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:	**2022/NM/92281/E**
Site Address:	Land south of, Leeds Road, Mirfield, WF14 0JE
Description:	Non material amendment to previous permission 2020/92368 for erection of 14 dwellings with garages and formation of new access road
Recommending Officer:	Nick Hirst

DECISION – Non Material Amendment- Granted

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: 25-Apr-2023

Application: 2022/NMA/92281/E

Site: Land south of, Leeds Road, Mirfield, WF14 0JE

Proposal: Non material amendment to previous permission 2020/92368 for erection of 14 dwellings with garages and formation of new access road

Overview

The change(s) sought are all:

- Alteration of house type C, including the repositioning of the front door, windows, and external canopy. Internal layout changes to match.

- Alteration to the roof pitch of type C to 25°. The original plans have been identified to have inconsistencies between the side and front elevation pitches. The height is to be retained at 7.4m, with the pitch lowered slightly to ensure the elevations conform.

- Amend all garage roofs from double pitched, side facing gables roofs, to hipped roofs. The double garage's height would not materially change, the height of the single garage would fall from 4.6m to 3.7m

The reason given is "Alteration of house type is to provide improved internal layout and amended minor drafting error. Alteration of garage roof pitch is to shorten length of surface water drainage runs which improves overall site levels."

This 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'. To assist with this assessment, the LPA has published its 'Protocol for dealing with non-material amendments'.

Assessment

All proposed amendments are within the original red-line plan and would not conflict with the description of development. The modifications would not prejudice the comments made from consultees or local residents.

Ultimately each of the proposed amendments are minor visual alterations. The changes, individually or cumulatively, will not have a material affect on the overall appearance and character of the development compared to that approved. The heights are not to be increased, while a slight reduction is proposed to the height of the garages: this will neither prejudice visual or residential amenity.

The desired amendments are not considered to affect other material planning considerations. No conditions are considered necessary to make the proposed amendment acceptable. The proposed variations would not materially conflict with any of the conditions attached to the parent permission. It is considered that the proposed amendment would comply with the policies of the LPA and, if received as part of the original application, are likely to have been approved.

On the basis of the above, while considering the Council's Protocol for dealing with non-material amendments, giving weight to the purpose of NMA applications the proposed change would be acceptable under the nonmaterial amendment procedure.

Recommendation: Grant NMA

Report Dated: 18.04.2023

Proposed Letter Text

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The amendment(s) are shown upon the following plans:

- Plan ref. "200.2 Rev. B"

- Plan ref. "300.4 Rev. A"