

APPLICATION NUMBER: 25/00099/CPL

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Class H – extensions etc of industrial and warehouse

Application Number:	25/00099/CPL
Location:	Unit M3, Kingsway Business Park, James Brindley Avenue, Rochdale, OL16 4GW
Proposal:	Certificate of lawfulness for installation of windows to ground floor south-facing elevation of warehouse unit
Applicant:	Mr Phil Goldsworthy
Case Officer:	Sam Yuen
Recommendation:	Grant

CHECKED AND SIGNED OFF BY: RK

DATE: 25/03/2025

Location

The application relates to Unit M3, a commercial warehouse unit within Kingsway Business Park. The unit sits within a group of industrial/warehouse buildings: Unit M1 to the east and Unit M2 to the south-east and is accessible from James Brindley Avenue. The site is adjacent to a playing field to the south, an existing residential development to the west and an open field to the north.

Description of Proposal

Lawful development certificate is sought for the installation of windows to the ground floor of the south-facing elevation of the warehouse unit. The sum of the windows measures 31.15m in width and 1.24m in height. The proposed changes would accommodate alterations to the internal layout and would provide ingress of natural light to the canteen, workshop and employee training area.

The proposed windows would align and match the existing first-floor windows in materials and dimensions.

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 – Grant subject to conditions

Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Assessment (Part 7, Class H)

Class H of Part 7 of Schedule 2 of the GPDO allows for the erection, extension or alteration of an industrial building or a warehouse subject to it not being contrary to any of the following criteria:

- (a) the gross floor space of any new building erected would exceed—
 - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
 - (ii) in any other case, would exceed 200 square metres;

☒ **Complies**

☐ **Does Not Comply**

- (b) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
 - (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
 - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

☒ **Complies**

☐ **Does Not Comply**

- (c) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

☒ **Complies**

☐ **Does Not Comply**

- (d) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;

☒ **Complies**

☐ **Does Not Comply**

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

☒ **Complies**

☐ **Does Not Comply**

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

☒ **Complies**

☐ **Does Not Comply**

(g) the development would be within the curtilage of a listed building.

☒ **Complies**

☐ **Does Not Comply**

Conditions

Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(b) any building as erected, extended or altered is only to be used—

- (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
- (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(c) no building as erected, extended or altered is used to provide employee facilities—

- (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
- (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for Applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan – received 03/02/2025
- Existing Site Plan – received 03/02/2025
- Proposed Site Plan – received 10/02/2025
- Existing Ground Floor Plan – Drawing no. 12526-00_100 received 03/02/2025
- Proposed Ground Floor Plan – Drawing no. 2045-00_110 Rev. A received 03/02/2025
- Existing and Proposed South-facing Elevation – Drawing no. 2045-XX_110 Rev. A received 03/02/2025

Report Author Sam Yuen