

Officer Report

Case Reference: OTH/2026/0408
Location: 465 Prettywood, Heywood, Bury BL9 7HZ
Proposal: Application for non-material amendment to planning permission PL/2025/1350 to amend drawing reference 25.3710.SC2.1A to 25.3710.SC2.1B
Recommendation: Approve with Conditions
Officer: Luke Rigby

SITE

The application site consists of a two-storey mid-terrace residential dwelling located to the south of Prettywood in a predominantly residential area of Heywood. The existing dwelling is constructed of facing brick with a pitched roof.

PROPOSAL

The application seeks a non-material amendment of planning permission PL/2025/1350 to substitute the approved plan 25.3710.SC2.1A with 25.3710.SC2.1B, which features a reduced projection at first floor.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

PL/2025/1350 – Two storey rear extension. Grant subject to conditions

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application, and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole

RELEVANT PLANNING POLICIES

Legislation

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

Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

PUBLICITY

In line with the Council's code of publicity for this type of application, no letters of notification were issued and no publicity was carried out.

ASSESSMENT

Planning Permission was granted in 2026 under application ref. PL/2025/1350 for the construction of a two-storey rear extension at the application site.

Section 96A of the Town and Country Planning Act confers powers to Local Authorities to allow for non-material amendments to planning permissions. A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. 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.

The power conferred by subsection (1) includes the power to impose new conditions, and/or to remove or alter existing conditions.

As a matter of procedure, the normal provisions relating to notification do not apply, however it is noted that the Local Planning Authority must 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 does not apply.

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."

During the determination of the subject application, PL/2025/1350, amended plans were received to reduce the scale of the rear extension in line with the Council's Housing SPD (amended plan 25.3710.SC2.1B). However, due to an administrative error on the final decision notice, the approved plans condition incorrectly references the superseded plan 25.3710.SC2.1A.

This non-material amendment has been submitted to rectify this clerical error and update the decision notice to accurately reflect the plans assessed and approved by the Local Planning Authority. The change would therefore have no material impact on the development approved in relation to visual character or amenity as it seeks only to correct the administrative error, and results in a reduced projection of the extension approved under PL/2025/1350.

It is therefore considered that the amendment is non-material. Condition 2 of application PL/2025/1350 is hereby amended to read as follows:

"This permission relates to the following plans and documents: -

Location Plan

DWG No. 25.3710.3 (Existing and Proposed Block Plan)

DWG No. 25.3710.SC2.1B (Proposed Floor and Elevation Plans)

and the development shall be carried out in accordance with these 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 Unitary Development Plan, and the National Planning Policy Framework."

RECOMMENDATION: GRANT subject to the following condition:

Recommendation: Approve with Conditions

Condition(s) (1)

- 1 The development shall be carried out in accordance with the following plans and documents hereby approved: -

- Location Plan
- DWG No. 25.3710.3 (Existing and Proposed Block Plan)
- DWG No. 25.3710.SC2.1B (Proposed Floor and Elevation Plans)

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 Unitary Development Plan, and the National Planning Policy Framework.

- 1 This decision notice is to be read alongside that issued with planning permission PL/2025/ and all conditions that were imposed on the previous planning permission remain.