

**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: 2021/NM/93640/W

Site Address: Holmfirth Boarding Kennels, Greenfield Road,
Holmfirth, HD9 3XF

Description: Non material amendment to previous permission 2021/91535 variation of conditions 2, 3, 6, 7, 8, 9 and 12 (materials) on previous permission 2019/91411 for demolition of existing kennel buildings and erection of 2 dwellings to use vertical larch boarding (either 95mm x 15mm or 145mm x 15mm) instead of cedar boarding.

Recommending Officer: John Holmes

DECISION – Approve NMA

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 29-Sep-2021

Application no: 2021/93640

Holmfirth Boarding Kennels, Greenfield Road, Holmfirth, HD9 3XF

THE SITE

The application site is situated off Greenfield Road, to the west of Holmfirth and, until recently, accommodated a number of structures, two of which were utilised as commercial boarding kennels and a cattery.

Development has commenced on site for two detached dwellings (application ref: 2018/94203.) Levels within the site are such that the land drops down in the northerly direction. Wooded areas exist beyond the west and in part the eastern boundaries. There is an existing gated access from Greenfield Road into the application site.

The surroundings are rural in character and the site is within the Green Belt.

THE PROPOSAL

The proposal seeks consent for amendment of previous permission 2021/91535 variation of conditions 2, 3, 6, 7, 8, 9 and 12 (materials) on previous permission 2019/91411 for demolition of existing kennel buildings and erection of 2 dwellings to use vertical larch boarding (either 95mm x 15mm or 145mm x 15mm) instead of cedar boarding.

PLANNING HISTORY

The most relevant planning history relates to the following applications:-

2017/92353: Outline application for demolition of kennels and cattery and erection of one dwelling – Conditional Outline Permission

2018/94203: Demolition of existing kennels buildings and erection of two dwellings – Conditional Full Permission

2019/91159: Discharge condition 3 (drainage) on previous permission 2018/94203 for demolition of existing kennel buildings and erection of two dwellings – DOC Approved.

2019/91411: Variation of condition 2 (plans and specifications), 4 (materials) and 9 (fire engine access turning area) on previous permission 2018/94203 for demolition of existing kennel buildings and erection of two dwellings – Approved on 3rd July 2019.

2021/92903: Non material amendment to previous permission 2021/91535 for variation conditions 2, 3, 6, 7, 8, 9 and 12 (materials) on previous permission 2019/91411 for demolition of existing kennel buildings and erection of 2 dwellings – Approved 11th August 2021

2021/91535 variation of conditions 2, 3, 6, 7, 8, 9 and 12 (materials) on previous permission 2019/91411 for demolition of existing kennel buildings and erection of 2 dwellings

CONSULTATIONS

None

ALLOCATION AND POLICIES

The site is unallocated on the Kirklees Local Plan Proposals Map. The following policies and legislation were considered as part of the determination of application 2021/91535:-

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (LP):

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 21 – Highways and Access
- LP 22 – Parking
- LP 24 – Design
- LP28: - drainage
- LP 30 – Biodiversity and Geodiversity
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP 59 – Infilling and Redevelopment of Brownfield Sites (In the Green Belt)

Draft Holme Valley Neighbourhood Development Plan (2020-2031)

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS)

first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Effective Use of Land
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highways Design Guide (2019)

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the 'Assessment' section of this report.

ASSESSMENT

The application will be assessed having regard to S96A of the Town & 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.

With regard to the protocol for non-materials amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

The proposal would alter the type of wood cladding used from cedar to larch. As such the proposal is considered to be inconsequential in terms of scale.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

The proposal would have no impact upon living conditions, and have a small scale visual impact and is considered to retain the appearance of the building granted planning permission.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

It is considered that the amendment is of a scale and nature which is such that any third party who participated in or were informed of the original decision would not be disadvantaged in the event of any approval of the proposed amendment.

In the Authority's view would the amendment be contrary to any policy of the Council?

The proposal is concluded to accord with the relevant planning policy (LP24) in this case and the conclusions of the LPA in the determination of application 2021/91535 are considered to be the same in this case.

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 e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.

The proposed change would not result in the development falling outside the description of development on the Decision Notice.

The proposed change must not contravene any condition attached to the original permission.

No, the change only relates to the type of wood to be used in the cladding.

The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.)

No, the use of larch is considered to be acceptable.

The proposed change would not result in any material increase in height, scale, width or depth of a building.

No.

The proposed change would have been likely to have been approved had it formed part of the original application.

Yes, the amendment would have been approved if included as part of the original application.

CONCLUSION

The proposed amendment is of a minor scale / nature and it is concluded it constitutes a non-material amendment to the previous planning approval (application 2021/91535).

