

21 October 2024

Rochdale Metropolitan Borough Council
Rochdale MBC
Economy and Environment
Planning Service
Rochdale
OL16 1XU

Sent via the Planning Portal

Dear Sir / Madam

**UNIT B9, HEYWOOD DISTRIBUTION PARK, HEYWOOD, OL10 2TT
APPLICATION FOR A CERTIFICATE OF LAWFULNESS (PROPOSED DEVELOPMENT)
PLANNING PORTAL REF: PP-13490499**

Please find enclosed for your consideration an application for a Certificate of Lawfulness under Section 190 of the Town and Country Planning Act 1990 relating to the proposed refurbishment of Unit B9, Heywood Distribution Park, Heywood, OL10 2TT ('the Site / Unit').

By way of background, the Unit currently comprises a single unit. It is however not fit for purpose owing to its low eaves (5.5m) and an insufficiently sized service yard. Marketing of the Unit (currently vacant) has been challenging to date, hence the proposed refurbishment which is to include the following works:

- partial demolition of the Unit to facilitate the introduction of a larger service yard to the front of the Unit;
- reprovision of front elevation wall and retained area of roof to form a new canopy over the docking area (this new canopy will provide shade, thus reducing potential for overheating);
- introduction of new windows and doors to facilitate sub-division of the Unit to form 4 no. units (NB internal works do not comprise development);
- new cladding to the front elevation of the Unit (following partial demolition) and recoat of roof coverings;
- repair of retained elevations;
- minor revisions to car parking and servicing including additional parking to the front of newly created Units A, B and C;
- dismantling of the water tank to the west of the Unit.

We are seeking clarification through this application that the abovementioned works constitute permitted development under Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

The application attracts a fee of £1,337.50 and payment had been made through the Planning Portal (via BACS). This letter (which provides the necessary supporting information to justify the grant of the Certificate) has been submitted alongside the following documents:

- Application Form;
- Site Location Plan (BCC-HDP-B9-D09-001);
- Existing Topographical Survey (BCC-HDP-D01-001);
- Existing Floor Plan (BCC-HDP-B9-A01-001);
- Existing Elevations & Sections (BCC-HDP-B9-B01-001);
- Proposed Block Plan (BCC-HDP-B9-D09-002);

- Proposed Unit Plan (BCC-HDP-B9-A03-001); and
- Proposed Elevations & Sections (BCC-HDP-B03-001).

We would expect this application to be treated similarly to a 'minor application' for determination purposes as it does not give rise to an increase in the amount of commercial floorspace. In other words, we would expect the application deadline to be set at 8 weeks from validation.

The proposed works will facilitate the swift occupation of the Unit which has been vacant for several years, therefore bringing it back into economic use.

THE SITE / UNIT

The Site / Unit to which this application relates comprises a detached industrial premises located within the north-western part of Heywood Distribution Park. It is bound by the East Lancashire Railway Line to the north. Beyond this, the Site has very limited visibility due to the presence of tree screening. The Site's principal access point is via the main entrance to Heywood Distribution Park on Pilsworth Road to the southeast; there is also a secondary emergency exit closer to the Site leading to Moss Hall Road to the west.

The Unit is of typical commercial / industrial design, featuring a series of low pitch gables, and is constructed of steel frame and grey cladding. The floor plate of the Unit to the rear steps down in an eastern direction following the curvature of the adjacent train line. Car parking is provided in the eastern section of the Site and a service yard is located to the front of the Unit.

OVERVIEW AND ASSESSMENT OF PROPOSED WORKS

Table 1 (below) provides a summary of the works that are proposed as part of Unit B9's proposed refurbishment and our assessment of why we consider them to constitute permitted development having regard to Schedule 2, Part 7 of the GDPO (as amended) and specifically Classes H and J as replicated below:

H. THE ERECTION, EXTENSION OR ALTERATION OF AN INDUSTRIAL BUILDING OR A WAREHOUSE

Development not permitted

H.1 Development is not permitted by Class H if—

(a) the gross floor space of any new building erected would exceed—

- (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;*
- (ii) in any other case, would exceed 200 square metres;*

(b) the gross floor space of the original building would be exceeded by more than—

- (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);*
- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);*
- (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);*

(c) the height of any part of the new building erected would exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;*
- (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;*

(d) the height of the building as extended or altered would exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;*
- (ii) in all other cases, the height of the building being extended or altered;*

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

(g) the development would be within the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended or altered is only to be used–

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c) no building as erected, extended or altered is used to provide employee facilities–

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999;

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

CLASS J – HARD SURFACES FOR INDUSTRIAL AND WAREHOUSE PREMISES / PERMITTED DEVELOPMENT

J. Development consisting of–

(a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

J1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Conditions

J2 Development is permitted by Class J subject to the following conditions–

(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and

(b) in all other cases, either–

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

DESCRIPTION OF PROPOSED WORKS	RELEVANT PERMITTED DEVELOPMENT CLASS	COMMENTARY
'Partial demolition' (alteration) of the front of the Unit, provision of canopy, and creation of new dock area.	Schedule 2, Part 7, Class H <i>NB Schedule 2, Part 11, Class B of the GPDO does not apply as the partial demolition of a building is to be regarded as a structural alteration (as opposed to demolition). Alterations to industrial buildings and warehouses are permitted under Schedule 2, Part 7, Class H.</i>	Such alteration is to be regarded as permitted development under Schedule 2, Part 7, Class H: • The development does not result in an increase in floorspace. • The proposed area of works lies in excess of 5 metres of the curtilage of the Unit. • The partial demolition of the Unit will result in an increased area of space available for the parking and turning of vehicles. As such, the overall amount of space for vehicle parking and turning would be increased and not amount to a reduction. • The development is within the curtilage of an existing industrial building.

DESCRIPTION OF PROPOSED WORKS	RELEVANT PERMITTED DEVELOPMENT CLASS	COMMENTARY
Erection of new front elevation.	Schedule 2, Part 7, Class H	Such alteration is to be regarded as permitted development under Schedule 2, Part 7, Class H: - The proposed area of works lies in excess of 5 metres of the curtilage of the unit. - The Unit is not located on Article 2(3) Land. Nevertheless it should be noted that the refurbished elevations will be keeping with the appearance of Heywood Distribution Park (the darker shade on proposed elevations drawings denotes shadow from the canopy). - Going forward, the refurbished Unit will be used for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking or for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking.
Subdivision of unit to 4 no. new units.	N/A	The internal sub-division of the Unit is not considered to constitute development (it is categorised as an interior alteration). We are not aware of any historic planning permission relating to the Unit which prohibits its sub-division.
New / extended service yard area to provide access to Unit D following subdivision of the unit.	Schedule 2, Part 7, Class J	Provision has been made to direct the run-off water from the concrete to an existing drain on Site, through the use of new surface water gullies. Provision has therefore been made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the Unit.
Dismantling and removal of water tank.	N/A	The dismantling and removal of the water tank is not considered to constitute development.

Table 1: Assessment of Permitted Development Rights

I look forward to receiving early confirmation of the registration of the application. Should you have any queries, please do not hesitate to contact me using the details at the top of this letter.

Yours faithfully,



Heather Arnell
WILLIAMS GALLAGHER