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/91966/E**
Site Address:	Heckmondwike Hub Bus Station, Royle Fold, Heckmondwike, WF16 0HW
Description:	Non material amendment to previous permission 2022/92471 for redevelopment of Heckmondwike Bus Station including a new concourse building with waiting room, changing places WC, driver offices, 6 bus stands, landscaping, and associated works
Recommending Officer:	Farzana Tabasum

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.

Victor Grayson

AUTHORISED OFFICER

Date: 12/09/2024

Officer Report

Site Description

The application relates to Heckmondwike Hub Bus Station, which was recently granted planning permission for redevelopment to include a new concourse building with waiting room, changing places WC, driver offices, six bus stands, landscaping, and associated works. See relevant planning history below.

Description of Proposal

Non-Material Amendments (NMA) are now sought for the relocation of the 'rain garden'.

The applicant's covering letter advises that the revised design relocates the rain garden from its current position (northwest of South George Street) to a position in the north of the site between South George Street and the proposed green wall. This new location is stated to be proposed to minimise disruption to underground utilities during construction, thereby maintaining the project's viability.

A number of drawings on the previously approved application 2022/92471 (see table below) are now proposed to be superseded with drawings showing the relocation of the rain garden.

Document Title	Approved Plan Reference under Planning Application ref: 2022/48/92471/E	Revised Plan Reference
General Arrangement	TCF-WSP-KIR-HECK-DR-CH-01_01 Rev P08	TCF-WSP-KIR-HECK-DR-CH-01_01 Rev P09
Junction Intervisibility Zones and Forward Visibility	TCF-WSP-KIR-HECK-DR-CH-01_09 Rev P06	TCF-WSP-KIR-HECK-DR-CH-01_09 Rev P07
Drainage Proposal	TCF-WSP-KIR-HECK-DR-CH-05_01 Rev P03	TCF-WSP-KIR-HECK-DR-CH-05_01 Rev P04
Swept Path Analysis Stand 6, Dentist & Layover	TCF-WSP-KIR-HECK-DR-CH-01_10 Rev P08	TCF-WSP-KIR-HECK-DR-CH-01_10 Rev P09
Landscape Design	TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P04	TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P05, received 10/09/2024

Relevant Planning History

2022/92471 – Redevelopment of Heckmondwike Bus Station including a new concourse building with waiting room, Changing Places WC, driver offices, six bus stands, landscaping, and associated works – granted 05/07/2023.

Pre-application advice

None requested.

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. The relocation of the rain garden as shown on the submitted plans to the new position in the north of the site between South George Street and the proposed green wall would not be visually harmful.**
>
> 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 **– The proposed changes would not noticeably or significantly increase the height, scale, width or depth of buildings.**
- The proposed changes would have likely have been approved had it formed part of the original application **– Yes, it is likely that the changes would have been approved.**

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 considered to be in accordance with protocol. It is therefore recommended that the Non-Material Amendments be approved.

The submitted drawings indicate the new siting of the rain garden to the north of the site as stated above. These drawings also indicate other details. However, for the purpose of this application, it is only the relocation of the rain garden that has been considered. This non material amendment does not approve any other details shown on the submitted plans which may vary from the submission details under the original permission under planning application ref: 2022/92471.

Recommendation: Approve
Decision Authorisation: Delegated Powers
Application Number: 2024/91966

Report dated: 11/09/2024

Decision letter text

A Non-Material Amendment (NMA) is sought for the relocation of the ‘rain garden’.

The amendment would relocate the rain garden from its previously approved position (to the northwest of South George Street) to a position in the north of the site between South George Street and the proposed green wall. This new location is proposed to minimise disruption to underground utilities during construction, thereby maintaining the project's viability.

In the position proposed it is not considered that the rain garden would cause detrimental impact to visual amenity or living conditions of nearby residents, nor would it be detrimental to any third party. The NMA is therefore in considered to be in accordance with protocol, and acceptable. It is therefore recommended that the NMA approved.

The submitted drawings indicate the new location of the rain garden, to the north of the site as stated above. These drawings also indicate other detailed information. However, for the purpose of this NMA, it is only the relocation of the rain garden which has been considered. This NMA does not approve any

other details shown on the submitted plans which may vary from the submission details under the original permission under planning application ref: 2022/92471.