

Date: 14th May 2026
Your Ref: PP-14925282
Our Ref: 17688b

DWD

69 Carter Lane
London
EC4V 5EQ

Rochdale Metropolitan Borough Council
ROCHDALE MBC,
Economy and Environment,
Planning Service,
Rochdale,
OL16 1XU

Dear Tom Hiles,

APPLICATION UNDER 96A OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED) – NON-MATERIAL AMENDMENT TO 25/00369/FUL PLANNING PERMISSION AT PLOT J2 KINGSWAY BUSINESS PARK, JAMES KEARNS AVENUE, ROCHDALE, OL16 4NR

Please find enclosed an application for non-material amendments to planning permission 25/00369/FUL, which was approved by the Council on 2nd July 2025. This application is made under Section 96A of the Town and Country Planning Act. Under this section of the Act, it is possible for changes to be made to any planning permission if the Local Planning Authority is satisfied that the changes are not material.

The description of development is as follows:

‘Alterations to existing elevations including installation of ventilation louvres; installation of ancillary infrastructure to facilitate site operations including sprinkler tanks, pump house, winter module, substation switchroom, transformers, waste storage area, guardhouse and smoking shelter together with alterations to existing retaining wall and installation of metal grid ramp, automated barriers and lighting’.

This non-material amendment application seeks:

Variation of Condition 2 of planning permission 25/00369/FUL to secure non-material amendments to the proposed guard hut.

Background and Planning History

The existing warehouse (Use Class B8) was originally granted under ref: 22/01200/FUL for the “Erection of two industrial units/warehouses (Classes E(g)(iii), B2 and B8) with ancillary office space, new access, car parking, servicing, boundary treatments, hard and soft landscaping and other associated works.” in June 2023. This was later amended under ref: 24/00694/NMA for elevations and site alterations.

The most recent consent is ref: 25/00369/FUL granted in July 2025, which secured the alterations to existing elevations including installation of ventilation louvres; installation of ancillary infrastructure to facilitate site operations including sprinkler tanks, pump house, winter module, substation switchroom, transformers, waste storage area, guardhouse and smoking shelter together with

alterations to existing retaining wall and installation of metal grid ramp, automated barriers and lighting.

Table 1.1 lists all the relevant application to the Site.

Table 1.1 – Planning History

Application Reference	Description of Development	Decision	Decision Date
25/00369/FUL	Alterations to existing elevations including installation of ventilation louvres; installation of ancillary infrastructure to facilitate site operations including sprinkler tanks, pump house, winter module, substation switchroom, transformers, waste storage area, guardhouse and smoking shelter together with alterations to existing retaining wall and installation of metal grid ramp, automated barriers and lighting.	Approved	02/07/2025
24/00694/NMA	Application for non-material amendment to planning permission 22/01200/FUL comprising of:- Revised electric vehicle charger point provision for Unit J1; car park/pedestrian access gates added to site plan; condenser compounds indicated; car share spaces added; retaining wall arrangement revised; new security fencing to car parks and rear of buildings; unit J1 car park realigned to avoid electric services, service margin to buildings revised from concrete to asphalt, ground floor window added to both units; 1no. final exit door on unit 1 repositioned, 1no. final exit door on unit 2 repositioned, louvres added to elevations of both units and composite cladding changed to built up.	Approved	23/8/2024
22/01200/FUL	Erection of two industrial units/warehouses (Classes E(g)(iii), B2 and B8) with ancillary office space, new access, car parking, servicing, boundary treatments, hard and soft landscaping and other associated works.	Approved	01/6/2023
21/00608/FUL	Development of site for storage of operational vehicles, including site levelling, drainage and resurfacing, formation of access, associated parking, acoustic and security fencing, retaining walls, guard hut, welfare building, substations,	Approved	25/6/2021

	landscaping, lighting columns and all related engineering and infrastructure works		
18/00943/VRCON	Removal of condition 45 (requirement for BREEAM rating) of outline planning permission 16/01085/VRCON	Approved	05/12/2018
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	06/12/2016
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	22/8/2014
09/D52264	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	13/10/2009

Application Package

The table below sets out the drawings which have been submitted to support the NMA, and the corresponding drawings approved under application reference 25/00369/FUL which are to be replaced.

The application is accompanied by the following drawings.

Table 1.2 – Drawings

DRAWING NAME	APPROVED DRAWING REFERENCE 25/00369/FUL	PROPOSED NON-MATERIAL AMENDMENT DRAWING REFERENCE
Proposed Site Plan	24086-ASA-00-EX.SI-D-A-P003_(S4-P4) Rev P4	24086-ASA-00-EX.SI-D-A-NMA03_(S4-P01) Rev P01
Proposed Guard Hut	24086-ASA-00-EX.SI-D--A-P007_(S4-P2) Rev P2	24086-ASA-00-EX.SI -D-A-NMA04_(S4-P02) Rev P02

Proposed Amendments

Section 96A (1) of the Town and Country Planning Act 1990 (as amended) allows a local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

Paragraph 002 (ref. 17a-002-20140306) of the National Planning Practice Guidance (NPPG) states that there is no statutory definition of ‘non-material’ and that 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.

The amendments sought comprise:

- Changes to the design of the guard hut.

Assessment

The proposed alteration to the design of the guard hut is not considered to constitute a material amendment as it does not result in any significant change to the scale, appearance, or function of the development as a whole. The amendment is minor in nature and does not alter the overall layout therefore not giving rise to any additional impacts in terms of visual amenity, neighbouring amenity, highway safety, or other material planning considerations.

As such, the development would remain in accordance with the originally approved scheme in all substantive respects.

Summary

In summary, the buildings themselves would remain as approved, as would the ancillary features such as car parking. For the reasons below we consider the proposal to be non-material:

- The changes will not amend the use of the approval;
- The changes will not result in an intensity of use;
- The changes would not result in a change to the description of the application or conflict with conditions;
- The red line area remains the same;
- The changes would not have any implications in terms of adopted policy;
- There are no changes to the appearance of the site that would not materially alter the aesthetic of the site;
- The changes are not such that they would warrant re-consultation given the removal of plant and louvres and therefore the noise levels would not result in an increase.

Conclusion

In summary, it is our opinion that the approved development, as outlined above, would not be materially affected by the application, and therefore, is considered to be non-material within this context.

We trust the application contains sufficient information to allow validation and we look forward to receiving confirmation of this in due course. In the interim, should you have any queries, please do not hesitate to contact us. Yours sincerely,

Yours faithfully,



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