

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00406/ANM	Claire Ringwood	11 th June 2025

Address: Valume Ltd, Ccg Windscreens, Ainsworth Street, Rochdale, OL16 5QZ

Proposal: Non material amendment of planning permission 18/00239/FUL to allow alterations to the 3 x ancillary showrooms with offices to offices with amenity space and access removed from Fishwick Street

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	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to OnBase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: TH

DATE: 11.06.2025

SITE

The application site relates to a two storey high warehouse building located towards the junction of Ainsworth Street and Fishwick Street. The building at the site is accessed off Ainsworth Street which leads to a car parking area. The back of the building abuts Fishwick Street. Planning permission was approved in 2018 (application ref: 18/00239/FUL) for extensions to the existing warehouse. This permission has been part implemented and an extension to the corner of Ainsworth Street and Fishwick Street has been constructed.

The surrounding area is of mixed use with large industrial buildings provided to the north, east and south and retail units situated to the west. The building is constructed of red brick at lower level with part of the upper floor areas clad in profiled metal cladding. The building consists of a dual pitched roof. The site lies within the defined Urban Area and in a Mixed Employment Zone, as identified within the adopted Rochdale UDP. The site falls just outside of the Oldham Road Local Centre.

PROPOSAL

The application proposes a non-material amendment to planning permission 18/00239/FUL relating to Condition 2 (approved plans) and Condition 3 (showrooms and office space). The submitted application form states the application is for: 'alterations to the proposed opening while keeping the size and materials to the existing application the same'. This was amended as this was not the correct description of development.

Originally a S73 application was submitted however, descriptions of development cannot be amended through these types of applications. The original description of development referred specifically to 'showrooms' which were to be removed by way of the S73 application.

Following correspondence with the applicant's agent it was felt that the proposed changes were minor and could be dealt with by way of a non-material amendment. However, it only became clear during the assessment of the application that the extension that had already been built had not been built in accordance with the approved plans and that the pre-commencement conditions had not been discharged.

As such, the non-material amendment application could not be determined and a full planning application would be required to regularise the situation. The applicant's agent was advised of this matter but no comments were received by the expiry date of the application. Officers have therefore refused the application.

Notwithstanding the above, the following changes that have not been referenced in the application form are:–

1. Approved roof is different to what has been built
2. The built canopy to extension as built does not seem to reflect the approved plans:
3. The extension built has a large mezzanine level with stairs up; and
4. The existing building has a large mezzanine level

Amendments to extension not built:

1. Roof not flat
2. Windows at ground and first floor facing into the site

3. Floor to ceiling windows on Fishwick Street elevation replaced and now only windows at upper level
4. 3 ground floor showrooms as approved replaced with offices and ancillary space
5. Porch introduced
6. Reconfiguration of internal layout

PLANS AND DOCUMENTS SUBMITTED

The following plans were submitted on 15th April 2025:

Drawing No: 100 – Location Plan

As Existing

Drawing No: 101 – Existing Site Plan

Drawing No: 104 – Existing Plans

Drawing No: 109 – Existing Elevations

As Built

Drawing No: 102 – As Built Site Plan

Drawing No: 105 – As Built Plans

Drawing No: 110 – As Built Elevations

As Proposed

Drawing No: 103 – Proposed Site Plan

Drawing No: 106 – Proposed Ground Floor Plan

Drawing No: 107 – Proposed First Floor Plan

Drawing No: 108 – Proposed Officer Floor Plans

Drawing No: 111 – Proposed Elevations

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

18/00239/FUL - Extension to existing warehouse together with erection of side extension to create 3 no. ancillary showrooms at ground floor with ancillary office space above; alterations to existing building including re-cladding, addition of roof parapet and erection of entrance canopy; and provision of extended car parking area. Approved 22/06/2018.

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 amendments as shown would have been acceptable in their own right however, as the extension as built under 18/00239/FUL is not in accordance with the approved plans and as the pre-commencement conditions attached to this permission have not been discharged, a full planning application is required to regularise this matter. Officers were not aware of the above, prior to recommending the submission of a non-material amendment, and it was also not brought to the attention of officers during previous correspondence. As such, the application has been refused.

RECOMMENDATION

REFUSE:

The proposed amendments would result in alterations to a development that has not been built in accordance with the approved plans and where pre-commencement conditions have not been discharged. As such, the amendments proposed would not comprise a non-material amendment to planning permission 18/00239/FUL.

Notes for Applicant:

INFORMATIVE:

The assessment of this application is based on the following drawings submitted on 15th April 2025:

Drawing No: 100 – Location Plan
Drawing No: 101 – Existing Site Plan
Drawing No: 104 – Existing Plans
Drawing No: 109 – Existing Elevations
Drawing No: 102 – As Built Site Plan
Drawing No: 105 – As Built Plans
Drawing No: 110 – As Built Elevations
Drawing No: 103 – Proposed Site Plan
Drawing No: 106 – Proposed Ground Floor Plan
Drawing No: 107 – Proposed First Floor Plan
Drawing No: 108 – Proposed Officer Floor Plans
Drawing No: 111 – Proposed Elevations

Report Author Claire Ringwood