

Officer Report

Case Reference: OTH/2026/0745
Location: Land At Don Street, Middleton, M24 2GG
Proposal: Non-material amendment to planning permission
23/00070/VRCON for the change of house types to plots 108-112 from Hickory to Cedar
Recommendation: Approve with Conditions
Officer: Claire Ringwood

SITE

The application site is an irregular parcel of land measuring circa 12.85ha. The site was a part greenfield / part brownfield site. The western portion of the site was formerly covered by Rex Mill, while the remainder was historically agricultural land, before later being converted into playing fields which were vacant.

The site lies between the A669 (Oldham Road) to the south, the embankment of the Rochdale to Manchester railway line to the east, the urban fringe of Boarshaw (Glenwood Drive/Hereford Way) to the north and the highway of Hilton Fold Lane to the west. The site is bisected horizontally by the River Irk which runs through the heart of the site.

PROPOSAL

The application proposes a non-material amendment to planning permission 23/00070/VRCON relating to Condition 2 (approved plans) which proposes to swap house types from those previously approved.

The submitted Covering Letter states that under non-material amendment ref: 25/00358/ANM the approved layout showed the footpath running parallel to plots 108-112 outside of the shared driveway. This alignment cannot be implemented due to the variation in levels between the shared drive and the proposed footpath. The non-material amendment is to change plots 108 and 109 from a 2-bedroom Hickory to a 3-bedroom Cedar. Plots 111-112 are proposed to be changed from a 3-bedroom Cedar to the 2-bedroom Hickory. No changes to the materiality of the house types are proposed, the locations of the Cedar and Hickory have simply been switched to allow the footpath to be delivered under a more suitable alignment.

23/00070/VRCON Approved Plan

Drawing No: KH002 DS/CSL-CL/01 REV BJ

Proposed Plan

Drawing No: KH002 DS/CSL-CL/0 REV BP

PLANS AND DOCUMENTS SUBMITTED

Covering Letter by Kellen Homes

Drawing No: DS/CSL-CL/01 Rev BJ – Site Planning Layout – Composite

Drawing No: DS/CSL-CL/01 Rev BP – Site Planning Layout – Composite

Received 17th August 2026

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)

RELEVANT SITE HISTORY

25/00358/ANM - Non-material amendment to planning permission 23/00070/VRCON for the change of house types to plots 118-121, 133-136 and 178-180. Approved 30/04/2025.

25/00035/ANM - Non-material amendment to planning permission 23/00070/VRCON to change brick type to plots on Phase 2 (further amendment to 24/00968/ANM). Approved 28/01/2025.

25/00145/DOC – Discharge of condition 11 (archaeology) of planning permission 23/00070/VRCON. Request completed 03/03/2025.

24/01119/DOC – Discharge of conditions 6 (piling), 8 (site investigation), 10 (coal mining) and 28 (acoustics) on planning permission 23/00070/VRCON. Request completed 09/04/2025.

24/00968/ANM - Non-material amendment to planning permission 23/00070/VRCON to change brick type to plots on Phase 2. Approved 08/11/2024.

24/00719/DOC - Submission of details to comply with condition 8 (Validation Report), condition 22, 23 and 24 (S38/S278), condition 25 (Landscaping Plan), condition 26 (Suds Management Plan) and condition 28 (Acoustic Statement from Hepworth Acoustics) of planning permission 23/00070/VRCON. Pending consideration.

24/00367/ANM – Non-material amendment to planning permission
23/00070/VRCON for change to house types to plots 211, 212, 215, 216, 228-231 (all). Approved 07/06/2024.

24/00261/ANM - Application for non-material amendment to planning permission
21/00744/FUL (Residential development of 311 dwellings (Use Class C3) with associated infrastructure, landscaping and access) with reference to the proposed footpath fronting plots 287-290 being rerouted to run parallel with the proposed to be adopted, highway. Approved 02/07/2024.

23/00853/ANM - Application for non-material amendment to planning permission
21/00744/FUL for the proposed handing of 'cherry' house type on plot 143 and change to layout at rear of plot 262. Approved 06/11/2023.

23/00070/VRCON - Section 73 application for minor material amendment to planning permission 21/00744/FUL relating to condition 2, comprising amended allotment and parking area, plot substitutions and associated boundary treatment changes. Approved 20/11/2023.

22/01248/DOC - Submission of details to comply with conditions 3 (tree protection), 4 (bird nesting), 6 (piling), 7 (levels), 8 (SI), 9 (dewatering), 10 (coal mining), 11 (wsi), 12 (drainage), 13 (lighting), 14 (invasive species), 15 (CMS), 16 (CTMP), 17 (CEMP), 18 (LCHMP), 19 (river corridor strategy), 20 (bus stop), 21 (materials), 22 (pedestrian crossing), 23 (20mph), 24 (Oldham Road parking), 25 (landscaping), 26 (drainage maintenance), 27 (travel plan) and 28 (acoustics). Request Completed 03/03/2023.

21/00744/FUL - Residential development of 311 dwellings (Use Class C3) with associated infrastructure, landscaping and access. Approved 13/09/2022.

14/00357/OUT - Outline application (including access only) for up to 303 dwellings and associated highway, landscaping, public open space and infrastructure provision – Approved.

13/00740/OUT – Outline application (including access only) for 303 dwellings and associated highway, landscaping, public open space and infrastructure provision – Withdrawn.

CONSULTATION RESPONSES

N/A

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 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.

Assessment of the non-material amendment

The change of house types as proposed are not considered to have a material impact on the character and appearance of the approved development and would not have any impact on any of the adjacent units in terms of amenity. Plot sizes, garden areas and the level of amenity space provided will remain similar to those previously approved. The tenure of the proposed houses has not been amended and remains the same. For the reasons given above, officers are of the opinion that the amendment would not have any material effect on the planning permission originally granted.

RECOMMENDATION

GRANT subject to the following conditions:

1. This permission relates to the following plans and documents:

Drawing No: DS/CSL-CL/01 Rev BP – Site Planning Layout – Composite

Received 17th August 2026

The development shall be carried out in accordance with the approved plans and documents.

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.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 23/00070/VRCON. All conditions that were imposed on the previous planning permission remain with the exception of those amended by the listed non-material amendments.

Recommendation: Approve with Conditions

Condition(s) (1)

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