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/94213/W
Site Address:	Land to rear of, 60 to 78, Nabcroft Lane, Crosland Moor, Huddersfield, HD4 5ES
Description:	Non material amendment to previous permission 2020/91203 for reserved matters application pursuant to outline permission 2017/91273 for erection of residential development (19 dwellings)
Recommending Officer:	Nick Hirst

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Majors Team

AUTHORISED OFFICER

Date: 10-Jan-2022

Application: 2021/NMA/94213/W

Site: Land to rear of, 60 to 78, Nabcroft Lane, Crosland Moor, Huddersfield, HD4 5ES

Proposal: Non material amendment to previous permission 2020/91203 for reserved matters application pursuant to outline permission 2017/91273 for erection of residential development (19 dwellings)

Overview

The changes sought are all:

- Change of surfacing material to proposed highway. From 'block paved road and margin' to tarmac.

The reason given is 'To align with S38 agreement'.

This 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'. To assist with this assessment, the LPA has published its 'Protocol for dealing with non-material amendments'.

Assessment

All proposed amendments are within the original red-line plan. The modifications would not prejudice the comments made from consultees or local residents.

The desired change is considered reasonable. Overall, the road material has a minimal impact upon the development's appearance. The now proposed use of tarmac is typical for the vast majority of roads and raises no concerns from a design perspective. For highways, it is noted that this change was necessitated by the S38 department and their adoption standards.

The desired amendment is not considered to affect other material planning considerations. No conditions are considered necessary to make the proposed amendment acceptable. The proposed variations would not materially conflict with any of the conditions attached to 2020/91203 (or the outline permission 2017/91273): condition 4 required a scheme for the adoptable road to be provided, which the proposal would not contradict. It is considered that the proposed amendment would comply with the policies of the LPA and, if received as part of the original application, are likely to have been approved.

Conclusion

On the basis of the above, while considering the Council's Protocol for dealing with non-material amendments, giving weight to the purpose of NMA applications the proposed change would be acceptable under the nonmaterial amendment procedure.

Recommendation: Grant NMA

Report Dated:

Proposed Letter Text

The amendment sought is:

- Changes to the road surfacing material, from 'block paved road and margin' to tarmac, as shown on plan ref. 'NABCL-WBA-XX-ZZ-DR-A-PL02 ref. P12'

I confirm that the alterations are acceptable and… [as per template]