

**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/90937/E**

Site Address: 22, Station Road, Batley, WF17 5SU

Description: Non material amendment to previous permission 2019/93755 for internal and external alterations to convert dis-used warehouse to 8 apartments (Listed Building within a Conservation Area)

Recommending Officer: Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 01-Sep-2023

Officer Report

The proposal seeks non-material amendments (NMA) to the previous permission 2019/93755 for internal and external alterations to convert dis-used warehouse to 8 apartments.

The submitted plans and application form indicate that the non-material amendment being sought is to alter the stairs and access to the side, alter the partition wall on the ground floor and alterations to the windows on the front elevation at basement level.

The old drawings are:

- Internal Finishes – 4457-P-8
- Proposed Basement & Floor Plan – 4457-P-1
- Proposed 1st & 2nd Floor Plan – 4457-P-2
- Proposed Elevations – 4457-P-3

The new drawings are:

- Internal Finishes Basement/Ground – 21057-8006
- Proposed Basement/Ground Floor Plan – 21057-8003
- Proposed 1st & 2nd Floor Plan – 1057-8004
- Proposed Elevations – 21057-8001

With regard to the protocol for non-material amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. They are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree, etc.) in relation to the original approval?

The proposed amendments would alter the opening and access to the rear of the property, enlarge the openings at basement level and would include interior alterations. The proposed amendments would not change the scale of the original approval and would therefore be inconsequential.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

The proposed development would alter the access steps to the side of the property, this would be a minor alteration to the exterior of the property. The impact on the historic character of the building has been assessed in detail under 2023/90925 and considered acceptable. The proposal would result in no additional harm to residential amenity over and above the approved scheme. The proposed amendments to the openings on the front elevation would be at basement level and would not be visible from street level. Therefore, they would not cause any harm to the visual appearance of the approved development.

The proposed internal reconfiguration would reduce the internal floor area of Apartment 4, removing a bedroom from the apartment and creating a corridor. The apartment would exceed the minimum recommended floor area as outlined in the Nationally Described Space Standards and would therefore not cause any significant harm to the amenity of the future occupiers. The amendments to the front elevation openings at basement level would enlarge the openings in comparison to the original approval thus improving the proposal in terms of living conditions for the future occupiers.

In the Authority's view would the interests of a third part or body who participated in or were informed of the original decision be disadvantaged in any way?

No representation was received during consideration of the original approval.

The following consultees provided advice on the previous application:

- KC Highways DM
- KC Conservation and Design
- KC Ecology
- KC Environmental Health
- KC Policy

The proposed amendments are considered to not contradict any of the advice provided within these responses over and above the previous approval. KC Conservation and Design have reviewed the proposed amendments under application 2023/90925 and considered the alterations acceptable.

This new scheme is considered to not harm the interests of a third party or body who were informed of the original decision.

In the Authority's view would the amendment be contrary to any policy of the Council?

It is thought that the amendments would not be contrary to any policy of the Council.

In considering these tests, the following factors were relevant:

- The proposed changes would not result in the development falling outside the description of development on the decision notice.
- The proposed changes do not contravene any condition attached to the original permission.
- The proposed change would not require a further restriction to make it acceptable.
- The proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have likely to have been approved had it formed part of the original application.

To conclude, the amendment shown on drawings “Internal Finishes Basement/Ground – 21057-8006”, “Proposed Basement/Ground Floor Plan – 21057-8003”, “Proposed 1st & 2nd Floor Plan – 1057-8004” and “Proposed Elevations – 21057-8001” are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2019/93755.

Report dated: 31/08/2023