

**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/92773/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: 20-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 third NMA application relating to the above-mentioned parent permission.

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

- Plots 16-18 (C2 type) – rear bifold door replaced with French door and window.
- Plot 28 (E type) – rear bifold door replaced with French door.
- Plots 19-22 (F type) – rear bifold door replaced with French door and side lights.
- Plot 25 (K type) – single-storey rear projection removed, window and door positions amended (also shown on site layout plan).
- Plot 26 (N type) – triple bifold door replaced with quad bifold door, and French doors to lounge replaced with triple windows.

Of note, only the amendments described above are to be considered under this application. Officers have not compared the submitted drawings with those previously approved to ascertain whether any other amendments (not listed above) have been illustrated. If there are indeed any such additional amendments, these would not be approved under this application, and a further amending application may need to be submitted in relation to them.

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

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

Consultation

No consultation on the application was carried out by the council.

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.

2023/90743 – Non-Material Amendment approved 19/12/2023.

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 – **no such changes would result**

- 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**

The proposed changes would relate to fenestration and the deletion of a single-storey rear projection. These are considered to be minor amendments which raise no significant concerns in relation to planning matters. The removal of some of the front ground floor windows from unit 25 would result in an asymmetrical front elevation, however this is not a significant concern given the relative location of that dwelling's detached garage. The reduction in the size of unit 25 does not raise concerns regarding the Government's Nationally Described Space Standards (March 2015, updated 2016).

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 applications 2021/94517 and 2023/90743 and the cumulative impacts of the amendments proposed under the three 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: **2023/92773**

Report Dated: 20/12/2023