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/92901/E**
Site Address:	Heckmondwike Grammar School, High Street, Heckmondwike, WF16 0AH
Description:	Non material amendment to previous permission no. 2024/91055 for Erection of second floor extension to the Powell building, erection of lift and demolition of temporary structure
Recommending Officer:	Edward Cheseldine

DECISION – NON MATERIAL AMENDMENT REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 11-Nov-2024

Officer Report

2024/92901 – Heckmondwike Grammar School, High Street, Heckmondwike, WF16 0AH

Overview

The application is to seek a non-material amendment to previous permission no. 2024/91055 for Erection of second floor extension to the Powell building, erection of lift and demolition of temporary structure.

The amendment seeks for the alterations of the existing proposal including;

- Installation of external upward lighting to the upper ground-floor level of the Powell building.
- Alter colour of external cladding on the second floor to grey, matching the existing ground and first floor.

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*" and the Council's **Protocol for dealing with non-material amendments**.

The four key tests in the Protocol are:

1. *Is the change inconsequential in terms of its scale in relation to the original approval?*

Yes. The scale of development is pre-defined to the parameters of the original application.

If so, three further tests need to be met:

1. *Would the change result in a detrimental impact either visually or in terms of living conditions?*

The application for non-material amendments includes the alteration of external lighting elevations of the Powell Building. The submitted plans indicate upward lighting would be fixed to the upper section of the ground floor on the north, east and west elevation. When considering impact of lighting, LP56 of the Kirklees Local Plan is relevant, which states:

‘It is important to ensure that (lighting) does not become a nuisance to others. Obtrusive light (light pollution) can present serious physiological and ecological problems. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort and may cause driving problems by glaring into drivers' eyes or competing with signs and other traffic signals.’

‘Existing sources of noise, vibration, light, dust, odour, soil, shadow flicker, chemical or other forms of pollution can have an adverse impact on the environment and sensitive developments will need to be controlled to ensure that they do not expose new receptors to levels detrimental to healthy living or safety concerns’.

In terms of this application, lighting on the north and east aspect of the site are particularly relevant. In terms of sensitive receptors there is residential development in close proximity to the Powell Building, including properties No. 60(~31.00m), & 79(~55.00m) High Street. In terms of the details of the lighting, specification should include the model of lighting being fitted, the illuminance levels and the hours of use. In respect of LP56, it would not be possible within an application for a non-material amendment to assess the impact of lighting on neighbouring residents. Lighting would require a condition relating to light illumination levels and hours of use. Once the type of lighting has been specified KC Environmental Health would be consulted. Environmental Health were consulted for the initial application, however as no lighting was proposed, they did not form comments as to its impact. In this regard, there may be a detrimental impact to living conditions which would be unacceptable. Give the relationship with High Street, KC Highways DM would not be required to comment on the application as the lighting would not directly impact traffic signals.

In terms of changing the colour of the cladding to grey to match the existing building, the colour change is relatable to the existing structure and would be acceptable.

2. *Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?*

Surrounding neighbours, including No 60 & 72 High Street were previously consulted.

3. *Would the amendment be contrary to any policy of the council?*

Introducing external lighting without the submission and assessment of details relating to model of lighting, illuminance levels and hours of use would be contrary to Policy LP56 of the Kirklees Local Plan.

Assessment

The addition of external lighting causes the proposal to fall out of the original application's description and were therefore not assessed within the original application for planning permission.

The replacement of lighting would require assessment by KC Environmental Health due to the close proximity of neighbouring occupants. It would also require a site visit from Officer's in order to judge if the lighting directly impacts neighbouring occupants. In terms of the specification and the use of the lighting equipment because of the relationship between the Powell Building and residential homes, the equipment would require additional conditions to restrict illumination levels and hours of use. Such amendments sought are required to be fully considered as part of a new planning application.

Conclusion

On the basis of the above, the proposed changes would not be acceptable under the non-material amendment procedure and as such is recommended for refusal.

It is not possible to issue a split decision for non-material amendments.