

APPLICATION NUMBER: 23/00404/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00404/ANM	Tom Hiles	26 June 2023

Address: Plot M Kingsway Business Park OL16 4UG

Proposal: Application for non-material amendment to planning permission 22/00373/FUL change of finished floor level unit M2, lowered 300 mm reflected in related external car parking and service yard, louvres added to elevations on all units, condenser locations and surrounding fencing shown to all units, timber fence to western boundary added external concrete service margins replaced with asphalt relocation of 2nr concrete cycle shelter bases on Units M2 and M3 specification of cycle racks revised to include two tier racks.

PUBLICITY	Weekly list expired?	n/a	Site notice expired?	n/a
	Neighbour letters expired?	n/a	Press Notice expired?	n/a

DELEGATION	Significant departure from local plan?	n/a	Contrary to national policy?	n/a
	Applicant a Council Member or officer?	n/a	Contrary to previous decision?	n/a
	Major with 10 or more objections and recommending approval?	n/a	Called in or Planning Panel objection?	n/a

COMMENTS	Planning Panel comments received?	n/a
	Neighbour comments received?	n/a

EIA	Screening opinion completed and saved to Onbase?	n/a
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	Approve
----------------	---------

CHECKED AND SIGNED OFF BY: LA DATE: 13.07.23

SITE

The application site relates to Plot M of the Kingsway Business Park, which as a whole was granted outline permission in 2014. Full permission was granted in 2022 for the development of Plot M with three industrial/warehouse buildings together with ancillary office areas and access points.

As the proposal was speculative with occupiers undetermined, permission was granted on the basis of two proposed site plans, with varied parking provision for either B2 or B8 occupation, with additional parking provided at each unit, to allow for sufficient parking provision to be made should the units be occupied in B2 use. The current application notes that the B8 option is being built out.

PROPOSAL

The application seeks approval for non-material amendments to the approved development, described in the application as follows:

- *Change of Finished Floor Level Unit M2, lowered 300 mm reflected in related external car parking and service yard*
- *Louvres added to elevations on all units.*
- *Condenser locations and surrounding fencing shown to all units.*
- *External concrete service margins replaced with asphalt.*
- *Relocation of 2nr concrete cycle shelter bases on Units M2 and M3.*
- *Specification of cycle racks revised to include two tier racks.*

The submitted amended plans have been reviewed in full and the proposed changes indicated on each of the amended plans are summarised below. Apart from the revised external works B8 plan, all of the following plans are revisions of drawings approved under the original permission.

- ② 90041 rev P06 - B2 site plan and 90021 rev P08 - B8 site plan: Minor changes to indicative landscaping details at the southern extent of the site, and to arrangements of parking areas serving units M1, M2 and M3. Slight reduction of extent of embankment to rear of unit M3. Addition of ground level condenser compounds at each unit.
- ② 90043 rev P03 - External works B2 plan: asphalt service margins at rear and side elevations of units M1, M2 and M3, replacing concrete as approved.
- ② 90023 rev P05 - External works B8 plan: it is noted that no external works plan was approved for the B8 layout as part of the original approval. However, the changes shown on the amended B2 external works plan compared to the approved B2 external works plan are also represented on the B8 external works plan now submitted.
- ② 90024 rev P06 - New Fencing: Small fenced compounds (2.4m hit and miss timber fences) added around condenser units at Units M2 and M3.
- ② 90026 rev P03 - Cycle Shelters: Alternative cycle shelters – previously approved one shelter type, 10-cycle covered unit. Two additional ‘double decker’ designs, storing 16 or 18 cycles, serving units M1 and M3.
- ② 20000 rev P02 - Unit M1 Ground Floor Plan, Unit M2 Ground Floor Plan, Unit M3 Ground Floor Plan: Indicates external condenser compounds and portions of floorspace to be used as office area – previously all floorspace was indicated as warehouse

- 20005 rev P02 - Unit M1 Elevations: Minor changes to corner glazing design at lobby area. Addition of louvres to north-west elevation. Timber fence condenser compound shown at north-east elevation. Minor change to design of truck canopy.
- 20005 rev P02 - Unit M2 Elevations: Timber fence condenser compound shown at north elevation. Changes to glazing pattern to lobby. Addition of louvres to east and north elevations. Minor change to design of truck canopy.
- 20005 rev P02 - Unit M3 Elevations: Timber fence condenser compound shown at east elevation. Additional of louvres to south elevation.
- 0601 rev C07 - Proposed Finished Levels Sheet 1: Minor changes to external levels to the north-west of unit M1. Between 0.1 and 0.3m +/- and corresponding gradient increase in some parking areas, from 1:19 to 1:43.
- 0602 rev C07 - Finished Levels Sheet 2: Finished floor level of unit M3 reduced by around 0.3m. Minor increases to ground levels and minor changes to gradients of parking areas around M3, with corresponding additional banking around west and south edges of parking areas. Minor changes to form of embankment at west side of unit M3 site, including addition of 0.4m high bund at west of this.

