

**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: 2021/NM/90819/E

Site Address: Land south-east of, Abbey Road, Shepley,
Huddersfield, HD8 8FG

Description: Non-material amendment to previous permission ref:
2019/91569 for erection of 31 dwellings

Recommending Officer: Victor Grayson

DECISION – Non- Material Amendment -Granted

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

AUTHORISED OFFICER

Date: 25-Aug-2021

Officer Report

Site Description

The application site is 0.9 hectares in size and is located to the southeast of Abbey Road North (the A629).

Description of Proposal

Non-Material Amendments to previous permission ref: 2019/91569 (erection of 31 dwellings).

The proposed amendments (as further amended by the three additional drawings submitted on 22/06/2021) are to the C2-type units (units 3, 4, 14, 15, 29, 30 and 31) as follows:

- Window at front elevation (ground floor level) reduced from three lights to two (units 3, 4, 14, 15, 29, 30 and 31).
- Window and French doors at rear elevation (ground floor level) replaced with folding doors (units 3, 4, 14, 15, 29, 30 and 31).
- Ground floor window deleted from side elevation (units 3, 14, 15, 29 and 30).
- Ground floor window relocated along side elevation (units 4 and 31).
- Projecting side elevation chimney deleted (units 3, 14, 15, 29 and 30).
- Meter boxes, alarm box, vents and external lighting shown on elevations (units 3, 4, 14, 15, 29, 30 and 31).
- Coping and kneelers added to gable ends (units 14 and 15).

The proposed amendments are illustrated in drawings:

- 1914-HT-C2-01 rev D (plans and elevations for units 4 and 31).
- 1914-HT-C2-02 rev B (plans and elevations for units 14 and 15).
- 1914-HT-C2-03 rev A (plans and elevations for units 3, 29 and 30).

Relevant Planning History

2019/91569 – Planning permission granted 30/09/2020 for the erection of 31 dwellings.

Various applications for the discharge of conditions (of permission ref: 2019/91569) have been submitted (refs: 2020/93577, 2020/94396, 2020/94398 and 2021/91949).

Various applications for non-material amendments (to permission ref: 2019/91569) have been submitted (refs: 2021/90188, 2021/90204, 2021/90817, 2021/90818, 2021/90819, 2021/90820 and 2021/90821).

Pre-application advice

None given.

Assessment

This application must be assessed having regard to Section 96A of the Town and Country Planning Act 1990 which states “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”, and the council’s adopted protocol for dealing with Non-Material Amendments. This protocol states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

- 1) Are the proposed changes inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**

If so, the three further tests need to be applied as follows:

- 1) In the council’s view would the proposed changes result in a detrimental impact either visually or in terms of living conditions? **NO**
- 2) In the council’s view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
- 3) In the council’s view would the amendment be contrary to any policy of the council? **NO**

In considering the above, the following factors are relevant:

- The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the decision notice – **the description of development would be the same**
- The proposed changes must not contravene any condition attached to the original permission – **no condition would be contravened**
- The proposed changes should not require a further restriction to make them acceptable – **no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building – **no such changes would result**
- The proposed changes would have likely to have been approved had it formed part of the original application – **it is likely that the changes would have been approved**

Kirkburton Parish Council made no comment on the application.

The proposed changes would not result in a shortfall in parking spaces provided for the permitted dwellings. The number of bedrooms would not change.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity or living conditions, nor would they be detrimental to a third party, and they are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendments be approved.

Recommendation: **Approve**

Decision Authorisation: **Delegated Powers**

Application Number: **2021/90819**

Report Dated: 23/08/2021