

**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: **2023/NM/90352/W**

Site Address: Castle Hill School, Newsome Road South, Newsome,
Huddersfield, HD4 6JL

Description: Non material amendment to previous permission
2021/94601 for erection of educational building and
associated works

Recommending Officer: Ellie Worth

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Feb-2023

Application: 2023/90352

Site Address: Castle Hill School, Newsome Road South, Newsome, Huddersfield, HD4 6JL

Proposal: Non material amendment to previous permission 2021/94601 for erection of educational building and associated works

Overview

The application seeks a non-material amendment to the previously approved application for the erection of an educational building and associated works.

The amendments include:

- The removal of the recess to the rear of the building
- A slight change to the colours of the external frames
- Erection of external wall to replace planting between access route and play area for child safety
- Relocation of the solar panels within the roof
- Removal of a small shrub in play space for safety purposes
- The play space re-laid in rubber to match existing
- The access route around existing play areas re-laid

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" and the Council's Protocol for dealing with non-material amendments.

The four 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**

In considering the above, the following factors are relevant:

- The proposed change 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 remain the same.**

- The proposed change must not contravene any condition attached to the original permission – **No, the proposal would not contravene with any planning conditions attached to the original decision.**

- The proposed change should not require a further restriction to make it 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 – **There would be no increase in height, scale, width or depth of the development.**
- The proposed change would likely have been approved had it formed part of the original application – **The change would have likely to have been approved as part of the original submission.**

Therefore, in the light of the above, the changes proposed would fall under the remit of a non-material amendment, with some not even requiring formal consent (planning permission). This includes the removal of small shrubs and the re-laying of the play space and access route to match the existing.

Conclusion

For these reasons, the proposal is considered to comply with the council's protocol and therefore it is recommended that the non-material amendment is approved.

Recommendation: Approve Non-Material Amendment

Decision Letter text

The amendments sought are to remove the recess to the rear of the building, slightly change the colour to the external frames, re-locate the solar panels within the roof, erect an external wall to replace the planting between the access route and play area for child safety, remove a small shrub in the play space for safety purposes, re-lay the play area in rubber and access route in matching materials, as shown on drawings 12335 -WMS - XX -XX - DR - A - 10400 -D2 - P3 (proposed site plan), and 12335 -WMS -XX - XX - DR - A - 10410 -D2 -P4 (proposed roof plan) 12335 -WMS - XX -XX - DR - A - 10401 - D2 - P6 (proposed site views).

Dated: 21st February 2023.