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:	**2026/NM/90082/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 new concourse building with waiting room, ChangingpPlaces WC, driver offices, six bus stands, landscaping and associated works
Recommending Officer:	Farzana Tabasum

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.

Victor Grayson

AUTHORISED OFFICER

Date: 03/02/2026

Application: 2026/90082

Site: Heckmondwike Hub Bus Station, Royle Fold, Heckmondwike, WF16 0HW

Proposal: Non-Material Amendment to planning permission 2022/92471 for 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

OVERVIEW

Planning permission 2022/92471 was granted on 05/07/2023 for the redevelopment of Heckmondwike Bus Station.

The approved development has previously been amended via non-material amendments under applications 2024/91315 (amendments to glazed canopies and bin store) and 2024/91966 (amendments to the location of the approved rain garden).

The current Non-Material Amendment seeks to amend the approved landscaping scheme to address constraints arising from the discovery of an existing gas main. The primary amendment involves changing an approved raised planter (towards the north end of the site) to a level planting bed in the same location, alongside associated planting specification amendments.

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.*"

In addition, the council's adopted protocol for dealing with Non-Material Amendments is relevant. 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) Is the proposed change inconsequential in terms of its scale (magnitude, degree… etc) in relation to the original approval? If so, then three further tests need to be applied as follows:

> 2) In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

3) 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?

4) In the Authority's view would the amendment be contrary to any policy of the Council?

The NMA protocol also identifies that, in considering these tests, the following factors will be 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 e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.
- The proposed change must not contravene any condition attached to the original permission.
- 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 proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have been likely to have been approved had it formed part of the original application.

Considering the above, the application is assessed as follows:

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

Yes. The proposal relates solely to landscaping design refinement. The raised planter is to be replaced with a level planting bed in the same approved location following the identification of a gas main that would otherwise restrict future access and maintenance.

There are no changes proposed to:

- building footprints;
- site layout;
- circulation routes;
- development quantum; or
- the operational function of the bus station.

The description of development would remain unchanged.

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

No. The amendment would not introduce any adverse visual impact. The revised planting arrangement maintains the landscape function and visual mitigation role of the approved scheme.

There would be no impacts affecting residential amenity, including in relation to privacy, daylight, or outlook. The proposed change is limited to external landscape detailing and does not affect building form or positioning.

3. 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?

No. The proposed amendment does not affect neighbouring land interests, access arrangements, or operations.

No third party or consultee interests would be materially disadvantaged. The proposal resolves infrastructure constraints while maintaining the approved scheme objectives.

4. In the Authority's view would the amendment be contrary to any policy of the Council?

No. The proposal remains consistent with Local Plan design quality and landscaping objectives. The amendment does not undermine policy compliance or the planning balance established by the original approval.

No additional planning conditions are required to secure policy compliance.

CUMULATIVE IMPACT ASSESSMENT

The development has previously been subject to approved non-material amendments under application references:

- 2024/91315
- 2024/91966

Officers have considered the cumulative impact of those approvals alongside the current proposal.

Collectively, the amendments:

- do not increase development quantum or intensity;
- do not materially alter the approved layout;
- do not introduce new environmental impacts; and
- do not change the approved development envelope.

Having regard to the effect of the current proposal together with previous NMAs on the original permission, officers are satisfied that the cumulative impacts remain non-material.

CONCLUSION

It is considered that the proposed amendments would have been approved had they formed part of the original planning application.

Officers do not consider the alterations to be material in nature and are satisfied that they do not alter the form, scale, character or planning impacts of the previously-approved development.

The amendments respond to site infrastructure constraints, maintain the approved landscaping intent, and do not give rise to any new or materially different planning considerations.

Having regard to Section 96A of the Town and Country Planning Act 1990 and the council's adopted protocol for dealing with non-material amendments, the proposed changes are considered acceptable.

CONDITION IMPLICATIONS AND ADVISORY NOTE

Notwithstanding the approval of this non-material amendment, it is advised that:

- Condition 4 (Biodiversity Enhancement and Management Plan), and
- Condition 13 (Hard and Soft Landscaping Details)

will require re-discharge where affected by the approved amendments.

It is noted that updated Biodiversity Net Gain information has been provided separately by the applicant via email correspondence and does not form part of this non-material amendment application. Any revised biodiversity proposals must therefore be submitted formally for consideration under a separate discharge of condition application.

Any future submissions must fully reflect the amended planting layout, planting specifications and management arrangements associated with this non-material amendment.

APPROVED PLANS — NON-MATERIAL AMENDMENT 2026/90082

This non-material amendment approves the following replacement drawing which shall be read in conjunction with planning permission 2022/92471 and subsequent non-material amendments. Where listed below, this drawing supersedes the previously approved plan.

Previously Approved Drawing

Landscape Design – TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P05 (approved under NMA application 2024/91966)

Superseded By

Landscape Design – TCF-WSP-KHBH-XXX-DR-LE-000015 Rev P01

All other approved plans and documents associated with the original permission and subsequent Non-Material Amendments remain unchanged.

RECOMMENDATION: Approve non-material amendment

DATE: 29/01/2026

Proposed Decision / Letter Text

The non-material amendment seeks to amend the approved landscaping scheme at Heckmondwike Bus Station, including the replacement of the raised planter with a level planting bed and associated planting specification changes.

Landscape Design drawing TCF-WSP-KHBH-XXX-DR-LE-000015 Rev P01 is hereby approved and shall supersede the previously approved Landscape Design drawing TCF-WSP-KHBH-XXX-DR-LE-000001 Rev P05 (approved under NMA application 2024/91966).

You are reminded that this non-material amendment decision notice sits alongside and should be read with the original planning permission and all subsequent non-material amendments. All remaining conditions attached to the original permission continue to apply.

Furthermore, it is advised that any previously discharged conditions affected by this amendment, including condition 4 (Biodiversity Enhancement and Management Plan) and condition 13 (Hard and Soft Landscaping), will require re-discharge.