

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00743/ANM

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 30.08.2024 **EXT OF TIME** 11.12.2024

Address: Marina Ropes Ltd, Cartridge Ropery, Brunswick Street, Heywood, OL10 1HA

Proposal: Non-material amendment to planning permission 24/00394/VRCON amendments to relocation of the Substation in addition to amended positioning of plots 43-62 and 63-72 to reflect United Utilities easement requirements

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

CHECKED AND SIGNED OFF BY: RG**DATE:** 11 December 2024

SITE

This application relates to the former Cartridge Ropery set between Brunswick Street, Hill Street and Wesley Street in Heywood, 120m south of Heywood Town Centre. The site is approximately 1.15ha in size and broadly rectangular in shape.

Surrounding land uses are predominantly residential, with networks of terraced streets extending to the west, south and southeast of the site. Also to the west of the site is the Grade II listed St. James' Church which rising spire is the dominant form in the immediate townscape. More modern residential interventions have taken place to the east of the site to the opposite side of Hill Street, which includes 65 dwellings completed in 2018 following the demolition of the former warehousing unit. Immediately north of the site across Wesley Street is Cronshaw Motor Repairs and MOT centre, beyond which, and occupying the intervening space between the site and Heywood Town Centre, is Angel Meadows, a greenfield site which has been cleared of the 13 blocks of 137 flats which formerly occupied the site up until 2016.

PROPOSAL

A non-material amendment is sought for the relocation of a substation in addition to the relocation of the apartment block and a run of 10 terraces due to technical requirements including a united utilities easement and access requirements for the substation.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

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.

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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

21/01796/FUL

Residential development of up to 72 dwellings including landscaping, boundary treatments, public open space and

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, the application was not publicised. Given the application relates to one made under S.96a of the 1990 Act, in granting consent the Council is of the view that the amendments would not result in a materially different impact on the surrounding environment.

ANALYSIS

Planning permission 21/01796/FUL granted consent for the development of 72no. dwellings within a site identified for residential development within the adopted Heywood Town Centre Masterplan, including a new access from Wesley Street and associated landscaping and parking.

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 movement of both the apartment block and terrace block would be clearly non-material, given that they would be moved only 1m to the east to account for an easement of United Utilities Assets and would maintain the overall building line and enclosure experienced within the street scene.

In respect of the relocation of the sub-station, whilst it would be undoubtedly set in a more prominent location, it would be set amongst a well-landscaped area, and revised landscaping proposals have been submitted to effectively screen the sub-station from the majority of views along Wesley Street and Brunswick Street.

Therefore, the proposed amendments would not give rise to materially different impacts in respect of the visual appearance of the development, its impact on highway or pedestrian safety, or to the amenity of surrounding occupiers. Any amendments to hardstanding are compatible with the approved drainage strategy for the site.

In light of the above, the proposals are considered to sit comfortably within the scope of an application under s.96A.

RECOMMENDATION

GRANT subject to the following amended conditions:

1 This permission relates to the following plans:-

- ② SL01 Location Plan
- ② **PL01 Rev. K – Proposed Site Layout**
- ② 05-001 Proposed Housetype Elevations Burghley/ Burghley Alt
- ② 05-002 Proposed Housetype Elevations Knowl Rev A
- ② 05-003 Proposed Housetype Elevations Arundel + Rev A
- ② 05-004 Proposed Housetype Elevations Arundel Rev A
- ② 05-005 Proposed Housetype Elevations Chatsworth Rev A
- ② 05-006 Proposed Housetype Elevations Woburn + Rev A
- ② 05-007 Proposed Housetype Elevations Woburn ++ Rev A
- ② 05-008 Proposed Housetype Elevations Burghley Mid Rev A

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.

10 The hard and soft landscaping works shall be carried out in accordance with the details contained within the plans "Landscape Proposals ref. 6725.01 **rev.J" dated December 2024** and "Hard Landscaping Layout ref. HL01 **rev.F" dated July 2024**.

The hard and soft landscaping works shall be carried out in accordance with a scheme of timing/phasing of implementation which has first been submitted to and agreed in writing with the Local Planning Authority, or within the next

planting season following the final occupation of the development hereby approved.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy Policies G6 and G7, Policies JP-G6, JP-G7 and JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.