

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00345/ANM

CASE OFFICER

Bob Melling

DETERMINATION DATE 24.04.2025 **EXT OF TIME** N/A**Address:** Rhodes Business Park, Silburn Way, Middleton, Rochdale, M24 4NE

Proposal: Application for non-material amendment to planning permission 23/01213/FUL comprising lowering of first floor window heights, alterations to internal layout resulting in the reconfiguration and addition of windows, increasing the height of loading doors, changing of cladding/eaves colours and relocating office condensers.

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

RECOMMENDATION**GRANT SUBJECT TO CONDITIONS****CHECKED AND SIGNED OFF BY:** TH**DATE:** 17/04/2025

SITE

The site is previously developed land currently laid to hardstanding and has previously been used for open storage and parking. The surrounding area is designated as a 'Primary Employment Zone' in Rochdale Borough Council's UDP Proposals Map (Policy EC/2). The site measures 0.53 hectares in size and forms part of the wider Rhodes Business Park with the application site being located on the park's south eastern edge. The site is access via Silburn Way off Manchester Old Road.

The surrounding environment consists of the rest of the business park to the north, with residential properties and other businesses premises off Manchester Old Road. The River Irk borders the east and south of the site with a wooded area and footpaths beyond which lie to the north of the M60 ring road. The remaining built environment for Rhodes Business Park lies to the west.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 23/01213/FUL which granted consent for the development the erection of 1no. unit (Use Class B2/B8/E(g) (General Industry/Storage & Distribution/Commercial) together with associated service yard, car parking and landscaping.

The amendments include:

- ❑ Lowering the first floor window heights;
- ❑ Reconfiguring the office width/length resulting in revised window layout and addition of ground floor windows;
- ❑ Increasing height of loading doors by 0.25m;
- ❑ Changing main cladding colour from Pure Grey to Orion and eaves colour from Heritage Green to Anthracite in order to comply with spread of fire rating; and
- ❑ Relocating the office condensers directly adjacent to the northern elevation.

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

23/01213/FUL Erection of 1no. unit (Use Class B2/B8/E(g) (General Industry/Storage & Distribution/Commercial) together with associated service yard, car parking and landscaping.–
Granted STC, November 2024

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 23/01213/FUL granted consent for the development of 1no. industrial/warehousing unit within the established Rhodes Business Park.

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.

Taken individually, the proposed amendments comprise minor tweaks across the development which cumulatively would not give rise to materially different impacts in respect of the visual appearance of the development, its impact on highway or pedestrian safety, or to the amenity of surrounding occupiers.

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 amended conditions:

2. This permission relates to the following plans and documents:
 - Location Plan Drawing No RBP-PHP-XX-XX-DR-A-4694-100-P04
 - Proposed Site Plan Drawing No 24077-HAL-PL003-P01
 - Proposed Ground Floor GA Plan Drawing No 24077-HAL-PL004-P01
 - Proposed First Floor Plan Drawing No RBP-pHp-XX-01-DR-A-201-P04
 - Proposed Roof Plan Drawing No RBP-pHp-XX-RF-DR-A-4694-210-P04
 - Office Floor Plans Drawing No 24077-HAL-PL005-P01
 - Proposed Sections Drawing No RBP-pHp-XX-XX-DR-A-401 Rev P05
 - Proposed Elevations Drawing No 24077-HAL-PL007-P01
 - Soft Landscape Proposals Drawing No 2203 DLA-DR-L-01-P02
 - Tree Pit Detail Drawing No 2203-DLA-DR-L-02-P01
 - Site Plan External Lighting Design Strategy Drawing No 4025-HAN-RBP-00-DR-E-64-200
 - Flood Risk Assessment and Drainage Strategy Report Reference 40055-BGL-XX-XX-RP-D-0001 Version V4
 - Technical Note Flood Zone Analysis Modelling Results Reference 40055-BGL-XX-XX-TN-C-00006 Version P03
 - Ground Investigation Report Reference STV6211-r02 Rev A.
 - Ecological Impact Assessment Reference 16200_R01_OM
 - Transport Assessment Reference J000467-TA01
 - Framework Travel Plan Reference J000467-FTP01
 - Planning Statement Reference 23-340
 - Biodiversity Metric
 - Air Quality Assessment Reference 7263r1 Rev 1
 - Energy & Sustainability Statement Reference 4025-HAN-ZZ-XX-RP-N-001 Rev 03
 - Arboricultural Impact Assessment Reference 16200_R02_WS_LB
 - Design and Access Statement Rev D
 - Landscape Management and Implementation Plan Reference DLA-2203-LIMP-01-RevP01.
 - Noise Impact Assessment Reference P23-322-R01v1

The development shall be carried out in accordance with these drawings and documents hereby approved unless otherwise required by condition below.

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, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

11. Only the external materials detailed within the proposed schedule of materials on the approved Proposed Elevations Drawing No 24077-HAL-PL007-P01 shall be used and no others substituted.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building and the surrounding area in the interests of visual amenity. These are in accordance with the requirements of Core Strategy Policies P1, P2 and P3 and the National Planning Policy Framework.

Notes for Applicant:

This decision notice is to be read alongside that issued with planning permission 23/01213/FUL 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.

Report Author Bob Melling