each unit.

Reason: In the interests of sustainability and air quality management in accordance with Core Strategy Policy T2 and the National Planning Policy Framework.

33. Prior to the installation of the boundary treatments, full details of the boundary treatments shall be submitted to and approved by the Local Planning Authority. For the avoidance of doubt, the boundary treatments shall be based up on the following plans unless first agreed in writing with the Local Planning Authority:

- Site Layout - Boundary Treatment Plan (Sheet 1). Drawing number: 20_1031. Rev: P14
- Site Layout - Boundary Treatment Plan (Sheet 2). Drawing number: 20_1032. Rev: P14
- Site Layout - Boundary Treatment Plan (Sheet 3). Drawing number: 20_1033. Rev: P13

The boundary treatments shall thereafter be installed in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 21/01146/FUL and all conditions that were imposed on the previous planning permission remain.

