

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/92974/W**

Site Address: Greenhead College, Greenhead Road, Huddersfield,
HD1 4ES

Description: Non material amendment to previous permission
2021/93674 for partial redevelopment of Greenhead
College including demolition and making good,
erection of 2 and 4 storey buildings, reconfiguration of
parking and access arrangements, reconfiguration of
sports provision and other associated external works
(Within a Conservation Area)

Recommending Officer: Victor Grayson

DECISION - 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.**

Lee Stoney

AUTHORISED OFFICER

Date: 25-Nov-2024

Officer Report

Site Description

The application site is located at the corner of Greenhead Road and Park Avenue, and is in educational use.

Description of Proposal

Non-material amendment (NMA) to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4 storey buildings, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works.

The proposed amendments are described in the applicant's covering letter of 16/10/2024 as follows:

- *Southwest corner plant screen removed due to relocated condenser units and following clarification with acoustician that acoustically this was no longer required.*
- *Additional duct work through roof to align with developed MEP design – the ductwork will not extend above the parapet.*
- *Revised configuration of air source heat pumps (ASHPs) and related services to gutter line to suit developed MEP design.*
- *New air handling units (AHUs) located on the roof of the new building due to a client instruction to replace existing end-of-life units. The new units and ductwork will not extend above the parapet so will be visually screened. This results in the incorporation of the existing pitched roof into the new building parapet.*
- *Existing sloping parapet extended to create a flat top to guard roof edge and conceal AHU and ductwork from view.*
- *Updates to indicate surveyed existing building lines and retained building footprint.*
- *The courtyard landscape proposals have changed due to the College library fire exit access design and level changes that were not originally understood. The existing landscape design has 30sqm of ornamental planting with three feature plants. These will be reprovided in an amended design as follows:*
 - *Compliant route through the courtyard with handrails where appropriate;*
 - *Timber close board fence to screen incoming services; and*
 - *Ornamental planting updated to suit latest design with feature shrubs and areas seeded with grass.*

Related to the above-described amendments, the applicant has stated that the drawings approved under (or listed in) conditions 2, 9, 20, 22, 23 and 25 would need to be revised.

The proposed amendments are illustrated in the following drawings:

- NE8659-OOB-ZZ-00-DR-L-0001 rev P37 – Site Layout Plan as Proposed / Block Plan
- NE8659-OOB-ZZ-00-DR-L-0030 rev P20 – Planting Strategy
- NE8659-RYD-02-RF-DR-A-3008 rev C6 Courtyard Infill – GA Plan – Roof
- NE8659-RYD-02-ZZ-DR-A-3602 rev C8 Courtyard Infill – GA Elevations
- NE8659-RYD-02-ZZ-DR-A-3802 rev C3 – Courtyard Infill – GA Sections
- NE8659-RYD-02-ZZ-DR-A-3603 rev C2 – Courtyard Infill – Rendered GA Elevations

Relevant Planning History

2021/93674 – Planning permission granted 22/12/2021 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4 storey buildings, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works.

Several Non-Material Amendment and Discharge of Conditions applications were subsequently considered by the council.

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 (although, as noted above, drawings listed in the wording of some conditions would need to be updated)**
- 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 – **physical changes are proposed, however these would not materially increase the height, scale, width or depth of any building or structure**
- 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 noise implications of the proposed amendments are to be considered under a parallel Discharge of Conditions application (ref: 2024/92976).

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 2022/92847, 2023/93124 and 2024/90612 and the cumulative impacts of the amendments proposed under the four 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: **2024/92974**

Report Dated: 22/11/2024

Decision letter text

The amendments sought are described in your covering letter of 16/10/2024 as follows:

- *Southwest corner plant screen removed due to relocated condenser units and following clarification with acoustician that acoustically this was no longer required.*

- *Additional duct work through roof to align with developed MEP design – the ductwork will not extend above the parapet.*
- *Revised configuration of air source heat pumps (ASHPs) and related services to gutter line to suit developed MEP design.*
- *New air handling units (AHUs) located on the roof of the new building due to a client instruction to replace existing end-of-life units. The new units and ductwork will not extend above the parapet so will be visually screened. This results in the incorporation of the existing pitched roof into the new building parapet.*
- *Existing sloping parapet extended to create a flat top to guard roof edge and conceal AHU and ductwork from view.*
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 - *Compliant route through the courtyard with handrails where appropriate;*
 - *Timber close board fence to screen incoming services; and*
 - *Ornamental planting updated to suit latest design with feature shrubs and areas seeded with grass.*

Related to the above-described amendments, you have stated that the drawings approved under (or listed in) conditions would need to be revised.

