

**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/92159/E**

Site Address: Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

Description: Non material amendment to previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens

Recommending Officer: Louise Bearcroft

DECISION – Non Material Amendment – Approve

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 04-Apr-2025

Application: 2024/NMA/92159/E

Site: Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

Proposal: Non material amendment to previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens

Overview

The application seeks a non-material amendment to approved planning application 2020/91746 which granted permission for the erection of an extra care development of 80 apartments.

The proposed amendments sought are to the fenestration detailing, roof design, and to remove the atrium, following further design development. The proposed amendments are as follows:

- Omission of internal atrium including glazing on the roof slope (west and east elevation)
- Increase in height of flat roofs to allow for larger service voids for accommodation of M&E equipment. Flat roofs 1&3 have raised by approximately 500mm and the middle flat roof 2 has raised by approximately 300mm
- Projecting balconies replaced with Juliet balconies (all elevations)
- Omission of balconies from dormer windows (all elevations)
- Change upper floor bedroom external doors to window with top opener (all elevations)
- Automatic opening vent details added (west elevation) and projection through roof (north elevation, west elevation)
- Change of dormers to combination rooflight (south elevation, north elevation)
- Combination rooflight revised to single pane (all elevations)
- Recesses for rain water pipe omitted (all elevations)
- Ground floor buggy store single door change to double door (south elevation)

The amendments are shown on the following drawings:

- Elevations South & West, drawing Ref CLK-BBA-XX-ZZ-DR-A-00-0031 Rev C06
- Elevations North & East, drawing ref CLK-BBA-XX-DR-A-00-0030 Rev C06
- Proposed Lower Ground Floor Plan drawing ref CLK-BBA-XX-LG-DR-A-00-0001. C05
- Proposed Ground Floor Plan, drawing ref CLK-BBA-XX-GF-DR-A-00-0002. C05
- Proposed First Floor Plan, drawing ref CLK-BBA-XX-01-DR-A-003, Rev C06

- Proposed Second Floor Plan. Drawing ref CLK-BBA-XX-02-DR-A-00-0004. Rev C06
- Proposed Roof Plan, drawing Ref CLK-BBA-XX-RF-DR-A-00-0005, Rev C01

This application would 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

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc) in relation to the original approval)?

The amendments are for alterations to the fenestration detailing including the removal of walk-on balconies, removal of internal atrium including the glazing from the roof slope, changes to the balconies and roof light designs, as well as a slight increase in the height of the flat roof sections to accommodate larger service voids. In comparison to the originally approved extra care building, the design amendments are inconsequential in terms of scale and degree.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

In respect of visual amenity, the amendments to the fenestration detailing, and the slight increase in the height of the flat roof sections would not have a detrimental impact on the appearance of the building as approved, or the visual amenity of the site and its surroundings.

The development site borders neighbouring properties to each boundary. In respect of living conditions, no additional/new openings are proposed and furthermore, the removal of the walk-on balconies (whilst previously judged to be acceptable in some locations) will remove this element entirely from the scheme. The flat roof sections are small elements of the overall scheme, and sit within the areas of pitched roofs, and it is not considered the slight increase in height would have a detrimental impact on the residential amenity of neighbouring properties.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

It is considered the interests of third parties would not be disadvantaged in any way by the proposed amendments to the flat roofs and fenestration detailing.

In the Authority's view would the amendment be contrary to any policy of the council?

The proposals would preserve visual and residential amenity, and it is not considered the proposal would be contrary to any Local Plan or national planning policies.

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 e.g. by seeking to add a pitched roof to an extension described on the notice as a 'flat roof' extension.

The proposed changes would not fall outside of the description of development, which is "erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens".

The proposed change must not contravene any condition attached to the original permission.

The proposed amendments would not directly contravene conditions attached to the development as previously approved.

The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed).

The proposal would not require any further restrictions to make it acceptable.

The proposed change would not result in any material increase in height, scale, width or depth of a building.

The proposed change would result in a slight increase in height of the flat roofed sections of the building, however it would not increase the overall approved height of the building.

The proposed change would have been likely to have been approved had it formed part of the original application.

The proposed revisions would likely have been approved had they formed part of the original application.

Conclusion

On the basis of the above, the proposals are considered to be non-material.

Recommendation: Approve

Report Dated: 01/04/2025

Recommended Decision Letter Text

The proposed amendments sought are as follows:

- Omission of internal atrium including glazing on the roof slope (west and east elevation)
- Increase in height of flat roofs to allow for larger service voids for accommodation of M&E equipment. Flat roofs 1&3 have raised by approximately 500mm and the middle flat roof 2 has raised by approximately 300mm
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The proposed amendments are considered acceptable and are hereby approved.