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/93419/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 - amendments to plot 25
Recommending Officer:	Victor Grayson

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.

Nick Hirst

AUTHORISED OFFICER

Date: 07-Feb-2025

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.

Development at the application site is well progressed. The development's estate road has been named Whistle Bell Court.

Approved development

This is the fourth NMA application relating to the above-mentioned parent permission. In the last NMA application relating to this site (2023/92773), plot 25 was to accommodate a 5-bedroom "house type K" unit, which was to have three storeys (including the bedrooms and bathrooms at roof level).

Initial description of proposal

Non-Material Amendments to the previous permission 2019/91657 for the erection of 30 dwellings.

The amendments that *were* proposed at plot 25 were as follows (as described on the applicant's application form, and at section 3.0 of the submitted Design and Access Statement):

- Amendments made to scale down the footprint by reducing the house length / width and replacing the double garage with a single garage.
- Massing and building height reduction by internal layout amendments, losing the second floor and the fifth bedroom.
- A new bay window added to the living room.
- Site level changes to lower building height and reduce external work.
- Cap stone removed.
- Chimney removed.
- Elevation amendments to comply with the proposed plans.

Amended description of proposal

In response to officer concerns regarding the proposed design of plot 25, the applicant submitted amended drawings on 04/02/2025.

Non-Material Amendments to the previous permission 2019/91657 for the erection of 30 dwellings are still proposed.

The amendments now proposed at plot 25 are:

- Amendments made to scale down the footprint by reducing the house length / width and replacing the double garage with a single garage.
- Massing and building height reduction by internal layout amendments, losing the second floor and the fifth bedroom.

- A new bay window added to the living room.
- Site level changes to lower building height and reduce external work.
- Cap stone removed.
- Elevation amendments to comply with the proposed plans.

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 now illustrated and explained in the following drawings:

- Proposed Plans Option 1 (drawing A1051-BOW-ZZ-ZZ-DR-A-2000 rev P3)
- Proposed Elevations Option 1 (drawing A1051-BOW-ZZ-ZZ-DR-A-3000 rev P4)
- As Proposed Street Views (drawing A1051-BOW-ZZ-ZZ-DR-A-SK01 rev P4)
- As Consented and Proposed Block Plan (drawing A1051-BOW-A0-00-DR-A-1001 rev P2)
- Site Location Plan (drawing A1051-BOW-A0-00-DR-A-1000 rev P2)

A Design and Access Statement (Bowman Riley, A1051-BOW-ZZ-ZZ-RP-A-0001, rev P2, 12/11/2024) was not revised in the submission of 04/02/2025, and is therefore not to be formally considered or referred to in the council's decision letter.

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.

2023/92773 – Non-Material Amendment approved 20/12/2023.

Discharge of conditions applications have been determined or are currently under consideration.

Pre-application advice

On 13/09/2024 the applicant team emailed the case officer, seeking advice regarding amendments to plot 25. No advice was provided in response.

Amendments during the life of the application

On 30/01/2025 the case officer advised the applicant that there was some scope for scaling down unit 25, however there were concerns that what was proposed went too far. The case officer advised:

> *"The reduced height, changed roof pitch and loss of chimney risks making this house look like an incongruous, squat, poor relation (at the far corner of the site) compared with the rest of the development. The submitted "Street View 1" certainly gives this unfortunate impression".*

The case officer also requested an extended "Street View 2" (to also include units 26 and 27).

In response, the applicant submitted amended drawings on 04/02/2025. The amendments increased the dwelling's height (compared with the height initially proposed under this NMA application, but not to the previously approved height), steepened roof pitches, and re-introduced a chimney. Street View 2 was also extended to show how the dwelling would relate to units 26 and 27.

These changes and further information adequately address the design concerns expressed on 30/01/2025.

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 **– the changed roof form and minor movement northeastwards would exceed the dwelling's previously-approved massing envelope (albeit only in some places, and to a minor extent), however overall there would be a reduction in the scale of the dwelling**
- 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 are considered to be minor amendments which raise no significant concerns in relation to planning matters (including residential amenity and design/streetscape considerations). The changing of unit 25 from a 5-bedroom to a 4-bedroom house does not raise significant concerns in relation to the wider development's unit size mix (with the council's Housing Mix SPD grouping 4bed and 5bed units into the same category (4bed+)). The reduction in the size of unit 25 does not raise concerns regarding the Government's Nationally Described Space Standards (March 2015, updated 2016). Replacing the approved double garage with a single garage is considered acceptable, as three off-street parking spaces would still be provided for that unit.

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, 2023/90743 and 2023/92773, 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: **2024/93419**

Report Dated:	07/02/2025