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/94517/E**
Site Address:	Land at, Station Road, Skelmanthorpe, Huddersfield, HD8 9BA
Description:	Non-material amendment to previous permission 2019/91657 for erection of 30 dwellings
Recommending Officer:	Victor Grayson

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.

David Wordsworth

AUTHORISED OFFICER

Date: 15-Feb-2022

Officer Report

Site Description

The application site is 0.81 hectares in size and is located on the east side of Station Road, Skelmanthorpe. It forms the larger part of allocated site HS134.

Description of Proposal

Non-Material Amendments to previous permission 2019/91657 for erection of 30 dwellings.

The proposed amendments are as follows (NB – not all the proposed amendments are described in the applicant's "House Type NMA Amendment Report" document, therefore the following list should be referred to):

- Units 1 to 6 (A-type units):
    - Additional window added to front elevation.
    - Window and door on rear elevation replaced with glazed double doors.
    - Parapet walls and kneelers removed.
    - Removal of the footpath between units 4 and 5 with the two terrace blocks joining to form a single line of terraces unit fronting Station Road.
- Unit 7 (A1-type unit):
    - Additional window added to front elevation.
    - Window and door on rear elevation replaced with glazed double doors.
    - Parapet walls and kneelers removed.
- Units 8 to 11 (C2-type units):
    - Bay window removed from the front and replaced with a double window.
    - Internal arrangement amendments.
    - Double doors and window on rear elevation replaced with a bi-fold door.
    - Parapet walls removed.
    - Central mullion to bedroom 2 (rear elevation) removed.
- Unit 12 (C1-type unit):
    - Bay window removed from the rear and replaced with a bi-fold door.
- Units 13 to 15 (B-type units):
    - Double doors and double window to the rear elevation replaced with a central double door with two side windows.
    - Internal arrangement amendments.
    - Parapet walls and kneelers removed.
    - Central mullions to rear window of master bedroom removed.
- Units 16 to 18 (C-type units):
    - Replacement of the approved C-types with three C2-types (as proposed for plots 8 to 11) with "a slight internal arrangement change" to the ground floor (NB – the footprint of the proposed

C2 units is smaller than the previously-approved C-types, and the proposed C2-types are a 2.5-storey house type while the C-type is a 2-storey unit).
    - Parapet walls and kneelers removed.
- Units 19 to 22 (F-type units):
    - Bi-folding doors and single window to the rear elevation replaced with a larger bi-folding door.
    - Internal arrangement amendments.
    - Garage door moved forward within recess (NB – this does not reduce the number of parking spaces of the plot).
    - Central mullion to rear window of master bedroom removed.
- Unit 23 (M-type unit):
    - Amendments made to reduce the unit depth (from 17696mm to 16096mm) and "some minor internal amendments "made as a result of discussions prior to planning committee".
    - Central mullions removed from windows to rear elevation. These include lounge, dining room, kitchen, bedroom 3, bedroom 2 and family room.
    - Bi-folding doors to the rear elevation reduced and a single window introduced.
    - 4-pane window to lounge replaced with double doors.
    - Parapet walls and kneelers removed.
- Unit 24 (L-type unit):
    - Amendments "made in line with planning / tree officer comments prior to the planning committee meeting in August 2020". Condition 14 of permission ref: 2019/91657 is relevant here – that condition requires units 23 and 24 to be moved to avoid impacts to trees, and on 29/09/2021) in response to a consultation on Discharge of Conditions application ref: 2021/93270) KC Trees advised that these dwellings had indeed been moved far enough away from the protected trees.
    - Parapet walls and kneelers removed.
- Unit 26 (N-type unit):
    - Overall footprint dimensions would be reduced to 11015mm x 9778mm (the corresponding dimensions on the approved drawings were 10671mm x 9735mm), and the 2-storey rear projection would be widened.
    - Bi-folding doors added to the rear projection and double doors added to the narrower part of the rear elevation (replacing the approved arrangement of doors and windows).
    - First floor rear window moved.
    - Four windows in side elevation (facing southeast), where only one landing window was previously approved.
    - Parapet walls and kneelers removed.
- Unit 27 (H-type unit):
    - House type handed and garage separated from plot 26 garage.
    - Parapet walls and kneeler removed.
- For most units, the applicant has submitted elevations showing locations of meters, burglar alarm boxes, vents and external light

fittings. For other units, these details will need to be submitted pursuant to condition 28 of permission ref: 2019/91657.
- Bradstone Old Quarried Stone Roofing proposed for all roofs instead of the previously-proposed natural stone. The specific product (i.e., “light weathered buff” or “lichen green”) can be confirmed under the current Discharge of Conditions application ref: 2021/93270.

