

APPLICATION NUMBER: 24/00864/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00864/ANM

CASE OFFICER

Nick Brookman

DETERMINATION DATE 30.09.2024

Address: Land Opposite The White Hart, 701 Heywood Old Road, Middleton, OL10 2QL (Land adjacent to Langley Lane, Heywood Old Road, Middleton, OL10 2QL).

Proposal: Application for non-material amendment to planning permission 22/01076/FUL regarding alterations to the position of the railing fence on the Langley Lane side

PUBLICITY	Weekly list expired?	NA	Site notice expired?	NA
	Neighbour letters expired?	NA	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	Y	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?	NA
	Neighbour comments received?	NA

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

GRANT subject to conditions

CHECKED AND SIGNED OFF BY: LA

DATE: 18.09.2024

SITE

The site relates to a listed structure; grade II listed drinking fountain and trough designed by Edgar Wood, located on a parcel of land on the southern side of 701 Heywood Old Road, and adjacent to The White Hart Public House.

The structure's listing is as follows:

'Drinking fountain and horse and dog drinking troughs. 1888, relocated late C20. By Edgar Wood, architect for Messrs W.C. Wood and Bros, textile manufacturers. Ashlar gritstone and red brick. Depressed semi-circular arched structure rising from shallow gabled buttresses. The arch is supported by a square pier, rising from a red brick base, and which passes through the arch centre, the arch head carrying gablets either side of the pier. Moulded flat cap to pier, with small dome finials to corners. Located between the central pier and the outer buttresses are two stone troughs. HISTORY: The trough was designed to commemorate the completion of a new weaving shed at Messrs. Woods' textile factory, and donated to the people of Birch. It was relocated and repaired of a site close to its original location following a road widening scheme.

Listing NGR: SD8513707748'

The site is located within the Birch Conservation Area, and adjacent to Non-Designated Heritage Assets;

- The White Hart Hotel
- 618 to 620 Heywood Old Road
- 622 to 626 Heywood Old Road
- 640 to 652 Heywood Old Road
- 531 to 535 Langley Lane

PROPOSAL

This Section 96A application seeks amendments as follows:

- Non-material amendment to planning permission 22/01076/FUL regarding alterations to the position of the railing fence on the Langley Lane side

No other amendments are sought.

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):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

22/01077/LBC – Land Opposite The White Hart, 701 Heywood Old Road, Middleton, OL10 2QL – Dismantling, rebuilding and repair of grade II listed drinking fountain and trough in new location. Installation of 1.2m high railings - Granted subject to condition 12 April 2023.

22/01076/FUL - Land Opposite The White Hart, 701 Heywood Old Road, Middleton, OL10 2QL - Dismantling, rebuilding and repair of grade II listed drinking fountain and trough in new location. Installation of 1.2m high railings – Granted subject to condition 5 April 2023.

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) 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:

'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 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 NMA

The applicant has confirmed that the proposed change purely comprises the re-positioning of the railings approved under application 22/01076/FUL and 22/01077/LBC. This change only applies to the repositioning of the fence on the elevation fronting Langley Lane in accordance with planning permission 22/01076/FUL. A new Listed Building Consent application will be being submitted separately to address the repositioning of the fence.

The reason for the change is to ensure the railing is more linear in shape and so that the utility box would remain outside of the application site and fence line. This would provide unrestricted access to the utility box for engineers to access from the public highway directly.

In summary, the effect of the proposed amendment to planning approval 22/01076/FUL would not, either in isolation or combination, materially alter the development's impact in terms of its design, relationship with neighbouring development or impact on the character and appearance of the surrounding area.

The proposed amendment results in a betterment in perpetuity and the amendment would result in no greater material impact than the development as previously approved and, therefore, it 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

It is therefore considered and accepted that the amendments proposed can be treated as a non-material amendment.

Notes for Applicant:

Amended Condition

This approval relates to the plans and documents as listed below only:

- ☐ Scheme 03 Proposed Plan & Elevation Drawing No 2004391-05

The development shall be carried out in complete accordance with the 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 Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside those issued with planning permission 22/01077/LBC and 22/01076/FUL. All conditions that were imposed on the previous planning permission remain.

Report Author Nick Brookman