

Officer Report

Case Reference: OTH/2026/0435
Location: Site At 29-31 And 33-41 Maclure Road, Rochdale, OL11 1DN
Proposal: Application for non-material amendment to planning permission 23/01310/FUL to revise the wording of condition 6 (Detailed Schedule of Internal Repairs and Finishes - 29-31 Maclure Road)
Recommendation: Approve with Conditions
Officer: Tom Hiles

Site Description

The application relates to an existing permission ref 23/01310/FUL which was for development of a new apartment building on land at the corner of Maclure Road and Station Road in Rochdale, together with the conversion of the upper storeys of the adjacent building at 29-31 Maclure Road to provide a further four apartments.

Conditions on the permission included the following:

6. No above ground works shall commence before a fully detailed schedule of internal repairs and finishes to nos 29-31 Maclure Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and in the interest of conserving the significance of the borough's heritage assets, in accordance with policies DM1, P1, P2 and P3 of the adopted Rochdale Core Strategy and policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Proposal

The application seeks a non-material amendment to the existing permission under s.96A of the Town and Country Planning Act to amend the wording of condition 6 as noted below, with the amended text highlighted:

*No above ground works **to nos 29-31 Maclure Road, other than opening up and other intrusive investigations**, shall commence before a fully detailed schedule of internal repairs and finishes to nos 29-31 Maclure Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.*

As currently worded, the condition prevents above-ground progress of the new building prior to approval of the internal details relating to the existing building.

A covering letter submitted with the application notes that the proposed amendment would allow opening-up works and intrusive investigations to be undertaken at nos 29-31 Maclure Road, while also enabling above-ground works to proceed across the remainder of the site, without prejudicing the protection of internal features and finishes to no's 29-31.

Relevant Planning Legislation

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

Relevant Site History

23/01310/FUL - Demolition of 33-41 Maclure Road and partial demolition at rear of 29-31 Maclure Road and Conversion of 29-31 Maclure Road and Erection of a part 3-storey and part 6-storey building to provide 33 apartments (Use Class C3) across combined upper floors with ground floor commercial use (Use Classes E(a), E(b), E(c) and E(e)), associated infrastructure and ancillary works. Approved with conditions, 19/6/2024.

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

NPPG acknowledges that there is no statutory definition of non-material, and that it is entirely dependent on the context of the overall scheme.

The amendment to the trigger for approval of internal details and finishes of the converted building would not materially alter the nature or scale of the approved development.

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

Recommendation: Approve with Conditions

Condition(s) (1)

- 6 No above ground works to no's 29-31 Maclure Road, other than opening up and other intrusive investigations, shall commence before a fully detailed schedule of internal repairs and finishes to no's 29-31 Maclure Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and in the interest of conserving the significance of the borough's heritage assets, in accordance with policies DM1, P1, P2 and P3 of the adopted Rochdale Core Strategy and policies JP-P1 and JP-P2 of 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 permis 23/01310/FUL and all conditions that were imposed on all previous applicati and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision, or which have beer explicitly varied by way of other S96A non-material amendments.