

Officer Report

Case Reference: OTH/2026/0647
Location: Castleton Sidings, Heywood Road, Rochdale
Proposal: Application for non-material amendment to planning permission 23/00431/HYBR to alter the wording of condition 2 (Plans), replace approved layout revision Q with revised layout revision R and substitute house type Rosewood with Juniper Lean-To on plots 26 and 27
Recommendation: Approve with Conditions
Officer: Nick Brookman

SITE

The application site relates to 'Castleton Sidings' which is a residential development of 191 dwellings.

PROPOSAL

The application is for a non-material amendment to planning permission 23/00431/HYBR to alter the wording of condition 2 (Plans), comprising the substitution of the approved layout referenced as revision Q with a revised layout revision R and the substitution of house type 'Rosewood' with house type 'Juniper' on plots 26 and 27. Rosewood is a 2.5 storey house type with 3 bedrooms whilst the Juniper is a lean to house type at 2 storeys with 2 bedrooms.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

OTH/2026/0355 - 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. Approved subject to condition.

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. Approved subject to conditions.

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)

CONSULTATION RESPONSES

Not applicable.

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:

'must have regard to 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

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

The justification in support of the application states that *'this change ensures that the eaves are more uniform balancing the ridge height across the street. The retained gable on the front elevation further complements the architectural form within the site and the varying gable heights on the front elevation of the street as a whole further compliments the architectural features seen on nearby landmarks such as St Martins Church. As highlighted in the justification for non material amendment ref: OTH/2026/0355, the variation of a 2.5 storey house to a 2 storey house creates a more proportioned streetscape that compliments the surrounding architectural form in the immediate area and therefore in the context of the wider site, the changes can be deemed non material'.*

The LPA note from application OTH/2026/0355 where a similar proposal was submitted that justification for that application referred to a lack of local market demand for the 2.5 storey homes.

Whilst this justification isn't being provided here, Planning Officers would like to reiterate that we would 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 at higher values than originally anticipated.

Nonetheless, Planning Officers have assessed the changes on the planning merits as to whether they would constitute a non-material amendment.

In this instance, the proposed plot substitution has a negligible impact and the proposed changes still ensure that a visual interest remains across the new house types. The changes will preserve the high quality of the development as a whole. The amendment also 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 or impacts on residential amenity for neighbouring properties. and future occupiers. Existing highway arrangements concerning parking provision and highway safety will not be impacted.

Overall, the effects of the proposed amendment in isolation and cumulatively, together with the previously approved house types, would not materially alter the development's impact and therefore it constitutes a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION: 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.

Recommendation: Approve with Conditions

Condition(s) (1)

- 1 This approval relates to the plans and documents as listed below:

- Location Plan Drawing No KH003-A-001
- Juniper Lean-To Floor Plans Drawing No 100
- Juniper Lean-To Elevations Drawing No 101
- Street Scene E Drawing No KH003
- CAD Site Layout Drawing No KH003-A-100 Rev R
- Storey Heights Drawing No A-102 Rev E

The development shall be carried out in complete accordance with the drawings/documents 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.