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/94061/W**
Site Address:	Land Off, Manchester Road, Huddersfield, HD1 3JA
Description:	Non material amendment to previous permission 2016/91026 for erection of 168 student studios with communal areas
Recommending Officer:	Nick Hirst

DECISION – Non-Material Amendment - Approved

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: 21-Mar-2023

Application: 2022/NMA/94061/W

Site: Land Off, Manchester Road, Huddersfield, HD1 3JA

Proposal: Non material amendment to previous permission 2016/91026 for erection of 168 student studios with communal areas

Overview

The change(s) sought are all:

- Elevation changes
    - Changes to the design and appearance of the building's entrance.
    - Alterations to fenestration
    - Additional walling to lower ground floor to enclose part of the undercroft.
- Internal layout changes
    - Changes to layout of entry level (2nd storey)
        - including enlarging the site's gym (via removal of Games / TV room) and omitting the managers office and reception.
    - Changes to layout of under croft
        - including the reduction of cycling bays from 72 to 50.

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

The proposed amendment would fall within the original description of development. All works are to be within the red-line boundary of the original application.

Officers review the changes as follows:

- Changes to the design and appearance of the building's entrance.

Officer comment: The changes to the entrance are minor cosmetic alterations which will not materially affect how the building appears

- Alterations to fenestration

Officer comment: The fenestration changes include the removal of various and/or the relocation of others. All flats would retain a window, with the windows removed being to service areas (stair cases etc.). The changes would not make a material difference to the external elevation.

- Additional walling to lower ground floor to enclose part of the under croft.

Officer comment: The under croft would have additional external walling, creating a more enclosed lower ground floor, although some open sections would remain. This is to incorporate utility rooms (sprinkler, switch and plant) in internal spaces. The wall is proposed as 'rendered blockwork', an arguably lower quality material compared to the cladding elsewhere on the building. Nonetheless, located to the rear and on the lower ground floor of the building it'll have limited prominence. It is noted that the canal footpath runs along the rear and would have a view towards the blockwork, however the site's ramped access road would screen much of it. It would be a subservient, utilitarian feature with the main floors above being the main focus as the existing under croft functioned. On balance, therefore, this alteration is not considered a material change to the building's overall appearance.

Internal layout changes

- Changes to layout of entry level (2nd storey), including enlarging the site's gym (via removal of Games / TV room) and omitting the manager's office and reception.

Officer comment: These changes represent internal redistributions of ancillary floor space. The proposed redistributions are minor in scope and how these ancillary internal facilities are delivered is not deemed a material change. For the avoidance of doubt, under the description of development the enlarged gym would remain ancillary and for student use only, as per the original gym.

- Changes to layout of under croft, including the reduction of cycling bays from 72 to 50.

Officer comment: Whilst this would be a significant loss in terms of cycle bays, the condition attached to the decision notice for the original permission, only required 50 cycle bays to be provided. Therefore, this loss would not contradict that condition. Note that, due to the access ramp, no car parking was achievable in the under croft and therefore would not be lost via the layout changes.

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 application. 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: 06.03.2023

Proposed Letter Text

The change(s) sought are all:

- Elevation changes
    - Changes to the design and appearance of the building's entrance.
    - Alterations to fenestration
    - Additional walling to lower ground floor to enclose part of the undercroft.
- Internal layout changes
    - Changes to layout of entry level (2nd storey)
    - Changes to layout of under croft

These are shown on the following plans:

- HUD-KKA-BA-00-DR-A-03-000
- HUD-KKA-BA-02-DR-A-03-002
- HUD-KKA-BA-ZZ-DR-A-04-030 Rev. P2
- HUD-KKA-BA-ZZ-DR-A-04-031 Rev. P3