

**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/93612/W**

Site Address: 7, Ashgrove Road, Deighton, Huddersfield, HD2 1FQ

Description: Non material amendment to previous permission 2019/93662 for demolition of existing buildings and erection of five storey storage facility with offices and parking

Recommending Officer: Katie Chew

DECISION – Non-Material Amendment – Refuse

I hereby authorise the refusal 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: 10-Jan-2025

Officer Report

Site Description

7, Ashgrove Road, Deighton, Huddersfield, HD2 1FQ

The application site is broadly rectangular in form and extends to 0.38 hectares. It is situated on the corner of Woodland Road and Ashgrove Road, which adjoin it to the south and east respectively. To the west are the Woodhouse Mill Ponds and surrounding woodland, the latter being the subject of a blanket Tree Preservation Order (TPO). To the north are a variety of light industrial buildings.

The existing site forms part of the Hanson Logistics operation to the north and it is presently occupied by a complex of various light industrial and office buildings constructed in the circa 1950s. These are typically double height, and two storey buildings constructed in brick and metal cladding. The edge to Ashgrove Road is tree lined with further tree planting on the eastern side of the road.

The surrounding area is mixed in character. Immediately to the south of the site, on the opposite side of Woodland Road are commercial buildings and a car showroom/car repair facility. To the west of these, fronting Leeds Road, are some two-storey residential properties. To the south and east, on the other side of Ashgrove Road, is the Syngenta chemical treatment plant.

Description of Proposal:

The application seeks a non-material amendment to previous permission 2019/93662 for demolition of existing buildings and erection of five storey storage facility with offices and parking.

The proposed amendments are described in the applicant's submitted application forms as follows:

- Removal of the first-floor office accommodation and associated internal replanning including relocation of stair access.
- As a result of the above the overall height of the building reduces by c620mm and fenestration is adjusted.
- Retain the access to the site in the existing established access location off Woodland Road away from the access to the neighbouring Hansons site rather than forming a new access off Ashgrove Road close to the Hanson's access.
- Adjusted car parking layout to accommodate all of the above.

The proposed amendments are required as the previously approved office accommodation is no longer needed on this site.

The proposed amendments are illustrated in the following drawings:

- 1750_2HA_1F_DR_A_0121_P01 Proposed First Floor Plan
- 1750_2HA_2F_DR_A_0122_P01 Proposed Second Floor Plan
- 1750_2HA_3F_DR_A_0123_P01 Proposed Third Floor Plan
- 1750_2HA_4F_DR_A_0124_P01 Proposed Fourth Floor Plan
- 1750_2HA_GF_DR_A_0120_P02 Proposed Ground Floor Plan
- 1750_2HA_XX_DR_A_0100_P01 Existing Site Layout Plan
- 1750_2HA_XX_DR_A_0110_P02 Proposed Site Layout Plan
- 1750_2HA_XX_DR_A_0130_P02 GA Elevations_Sht 1
- 1750_2HA_XX_DR_A_0131_P02 GA Elevations_Sht 2
- 1750_2HA_XX_DR_A_0151_P01 GA Section B_B
- 1750_2HA_XX_DR_A_0154_P01 GA Section E_E
- 1750_2HA_XX_DR_A_0155_P01 GA Section F_F

Relevant Planning History

The site has a long history of planning applications relating to the Hanson facility, which include the following:

2021/90385 – Discharge of conditions 4 (materials), 5 (flood safety), 7 (drainage scheme), 11 (construction access) and 12 (statement of construction practice) of previous permission 2019/93662 for demolition of existing buildings and erection of five storey storage facility with offices and parking. Approved 11.08.2021

2019/93662 – Demolition of existing buildings and erection of five storey storage facility with offices and parking. Approved 24.08.2020

2018/93695 - Erection of building for storage of goods (Hanson Logistics)
Approved: 31.05.19

2017/90166 - Erection of prefabricated warehouse and canopy to existing building (Hanson Logistics) Approved 12.06.17

2015/90081 - Erection of modular storage warehouse (Hanson Logistics)
Approved: 12.05.15

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? **NO, Officers consider that the level of changes proposed, as well as their nature (in respect of highway safety – altered access and reduction in car parking spaces from 35 to 27, and to the proposed increase to the volume of self-storage floorspace) would result in a material change to the originally approved planning application and therefore would not be acceptable as a non-material amendment on this occasion.**

