

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: **2024/NM/90022/E**

Site Address: West Yorkshire Fire & Rescue Service Headquarters,
Oakroyd Hall, Bradford Road, Birkenshaw, BD11 2DY

Description: Non material amendment to previous permission 2022/92681 for variation conditions 2 (plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation), 23 (Remediation) on previous permission 2022/91138 for demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage

Recommending Officer: Nina Sayers

DECISION – NMA-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.

Majors Team

AUTHORISED OFFICER

Date: 16-Feb-2024

Officer Report

The proposal seeks non-material amendments (NMA) to the previous permission 2022/92681 for variation conditions 2 (plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation), 23 (Remediation) on previous permission 2022/91138 for demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage.

The submitted plans, application form and cover letter indicate that the non-material amendment being sought is for the erection of a generator flue to the exterior of the HQ building. The flue would be erected on the northeastern side of the building, above the two-storey section of the building.

The old drawings are:

- Proposed GA Elevations HQC004-BBA-Z1-ZZDR-A-3201 P09

The new drawings are:

- Proposed GA Elevations ref: HQC004-BBA-Z1-ZZ-DR-A-3201 A5 C08

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

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. There would be no conflict with any of the conditions imposed on the decision.

The proposed installation of a generator flue would not result in a change to the scale of the approved building, which would remain. Therefore, the proposal is considered to be inconsequential in terms of scale in relation to the original approval.

The proposed flue would result in additional noise and pollutants which could impact on the amenity of future users of the site or nearby occupants. As such, it is considered the scheme could disadvantage the interest of KC Environmental Health and neighbouring occupants who commented on the original proposal. KC Environmental Health and neighbouring occupants would need to be consulted on the proposed change.

The proposed flue would also protrude above the roof of the approved building and project vertically up the wall on the north-eastern elevation which would impact the visual appearance of the approved building. Given the location of the proposal within the wider site, set in from public vantage points, and as the proposal would be relatively small in scale, the proposed change is unlikely to cause significant harm to visual amenity.

Should the proposal not result in harm to future or existing occupants, it is thought that the amendments would not be contrary to any policy of the Council. Should the proposal result in harm to residential amenity, this would be contrary to LP24(b) of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

Paragraph 140 of the NPPF states that:

Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

For the reasons given above, officers consider that the proposal would disadvantage the interest of KC Environmental Health and neighbouring occupants who commented on the original proposal.

To conclude, the amendment shown on drawing 'HQC004-BBA-Z1-ZZ-DR-A-3201 A5 C08' is considered to be material and outside the remit of a Non-Material Amendment application. The application for a Non-Material Amendment is hereby refused.

In light of the above, the applicant could submit a Section 73 / Variation of Condition application to be full assessed and considered. However, please be aware that this comment is offered without prejudice to the future decision of the council on such an application.

Report dated: 08/02/2024