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

- House Type NMA Amendment Report (Parker Peel Architectural, 1902-RE-02, November 2021)
- House Type NMA Booklet (Parker Peel Architectural, 1902-HT-02, November 2021)
- Bradstone Old Quarried Stone Roofing product catalogue (Aggregate Industries)
- Materials descriptions document (Yorkshire Country Properties, 11/11/2021)
- Images of Bradstone roofing product

Relevant Planning History

2019/91657 – planning permission granted 11/05/2021 for erection of 30 dwellings.

A discharge of conditions application (ref: 2021/93270) is currently under consideration.

Pre-application advice

Following the issuing of permission ref: 2019/91657 on 11/05/2021, the case officer noted that an error had been made. The decision notice referred to a layout drawing received 30/07/2020, and to a house type booklet rev A (received 14/10/2019), but not to the layout drawing or the revised house type H, L and M drawings submitted by the applicant on 03 and 04/08/2020. These later submission drawings had been overlooked when the drawings/documents list was compiled for the decision notice. On 19/05/2021 the case officer advised the applicant that an NMA application would be the simplest way of resolving this matter.

In response, on 19/05/2021 the applicant confirmed that an NMA was to be submitted in any case, in relation to house type amendments the applicant had been working on. The applicant also requested advice on amendments to unit 23, intended to address impacts on the adjacent trees.

On 28/09/2021 the applicant emailed to enquire about the possibility of other changes (to house types, fenestration etc) being considered under an NMA application. In response, on 28/09/2021 the case officer advised:

"I'm afraid I won't have time tonight to dig out the approved elevations and compare them to what you emailed me today, but based on the descriptions set out in your email below, I can't see any major problems with what you're planning to change at plots 1-6, 7, 8-11, 12, 13-15, 19-22, 24 and 26, and I don't see why those changes couldn't be considered under an NMA application. As regards plots 16-18, changing from a C-type to a C2-type would (in many other locations) be pushing the limit of what could be considered under an NMA application, however here any impact of the attic storey (and the additional overall height) would be limited to within the site and to the adjacent (unbuilt) Newett Homes site. I also note that the width and depth dimensions of these units would decrease, and that C2-type units have already been approved at plots 8-11. I therefore believe your proposed changes to plots 16-18 can be considered under the same NMA application. The changes proposed in August last year to the H, L and M house types (which I accidentally overlooked at the time) could also be included in this NMA application".

On 15/10/2021 the applicant enquired about the possibility of omitting the central mullions from window openings, and instead proposing a flush casement. The applicant advised that this simplified detail would help overcome cold bridging and give more flexibility with escape widths in relation to the Building Regulations. In response on 19/10/2021 the case officer advised:

"I have discussed this proposal with colleagues in the Conservation & Design team, and we are in agreement that losing the mullions would be detrimental to the appearance of the dwellings. The mullions provide welcome relief to the apertures, they are a key feature of the Pennine-vernacular-inspired approach YCP have adopted at their sites, and without them there is a greater risk of residents wanting to install wide, single windows with an inappropriate horizontal emphasis in the future when the windows are due to be repaired or replaced. The alternative design you have illustrated appears flat, and lacks the relief that would be provided by the mullions".

The case officer also suggested alternative design solutions that would address the cold bridging concern while maintaining a satisfactory appearance of the dwellings. There then followed an exchange of emails, and the applicant revised the proposals so that central mullions would only be omitted from the rear elevations of units 1-24, 28 and 29 and a side elevation of unit 23. On 22/10/2021 the case officer advised that these amendments could be recommended for approval.

On 22/10/2021 the case officer – in response to the applicant's proposals to amend the external materials palette – advised the applicant to include the proposed change to the roofing material in a forthcoming NMA application (as the original planning application was assessed on the understanding that

natural slate would be used), as well as under the current Discharge of Conditions application ref: 2021/93270.

The amendments discussed were subsequently included in this current NMA application.

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**

   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**
2) 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**
3) In the council's view would the amendment be contrary to any policy of the council? **NO**

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 be the same**
- The proposed changes must not contravene any condition attached to the original permission **– no condition would be contravened**
- 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 such changes would result, except in the case of units 16 to 18 (C-type units) which would be replaced with three C2-types which are taller but have smaller footprints, and C2-type units have already been approved elsewhere on the site**
- The proposed changes would have likely to have been approved had it formed part of the original application **– it is likely that the changes would have been approved**

The proposed changes would not result in a shortfall in parking spaces provided for the permitted dwellings. The number of bedrooms would not change.

Some of the proposed changes involve the loss of features (such as parapet walls, kneelers and mullions) that would have helped the development reflect Pennine vernacular, and the footpath between units 4 and 5 (which is now to be removed) would have helped break up the massing fronting Station Road. However, the omission of these features is not of such great concern as to warrant refusal of NMA approval (or a “yes” answer to questions 2, 3 and 4 above). Other features reflective of Pennine vernacular are to be retained.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity or living conditions, nor would they be detrimental to a third party, and they are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendments be approved.

Recommendation: **Approve**

Decision Authorisation: **Delegated Powers**

Application Number: **2021/94517**

Report Dated: 14/02/2022