

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/91982/W**

Site Address: Southgate/Leeds Road, Huddersfield, HD1 1TW

Description: Non material amendment to previous reserved matters approval 2022/91456 pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP)

Recommending Officer: Nick Hirst

DECISION – Non-Material Amendment – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 25-Jul-2024

Application: 2024/91982

Site: Southgate/Leeds Road, Huddersfield, HD1 1TW

Proposal: Non material amendment to previous reserved matters approval 2022/91456 pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP) has been delegated to you.

Overview

The change sought is the introduction of a step and ramped point of access into the site from Southgate's footway. Previously this was shown as a nominal slope / level. The applicant has stated:

Following a review of the levels between the existing highway on Southgate and the entrance to the Daphne Steele building it has been found that there is a 400mm variance. There is insufficient space between the two points to provide the necessary gradient under the DDA regulations. The contractor has therefore proposed a step and ramp design as per the submitted revised drawing. The material palette for this area is highlighted on the submitted drawing and was discussed during and site meeting with KMC planning. The detail matches the external design of the wider project.

A plan referenced HWA-GIL-P1-00-DR-L-0807 rev. D01 has been submitted to show this amendment.

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'*. To assist with this assessment, the LPA has published its *'Protocol for dealing with non-material amendments'*.

Assessment

The proposed amendment would fall within the original description of development. All works would be within the red-line boundary of the original application.

For the avoidance of doubt, no level change is sought as part of this application to the building as approved (or the highway, which is outside the red line boundary and outside the control of the applicant). The amendment relates to the method of connecting the site level to the highway level. It is

understood the level discrepancy has been caused by recent changes to the highway and works which changed the situation found in earlier surveys.

The amendment would secure safe and appropriate access in accordance with relevant accessibility standards. The design (principally the material pallet of surfacing) is attractive and would reflect that used/proposed elsewhere on the site, tying in appropriately. There are no visual amenity concerns. The limited nature of the amendment sought means there would not be impacts in relation to most material planning considerations assessed at application stage, such as residential amenity and ecology. The small scale of the change would not materially prejudice the site's approved drainage arrangements.

The provision of the ramp would prevent the planting of two trees (standard *prunus spire*). Originally four were proposed in this location, and two would be retained. Given the number of trees proposed across the site (which would be of a high standard and attractive), given that two would be retained in this area, and in the context of needing to deliver access, this reduction is not considered to be a material concern.

Officers are satisfied that the proposed amendments would not prejudice the interests of third parties or consultees.

The development has been subject to one other NMA application, ref. 2023/90533. There are considered to be no concerns regarding cumulative impacts and the changes sought between the applications have no bearing on each other.

Conclusion

Officers do not consider the proposed amendment to be material in nature. The amendment is not considered to adversely or significantly affect other material planning considerations. No new conditions are considered necessary to make the proposed amendment acceptable, nor would any consultee or representative involved in the initial applicant be unduly prejudiced by the change.

Considering the council's protocol for dealing with non-material amendments, giving weight to the purpose of NMA applications, the proposed change is considered acceptable under the non-material amendment procedure.

Recommendation: Approve

Report Dated: 22/07/2024.

Proposed Letter Text

The change sought is the introduction of a stepped and ramped point of access into the site, as shown on plan ref. HWA-GIL-P1-00-DR-L-0807 rev. D01.

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings.

It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.