The revised fence plan (90024 rev P04) originally submitted with the NMA application also included an additional 20m extent of 2.4m close-boarded timber fence on western boundary, forming the side boundary of a house at 2 Delamere Road, to replace an existing dilapidated fence, and an additional extent of security fencing along the same side of the site, further north. As the original approval did not include any boundary treatments in this part of the site, these elements were not considered to be non-material and following advice, a revised fencing plan was submitted removing them. It is understood that the timber fence has already been implemented. The applicant has been advised to submit a standalone application for these elements.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3 Improving design, image and quality of place

- P1 Improving image
- P2 Protecting and Enhancing Character, Landscape and heritage
- P3 Improving design of new development

G6 Enhancing Green Infrastructure

- G7 Increasing the value of biodiversity and geodiversity
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

- T1 Delivering sustainable transport
T2 Improving accessibility

Unitary Development Plan (UDP):

- EM/7 Development and flood risk
EM/8 Protection of ground and surface water

Supplementary Planning Documents (SPD):

Climate Change Adaptation SPD (June 2012)
Biodiversity and Development SPD (updated 2017)

RELEVANT SITE HISTORY

22/00373/FUL - Erection of 3 no. industrial/warehouse buildings (Use Class E(g)iii/B2/B8) with ancillary office areas, together with new access points, associated car parking servicing, fencing, landscaping and other associated works. Approved with conditions, 2022-06-29

- 22/00902/DOC Submission of details to comply with condition 7 (construction management plan) on planning permission 22/00373/FUL. Approved, 03/09/2022
- 22/01549/DOC - Submission of details to comply with condition 45 (Energy Calculation Methodology) of planning permission 18/00943/VRCON. Approved, 09/12/2022

22/00376/FPDIV - Footpath diversion in relation to planning application
22/00373/FUL - Erection of 3no. industrial/warehouse building (E(g)iii/B2/B8) with ancillary office areas, together with new access points, associated car parking servicing, fencing, landscaping and... Granted, 2022-10-07

CONSULTATION RESPONSES

Lead Local Flood Authority/Drainage

- *I looked briefly at this app. There is no need to change or amend the drainage conditions that apply to this site. I request that you retain the existing drainage conditions that apply. I don't know if you have to specifically mention that the same conditions apply or not.*
- *I don't think a few minor level changes make much difference as the entry of rainwater to the underground pipework is via roof downpipes and gully grates. The underground drainage system will remain with same levels, with a gentle gradient to the attenuation tanks (so water will flow to them). Then there will be a gentle gradient to the outlet which has flow restriction which will not change.*

United Utilities

No comments received to date

Env Health - Noise/Odours

This section has no objection to the proposal

Gtr Manchester Ecology Unit

No comments received to date

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued and no public comments have been received.

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 plans 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.

The proposed changes as described above would not materially change the approved development in terms of any relevant planning considerations.

Design and Landscaping

The most significant change in design terms is the reduction in the finished floor level, and the corresponding overall height, of unit M3 by around 0.3m. As this change would cause the building to sit slightly lower, it is not considered that this would result in any greater impact in visual terms.

The other proposed amendments – elevational changes, changes to cycle stores, hard surfacing materials, minor changes to external ground levels and gradients, additional extent of fencing, addition of condenser compounds – are not considered to be material in visual and design terms, in the context of the development originally approved.

It is noted that the indicative tree planting details shown on the amended site plans would be inconsistent with the separate landscaping details approved on the original application. However it appears that the approved landscaping details could still be implemented within the amended site layout plans. For the avoidance of doubt, it is recommended that approval of the current application be subject to the approved landscaping details taking precedence.

Parking Provision

The revised B8 site plan indicates the relocation or re-orientation of some disabled parking spaces, EV-charging parking spaces and cycle stores at units M2 and M3, but no reduction in numbers of these or general car parking spaces. The revised B2 site plan indicates similar changes, but also indicates the provision of EV charging points to a further three parking spaces at unit M3, in addition to the 12 EV charging point bays as approved. These changes are not considered to be material in terms of highway safety or accessibility.

Drainage

The drainage officer has raised no concerns in relation to drainage matters. Full drainage details were approved in the original permission and the drainage officer has raised no concerns about the implementation of these details arising from the changes to proposed levels details.

Residential Amenity and Public Health

It is not considered that any of the changes would give rise to material impacts in relation to residential amenity or public health. The revised details add ground-level condenser compounds to each of the three units. The closest of these would be at the front of unit M3, which backs onto residences. It appears unlikely that this additional plant would give rise to additional noise nuisance to the occupants of these or any other buildings. It is noted that the original approval was subject to a condition limiting the noise levels permitted from the buildings or any plant or machinery to be installed to the buildings, and it is considered that this is a satisfactory safeguard against potential noise nuisance arising from the plant indicated on the revised plans, irrespective of the particular specification of any specific condenser units to be installed. The Environmental Protection officer has raised no concerns in terms of noise or odour in response to the proposed amendments. None of the other changes are considered to result in any additional material impacts in terms of visual intrusion, loss of privacy, or any other residential amenity considerations.

SUMMARY

As set out above, the amendments subject of this application would result in no greater material impact than the development as previously approved and, therefore, would constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

The amendments to the scheme originally approved would be non-material amendments and can be approved as follows:

The amendments to the approved scheme shown on the following plans:

90021 rev P08 - Proposed Site Plan B8 Use
90023 rev P05 - External Works B8 Use
90024 re P06 - New Fencing
90026 rev P03 - Cycle Shelters
90041 rev P06 - Proposed Site B2 Use
90043 rev P03 - External Works B2 Use
20000 rev P02 - Unit M1 GA Plan Ground Floor
20000 rev P02 - Unit M2 GA Plan Ground Floor
20000 rev P02 - Unit M3 GA Plan Ground Floor
20005 rev P02 - Unit M1 GA Elevations and Section
20005 rev P02 - Unit M2 GA Elevations and Section
20005 rev P02 - Unit M3 GA Elevations and Section
0601 rev C07 - Proposed Finished Levels Sheet 1
0602 rev C07 - Proposed Finished Levels Sheet 2

are non-material amendments.

This decision relates only to these alterations as described in the application, and should be read alongside the decisions for the original planning permission ref 22/00373/FUL. All conditions previously imposed remain in effect on the original permission.

Note: For the avoidance of doubt, the development shall be undertaken in accordance with the landscaping details approved by conditions 3 and 8 of the original permission.

Report Author Tom Hiles