

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/91911/W**

Site Address: Penistone Road/, Rowley Lane, Fenay Bridge,
Huddersfield, HD8 0JS

Description: Non material amendment to previous permission 2024/90058 for reserved matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment)

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: 23-Jul-2025

Officer Report

Application: 2025/91911

Application Site: Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Description of Proposal

The application seeks a non-material amendment to previous permission 2024/90058 for reserved matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (Arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment).

The proposed amendments are as follows:

- Parking bays adjacent to plots 27 & 32 have been moved to the bottom of the same road, opposite plot nos. 26, 27, 31 & 32, to allow for the correct space requirements needed by S38/Highway design and development.
- Parking bays adjacent to plots 49 & 50 have increased in size to comply with the correct dimensions required by S38/Highway design and development.
- Parking bay adjacent to plot no. 53 has been removed with an equivalent bay added adjacent to plot nos. 26, 27, 31 & 32.
- Overall, the proposed amount of visitor parking spaces remains the same as the amount on the approved layout, it is simply the sizes and locations of the bays that have changed.

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

- Planning Layout, Drawing No. 102 Rev L, received 10/07/2025.
- Covering Letter by Homes by Honey, dated 07/07/2025, received 10/07/2025.

Relevant Planning History

Application Site

2020/92307: Outline application, including the consideration of access, for erection of residential development (up to 75 units) – Granted.

2024/90058 – Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment). Approved 12/06/2025.

2024/90272 – Discharge conditions 17 and 18 (Geo-environmental Ground Investigation, phase 1 and 2) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units). Approved 01/07/2025.

2024/90750: Discharge conditions 27 (Rowley Lane junction arrangements), 28 (Rowley Lane footway), 29 (Rowley Lane/Penistone Road junction improvements) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units). Pending consideration.

2025/90610 - Discharge of details reserved by conditions 22 (CEMP), 30 (internal estate roads) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units). Pending consideration.

2025/90689 - Discharge of details reserved by conditions 16 (temp drainage), 25 (retaining walls), 26 (surface water attenuation pipes), 31 (road network) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units). Pending consideration.

2025/91757 – Discharge of details reserved by condition 8 (materials (dwellings)) and condition 9 (retaining wall materials) on previous permission 2024/90058 for reserved matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment). Pending consideration.

2025/91845 – Discharge of details reserved by conditions 5 (floor levels and ground levels details), 6 (retaining wall scheme) and 10 (western retaining wall) on previous permission 2024/90058 for reserved matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12

(arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment). Pending consideration.

Surrounding Area

Land at Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW (Housing Allocation HS1)

2020/90725: Erection of 68 dwellings with associated access, parking and open space (revised plans) – Full permission granted.

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.

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.

2025/91468 – 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) – Approved 30/05/2025.

Land off Hermitage Park, Lepton, Huddersfield, HD8 0JU (Housing Allocation HS2)

2022/91735: Outline application for erection of 80 dwellings and associated work, including the considerations of access, layout, and landscaping – Granted.

2025/90105: Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work – Pending consideration.

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**

same number of visitor parking spaces are to be provided at the site; the sizes and locations have simply been altered to accord with S38 requirements.

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 revised visitor parking bays are considered to be located sympathetically within the development site and would not impact on visual or residential amenity.**
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 visitor parking bays size or location was not of specific interests to any third part 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 – **No changes are proposed to any of the buildings previously approved.**
- 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 size and location of visitor parking spaces are not considered to significantly alter the core characteristics of the previously approved design and layout of the site, with the amended visitor parking bays being similar in appearance to the originally approved parking bay designs. The highway

authority would not be prejudiced, as the changes come following progress on the S38 agreement.

Overall, the character and aesthetic design, and highway integrity of the originally 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: 2025/91911

Report Dated: 23/07/2025

Decision Letter Text

The proposed amendments are identified as follows:

- Parking bays adjacent to plots 27 & 32 have been moved to the bottom of the same road, opposite plot nos. 26, 27, 31 & 32, to allow for the correct space requirements needed by S38/Highway design and development.
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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.