The proposed changes are illustrated in the following drawings:

- NE8659-OOB-ZZ-00-DR-L-0001 rev P37 – Site Layout Plan as Proposed / Block Plan
- NE8659-OOB-ZZ-00-DR-L-0030 rev P20 – Planting Strategy
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- NE8659-RYD-02-ZZ-DR-A-3802 rev C3 – Courtyard Infill – GA Sections
- NE8659-RYD-02-ZZ-DR-A-3603 rev C2 – Courtyard Infill – Rendered GA Elevations

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

Condition 2 of permission ref: 2021/93674 refers to a plans and specifications schedule. It is confirmed that – with the approval hereby granted – the aforementioned plans and specifications schedule is hereby amended to include the drawings listed above.

To account for the amendment hereby approved, conditions 9, 20, 22, 23 and 25 of permission ref: 2021/93674 are hereby amended to read as follows:

9. Prior to development commencing, a scheme to provide buildouts to improve junction visibility on Greenhead Road, as shown on plan ref NE8659-OOB-ZZ-00-DR-L-0001 rev P37 – Site Layout Plan as Proposed / Block Plan for indicative purposes only, with timescales for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. Unless otherwise agreed in writing, the buildouts shall be implemented and retained in accordance with the approved timescales.

Reason: *In order that the development should not prejudice highway safety or efficiency, in accordance with Policy LP21 of the Kirklees Local Plan.*

The submission of the information, prior to the commencement of development, is considered to be necessary to ensure appropriate detailed design may be undertaken in a timely manner and implemented at the appropriate stage.

20. Prior to the hereby approved ‘new main build’, as shown on plan ref NE8659-RYD-01- ZZ-DR-A-3600 rev P8, being brought into use, all 157 car parking spaces as shown on plan ref NE8659-OOB-ZZ-00-DR-L-0001 rev P37 – Site Layout Plan as Proposed / Block Plan shall be completed and be ready for use. Thereafter all 157 spaces shall be retained.

Reason: *To ensure adequate parking provision on site, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.*

22. Prior to each of the hereby approved ‘new main build’ as shown on plan ref NE8659- RYD-01-ZZ-DR-A-3600 rev P8, and the ‘courtyard infill’ as shown on plan ref NE8659-RYD-02-ZZ-DR-A-3602 rev C8 Courtyard Infill – GA Elevations being brought into use, all works which form part of the sound attenuation scheme for that building, as specified in the Apex Acoustics Noise Impact Assessment dated 26/11/2021 (ref NE8659-APX-ZZ-ZZ-RP-YA-0002 rev. P06) shall be completed and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before each building is first brought into use.

Reason: *To protect the amenity of neighbouring residents through managing noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

23. Prior to the hereby approved 'new main build', as shown on plan ref NE8659-RYD-01- ZZ-DR-A-3600 rev P8, being brought into use, the dedicated facilities that will be provided for charging electric vehicles as shown on plan ref NE8659-OOB-ZZ-00-DR-L-0001 rev P37 shall be installed and made operational in accordance with those details in the PodPoint T3 | T7 | T11 | T22 Datasheet. Once installed the charging points shall be retained and maintained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan.

25. Prior to the hereby approved 'new main build', as shown on plan ref NE8659-RYD-01- ZZ-DR-A-3600 rev P8, being brought into use, the bin store and associated screening shown on plan ref NE8659-OOB-ZZ-00-DR-L-0001 rev P37 shall be provided and made ready for use. The bin store and screening shall thereafter be retained.

Reason: In the interest of visual amenity and highway efficiency, to comply with Policies LP21, LP24 and LP35 of the Kirklees Local Plan.