KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 96A

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR NON-MATERIAL AMENDMENTS

Reference No:	2018/NM/91178/W
Site Address:	Leeds Road Retail Park, Leeds Road, Huddersfield, HD1 6PF
Description:	Non material amendment to previous permission 2016/92574 for erection of class A1/A3 building, formation of car parking, access, boundary treatments, landscaping and associated works
Recommending Officer:	Teresa Harlow

DECISION – APPROVE NON-MATERIAL AMENNDMENT

I hereby authorise the approvalof this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Apr-2018

Officer Report

Application: 2018/91178

Location: Leeds Road Retail Park, Leeds Road Huddersfield HD1 6PF

Proposal: Non-material amendment on previous application 2016/92574 for
erection of class A1/A3 building, formation of car parking, access, boundary treatments, landscaping and associated works

Overview

The application has proposed an alteration to the originally approved scheme. The amendment is to provide a substation adjacent Bradley Mills Road to the south of the recently constructed A1/A3 retail units. This is as shown on 2no. plans:

- Proposed site plan (drawing 10037-PH2-L03 Rev F); and
- Proposed substation details (drawing 10037-PH3-E01).

The reasoning for this, as set out in a covering letter, is as follows:

"It has come to light during construction that Northern Powergrid require a sub-station, not previously shown on the approved plans, located as shown on the enclosed plans. Although the approved plans do not specifically show a sub-station, the description of development refers to "associated works" which could logically include a substation as they are common for retail and food developments such as this.

The substation must be designed and constructed to meet Northern Powergrid's statutory requirements. However, within this requirement an appropriate design has been agreed between Northern Powergrid and the applicant. The proposed materials (buff facing brickwork, shown in drawing reference 10037-PH3-E01) are similar to those used in the construction of the pod units, with a small area of hardstanding to the front of the substation to provide maintenance access from Bradley Mills Road. The substation height (at circa 2.5m to ridge height) will be of in keeping with the approved scheme.

As shown on drawing 10037-PH2-L03-F, much of the approved soft landscaping will be retained, aside from that needing to be removed to accommodate the substation. The remaining landscaping will be implemented as approved in the original application reference: 2016/62/92574/W.

Therefore substation is a similar appearance to the wider development and located entirely within the site.

There will be no notable change to the overall development when viewed from Bradley Mills Road or the retail park car park. The substation will not be visible from Leeds Road. The alterations required to deliver a substation are not material to the development as a whole."

The application will be assessed having regard to S96A of the Town & Country Planning Act 1990:

"In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted"

The council has adopted a protocol for dealing with non-material amendments. This states that the four tests are applicable in the determination of an application as a non-material amendment (NMA).

The key tests in the protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? Yes
   If so, three further tests need to be met:
2. Would the change result in a detrimental impact either visually or in terms of living conditions? No
3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? No
4. Would the amendment be contrary to any policy of the council? No

The proposed amendment is assessed, below, in relation to these four tests.

Assessment

1. The proposed change would result in a small additional built form within the wider scheme. However, the substation would only reach a maximum height of around 2.8m with a footprint of around 13 square metres. It would have a shallow roof and would be externally faced in materials to match the pod units. The footprint of the host units are over 450 sq metres and are significantly higher to the ridge.

2. The originally approved pod units were considered to be acceptable in terms of its impacts upon visual amenity. The substation would follow the same design ethos but be inconsequential in scale. The vast majority of the landscape scheme can be undertaken despite the footprint of the substation and the hardsurface to allow access to it.

3. It was considered that the original proposal would have no adverse impacts on neighbouring dwellings and it is not anticipated that the amended proposal would change this consideration. It is simple

functional substation required to meet the statutory requirements of National Grid. No public representations were received regarding the original application.

4. The amended proposal has been considered against all relevant policies and, as was the case with the original proposal, it is not considered that any policies would be contravened as a result of the development.

The proposed alteration would not cause the development to change from the description on the original application, as the function of the substation could be considered 'associated works' nor would it contravene any of the conditions attached to the original approval.

Conclusion

On the basis of the above, the proposed changes would be acceptable under the non-material amendment procedure.

Decision Authorisation - Delegated Powers

Application Number: 2018/91178

Officer Recommendation: Accept as non-material amendment.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site plan	10037-PH2-L03	Rev F	10/04/2018
Proposed substation details	10037-PH3-E01	Rev.A	10/04/2018

Report Dated:	23.04.2018