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**
1. 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? **YES, given the proposed increase in floorspace dedicated to self-storage use, and the reduction in car parking spaces provided within the car park, Officers consider that there may be a material change in the highway implications of the proposal. Such implications would need to be suitably informed and assessed for its impact on the highway network and parking demand of the site.**
2. In the Council's view would the amendment be contrary to any policy of the Council? **At present insufficient information have been submitted as to know whether the proposal would harm the highway/access or materially alter the general nature/operation of the site, and therefore the details of the scheme would require further assessment within a formal application. Thus officers cannot conclude whether the proposal would contradict policy LP21.**

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 differ due to the removal of offices from the application.**
- The proposed changes must not contravene any condition attached to the original permission – **No, the proposal would not contravene any planning conditions attached to the original decision.**
- The proposed changes should not require a further restriction to make them acceptable – **Confirmation that this would not be the case cannot be made without further assessment undertaken by the Council's Highways Officers in respect of parking/highway safety issues, unfortunately this type of assessment cannot be done under an NMA application.**

- The proposed change would not result in any material increase in height, scale, width or depth of a building – **physical changes are proposed to the existing building and parking area; however, these would not materially increase the height, scale, width or depth of any building or structure, and would actually result in a reduction to the overall height of the building by c620mm.**
- The proposed changes would have likely to have been approved had it formed part of the original application – **Without further assessment from KC Highways Development Management, Officers cannot confirm that the proposed changes would have been approved had they formed part of the original application.**

Taking the above assessment into account, the proposed changes to the permitted scheme would result in the development falling outside the originally approved description of the development as set out on the decision notice. Furthermore, Officers consider that in light of the type of changes proposed, that third parties, Officers and KC Highways Development Management should be given the opportunity to consider these changes further. This is to ensure that the proposals would not result in any concerns in respect of highway safety/parking/access and any other issues raised.

It is therefore recommended that the non-material amendment be refused.

Conclusion

For the above reasons, the proposal is not considered to comply with the Council's protocol and therefore would not be considered a non-material amendment, thus refusal is recommended.

Recommendation: Refuse NMA.

Decision Authorisation: Delegated Decision

Application Number: 2024/93612

Report Dated: 09/01/2025

Decision letter text

The proposed amendments are identified as follows:

- Removal of the first-floor office accommodation and associated internal replanning including relocation of stair access.
- As a result of the above the overall height of the building reduces by c620mm and fenestration is adjusted.
- Retain the access to the site in the existing established access location off Woodland Road away from the access to the neighbouring

Hansons site rather than forming a new access off Ashgrove Road close to the Hanson's access.

- Adjusted car parking layout to accommodate all of the above.

The proposed amendments are illustrated in the following drawings:

- 1750_2HA_1F_DR_A_0121_P01 Proposed First Floor Plan
- 1750_2HA_2F_DR_A_0122_P01 Proposed Second Floor Plan
- 1750_2HA_3F_DR_A_0123_P01 Proposed Third Floor Plan
- 1750_2HA_4F_DR_A_0124_P01 Proposed Fourth Floor Plan
- 1750_2HA_GF_DR_A_0120_P02 Proposed Ground Floor Plan
- 1750_2HA_XX_DR_A_0100_P01 Existing Site Layout Plan
- 1750_2HA_XX_DR_A_0110_P02 Proposed Site Layout Plan
- 1750_2HA_XX_DR_A_0130_P02 GA Elevations_Sht 1
- 1750_2HA_XX_DR_A_0131_P02 GA Elevations_Sht 2
- 1750_2HA_XX_DR_A_0151_P01 GA Section B_B
- 1750_2HA_XX_DR_A_0154_P01 GA Section E_E
- 1750_2HA_XX_DR_A_0155_P01 GA Section F_F

I can confirm that the proposed alterations as outlined above cannot be accepted to form a non-material amendment to the original proposal.

The proposed changes to the permitted scheme would result in the development falling outside of the description of the development as set out on the decision notice. Furthermore, the alterations may impact upon the highway implications of the proposal, i.e., traffic generation and parking demand.

Therefore, officers consider that due to the changes proposed, third parties, planning officers, and consultees should be formally given the opportunity to consider these changes further.

The application for a Non-Material Amendment is hereby refused.