

**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: **2024/NM/91249/W**

Site Address: Land adj, 21, Thomas Street, Lindley, Huddersfield,
HD3 3JJ

Description: Non material amendment to previous permission
2023/91408 for erection of care home (Class C2) with
sub-station, associated car parking, access, servicing,
landscaping and other associated works

Recommending Officer: William Simcock

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.**

D Wordsworth

AUTHORISED OFFICER

Date: 12-Jun-2024

Application no: 2024/91249

21 Thomas St, Lindley

Original application no: 2023/91408

Description of original proposal:

Erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works.

Description of proposed amendment:

The changes, as summarised on the application form are as follows:

1. Proposed Window and Doors amended to suit functional layout requirements;
2. Staircore adjusted to suit fire strategy with windows relocated to suit half landings;
3. Window surrounds amended to replicate the details of the local area;
4. Small balcony omitted due to proximity to the street;
5. Gables reduced in size to allow defensible landscaped space between building and public footpath;
6. Cycle store relocated to avoid RPA of trees;
7. Minor relocation of new sub-station building (northern elevation moved south by 750mm, southern elevation moved southwards by 400mm) to avoid RPA of trees;
8. Sub-station kiosk (painted metal electrical cabinet) to be installed on Thomas St frontage;
9. EV spaces relocated closer to building to avoid root protection area.

Assessment:

Under the Council's Protocol for Non-Material Amendments, the four key tests as to the acceptability of a change to an approved scheme under the non-material amendment procedure are:

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

The proposed changes to windows and doors, window surrounds, the deletion of the balcony are all considered inconsequential in terms of scale, the gables would be slightly reduced in size, and the adjustment to the staircore is an internal change. The cycle store and new electrical junction box (substation kiosk) are not substantial buildings, both are small compared to the proposed care home building. The details for the cycle store are the subject of further details under condition (9) but it is anticipated that these would be lightweight materials, not stone, brick or similar. The shift in the position of the proposed sub-station building is considered immaterial in the

context of the site as a whole since it would be a very small structure compared to the care home building and subordinate to it. It has also undergone a net reduction in size; it would have been 4m by 4.7m, and would now be 4m square. Moving the EV parking spaces would have no visual impact or affect the functionality of the parking layout, and the same number of EV spaces would be provided.

It is noted that the “Tree Impacts & Protection Plan” on page 36 on the approved Arboricultural Impact Assessment and Method Statement accompanying application 2023/91408 shows the removal of trees T28 to T35 which are located in the part of the site now intended as the location of the sub-station kiosk and cycle store. It is therefore considered that the proposed alternative siting would have no impact on trees to be retained. A drawing forming part of the Biodiversity Net Gain report Ref BEK-23071-21 (Rev A) shows the planting of one tree very close to what is now intended to be the location of the cycle store. This plan must however be regarded as indicative only. Application 2024/90341 for discharge of conditions (including condition 23) included an Ecological Design Strategy by Futures Ecology which showed sowing of species-rich grassland in this area. The re-siting of the cycle store and addition of the substation kiosk will mean that some of the grassland will be lost, but as this would only amount to 13sqm out of a total of 290sqm to be seeded under the approved EDS proposals, it would imply a loss of approximately 0.01 Biodiversity Net Gain Units, which is not considered to be a significant loss.

In conclusion, all of the proposed changes are judged to be inconsequential in terms of scale (magnitude, degree, etc) in relation to the original approval.

Three further tests need to be applied as follows:

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

It is considered that the change would not result in a detrimental impact visually since (i) the changes to the main building are insignificant (ii) the slight change in the position of the approved sub-station would not bring it any closer to neighbouring dwellings or result in light or outlook being affected, and (iii) the cycle store and sub-station kiosk are relatively small and lightweight structures that would not detract from the quality of the streetscene or adversely affect light or outlook for residential properties.

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

One representation was made on the original application. The only concerns it raised were about the possible implications for on-street parking, not detailed design or layout. Therefore, no third parties would be disadvantaged by not being given the chance to comment on this application.

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

It is considered that the changes would accord with all relevant LP Policies.

In considering these tests, the following factors will also be relevant:

- i. 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
- ii. The proposed change must not contravene any condition attached to the original permission.
- iii. The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.)
- iv. The proposed change would not result in any material increase in height, scale, width or depth of a building.
- v. The proposed change would have been likely to have been approved had it formed part of the original application.

It is considered that the proposed change does not fail any of these tests.

It is therefore recommended that the change can be allowed as a minor non-material amendment.

Date of report

30-May-2024