

APPLICATION NUMBER: 23/00370/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00370/ANM	Ryan Killeen	9 May 2023

Address: Storage World Old Hall Street Middleton M24 1AG

Proposal: Application for non-material amendment to planning permission 21/01665/FUL relating to the color of the cladding on the northern elevation

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/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

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	Grant Subject to Conditions
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CHECKED AND SIGNED OFF BY: LA DATE: 11.05.23

SITE

The application relates to Storage World on Old Hall Street in Middleton. The building occupies the space between Old Hall Street to the north, Harbord Street to the west and Townley Street to the east and stands in a prominent position (near to the junction of Long Street, Market Place and Assheton Way), adjacent to the Middleton Arena, at one of the major gateways to Middleton Town Centre. The Middleton Town Centre Conservation Area surrounds the building to the north and east, although the building itself lies outside of the designated boundary.

The site is surrounded by a number of statutory and non-statutory heritage assets, including the Grade II Listed 3 Market Place, Grade II Listed Providence United Reform Church, with the following buildings all considered as non-designated heritage assets: The Assheton Arms, 5 Market Place, 7 to 11 Market Place, the Bricklayers Arms, Brookside House and Lodge Mill and to the south east the electricity sub-station.

The building is brick built, with a corrugated metal roof. The elevations of the building are characterised by a large number of tall, thin window openings, which stretch from approx. 1m above the ground to just below the eaves line. Parking is provided perpendicular to Harbord Street (adjacent to Middleton Arena), and stretching along the length of the building perpendicular to Old Hall Street. To the rear of the building (on Townley Street) is a pair of extensions – one formed of corrugated metal (which hosts a pair of dock levellers) and the second of heavy duty canvas/tarpaulin. Access to the site is also gained through a set of gates on Townley Street, with an external yard stretching down the side of the building to Harbord Street.

PROPOSAL

The application seeks a Non Material Amendment to Planning Permission 21/01665/FUL for application of additional cladding to east facing elevation of the building.

The approved development has been partially implemented in that much of the approved external cladding has been installed to the north, south and west facing elevations.

The additional cladding to the east facing elevation would be arranged in a similar pattern to the approved development

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.

(2) 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 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

21/01665/FUL	Installation of external cladding to all elevations, replacement roof, new and reconfigured ground floor access points on north and west elevations, two-storey side extension following demolition of existing side extension and re-configured car parking – Granted STC
19/01383/ADV	One internally illuminated fascia sign, one externally illuminated fascia sign, one non-illuminated fascia sign, three halo illuminated letter signs and one externally illuminated freestanding double sided totem sign – Granted STC
16/01189/ADV	1no. externally illuminated fascia sign, 3no. halo illuminated individual letter signs, 1no. externally illuminated dibond tray sign, 2no. non-illuminated panel signs, 1no. externally illuminated dual-sided totem sign – Granted STC
16/01188/FUL	Installation of external cladding to elevations and associated external alterations – Granted STC
84/D16587	Construction of New Loading Bay and Additional Storage Area – Granted STC
84/D16583	Loading Bay Extension to Factory and Extension to Car Park – Granted STC
80/D11202	Change of use from store to retail shop – Refused
77/D05007	New Garment Factory – Granted STC

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

N/A

ANALYSIS

The site comprises a single large industrial unit currently used for self-storage. The approved planning permission included a single storey side extension in addition to external cladding. This application seeks to amend the approved development through the application of external cladding to the east facing elevation where the extension would have projected from.

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 application of the external cladding would closely reflect the appearance of the approved extension through the arrangement of cladding to the external elevations. As such, the proposals would give rise to any additional visual impact or impact to surrounding occupiers and on this basis, the effects of the proposed amendment within this application would not materially alter the development's impact and therefore it constitutes 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 amendments to conditions:

1. This decision relates to the following plans:-

- ☐ MH1313-100 – Site Location Plan
- ☐ MH1313-105/E – Proposed Site Plan
- ☐ MH1313-106/C – Proposed Floor Plans
- ☐ MH1313-107/D – Proposed Elevations

and the development shall be carried out in complete accordance with these drawings 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

Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. The development hereby approved shall be carried out in accordance with the details of materials as set out on the plan MH1313 Rev.C – Proposed External Building Materials and retained and maintained as such thereafter.

Reason: In the interests of preserving the character of the Middleton Town Centre Conservation Area and the setting of adjacent Non-Designated Heritage Assets, and in the interest of visual amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 21/01665/FUL 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.

Report Author Ryan Killeen