

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00230/ANM

CASE OFFICER

Ryan Killeen

DETERMINATION DATE 07.04.2025

Address: Atom Valley Innovation Centre, Plot R Kingsway Business Park, Michael Faraday Avenue, Rochdale, OL16 4FW

Proposal: Application for non-material amendments to planning permission 24/00668/FUL (Research and Development building (Use Class E) including office, laboratory & production space, function space, café and ancillary works thereto) comprising of ribbon louvres added to north and east elevations at ground floor; risers added at first floor with riser capping's shown at roof level and compressed air plantroom added to service yard

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
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

GRANT STC

CHECKED AND SIGNED OFF BY: RG

DATE: 02 May 2025

SITE

The application relates to a 1.1ha parcel of land at the north of Kingsway Business Park noted as Plot R on the Kingsway Masterplan. Kingsway Business Park was originally granted outline planning consent in 1999 and since that time the road infrastructure and highway landscaping has been put in place, development plateaus have been created, and a number of plots have been built out and are occupied by established businesses.

The site bounds the Metrolink line to the north at the Kingsway Business Park station with residential dwellings on Turbary Walk immediately beyond, and Michael Faraday Avenue, a main route through the business park to the south. The site is vegetated with sparse tree cover along the northern boundary. Land to the south of the site forms part of the Stanney Brook Greenspace Corridor as designated under saved UDP Policy G/8 with the JD Sports regional distribution centre circa 250m southwest of the site.

PROPOSAL

The application seeks a non-material amendment under s.96A of the Town and Country Planning Act to the elevations of the buildings, including the addition of louvres and risers, and the addition of a compressed air plant room to the service yard.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

Local Planning Authorities are enabled to make changes to planning permission; 1990 Planning Act (as amended), section 96A provides:

96A Power to make non-material changes to planning permission

(1) A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

It is clear that provided *they are satisfied* that the change is not material Rochdale BC can *make a change* to the original permission.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, the application was not publicised. Given the application relates to one made under S.96a of the 1990 Act, in granting consent the Council is of the view that the amendments would not result in a materially different impact on the surrounding environment.

ANALYSIS

Planning permission 24/00668/FUL granted consent for the development of a two-storey research and development building to contain laboratories, lecture theatre, offices and a café, together with landscaping, car parking, access and the diversion of an existing footpath to the Kingsway Business Park Metrolink station.

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 application includes two alterations to the elevations of the building comprising the addition of ribbon louvres to the north and east elevations, and the addition of risers and riser cappings at first floor level. Such details are clearly minor in the overall context of the approved building and would therefore comprise non-material amendments.

The addition of a compressed air plantroom would be well concealed from all nearby viewpoints by the main building and the proposed boundary treatments; the plant room would clearly be ancillary in its appearance and function to the main building, being sited amongst similar features of the scheme. The plant room would contain compressors which would be required to comply with condition 19 of the consent, and thus would have no greater impact on any nearby occupiers and overall, is therefore considered to comprise a non-material amendment to the original consent.

In light of the above, the proposals are considered to sit comfortably within the scope of an application under s.96A.

RECOMMENDATION

GRANT subject to the following condition(s):

2 This permission relates to the following plans:-

- ☐ AVIC-DLA-XX-00-DR-A-99003 - P05 - GA Site Plan
- ☐ AVIC-DLA-XX-00-DR-A-99007 - P03 - Service Yard Fence
- ☐ AVIC-DLA-ZZ-01-DR-A-20101 - P03 - First Floor GA Plan
- ☐ AVIC-DLA-ZZ-RF-DR-A-20102 - P04 - Roof GA Plan
- ☐ AVIC-DLA-ZZ-XX-DR-A-20103 - P04 – GA Elevations North and East
- ☐ AVIC-DLA-ZZ-XX-DR-A-20105 - P02 - GA Elevations - Rendered North and East

And the development shall be carried out in accordance with these drawings 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.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 24/00668/PSID and all conditions that were imposed on all previous applications and amendments, with the exception of those conditions which are explicitly varied in accordance with the provisions of this decision or which have been explicitly varied by way of other S96A non-material amendments.