

Officer Report

Case Reference: OTH/2026/0355
Location: Castleton Sidings
Heywood Road
Rochdale
Proposal: Application for non-material amendment to planning permission 23/00431/HYBR for the substitution of Rosewood House Type (2.5 storey, 3 bedroom) with Hickory House Type (2 storey, 2 bedroom) plots: 4, 5, 39, 40, 106-109, 150 and 151 and, substitution of Rosewood House Type (2.5 storey, 3 bedroom) with RW2 House Type (2 storey, 2 bedroom) plots: 166 and 167.
Recommendation: Approve with Conditions
Officer: Luke Rigby

SITE

The application site consists of 'Castleton Sidings' a residential development of 191 houses in Heywood.

PROPOSAL

The application seeks a non-material amendment to application ref. 23/00431/HYBR to substitute 12No. houses from 2.5 storey homes to 2 storey homes.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

23/00431/HYBR – Full application for residential development for 191 dwellings including access, landscaping, open space together with erection of sub-station and foul water pump station. Approve subject to conditions

RECOMMENDATION: GRANT subject to conditions

RELEVANT PLANNING POLICIES

Legislation

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

Guidance

National Planning Policy Framework (NPPF)

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 2024 under application ref. 23/00431/HYBR for the construction of 191 dwellings including access, landscaping, open space together with erection of sub-station and foul water pump station at the former Castleton Sidings site in Heywood.

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."

The application seeks a non-material amendment to substitute 12No. of the 191No. 2.5 storey dwellings (3 bedroom) with 2 storey (2 bedroom) dwellings. The substitution affects a minor fraction of the 191No. dwellings approved across the wider site and does not alter the operative description of development. These substitute dwellings are to be known as 'Hickory' and 'RW2' type dwellings.

The submission refers to a lack of local market demand for the 2.5 storey homes as part of the justification for the proposed amendments. Officers do not accept this as a robust justification given the success of other developments within 2.5km of the site where 2.5 storey properties have sold and at higher values than originally anticipated. Nonetheless, officers have assessed the changes on the planning merits as to whether they would constitute a non-material amendment.

The amendment constitutes a reduction in scale and massing of the dwellings, rather than an enlargement. As a result, the proposed changes raise no material planning considerations regarding visual impact on residential amenity for neighbouring and future occupiers, or parking provision and highway safety.

Furthermore, the proposed changes relate exclusively to market housing. The proposed changes would therefore have no impact on any of the obligation secured by way of S106 Agreement on the original permission.

Whilst the changes would reduce scale at some vista locations, it is not considered the homes to be replaced provided a particularly strong visual interest and contributed to legibility to a limited degree. The proposed replacement dwellings sit more cohesively with the design of the other approved housetypes albeit with a slight reduction in wider sight legibility because of this drop in height.

On balance it is considered that the cumulative impact of these changes is non-material in the context of the whole scheme and are therefore the changes proposed are acceptable in regards to Section 96A of the Town and Country Planning Act 1990 (as amended).

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.

Recommendation: Approve with Conditions

Condition(s) (1)

1 This permission relates to the following plans:

Hickory Planning Drawing

DWG No. 100 (RW2 Floor Plans)

DWG No. 101 (RW2 Elevation Plans)

DWG No. KH003-A-100 Revision Q (Cad Layout)

Street Scene E – Planning

Street Scene – Planning

DWG No. A-102 (Storey Heights Block Plan)

and the development shall be carried out in 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 saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

1 This decision notice is to be read alongside that issued with planning permission 23/00431/HYBR and all conditions that were imposed on the previous planning permission remain.