

18 June 2026
Our ref: 2026-069

Rochdale Metropolitan Borough Council
Planning Service,
Number One Riverside,
Smith Street,
Rochdale,
OL16 1XU

Newsteer
Real Estate Advisers

C/O HubHub London
20 Farringdon Street
London EC4A 4AB

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Dear Sir/Madam,

RE: Application for a Lawful Development Certificate for a Proposed Use or Development

Site: 216 John Milne Avenue, Kingsway, Rochdale, OL16 4NG

Planning Portal Reference: PP-14947918

On behalf of our client, Newsteer hereby submits an application for a Lawful Development Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended, hereafter 'the Act') to confirm that the proposed internal alterations to the existing warehouse at 216 John Milne Avenue, Kingsway, Rochdale, OL16 4NG ('the Site') is lawful for which planning permission is not required.

The application has been submitted via the Planning Portal and comprises this cover letter and the following documents:

- Application Form;
- Location Plan (drawing ref. 26029-ASA-00-EX.SI-D-A_0001);
- Mezzanine Building Plan (drawing ref. 26029-ASA-00-ZZ.ZZ-D-A_0002).

Background

The application site forms part of the wider Kingsway Business Park, which has a well-established and long-standing planning history for employment uses.

The principle of development at the site was established through outline planning permission ref. 98/D35130, granted in January 2000 for a comprehensive business park comprising a mix of industrial, office, hotel, retail and leisure uses. This was subsequently superseded by outline permission ref. 09/D52264, granted in October 2009.

Full planning permission for development on the application site (Plot H) was later secured under application ref. 14/00335/FUL in May 2014 for the erection of a warehouse/industrial building (Use Classes B2/B8), including ancillary offices, service yard and associated works. This scheme was subsequently revised and approved under ref. 14/00770/FUL in August 2014, which sought to increase the height of the warehouse.

Application Ref. Number	Description of Development	Decision and Date
98/D35130	Outline application for proposed business park, for B2 General and B1 light industrial use and office uses, B8 distribution and storage uses, C3 hotels, ancillary A1, A2, A3 & D2 retail and leisure uses and C1 residential uses, including details of the uses and siting and means of access to development on plots C, D, E, G, H, I & T. (D35130).	Granted - 12 January 2000
09/D52264	Outline application with all matters reserved for a business park within development plots C – X (inclusive), for B2 general and B1 light industrial use and office uses, B8 distribution and storage uses, C3 hotels, ancillary A1, A2, A3 & D2 retail and leisure uses and C1 residential uses, (reference D52264).	Granted - 13 October 2009
14/00335/FUL	Erection of a warehouse / industrial building for B2/B/8 uses, including ancillary internal offices and transport office, with associated car parking, service yard and landscaping, together with the diversion of an existing right of way.	Granted - 21 May 2014
14/00770/FUL	Revised proposal for the erection of a warehouse/industrial building, (with a 3m taller roof height, of 15m to underside of haunch), including ancillary internal offices and transport office, with associated car parking, service yard and landscaping, together with the diversion of an existing right of way	Granted - 26 August 2014
14/01504/AM	Minor material amendment to planning permission 14/00770/FUL in respect of various amendments to the previously approved scheme	Granted - 26 February 2015
15/01369/ANM	Non material amendment to planning permission 14/01504/AM in respect of the re-location of a gas governor kiosk and a High Voltage ring main unit	Granted - 22 December 2015
20/01543/ANM	Application for non-material amendment to planning permission 14/01504/AM for the provision of a smoking shelter, a waste platform and canopy. air conditioning unit, installation of louvres on the existing building, height restrictor, demountable access ramps and sprinkler tank and pumphouse details	Withdrawn – 25 January 2021
21/00157/FUL	Installation of air conditioning units, ventilation louvres, height restrictor, smoking shelter, waste platform, canopy, demountable access ramps and external lighting	Granted - 23 March 2021
21/00693/FUL	Erection of 3m high acoustic fence	Granted – 16 June 2021

There are no conditions within the above that seek to control internal alterations to the warehouse in the form of mezzanines.

Proposed Development

The purpose of this Certificate of Lawfulness application is to establish that the internal alterations at the existing warehouse at the Site comprise lawful development for which planning permission is not required.

Planning Assessment

Section 192 of the Town and Country Planning Act 1990 (as amended) makes provision for an application to be made to a Local Planning Authority (LPA) by anyone who wishes to ascertain whether any proposed use of a building would be lawful.

The proposed internal alterations have been assessed against the relevant provisions of Section 55 of the Town and Country Planning Act 1990 (as amended) in order to determine whether they constitute development requiring planning permission.

For the avoidance of doubt, Section 55 (2) of the TCPA sets out the categories of work that do not amount to development which includes:

- Interior alterations (except mezzanine floors in retail units greater than 200 sqm in size);
- Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to a building's external appearance; and
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

In this context, the installation of a mezzanine floor within a building in non-retail use is not typically regarded as development, provided that a number of key tests are satisfied:

- The works do not result in external alterations;
- The works are within an existing building;
- The works must not be precluded by any planning condition(s) or an obligation in a section 106 agreement that binds the property; and
- The works do not result in a material change of use of the building.

Each of these criteria are addressed below.

Works within an existing building

The existing building benefits from planning permission and has been built out in accordance with the approved plans as highlighted in the aforementioned planning history. It is therefore clear that the works are confined to an existing building, satisfying this requirement.

Internal works only

The proposed internal works would affect the interior of the building with no visible external alterations to the envelope of the existing building. Accordingly, the proposals fall squarely within the scope of internal works which do not require planning permission.

Absence of restrictive planning conditions or S106 obligations

A review of the relevant planning history indicates that there are no conditions attached to operative consents that would restrict the undertaking of internal alterations or the installation of mezzanine structures. Furthermore, there are no planning obligations that would restrict the proposed internal works.

No material change of use

The building is lawfully used for storage and distribution purposes within Use Class B8. The proposed works are intended to support and enhance this established use by improving internal functionality and increasing operational capacity. The development would not alter the character or nature of the existing use and would not give rise to a material change of use.

Summary

On this basis and as demonstrated by the drawings and information provided with this CLOPUD application we respectfully request that a CLOPUD be issued, confirming that the works would be lawful and planning permission is not required.

In the meantime, we look forward to receiving acknowledgement of our submission and should you wish to discuss the application further, please do not hesitate to contact me or my colleague Serena Page (serena.page@newsteer.co.uk / 07557789080).

Yours sincerely,



Harry Capstick

Senior Planner

