

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00198/ANM	Claire Ringwood	24 th April 2025

Address: Land to rear of 19-47 Kenyon Lane, Middleton

Proposal: Non-material amendment of planning permission 22/01223/FUL for alterations to windows and doors

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: RG

DATE: 02 May 2025

SITE

The application site relates to an area of land to the east of Kenyon Lane in Middleton. The site at present is overgrown with scrub and trees previously removed.

The site is bound to the west by a narrow alleyway which provides access to the rear of the two-storey terraced properties fronting Kenyon Lane. To the north is an adjacent area of allotments and contains a number of garage structures. To the north east are neighbouring dwellings on Collinge Avenue and to the south east is Portal Court, a sheltered housing complex of 42 flats for the elderly.

The site benefits from two access routes from the adopted highway of Kenyon Lane – Rose Street to the north-west and Lily Street to the south-west corner of the site; neither of the access routes are adopted.

PROPOSAL

The application proposes a non-material amendment to planning permission 22/01223/FUL relating to Condition 2 (approved plans) for alterations to windows and doors and brick detailing along with the introduction of solar panels. The amendments include:

Originally House Type A (Plots 2-4 and 6-8)

1. Increase in height of the single storey rear element from approximately 2.74m to 3m;
2. A smaller first floor front facing window;
3. Replacement full height ground floor front facing window with a standard window;
4. Relocation of side entrance door to front entrance door;
5. Bricking up of side elevation of single storey front porch;
6. Replacement full height rear and side window to single storey rear element with a standard rear window and double height window to the side;
7. Smaller first floor rear facing window;
8. Soldier header course to windows;
9. Three course soldier header to porch;
10. Stone cills;
11. Relocation of drainpipes to porch and single storey element.

Originally House Type B (Plots 1 and 5)

12. The addition of a front facing window to the single storey side element;
13. Increase in height of the single storey side element from 2.74m to 3m;
14. A smaller first floor front facing window;
15. Replacement full height ground floor front facing window with a standard window;
16. Relocation of side entrance door to front entrance door;
17. Bricking up of side elevation of single storey front porch;
18. Smaller windows to first floor rear elevation;
19. Replacement full height window to single storey side element with standard window;
20. Reduction in the depth of the porch from approximately 1.3m to 0.95m;
21. Soldier header course to windows;
22. Three course soldier header to porch;
23. Stone cills;
24. Relocation of drainpipes to porch and single storey element.

The approved plans under 22/01223/FUL are:

Drawing No: 201 Rev B - House Type A - Plans and Elevations

Drawing No: 202 Rev B - House Type B - Plans and Elevations

PLANS AND DOCUMENTS SUBMITTED

The following plans and documents were submitted:

Drawing No: 001 Rev B – Location Plans

Proposed Landscaping Plan Rev D

Received 18th March 2025

Drawing No: 203 Rev B – Plots 1-4 Elevations – Page 1

Drawing No: 204 Rev C – Plots 1-4 Elevations – Page 2

Drawing No: 205 Rev B – Plots 5-8 Elevations – Page 1

Drawing No: 206 Rev C – Plots 5-8 Elevations- Page 2

Drawing No: SK-02 – New Porch Sketch

Received 25th March 2025

The following amended plans were submitted after consultation with the Council's Urban Design Officer:

Drawing No: 101 Rev E – Proposed Site Plan

Received 11th April 2025

Drawing No: 203 Rev D – Plots 1-4 Elevations – Page 1

Drawing No: 204 Rev E – Plots 1-4 Elevations – Page 2

Drawing No: 205 Rev D – Plots 5-8 Elevations – Page 1

Drawing No: 206 Rev E – Plots 5-8 Elevations- Page 2

Received 24th April 2025

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

15/01319FUL - Erection of five dwellings. Approved 06/12/2016.

22/01223/FUL - Erection of 8 dwellings with associated parking and landscaping with access from Rose Street and Lily Street. Approved 08/10/2024.

25/00214/DOC - Discharge of conditions 7 (bin storage), 8 (CMP), 10 (sustainable drainage management plan), 11 (landscaping scheme), 13 (no tree, shrub clearance), 14 (habitat enhancement), 15 (method statement) and 18 (site investigation assessment) of planning permission 22/01223/FUL. Pending consideration.

25/00380/DOC - Discharge of conditions 3 (materials), 4 (vehicle access), 5 (improvements to Rose Street and Lily Street), 9 (drainage), 10 (drainage management) and 16 (external lighting) of planning permission 22/01223/FUL. Pending consideration.

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 applicant has worked with the Council's Urban Design Officer to make improvements to the amendments as originally submitted. This has included

widening the ground floor front facing window, adding soldier course brickwork above windows/porches, relocating drainpipes, removing the buff brick to the porch and adding a slim parapet trim to the porch roof. Along with the other changes proposed, the amendments have improved the elevations visually and are not considered to have a material impact on the character and appearance of the approved development. The amendments are not significantly dissimilar to those previously approved but they are considered to be an improvement and are considered acceptable. For this reason, 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:

Drawing No: 101 Rev E – Proposed Site Plan
Received 11th April 2025

Drawing No: 203 Rev D – Plots 1-4 Elevations – Page 1
Drawing No: 204 Rev E – Plots 1-4 Elevations – Page 2
Drawing No: 205 Rev D – Plots 5-8 Elevations – Page 1
Drawing No: 206 Rev E – Plots 5-8 Elevations- Page 2
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The development shall be carried out in accordance with the approved plans and documents.

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.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 22/01223/FUL. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

For the avoidance of doubt the plans as approved do not include the materials shown on the plans. This matter is being dealt with under application 25/00380/DOC.