

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00047/ANM

CASE OFFICER

Majid Mir

DETERMINATION DATE 17.02.2025 **EXT OF TIME** 21.02.2025

Address: Sladen Mill, Halifax Road, Littleborough, Rochdale, OL15 0LB

Proposal: Application for non-material amendment to condition 5 (Site Investigation and Risk Assessment) of planning permission 15/01235/OUT to amend the wording to allow the remaining building on site to be demolished.

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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

APPROVE

CHECKED AND SIGNED OFF BY: RG

DATE: 19 February 2025

SITE

The Sladen Mill site comprises a broadly rectangular parcel of previously developed land of circa 1.4ha which until recently contained a range of vacant industrial/commercial buildings, external hard standings and circulation areas, car parking and access roads. The buildings provided approximately 60,000 sq.ft of covered space and about 12,000 sq.ft of walled space without a roof. Only one building remains on site. The building is located on western boundary of the site and is a relatively small red brick structure. The building is clearly in a very poor state of disrepair.

The site lies within a narrow valley and is not therefore particularly visible or prominent from medium and longer distance views. In general the site steeply falls towards Greenvale Brook which flows along the western border and more gradually in a northerly direction. The site is bordered by a canal drain along its eastern boundary which is the responsibility of the Canal & River Trust. To the north lies a wooded area containing a series of lagoons that would have historically served the purpose of filtering wastewater from the mill.

The site is accessed via an unadopted road off the A58 Halifax Road. The access road is of varying widths and is restricted to single file traffic along some sections. The access is also a continuous Public Right of Way.

There are a number of isolated dwellings within the vicinity of the site with the closest being Lightowlers Farm, which lies some 150m to the west.

The site lies within the Green Belt and it is situated some 2km from the centre of Littleborough. The site is designated under saved UDP policy D/5 'Infilling at Major Existing Developed Sites in the Green Belt'.

PROPOSAL

The application seeks confirmation of a non-material amendment to the approved scheme, which relates to the wording of condition 5. The application form explains that the request is for the condition to be amended to allow for demolition of the remaining building on the site.

Condition 5 relates to an investigation of land contamination on the site. The condition is currently worded as such that it would prevent demolition of the building prior to an investigation and risk assessment has taken place.

As requested, the reworded condition would be as follows (amendment emphasised):

*"No development, **other than the demolition of the building,** shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development **(excluding demolition of the building)** takes place. The submitted report shall include:*

- i) a survey of the extent, scale and nature of contamination*
- ii) an assessment of the potential risks to:*

- ☐ human health,
- ☐ property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- ☐ adjoining land,
- ☐ groundwaters,
- ☐ water courses to include Greenvale Brook and the canal drain which runs parallel with the eastern boundary of the site,
- ☐ ecological systems,
- ☐ archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, saved Policy EM/8 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework."

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

24/01041/ANM	Non-material amendment to planning permission 21/00950/REM for alterations to the vehicular access and parking layout for plots 1-8, amendments to plots 16, 17 and 18 and amendments to private footpaths which serve plots 1-8. Decision: Grant subject to condition(s). Date: 18/11/24
23/00549/DOC	Submission of details to comply with condition 5 (investigation and risk assessment), condition 7 (Construction Environmental Management Plan), condition 10 (invasive plans), condition 11 (Archaeological Record & Written Scheme of Investigation), condition 16 (earthmoving) and condition 17 (Method Statement and Mitigation Strategy) on planning permission 15/01235/OUT. Decision: Request completed. Date: 15/12/23.

21/00950/REM	Reserved Matters Approval for appearance, landscaping, layout and scale for 25 dwellings pursuant to Outline Permission 15/01235/OUT. Decision: Grant Subject to Conditions. Date: 30/03/23.
15/01235/OUT	Outline planning permission (including means of access) for residential development and the demolition of the existing buildings. Decision: Grant subject to Conditions. Dated: 28.06.18
14/00179/DEM	Application for prior approval for the demolition of an existing building. Approved.

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, this application has not been publicised.

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.

It is noted that only one building remains on site. All the other buildings on the site have been demolished through a previous application. The building is a relatively small structure on the site. This application proposes to amend the condition to allow for the demolition of the remaining building on the site and thereby undertaking material operations in accordance with paragraph 56 of the Town and Country Planning Act 1990 (as amended). The necessary site investigation and risk assessment would still need to be undertaken prior to all other works taking place on site. It is accepted that the proposed amendment to the condition would not materially impact on the development as previously approved.

Further to this, it is noted that other pre-commencement conditions have been discharged, including condition 17. Condition 17 required a Method Statement and Mitigation Strategy as detailed within the bat survey by The Tyler Partnership (dated 27th May 2015) to be submitted to and approved in writing by the Local Planning Authority. The Bat Survey and Assessment report was undertaken in May 2023 and concluded that the condition of the building is similar to that recorded in 2021 and is considered to have very low suitability for bats. In regards to bats, the Local Planning Authority has therefore already accepted that the building can be demolished in line with the submitted Method Statement and Mitigation Strategy Survey in the report.

In conclusion, the amendment subject of this application would result in no material impact and, therefore, 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

GRANT subject to the following amended condition(s):

5. No development, other than the demolition of the building, shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development (excluding demolition of the building) takes place. The submitted report shall include:
 - i) a survey of the extent, scale and nature of contamination
 - ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters,
 - water courses to include Greenvale Brook and the canal drain which runs parallel with the eastern boundary of the site,
 - ecological systems,

- archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

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Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 15/01235/OUT and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.