

**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/90743/E**

Site Address: Land at, Station Road, Skelmanthorpe, Huddersfield,
HD8 9BA

Description: Non material amendment to previous permission
2019/91657 for erection of 30 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.**

David Wordsworth

AUTHORISED OFFICER

Date: 19-Dec-2023

Officer Report

Site Description

The application site is 0.81 hectares in size and is located on the east side of Station Road, Skelmanthorpe. It forms the larger part of allocated site HS134.

Description of Proposal

Non-Material Amendments to previous permission 2019/91657 for erection of 30 dwellings.

Note: This is the second NMA application relating to the above-mentioned parent permission.

The amendments now proposed are as follows (as described on the applicant's application form):

Amendments to plots 8,12-15, 23, 26, 29 and 30:

- B Type (Plot 13-15) Side lights removed from French doors on rear elevation.
- C1 Type (Plot 12) Additional side window added to bedroom 2.
- C2 Type (Plot 8) Window added to Plot 8 bathroom only.
- G Type (Plot 29) Single story rear extension added to provide additional kitchen space and utility room added.
- J type (Plot 30) Rear window removed from bedroom 2.
- K Type (Plot 25) Minor adjustments to overall build to suit construction purposes.
- L Type (Plot 24) Parapet walls introduced at roof level.
- M Type (Plot 23) Room above garage removed, other amendments including repositioned windows.
- N Type (Plot 26) Side door to utility added and double window to the dining room replaced with a triple window.

Site Layout: Plot 8-12 footpaths repositioned.

Although not mentioned on the applicant's application form, the following amendments are also shown on the submitted drawings:

- C1 (plot 12) ground floor side window moved.
- G (plot 29) changes to footprint dimensions (8383mm x 6860mm previously approved, 8495mm x 6852mm now proposed).
- The relief in G's front and rear elevations also appears to have been deleted (resulting in dwelling having a single roofline), although this isn't reflected in the Site Layout Plan (rev K).
- L (plot 24) front ground floor projections slightly reduced in size.
- Unit 23 moved slightly southwestwards towards site boundary.
- Unit 24's garage moved slightly southeastwards towards trees.

- Unit 25's garage moved slightly northeastwards towards site boundary.
- Garden layout changes.
- Meters, burglar alarm boxes, vents and external light fittings shown to external elevations.

The applicant subsequently asked for the above-listed additional amendments to be considered under this application.

The proposed amendments are illustrated and explained in the following drawings / documents:

- House Type NMA Booklet (Parker Peel Architectural, 1902-HT-03, February 2023)
- Site Layout Plan 1902-SI-04 rev K

Matters Not Under Consideration

The following amendments are also shown on the submitted drawings:

- Street trees and other trees no longer shown along first stretch of estate road.
- Six visitor spaces shown along first stretch of estate road (where five were previously shown).

Again, these two amendments are not mentioned on the applicant's application form, and the applicant subsequently requested that they be considered under this application. However, given that these two amendments require consultation with other council teams (and, depending on those consultation responses, these two amendments may or may not be regarded as "non-material"), and given conditions 7 and 29 already appropriately control highway design and landscaping matters, it is not appropriate to consider these two amendments under this application.

Consultation

No consultation on the application was carried out by the council, however the Secretary of the Upper Dearne Valley Environmental Trust (UDVET) submitted the following comments:

I have been asked to write to you to make an observation on the so called 'non-material changes' referred to in the above application.

It appears to us that many of the changes requested, in fact, 'cheapen' the design of the dwellings originally approved yet again. The previously approved 'non material change' application did just that too – removing the stone mullioned windows from the rear of the originally approved properties and some dry stone walls within the development. YCP appear to be doing this throughout their developments and is yet another example of creeping changes resulting in what gets approved by the Planning Committee is not what gets built.

We understand that proposed changes to the NPPF seek to stamp out this practice by developers. May we hope that Kirklees LPA will be a trailblazer and do this now?

Relevant Planning History

2019/91657 – Planning permission granted 11/05/2021 for erection of 30 dwellings.

2021/94517 – Non-Material Amendment approved 15/02/2022.

Discharge of conditions applications have been determined or are currently under consideration.

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 – **different footprint dimensions (to those previously approved) are proposed for plot 29, however the changes are proposed away from existing residential properties, and would not have a material effect in terms of visual or neighbour amenity**
- 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**

Although the applicant has stated that parapet walls would be introduced at roof level to the L Type unit (plot 24), these features were already illustrated and approved under the previous permission 2019/91657.

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

The proposed amendments raise no concerns regarding the Government's Nationally Described Space Standards (March 2015, updated 2016).

Unit 23 and the garage of unit 24 would maintain an appropriate distance away from the protected trees to the east (in a similar relationship to that approved under Discharge of Conditions approval 2021/93270 dated 25/05/2023).

Submitting details of meters, burglar alarm boxes, vents and external light fittings does not obviate the need to submit them pursuant to condition 28 of permission 2019/62/91657, however there is no reason why these cannot additionally be submitted under this NMA application. The proposed features are considered acceptable.

The concerns of UDVET are noted, however they appear to relate more to the changes already approved under NMA application 2021/94517. Officers do not share UDVET's concerns regarding the changes proposed under the current application.

Given the above assessment, 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. This assessment additionally takes into account the amendments already approved under NMA application 2021/94517 and the cumulative impacts of the amendments proposed under the two NMA applications. The amendments are considered to be in accordance with protocol, and it is therefore recommended that the Non-Material Amendments be approved.

Recommendation: **Approve**

Decision Authorisation: **Delegated Powers**

Application Number: **2023/90743**

Report Dated: 18/12/2023