

**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: 2020/NM/93056/E

Site Address: Cotebrook House, 3, Cote Close, Shelley,
Huddersfield, HD8 8JL

Description: Non material amendment to previous permission no.
2019/93243 for demolition of existing storage
sheds/workshops and garages and erection of two
detached dwellings

Recommending Officer: Nia Thomas

DECISION – NON-MATERIAL AMENDMENT 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.**

Paul Dowd

AUTHORISED OFFICER

Date: 14-Oct-2020

Application: 2020/93056

Site Address: Cotebrook House, 3 Cote Close, Shelley, Huddersfield, HD8 8JL

Proposal:

Non-material amendment pursuant to previous permission 2019/93243 for the demolition of existing buildings and the erection of two detached dwellings.

Overview

The non-material amendment seeks the following changes to the original planning permission:

- Set each floor at one level rather than stepped
- Minor revisions to elevations

The applicant is seeking a non-material minor amendment to the approved plans under Section 96A of the Town and Country Planning Act (1990):

“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 Protocol for dealing with non-material amendments.

The key tests in the protocol are:

Is the change inconsequential in terms of its scale in relation to the original approval? **YES** If so, three further tests need to be met:

1. Would the change result in a detrimental impact either visually or in terms of living conditions? **NO**
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **NO**
3. Would the amendment be contrary to any policy of the Council? **NO**

Assessment

The proposed amendments will not cause the development to fall outside of its original description and are considered minor and non-material. The amendment proposed is as follows:

Revisions to elevations

The Kirklees NMA protocol allows for changes to openings, subject to this not resulting in a loss of privacy or amenity to neighbours. External changes can also be allowed, subject to this not adversely affecting the character of the development initially approved.

In this case, the changes are minor and involve the reduction in the number of openings, the insertion of new rooflights in some elevations on the houses

(both plots) and the small increases in the scale of the features as submitted on the plans. It is considered that the design of the dwellings continues to be acceptable and is not detrimental to its Green Belt context, nor is the character of the previously approved development eroded in any way. The changes are not significant enough to warrant a full planning application to be submitted.

It is noted that the area marked 'office' on the drawing for Plot 1 is slightly larger in projection than previously approved – this is not a significant material increase in the scale of the building and this element will continue to be set down from the main part of the building. This is acceptable.

The drawing for plot 1 also shows the insertion of a chimney. This is not a deviation from the original description of development and whilst this is a change to the previously approved application, it is noted that the design of the chimney does not detract harmfully from the appearance of the dwelling. This element could be installed after the dwelling is complete under Class G of the General Permitted Development Order.

There will be no impact on neighbouring properties given the location of the dwellings and for this reason, it is considered that members of the public will not be prejudiced by these changes to the elevations. As a result of the original publicity period, no representations were received.

Floor levels

The Kirklees NMA protocol allows for the change to ground levels, subject to the changes not resulting in a potential loss of privacy or visual amenity or being so substantial that the change would form an engineering operation, in its own right.

The agent has confirmed that, resulting from contaminated land investigations, one metre of contaminated land will have to be removed from the site.

Considering this, it has been noted that the overall height of the dwellings in relation to their context will not be altered. The excavation that is required is not significant enough to constitute an engineering operation and the changes would be acceptable to visual amenity. The elements of the dwellings that were previously made subservient will continue to remain subservient.

Kirkburton Parish Council – “no comment”.

Conclusion

Based on the above, the proposed changes are in accordance with the relevant planning protocol and are considered to constitute a non-material amendment to the approved permission. The changes are acceptable under the non-material amendment procedure and are considered not to result in a detrimental visual impact, nor would they result in harm to residential amenity.

Report dated: 13.10.2020