

Officer Report

Case Reference: OTH/2026/0463
Location: Atom Valley Innovation Centre, Plot R, Kingsway Business Park, Rochdale, OL16 4FW
Proposal: Section 96A application for non-material amendment to planning permission 24/00668/FUL to remove condition 14 (Landscaping Works)
Recommendation: Approve with Conditions
Officer: Ryan Killeen

Site Description

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 to Planning Permission 24/00668/FUL under s.96A of the Town and Country Planning Act to remove condition 14, which relates to the submission of details in relation to a root protection system along the boundary with the Metrolink, in light of correspondence from the operator that such measures are no longer required.

Relevant Planning Legislation

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

Relevant Site History

24/00668/FUL - Research and Development building (Use Class E) including office, laboratory & production space, function space, café and ancillary works thereto –
Granted STC

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.

Assessment

NPPG acknowledges that there is no statutory definition of non-material, and that it is entirely dependent on the context of the overall scheme.

The application relates to the removal of condition 14, which was requested to be attached by the operator of Metrolink in order to protect their assets from root systems associated with the approved landscaping. Further correspondence between the developer and the Metrolink operator has revealed that the condition is no longer required, especially in light of the species proposed.

Therefore, in light of the above, the removal of condition 14 would not materially alter the planning permission and would not result in any materially different impacts and is considered to sit comfortably within the scope of an application under s.96A.

Recommendation: Approve with Conditions

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