

**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: **2023/NM/92309/E**

Site Address: Land to the North of, Cumberworth Road,
Skelmanthorpe, Huddersfield, HD8

Description: Non material amendment to previous permission
2019/90151 for erection of 190 dwellings and
associated landscaping and infrastructure - addition of
solar panels

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: 20-Oct-2023

Officer Report

Site Description

The application site lies to the west of the village of Skelmanthorpe. The land is allocated for residential development (HS140) in the Local Plan.

Description of Proposal

Non-material amendment (NMA) to previous permission ref: 2019/90151 for the erection of 190 dwellings and associated landscaping and infrastructure.

The applicant proposes to add solar panels to the roofs of 67 of the 189 dwellings.

The applicant's covering letter of 18/07/2023 (Persimmon, ref: ER-SKEL-NMABR-20230718) explains that this NMA application relates to the external addition of solar PV to the roofs to those plots that will be constructed under the new Building Regulations Part L 2021.

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

- Covering letter dated 18/07/2023 (Persimmon, ref: ER-SKEL-NMABR-20230718)
- Energy Transition document (Persimmon, undated)
- Proposed Planning Layout (CRSK-2018-001 rev AD)
- Building Regulation Plan (CRSK-2019-BRP rev B)

Relevant Planning History

2019/90151 – Planning permission granted 02/07/2020 for the erection of 190 dwellings and associated landscaping and infrastructure.

2021/93437 – Non-material amendments (changes to house types, deletion of one unit, revised layout and other changes) refused 24/09/2021.

2021/93948 – Planning permission granted 30/05/2022 for the erection of 6 dwellings (modified proposal). This permission approved 6 dwellings where 7 had previously been approved under permission 2019/90151, thereby effectively reducing the development's quantum from 190 units to 189.

2023/91201 – Non-material amendments (amendment to condition 12 to allow phased occupation of units) approved 24/05/2023.

Discharge of conditions applications have been determined or are currently under consideration.

Consultation

No consultation is necessary in relation to NMA proposals, however ward Members (Denby Dale ward) were notified. No responses were received.

Pre-application advice

No pre-application advice was sought or given specifically in relation to the amendments now proposed at this site.

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 are proposed**
- 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 addition of solar panels to the roofs of 67 of the development's 189 dwellings is not considered problematic in aesthetic terms. Such installations are not unusual (including in Skelmanthorpe), and the applicant's covering letter of 18/07/2023 states that "Inline photovoltaic panels are proposed which are integrated into the roof flush with the tiles for better aesthetics".

Also of relevance, the installation of solar panels is (at many locations) permitted development (under Part 14 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015). Given this consideration, and the general support for renewable energy installations under current planning guidance, policies and legislation, the council is likely to have approved the proposed solar panels, had they been proposed under the original application.

Given the above assessment, 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: **2023/92309**

Report Dated:

19/10/2023
