

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01247/ANM	Claire Ringwood	19 th April 2024

Address: Land off New Road, Littleborough

Proposal: Application for non-material amendment to planning permission 20/00607/FUL to conditions 2 and 4 site layout and landscaping plans

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
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: RG

DATE: 24 April 2024

SITE

The application site originally comprised 6.31 hectares of open space located on the north eastern side of Rochdale. New Road is to the north, New Street is to the west and Stubley Lane to the east.

Planning permission was granted (application ref: 20/00607/FUL) for 'residential development of 100 dwellings together with associated access, earthworks, landscaping, public open space, and on-site infrastructure (including the capping of artesian well)'. The Covering Letter provided with the application states that the works on site are nearing completion with the landscaping and public open space in the southern part of the site still ongoing and the final dwellings being finished and completed.

PROPOSAL

The application proposes a non-material amendment to planning permission 20/00607/FUL relating to Condition 2 (approved plans) and Condition 4 (landscaping) and relates to the public open space approved to the south of the site.

Condition 2 of 20/00607/FUL

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 19103_00
Proposed Site Layout 19103_01 P8
Presentation Layout 19103_02 P8
Illustrative Street Scene (Sheet 1 of 2) 19103_03 B
Illustrative Street Scene (Sheet 2 of 2) 9103_04 A
Illustrative Site Sections 19103_05 A
Boundary Treatment Layout 19103_06 A
Boundary Treatment Details - Sheet 1 of 2 19103_07 B
Boundary Treatment Details - Sheet 2 of 2 19103_08 A
Affordable Housing Layout 19103_09 A
Proposed Materials Layout 19103_10 A
Storey Heights Plan 19103_11 A
Existing & Proposed Finish Floor Levels 19103_12 A
Hard Surface Treatment Layout 19103_13 Interface Distance Plan 19103_14
Illustrative Site Section - Plot 17 19103_15 A
Illustrative Site Section - Plot 20 19103_16 A
Buckley_Floor Plans HT_01 A
Buckley HT_02 A
Philips HT_03 A
Harper HT_04 A
Talbot (Stone) HT_05 A
Talbot (Brick) HT_06 A
Orrell 1 (Stone) HT_07 A
Orrell 1 (Brick) HT_08 A
Orrell 3 (Brick) HT_09 A
Roberts (Stone) HT_10 A
Roberts (Brick) HT_11 A
Cromwell (Stone) HT_12 A
Cromwell (Brick) HT_13 A
Worrall (Stone) HT_14 A
Worrall (Brick) HT_15 A
Bower (Brick) HT_16 A

Kenyon (Stone) HT_17 A
Kenyon (Brick) HT_18 A
Kenyon_SA (Stone) HT_19 A
Kenyon_SA (Brick) HT_20 A
Turner 1_Floor Plans HT_21 A
Turner 1 (Stone) HT_22 A
Turner 1 (Brick) HT_23 A
Turner 2_Floor Plans HT_24 A
Turner 2 (Stone) HT_25 A
Turner 2 SP (Stone) HT_26 A
Howarth (Stone) HT_27 A
Howarth (Brick) HT_28 A
Ecclestone (Stone) HT_29 A
Ecclestone (Brick) HT_30 A
Single & Twin Garage Details HT_31 A

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.

Condition 4 of 20/00607/FUL

All planting, seeding or turfing comprised within the approved scheme of Landscaping (Landscaping Plans Full Site Ref: 5612.23 Rev G; Landscaping Plans Phase 1 & 2 (1 of 3) Ref: 5612.20 Rev G; Landscaping Plans Phase 1 & 2 (2 of 3) Ref: 5612.21 Rev G; Landscaping Plans Phase 1 & 2 (3 of 3) Ref: 5612.12 Rev G; shall be carried out in the first planting and seeding seasons following the occupation of 50% of the development; any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with Policies C1, C3, DM1, E5, G6, G7 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

The application form states the reason for the non-material amendment is '*due to ground conditions, the originally designed footpath and landscape proposals are not practicable to be implemented.*'

The following amended plan was submitted on 14th November 2023:

Drawing No: 19103_01 Rev P11 – Proposed Site Layout

The following amended plans were submitted on 11th April 2024:

Drawing No: 5612.20 Rev J - Landscape Proposal Phase 1 & 2 (1 of 3)
Drawing No: 5612.21 Rev J - Landscape Proposal Phase 1 & 2 (2 of 3)
Drawing No: 5612.22 Rev J - Landscape Proposal Phase 1 & 2 (3 of 3)
Drawing No: 5612.23 Rev J - Landscape Proposal Phase 1 & 2 (Full 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)

RELEVANT SITE HISTORY

The key planning history in relation to the application site is:

20/00607/FUL – Residential development of 100 dwellings together with associated access, earthworks, landscaping, public open space, and on-site infrastructure (including the capping of artesian well). Approved 27/01/2021.

Following the above permission there have been various applications to discharge relevant planning conditions. Additionally, there are a number of historic permissions on the site, however these are not considered relevant to the amendments proposed with this application.

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 non-material amendment has been submitted as the approved landscaping plans show paths running through marshland and through a newly created flood zone 3. This has raised issues with the suitability and constructability of paths and ongoing maintenance along with a potential risk for the general public as the approved plans actively encourages the public to cross an area that is designed to flood in storm events.

The amendments have been proposed in line with the flood modelling that has been undertaken which included lifting the paths to the site level which will require less maintenance and represents a safer area for the public to use. The amendments have required changes to the approved planting schedule as shown in the table below:

Plant Schedule	Approved	Amended
Trees	162	160
Hedges	7140	6800
Shrubs	1760	2401
Climbers	20	20
Native tree and shrub mix	1164	1957
Total	10,246	11,338

Although there is a reduction in the number of trees and hedges, the amended scheme introduces more shrubs and native tree and shrub mix which increases the number of overall planting by 1,092 specimens. The scheme also relocates the paths to the northern section of the public open space and provides more appropriate site specific planting to the wetter areas of the site. The overall size of the public open space remains the same and taking into consideration the reason for the amendment, and the increase in planting from that previously approved, officers are of the opinion that this 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: 19103_01 Rev P11 – Proposed Site Layout
Received 14th November 2023

Drawing No: 5612.20 Rev J - Landscape Proposal Phase 1 & 2 (1 of 3)
Drawing No: 5612.21 Rev J - Landscape Proposal Phase 1 & 2 (2 of 3)

Drawing No: 5612.22 Rev J - Landscape Proposal Phase 1 & 2 (3 of 3)
Drawing No: 5612.23 Rev J - Landscape Proposal Phase 1 & 2 (Full Site)
Received 11th April 2024

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.

2. All planting, seeding or turfing comprised within the approved scheme of Landscaping (Drawing No: 5612.23 Rev J - Landscape Proposal Phase 1 & 2 (Full Site), Drawing No: 5612.20 Rev J - Landscape Proposal Phase 1 & 2 (1 of 3), Drawing No: 5612.21 Rev J - Landscape Proposal Phase 1 & 2 (2 of 3), Drawing No: 5612.22 Rev J - Landscape Proposal Phase 1 & 2 (3 of 3) shall be carried out in the first planting and seeding seasons following the occupation of 50% of the development; any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to achieve a satisfactory level of landscaping in accordance with Policies C1, C3, DM1, E5, G6, G7 and P3 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 20/00607/FUL. All conditions that were imposed on the previous planning permission as amended by any other application remain.