

**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: **2025/NM/91468/W**

Site Address: Land at, Penistone Road, Fenay Bridge, Huddersfield,
HD8 0AW

Description: Non material amendment to previous permission
2022/93154 for erection of 68 dwellings with
associated access, parking, open space, landscaping
and infrastructure works (including installation of
surface water attenuation tank)

Recommending Officer: Katie Chew

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: 30-May-2025

Officer Report

Application Site: Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Description of Proposal:

The application seeks a non-material amendment to previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank).

The proposed amendments are as follows:

Plots 45, 46, 49, 150, 53, 54, 57, 58, 63 and 64 Beeches house types to be amended to Fewston house types.

These house types are near identical, with the Beeches including a front balcony at first floor level on the front elevation, which the Fewston omits.

The above changes are required as the Beeches house type no longer features within Newett Homes house type range due to maintenance issues with the balcony. The Beeches house type is therefore proposed to be substituted with the Fewston house type, of which there are no changes to bed numbers, car parking spaces or footprint.

Plots 48, 55, 56, 61, 62, 67 and 68 Tupelo house types to be amended to Middleham house types.

Both are 4bed units (note, there is an error on the Fewstone house type plan that says '3bed', however, the floor plans clearly denote 4 bedrooms).

The reason given is that due to market interest there is a requirement of four-bedroom plots to provide three parking spaces, it is proposed that the Tupelo house type is substituted with the Middleham house type: there are to be no changes to bed numbers and there would be a slight reduction in footprint, however, the Fewstone includes an additional car parking space with the introduction of the integral garage.

Plots 59-60 Rowan house types to be amended to Fewston house types.

The Rowan house type is said to no longer work for plots 59-60 due to the central gable feature and the differences in ground levels at this area of the site, which would result in the gable being split down its centre line. The Rowan house type is therefore proposed to be substituted for the Fewston house types. There is no change to bed numbers or car parking spaces, with a slight reduction in footprint.

The proposed amendments are illustrated in the following drawings/documents:

- Drawing No. Z078-002 Rev Q, Planning Layout
- Drawing No. NH.MID.05-SL02, Middleham
- Drawing No. NH.FEW.02-SL03, Fewston
- Covering Letter

Relevant Planning History

2025/91268 – Discharge of details reserved by conditions 17 (Retaining walls adjacent to highways), 25 (Boundary Treatments), 30 (Retaining Wall Materials), on permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Pending consideration.

2024/93431 – Discharge of details reserved by conditions 22 (BEMP), 25 (boundary treatment), 30 (retaining wall materials), 32 (external lighting), 34 (waste collection) and 35 (cycle storage) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Refused 15/04/2025.

2024/93429 – Discharge of details reserved by conditions 18 (right turn lanes), 23 (internal roads/footways/footpaths), 24 (footway), 26 (public footpath) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Pending consideration.

2024/92806 – Discharge of details reserved by conditions 20 (surface water discharge), 21 (flood routing) and 31 (grass-crete and batter maintenance) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Pending consideration.

2024/92428 – Discharge of details reserved by condition 28 (materials) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Approved 14/02/2025.

2024/91996 – Discharge of details reserved by conditions 7 (Phasing Plan), 8 (Phase 1 SI), 9 (Phase 2 SI), 12 (Highway Condition Survey), 13 (CEMP), 14 (Construction Environmental Management Plan: Biodiversity), 16 (Trial Trenching), 17 (Retaining walls adj to highways) and 19 (Temporary Surface Water Management Plan) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (Including installation of surface water attenuation tank). Pending consideration.

2023/91353 – Work to TPO trees. Granted 07/07/2023.

2023/90773 – Discharge of conditions 4 (highway works), 5 (right turn lane), 6 (internal adoptable estate roads), 8 (retaining walls/structures), 9 (surface water), 10 (highway survey), 11 (surface water and land drainage), 12 (storm events), 13 (temporary surface water drainage), 15 (archaeological evaluation), 16 (levels), 18 (Biodiversity Net Gain Assessment) and 19 (EDS) of previous permission 2020/90725 for erection of 69 dwellings with associated access, parking and open space (revised plans). Split decision 21/05/2024.

2023/90772 – Discharge of conditions 3 (CEMP), 7 (waste collection), 14 (soft landscaping), 17 (boundary treatments) and 25 (tree/shrub planting) of previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans). Split decision 21/05/2024.

2022/94050 – Non material amendment to previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans). Approved 10/05/2023.

2022/93154 – Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank). Approved 02/07/2024.

2020/90725 – Erection of 68 dwellings with associated access, parking and open space (revised plans). Approved 02/09/2021.

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. The units are broadly all the same scale, in terms of footprint, GIA, and height.**

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. The units are of a similar design pallet and quality of design, while not being sited to prejudice the amenity of existing or future residents.**

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? **NO. The units and their design was not of specific interest to any third party involved during the course of the original application.**
2. In the Council's view would the amendment be contrary to any policy of the Council? **NO. The proposal is deemed to adhere to all relevant policies.**

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 remain the same.**
- 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 – **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 – **Whilst the design of the dwellings are to change, these are not to result in any material increase in the height, width, scale or depth of the buildings, with some properties resulting in a smaller overall footprint.**
- The proposed changes would have likely been approved had it formed part of the original application – **It is likely that the proposed changes would have been approved had they formed part of the original application.**

The proposed changes are considered to be minor amendments which raise no significant concerns in relation to planning matters (including residential amenity, highway safety and design/streetscape considerations). The change in house types is not considered to significantly alter the core characteristics of the previously approved design and layout of the site, with the amended house types being similar in appearance to the originally approved house designs, utilising pitched roofs and gable front designs. Furthermore, the provision of integral garages to Plots 48, 55, 56, 61, 62, 67 and 68 is welcomed and will assist in providing sufficient off-street parking for these properties. Overall, the character and aesthetic design of the original approved scheme is considered to be retained.

Conclusion

Given the above assessment, it is not considered that the proposed amendments would have a detrimental impact on visual amenity or highway safety, nor would they be detrimental to a third party. The amendments are

considered to be in accordance with protocol, and it is therefore recommended that the non-material amendment be approved.

Recommendation: Approve NMA.

Decision Authorisation: Delegated Decision

Application Number: 2025/91468

Report Dated: 29/05/2025

Decision Letter Text

The proposed amendments are identified as follows:

- Plots 45, 46, 49, 150, 53, 54, 57, 58, 63 and 64 Beeches house types to be amended to Fewston house types.
- Plots 48, 55, 56, 61, 62, 67 and 68 Tupelo house types to be amended to Middleham house types.
- Plots 59-60 Rowan house types to be amended to Fewston house types.

The proposed amendments are illustrated in the following drawings/documents:

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I can confirm that the proposed alterations as outlined above, 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.