

**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/94050/W**

Site Address: Land at, Penistone Road, Fenay Bridge, Huddersfield,
HD8 0AW

Description: Non material amendment to previous permission
2020/90725 for erection of 68 dwellings with
associated access, parking and open space (revised
plans)

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: 09-May-2023

Application: 2022/NMA/94050/W

Site: Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Proposal: Non material amendment to previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans)

Overview

The change(s) sought are all:

- Modifications to the house types of plots 1 – 16, including elevational alterations and material changes to certain plots, plus:
 - The 2bed properties will be increased in size from 68.8sqm to 70 / 70.7sqm
 - The 3bed properties will be reduced in size from 88.7 to 84.2sqm.
- Modifications to the layout of plots 1 – 16

Assessment

The proposed amendment would fall within the original description of development. All works are to be within the red-line boundary of the original application.

The elevational changes would keep the original character of the approved dwellings, while incorporating minor alterations. Importantly, those units with rear elevations facing Penistone Road would retain a dual aspect, as secured within the main application, ensuring an attractive design. It is noted that the original approval only had two house types across 68 dwellings. The proposed amendment would increase this by three, to five across the whole site. This is not considered a cause for concern.

On materials, it was stated in the report:

10.22 Materials would also provide some further visual interest. The materials currently evident in the locality are mixed. They include natural stone to dwellings on Penistone Road to the south of the site and to dwellings on Clough Way, red brick and render on the houses to the north, stone and render on Whitegates Grove and brick and render on Woodsome Drive. The application form indicates the use of reconstituted stone and render and grey concrete roof tiles. The use of render of specific plots is acceptable in principle given its use locally. With regard to re-constituted stone, whilst stone used on surrounding

houses is mostly natural, the suitability or otherwise of an artificial stone would depend upon the quality of the material selected, the size of the stone units and the way the elevations are constructed e.g. regular course or random coursing. The details of materials (including the construction of a sample panel on site) can therefore be secured by means of a planning condition.

The amended proposal would notably include three plots having render on their front elevations. Notably however, the rear elevations facing onto Penistone Road would be retained as stone. The proposed render would remain a subservient material across the site, and would therefore be consistent with

On the matter of size, the change to the 2bed property represents a 1.7% / 2.8% increase, while the 3bed would be a 5.1% decrease. These are accepted as minor alterations, which would not cause either respective unit to fall below their respective Nationally Described Space Standards nor affect their respective design or amenity in any material way.

The layout changes are nominal, principally being to reflect the modified house types and are contained within the approved defined curtilages of the dwellings; no alterations are proposed to the POS / Road etc. Units remain well spaced to one another, and 3rd party properties outside the site. The layout changes will neither affect the visual amenity of the site nor future / existing residents' amenity. Conditions relating to the submission of technical drainage / highways will ensure any such minor alterations do not prejudice the site's delivery.

There is a discrepancy between the location of the affordable dwellings on the approved plans, and the units prescribed within the S106. This NMA shows the affordable units in accordance with those prescribed within the S106, which is considered acceptable.

Officers are satisfied that the proposed amendments would not prejudice the comments received from interested third parties or consultees.

Conclusion

The site has no previous NMA applications to consider. The desired amendments within this application, individually and cumulatively, 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: 24.04.2023

Proposed Letter Text

The amendment(s) sought are all:

- Change of house type to plots 1 – 16
- Minor reposition of plots 1 – 16

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

- Site Plan ref. "P003 Rev. A"
- Site Plan ref: "P004 Rev. A"
- Grouped Plans and Elevations ref. "NH.201.03 Rev. D"
- Grouped Plans and Elevations ref. "NH.201.05 Rev. D"
- Grouped Plans and Elevations ref. "NH.202.03 Rev. D"
- Grouped Plans and Elevations ref. "NH.A3.03"
- Grouped Plans and Elevations ref. "NH.A3.05"