spawforths

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

PLANNING PORTAL SUBMISSION REF: PP–13828440

17th March 2025

Dear Sir/Madam,

RE: NON-MATERIAL AMMENDMENT TO FULL PLANNING APPLICATION REFERENCE 139997/FO/2024

LAND AT WELCOMB STREET, OPENSHAW, MANCHESTER

Spawforths write 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 139997/FO/2024.

In accordance with the agreed procedures of Manchester City Council, this application is submitted electronically via the Planning Portal (reference PP-13828440). The Local Authority fee for this application has been calculated as £293.00, which will also 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	P4506-SPA-LT-TP-006-A	N/A	Spawforths
Location Plan	12481-AEW-XX-XX-DR-0501-S4-P06	1:1250 @ A1	AEW
Amended Proposed Site Plan	12481-AEW-XX-XX-DR-0503-S4-P19	1:500 @ A1	AEW
Amended Unit 1 Proposed Elevations	12481-AEW-B1-00-DR-A-0601-S4-P03	1:500 @ A1	AEW
Amended Unit 1 Proposed Floor Plan	12481-AEW-B1-XX-DR-A-0602-S4-P03	1:500 @ A1	AEW
Amended Unit 1 Proposed Sections	12481-AEW-B1-XX-DR-A-0603-S4-P03	1:500 @ A1	AEW
Amended Unit 2 Proposed Elevations	12481-AEW-B2-XX-DR-A-0622-S4-P03	1:100 @ A1	AEW
Amended Unit 2 Proposed Floor Plan	12481-AEW-B2-00-DR-A-0621-S4-P04	1:100 @ A1	AEW
Amended Unit 2 Proposed Roof Plan	12481-AEW-B2-RF-DR-A-0624-S4-P03	1:100 @ A1	AEW
Amended Unit 2 Proposed Sections	12481-AEW-B2-XX-DR-A-0623-S4-P03	1:100 @ A1	AEW
Amended Proposed External Works	12481-AEW-XX-XX-DR-0504-S4-P15	1:500 @ A1	AEW
Site Plan Comparison	12481-AEW-XX-XX-DR-0520-S4-P01	1:500 @ A1	AEW

Relevant Planning History:

Planning permission (LPA Reference 139997/FO/2024) was approved by Manchester City Council on 25th November 2024. The description of development, as per the decision notice, is as follows:

"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 three separate condition discharge applications submitted. At the time of writing, none of these have been determined by the Local Planning Authority. The relevant planning history following the approval of 139997/FO/2024 has been listed as follows:

Application Ref.	Description of Development	Site Address	Decision
CDN/25/0102	Discharge of conditions 28 (RAMS) and 29 (HMMP) attached to planning permission referenced 139997/FO/2024	Land At Welcomb Street Openshaw Manchester	Pending Consideration
CDN/25/0129	Discharge of conditions 5 (ground conditions), 6 (highway works) and 11 (surface water drainage) attached to planning permission referenced 139997/FO/2024	Land At Welcomb Street Openshaw Manchester	Pending Consideration
CDN/25/0147	Discharge of condition 3 (CMP) attached to planning permission referenced 139997/FO/2024	Land At Welcomb Street Openshaw Manchester	Pending Consideration

Description and Justification of Proposed Amendments:

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

"Application seeking non-material amendment to Unit 1 through the alteration of office entrance door and window type on the front (east facing) elevation, and Unit 2 through the reshaping of the building, with minor increase in depth and minor decrease in width, along with re-alignment of associated parking areas serving both units"

The requirements for the alteration to Unit 2 is due to an error in plotting the location of an existing building outside of the red line boundary for the Site, which is situated within Medlock Court, directly north of Unit 2 in the proposed scheme. With this existing building been approximately 2.00m closer to the north facing elevation of Unit 2, it is not possible for Unit 2 to be constructed as per the approved plans, due to the minute separation distance between the two buildings.

As such, Unit 2 has been reshaped, to bring the north elevation away from the existing building, reducing the width (north to south) of the proposed building by a total of 1.80 metres. To facilitate this and retain

the same area of the unit as approved, the depth (west to east) of the proposed building has been increased by 1.25 metres. The reshaping of the unit has also required the parking arrangement for the area serving Units 1 and 2 to be adjusted slightly, however there has been no loss in parking provision. The 26.00m turning circle has also been adjusted and shifted slightly to the left to accommodate this.

The readjustment of the parking area serving Unit 1 has subsequently required the minor repositioning of the office door entrance, to allow suitable pedestrian and staff access to this building.

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:

We would assess that the proposed non-material amendment to the previously approved scheme, which consists of a reconfiguration of the parking layout and reduction in size of the area of hard-standing and gabion baskets, is as follows:

1. The proposed amendments to the scheme will be inconsequential in terms of scale, taking into account that the changes are to relocate a door on Unit 1, reshape Unit 2, and adjust the parking. Unit 2 will be reduced in size in terms of width (north to south), whilst having a modest increase in depth (east to west), and retaining the same size in terms of height and footprint. The remaining changes to the approved development consist of the relocation of a door within 1.00m of its original position, and minor reconfiguration of the parking layout to accommodate the minimal reshaping of Unit 2. The will be no loss of parking spaces as a result of the changes. It is considered that the proposed amendments to the scheme as approved would not be noticeable to members of the public or anyone else. These changes are therefore deemed to be inconsequential.

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 139997/FO/2024
- A contravention of any condition attached to 139997/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 submitted information 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,

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Encs: As detailed above
Cc: Joe Burnett, of NSJV
File Ref: P4506-SPA-LT-TP-006-A