

Planning and Building Control and Licensing
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

PLANNING PORTAL SUBMISSION REF: PP-I402660I

20th May 2025

Dear Sir/Madam,

**RE: NON-MATERIAL AMMEDNMENT TO FULL PLANNING APPLICATION
REFERENCE: I39997/FO/2024**

LAND AT WELCOMB STREET, OPENSHAW, MANCHESTER

Spawforths writes on behalf of our clients, NSJV Ltd (Network Space Joint Ventures), to apply for a Non-Material Amendment to the development approved under Full Planning Permission reference I39997/FO/2024.

In accordance with the procedures of Manchester City Council, this application is submitted electronically via the Planning Portal (reference **PP-I402660I**). The Local Authority fee for this application has been calculated as £298 which will be paid electronically via the Planning Portal.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, we hereby submit the following documents for consideration:

Document Title	Document ref.	Scale	Prepared by
Application Form	N/A	N/A	Spawforths
Planning Covering Letter	P506-SPA-LT-TP-007-A	N/A	Spawforths
Revised Proposed Site Plan	I248I-AEW-XX-XX-DR-0503-S4-P20	1:500 @A1	AEW

Spawforths

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Spawforths is a trading name of Spawforth Rolinson Ltd. Incorporated in England, Company Registration Number 2247289

Document Title	Document ref.	Scale	Prepared by
Revised Proposed External Works Plan	I248I-AEW-XX-XX-DR-0504-S4-P16	1:500 @A1	AEW
Revised Unit 4 Proposed plan (Floor Plans)	I248I-AEW-B4-00-DR-A-0661-S4-P03	1:100 @A0	AEW
Revised Unit 4 Proposed Roof Plan	I248I-AEW-B4-RF-DR-A-0664-S4-P03	1:100 @A1	AEW
Revised Unit 4 Proposed Elevations	I248I-AEW-B4-XX-DR-A-0662-S4-P03	1:100 @A0	AEW
Revised Unit 4 Proposed Sections	I248I-AEW-B4-XX-DR-A-0663-S4-P03	(As indicated)	AEW

Relevant Planning History:

Planning permission (LPA Reference: I39997/FO/2024) was approved by Manchester City Council on the 25th November 2024. The description of the development outlined in the decision notice is shown below:

“Erection of 4no. two storey industrial buildings (Classes E(g)(ii)(iii), B2 and B8) following the demolition of existing buildings together with associated service yards, car parking, electric vehicle charging points, amended site access, refuse storage facilities, substations, boundary treatments, landscaping, and associated works and infrastructure”

Since the approval of planning permission, there have been four condition discharge applications submitted, along with one Non-Material amendment application. The relevant planning history following the approval of I39997/FO/2024 is listed in the table below:

Application Ref.	Description of Development	Site Address	Decision
CDN/25/0102	Discharge of conditions 28 (RAMS) and 29 (HMMP) attached to planning permission referenced I39997/FO/2024.	Land at Welcomb Street Openshaw Manchester	Approved

Application Ref.	Description of Development	Site Address	Decision
CDN/25/0129	Discharge of conditions 5 parts a and b (ground conditions), 6 (highway works) and 11 part a (surface water drainage) attached to planning permission referenced 139997/FO/2024.	Land at Welcomb Street Openshaw Manchester	Approved
CDN/25/0147	Discharge of condition 3 (CMP) attached to planning permission referenced 139997/FO/2024	Land at Welcomb Street Openshaw Manchester	Refused
142477/NMC/2025	Non material amendment to planning permission referenced 139997/FO/2024 to allow the alteration of office entrance door and window type on the front (east facing) elevation to Unit 1, changes to the footprint of Unit 2 and the re-alignment of associated parking areas serving both units.	Land at Welcomb Street Openshaw Manchester	Approved
CDN/25/0430	Discharge of condition 3 (CMP) attached to planning permission referenced 139997/FO/2024 (Submitted 8/05/25)	Land at Welcomb Street Openshaw Manchester	Pending Consideration

Description and Justification of Proposed Amendments:

The description off the non-material amendments proposed, as detailed in the application form, is as follows:

“Application seeking non-material amendment to Unit 4 through a alteration to the office entrance, from the North West corner of the building, to the North East corner of the building, with subsequent adjustments to the car parking layout”

The requirements for the alteration to the office door positioning on unit 4 from the North West corner to the North East arise from the original design had a heavily glazed entrance, and architects had concerns with this being so close to Norbury Court (adjacent to the east) as this is a busy yard. This meant that the entrance was adjacent to the sub-station. However, due to the specific requirements of the occupier, the entrance is being moved away from the sub-station.

