APPLICATION NUMBER: 19/00228/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00228/ANM	Emma Heron	25 March 2019

Address: Plot N, Kingsway Business Park Rochdale, Junction Of Sir Isaac Newton Way And Michael Faraday Avenue Rochdale

Proposal: Application for non-material amendment to planning permission 18/00445/FUL for alterations to 1 no. retaining wall, omission of 1no. retaining wall, and addition of 1no. retaining wall, and change of surfacing to 2no. footpaths

PUBLICITY	**Weekly list expired?**	Y	**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	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	N
	Neighbour comments received?	N

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

RECOMMENDATION	**The proposal is a non-material amendment to 18/00445/FUL**

CHECKED AND SIGNED OFF BY: DR **DATE: 26/03/2019**

SITE

The application relates to a 2.44 hectare vacant plot on the Kingsway Business Park. The site is grassed over and enclosed by fencing. To the north west is the large scale JD Sports unit and the newly constructed arm of Michael Faraday Avenue, to the north east is the grade II listed Dixon Green Farm and Lower Lane, which also

runs along the southern boundary of the plot. To the south west is Sir Isaac Newton Way which is the spine road of the Business Park.

It is referred to as Plot N in the Kingsway Business Park 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 plateaux have been created, and several plots are occupied by established business units. These are in the form of light grey metal clad units, with dark grey and blue infill panels as a corporate colour of the business park.

PROPOSAL

This is an application under Section 96a of the Town and Country Planning Act 1990 (as amended) for a non-material minor amendment to planning permission 18/00445/FUL for alterations to the retaining wall proposals and surfacing to two internal footpaths in association with the approved development for the construction of two Industrial/ Warehouse buildings (Use Class B1c/ B2/ B8), with ancillary internal office space, associated service yards, car parking, security fencing, landscaping, and retaining walls together with other ancillary structures, and the formation of two new site access points from Michael Faraday Avenue.

The proposed changes are:

- Reduction in the length of retaining wall to the north east of the service yard;
- Complete omission of the retaining wall to the eastern corner of the perimeter access footpath to Lower Lane;
- The addition of a retaining wall to support the western slope of Unit N2 from the substation perimeter path;
- A change in the footpath surfacing to the east and south of Unit N1 to concrete, and the surfacing of the western footpath to the office frontage to block paving.

This would result in any conditions referencing the retaining wall structures and footpath surfacing being altered in order to reflect the new plans. The plans are the site plan and external works drawings. The relevant conditions are 2 and 6 of the planning permission, which state:

2. This permission relates to the following plans:-

Location Plan (drg.no. 2018-034/101A)
Site Plan (drg.no.2018-034/102B)
Unit N1 GA Floor Plan (drg.no.2018-034/201C)
Unit N1 GA Roof Plan (drg.no.2018-034/202B)
Unit N1 GA Elevations (drg.no.2018-034/203B)
Unit N2 GA Floor Plan (drg.no. 2018-034/205B)
Unit N2 GA Roof Plan (drg.no.2018-034/206B)
Unit N2 GA Elevations (drg.no.2018-034/207B)
Site Sections (drg.no.2018-034/801A)
Refuse Store and Fencing Details (drg.no.2018-034/803A)
Proposed Finished Levels (drg.no.KBP-BWB-HGT-ZN-DR-D-0600 S8 p7)
External works (drg.no.2018-034/802A)
Cycle Shelter Details (drg.no.2018-034/804A)
Loop Road Planting (drg.no.2018-034/9101)
On Plot Planting (drg.no.2018-034/9102)

and the development shall be carried out in complete 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 and the National Planning Policy Framework

6. Before any works take place to construct the retaining walls as shown on the approved Site Plan, (drg.no.2018-034/102B) samples or full details of external appearance, wall heights and contextual cross-sections shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The retaining walls shall be constructed in accordance with the approved details and retained as such thereafter.

   Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy BE/2 of the Council's Unitary Development Plan.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2018

National Planning Practice Guidance (NPPG)

Section 96a of the Town and Country Planning Act 1990 (as amended)

RELEVANT SITE HISTORY

18/00445/FUL - The construction of two Industrial/ Warehouse buildings (Use Class B1c/ B2/ B8), with ancillary internal office space, associated service yards, car parking, security fencing, landscaping, and retaining walls together with other ancillary structures, and the formation of two new site access points from Michael Faraday Avenue. Approved July 2018.

16/01085/VRCON - Variation of condition 12 (maximum floorspace thresholds) on planning permission 14/00542/OUT to remove the references to Use Classes B1(c)/B2 and B8 and the associated floorspace figures. Approved December 2016.

14/00542/OUT – Outline application, with all matters reserved, for a mixed use business park comprising buildings within development plots as shown on the site location plan for General and Light Industrial Uses (Classes B1 and B2), Offices in the Use Class B1, Distribution and Storage Uses (Class B8), Research and Development Uses in Use Class B1, Car Showrooms (Sui Generis Use), Hotels in Use Class C1, Ancillary Retail and Leisure in Use Classes A1 - A5 and D2, and Residential in Use Class C3. Approved August 2014.

09/D052264 - Outline Application With All Matters Reserved For A Proposed Business Park Comprising Buildings Within Development Plots C To X Inclusive As Shown On The Master Plan For: General And Light Industrial Use Classes B1 & B2, Offices In Use Class B1, Distribution And Storage In Use Class B8, Research And Development Facilities In Use Class B1, Hotels In Use Class C1, Ancillary Retail And Leisure In Use Class A1-A5 & D2, Housing In Use Class C3. Approved October 2009.

98/D35130 - Outline Application For A Proposed Business Park Comprising Buildings Within Development Plots C To X Inclusive As Shown On The Master Plan For: General And Light Industrial Use Classes B1 And B2; Offices In Use Class B1;

Distribution And Storage In Use Class B8; Research And Development Facilities In Use Class B1; Hotels In Use Class C3; Ancillary Retail And Leisure In Use Classes A1,A2,A3 And D2; Housing In Use Class C1; And Including Details Of The Use And Siting Of And Means Of Access To The Proposed Buildings On Development Plots C,D,E,G,H,I And T. Approved Jan 2000.

CONSULTATION RESPONSES

There were no consultation requirements arising from this non-material amendment proposal.

REPRESENTATIONS

In line with the Council's code of publicity for this type of application, no letters of notification were issued. No representations have been received.

ANALYSIS

Paragraph 002 of "flexible options for planning permissions", of the National Planning Practice Guidance (PPG) 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'.

Section 96a of the Town and Country Planning Act 1990 (S96a) states that amongst other things a local planning authority in England may make a change to relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission originally granted. The power to make non-material changes to planning permission includes the power to impose new conditions and to remove existing conditions.

The proposed changes to the retaining wall scheme are considered to be minor in nature as they are limited to the confines of the application site, with neutral visual impact outside of the site, and would not impact on any levels on adjoining land.

Similarly the footpath surfacing proposal is a small change to the material, and as such the change in visual appearance would be small-scale and limited primarily to views within the site.

In summary, it is considered that the minor changes to the retaining wall scheme and footpath surfacing would constitute a non-material minor amendment.

Conditions discharge

An application to discharge condition 6 of planning permission 18/00445/FUL has been submitted concurrently (reference 19/00177/DOC), and includes the plans that show the updated retaining wall scheme which is the subject of this non-material amendment application.

The details contained within the discharge of condition application are acceptable, however that application cannot be granted until the non-material amendment has been issued.

<u>RECOMMENDATION</u> – In accordance with S96a of the Town and Country Planning Act 1990, the proposal is considered to be a non-material amendment to the approved scheme (ref: 18/00445/FUL), by virtue of the following amended plans:

- *Site Plan (drg.no.2018-034/102L)*
- *External works (drg.no.2018-034/802K)*

Advice Note:
This notice should be read in conjunction with planning permission decision notice 18/00445/FUL.

Report Author Emma Heron