



Ms Farzana Tabasum
Kirklees Council
Planning and Development
PO BOX B93
Civic Centre III
Huddersfield
HD1 2JR

12 January 2025

Dear Farzana,

APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2022/48/92471/E UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990

On behalf of Kirklees Council (hereafter referred to as 'the Applicant'), please find enclosed a non-material amendment (NMA) application which seeks to amend extant planning permission ref. 2022/48/92471/E.

This NMA application is made under Regulation 3 of The Town and Country Planning General Regulations 1992 to the relevant local planning authority, also Kirklees Council. The application has been submitted via Planning Portal (ref. PP-14498739) and is supported by this Cover Letter and Landscape Design drawing (ref. TCF-WSP-KHBH-XXX-DR-LE-000015 Rev P01).

BACKGROUND

Permission ref. 2022/48/92471/E was granted on 05 July 2023 and consented the following development:

"Redevelopment of Heckmondwike Bus Station including a new concourse building with waiting room, Changing Places WC, driver offices, 6 No. bus stands, landscaping, and associated works."

The approved development was amended via a NMA application in June 2024 (ref. 2024/91315) which sought to amend the design of glazed canopies and a bin store, and again via a NMA application in September 2024 (ref. 2024/91966) which sought to allow for changes to the location of the approved rain garden.

Following commencement of the development, the Applicant is now seeking further minor amendments to the approved scheme in order to resolve comments received from National Gas Networks (NGN) regarding nearby utilities.

An unexpected gas main has been identified on the site too close to the approved raised planter retaining wall. This would prevent future access to the gas main. As such, this NMA application seeks to change the raised planter to a level planting bed. The site layout will not change.

The approved raised planter with wildflower seeding will be replaced with a level planting bed with dense shrub planting. Some other minor changes to the planting are also proposed. These changes to the planting will result in an increase in biodiversity net gain achieved on site. As

discussed with you via email, these changes will be regularised through re-discharging the relevant biodiversity and landscape planning conditions, if necessary.

PROPOSED AMENDMENTS

Planning Practice Guidance (Paragraph: 002 Reference ID: 17a-002-20140306) states that:

“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is nonmaterial in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.”

The proposed amendments to the approved development include the changing of a raised planting bed to a level planting bed, and amendments to the planting scheme. The site layout, scale, function, and overall nature of the approved scheme will not change. As such, when considered in isolation and in combination with the changes approved under the two previous NMA applications the approved development has been subject to, we consider the proposed changes remain non-material.

Therefore, regularise the proposed changes, we propose to amend Conditions 2 (approved plans and documents) of the approved development (ref. 2022/48/92471/E) to refer to updated information.

Condition 2

Condition 2 requires the development to be carried out in complete accordance with a schedule of approved plans and documents. The plans approved through planning permission ref. 2022/48/92471/E and NMA application ref. 2024/91966 which are to be superseded as a result of this NMA application are shown in Table 1 below.

Please note that Table 1 does not include any approved documents that are unaffected by this application.

Table 1 – Previously approved plans to be superseded and proposed amended plan

Plan Title	Plan reference approved under planning permission ref. 2022/48/92471/E	Plan reference approved under NMA ref. 2022/48/92471/E	Plan reference approved under NMA ref. 2024/91966	Revised plan reference under this NMA application
Landscape Design	TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P04	n/a	TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P05	TCF-WSP-KHBH-XXX-DR-LE-000015 Rev P01



CONCLUSION

This NMA application seeks to amend planning permission ref. 2022/48/92471/E as detailed above. The proposed changes to the approved planter and planting do not affect the principle of the development or the nature or overall scale of the consented scheme, when considered both in isolation and alongside the two previously approved NMA applications. On this basis, we consider that the changes can be dealt with via this non-material amendment application.

I trust the enclosed is sufficient to register the application. In the meantime, should you require anything further please do not hesitate to contact me.

Yours sincerely

Sally Garford
Principal Planner – Infrastructure Planning

Encl: Landscape Design drawing (ref. TCF-WSP-KHBH-XXX-DR-LE-000015 Rev P01).