As such, subsequent changes to the car park to suit this change have been required, which includes the appropriate re-positioning of the disabled bays to the proposed new entrance and the movement of the dropped curbs to accompany this. There is no change to the number of car parking bays and sizes of car parking bays.

The drawings as approved which are to be substituted for the amendment plans submitted with this application have been listed on the application form submitted through the Planning Portal.

Decision Making Process:

The non-material amendment procedure was introduced in 2009 as an addition to the Town and Country Planning Act (as amended) under Section 96A. In terms of what is defined as a non-material amendment Section 96A of the 1990 Act states;

“96A Power to make non-material changes to planning permission:

- (1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.*
- (2) 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 as originally granted.*
- (3) The power conferred by subsection (1) includes power (a) to impose new conditions; and (b) to remove or alter existing conditions.*
- (4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates.*
- (5) An application under subsection (4) must be made in the form and manner expressed by development order....”*

Section 96A provides a mechanism to make non-material changes to existing planning permissions by way of a planning application with a quicker decision time (28 days), to deal with new issues that may arise after permission has been granted, thereby speeding up the delivery of much needed development.

There is no statutory definition for what constitutes a 'non-material' change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and "what may be non-material in one context may be material in another". Section 96A of the Planning Act states that "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 as originally granted."

The four key tests as to the acceptability of a change to an approved scheme under the non-material amendment procedure are:

1. Is the proposed change inconsequential in terms of its scale (magnitude, degree, etc.) in relation to the original approval? If so, then three further tests need to be applied as follows:
2. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?
3. In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?
4. In the Authority's view would the amendment be contrary to any policy of the Council?

Assessment Against the Four Key Tests:

1. The proposed amendments to the scheme is very minor and applies to a single unit of a wider scheme. Therefore it will be inconsequential in terms of scale, allowing that the change proposed only relate to the reposition of the office entrance to unit 4, as well as an appropriate changes to the car park in relation to disabled parking bays.
2. The proposed amendment, by virtue of its nature, will not have any detrimental impact either visually or in terms of living conditions. Furthermore, the Site is not within close proximity to any properties that would be sensitive to residential amenity impacts.
3. No third party or statutory consultee would otherwise be disadvantaged by the proposed amendment. Due to the changes to the parking configuration resulting in a minor shift of location, with no parking spaces being altered in size, no parking spaces being lost, and no impact on the proposed turning or tracking for vehicles, it is considered the amendments to the scheme can be considered immaterial, without the requirement for comments from the Local Highways Authority.
4. The proposed amendment will not contravene any policies or guidance contained within the Statutory Development Plan, the National Planning Policy Framework, or any other local planning policies.

In addition to the above four key tests, we have assessed that the proposed amendment to the scheme will not result in any of the following:

- A change resulting in the development falling outside the description of development as set out on the decision notice for I39997/FO/2024
- A contravention of any condition attached to I39997/FO/2024
- A requirement for further restrictions to make the amendments acceptable

We consider that the proposed non-material amendment to the scheme is procedurally appropriate and passes the four key tests as outlined by Section 96A. The amendment to the scheme is otherwise acceptable in planning terms and we would invite the Local Planning Authority to approve the application on this basis.

Conclusion:

We trust that the information submitted is sufficient for the application to be validated and therefore we anticipate that you will confirm this in due course and that a written confirmation of the target date for a decision will be issued shortly.

Should you require any further information or clarification, then please do not hesitate to contact us on the attached details.

Yours sincerely,

LUCY BROWN

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Encs: As detailed above

Cc: Joe Burnett, of NSJV

File Ref: P4506-SPA-LT-TP-007-A