

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: **2022/NM/92824/E**

Site Address: Former North Bierley Waste Water Treatment Works,
Oakenshaw, BD12 7ET

Description: Non material amendment to previous permission 2021/91932 for reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points)

Recommending Officer: Nick Hirst

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.

**David Wordsworth
AUTHORISED OFFICER**

Date: 19-Jan-2023

Application: 2022/NMA/92824/E

Site: Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

Proposal: Non material amendment to previous permission 2021/91932 for reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points)

Overview

The change(s) sought are all:

- Changes to the car park layout (unit 1)
- Introduction of external condenser compound per unit
- Changes to elevations (changing brick surround of dock doors to insulated concrete).
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- Changes to the ramps to the vehicle service bays.

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 red-line plan. The amendments would not fall outside the scope of the original proposal's description of development. The desired amendments are considered below:

- Changes to the car park layout (unit 1)

The number of car parking spaces would remain the same, with that sought being a reshuffle. The ratio and location of accessible parking spaces also remains. The layout changes would not impact upon the car park's ability to function effectively, nor would it encroach into landscaping area.

It should be noted that the layout changes do remove some landscaping: this change is in response to necessary amendments to the road as part of the S38 process and is not opposed.

- Introduction of external condenser compound per unit

The condenser units are typical for commercial units of this size and would not appear out of place. They would be surrounded by 1.8m high close boarded timber fence, well removed from 3rd party dwellings and near to the M606 motorway. Product details for the equipment have been provided and, following an informal discussion with K.C. Environmental Health, officers hold no concerns over their inclusion. This is giving due regard to both visual and residential amenity.

- Changes to elevations (changing brick surround of dock doors to insulated concrete).
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The elevational changes are minor in nature. The change from brick to concrete covers a small area on each building. It is not expected to cause either buildings' appearance to be visually worse, nor materially different to the casual observer. Fundamentally these are utilitarian commercial buildings, and this appearance and character will be unaffected by the proposal.

- Changes to the ramps to the vehicle service bays.

The service bays would go from having ramped sides, to vertical flat sides. This change would not affect how vehicles access the vehicle bays, nor impact on their effective turning within the site. This is an operational change with minimal impact.

Conclusion

The desired amendments are not considered to affect other material planning considerations, either in isolation or considered cumulatively. 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 the original applications (Outline and RM). It is considered that the proposed amendments would comply with the policies of the LPA and, if received as part of the original application, are likely to have been approved

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: 12.01.2022

Proposed Letter Text

The change(s) sought are all:

- Changes to site layout
- Introduction of external condenser compound (with 1.8m high close boarded fencing) per unit
- Changes to elevations

As shown on plans referenced:

- 2115 PL 130
- 2115 PL 131
- 2115 PL 132
- 2115 PL 133
- 2115 PL 134
- 2115 PL 135
- 2115 PL 136