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/91192/W
Site Address:	Former, Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ
Description:	Non material amendment to previous permission 2024/91998 for erection of special educational needs and disabilities school (Use Class F1), comprising educational buildings, roof mounted photo-voltaic panels, sensory garden spaces, multi-use games areas, landscaping, hardstanding areas, carparking, access with secure fencing and associated ancillary development
Recommending Officer:	Katie Chew

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.

Nick Hirst

AUTHORISED OFFICER

Date: 23-Jun-2026

Application: 2026/91192

Application Site: Former Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ.

Proposal: Non material amendment to previous permission 2024/91998 for erection of special educational needs and disabilities school (Use Class F1), comprising educational buildings, roof mounted photo-voltaic panels, sensory garden spaces, multi-use games areas, landscaping, hardstanding areas, carparking, access with secure fencing and associated ancillary development

Overview

A summary of the changes sought are as follows:

General Design Amendments to the School

- General update to the window designs:

    - Head of windows and openings lowered by 150mm throughout.
    - Base of all windows lifted to +1050mm throughout (except wing), removing low level spandrel panel to some windows.
    - Removal of 'look-alike windows' within courtyard to maintain only louvre at head.

- Removal of glazed canopy and bridging brickwork parapet.
- Removal of sections of render and replacement with glazed brick in some locations.
- Changed layout to group room windows on western elevation and removal of external downpipes.
- Reduced depth of recesses to some entrance doors.
- A 15m2 extension is proposed on the ground floor into the courtyard area.

Drainage Amendments

- It is proposed to amend the drainage attenuation system by replacing the previously indicated Tubosider system with a modular attenuation system.

Lighting Amendments

- Whilst the specification of the lighting remains unchanged, an updated lighting drawing has been prepared to reflect changes following Stage 4 Design.

Landscaping Amendments

- Adjustments have been made to the woodland planting density along the southern and eastern boundaries.

- Refinement of hard landscape finishes within the car park and drop-off areas.
- Updated specification for the bin store and sprinkler tank enclosure.
- Refinement to the canopy/outdoor shelter locations serving the Post-16 garden and Forest School areas.

The above has resulted in the BNG calculations being updated to reflect some changes within the landscaping scheme including additional tree planting, which has resulted in an increase in Biodiversity Net Gain from 22.56% to 24.46%.

Further to this, the proposed changes would result in a requirement to amend the wording of Conditions 20 and 22 which currently require the development to be carried out in accordance with the approved lighting scheme (condition 20), and the approved drainage details (condition 22). As these details are proposed to be changed, the drawings referenced within conditions 20 and 22 will also need to be updated.

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? If so, then 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?
    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?
    3. In the Council'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.*

Assessment

Each sought amendment is reviewed individually, then cumulatively, as follows:

General update to the window designs:

- Head of windows and openings lowered by 150mm throughout.
- Base of all windows lifted to +1050mm throughout (except wing), removing low level spandrel panel to some windows.
- Removal of 'look-alike windows' within courtyard to maintain only louvre at head.

The submitted elevation plans, ref NWSC-DLA-01-ZZ-D-A-10110, Rev P03 & NWSC-DLA-01-ZZ-D-A-10111, Rev P04 show the above amendments. The amendments proposed would not affect the quality of the proposal, nor introduce any harmful impacts, and are acceptable, along with being minor in nature.

Removal of glazed canopy and bridging brickwork parapet

The submitted plans show the removal of the originally approved glazed canopy, bulkhead wall and the bridging brickwork parapet on the eastern elevation of the new school building. Whilst the removal of these elements would change the overall look of this elevation, the changes are considered to be minimal, in the context of the overall approved development, and are accepted by officers.

Removal of sections of render and replacement with glazed brick in some locations

On the western elevation of the new school building, sections of render are proposed to be removed and replaced with green glazed brick. This change is considered to be acceptable to officers. It should be noted that this amended material will remain the subject of condition 13 (requiring samples of materials to be submitted and approved).

Changes layout to group room windows and removal of external downpipes

On the western elevation of the school groups of windows (shown on drawing NWSC-DLA-01-ZZ-D-A-10110, Rev P03) have been changed from 2 no.

windows down to 1 no. window and external downpipes have been removed. Again, officers consider these changes to be minimal to the overall design of the school building and have no concerns.

Reduced depth of recesses to some entrance doors

On the north courtyard elevation, the proposed door recess has been reconfigured to be reduced in size, officers consider this to be a negligible change, that would not significantly change the character of the building as previously approved.

15m^2 extension proposed on the ground floor into the courtyard area

On the ground floor of the school, as shown on submitted on the General Arrangement Plan Ground Floor, drawing no. NWSC-DLA-01-00-D-A-10100, Rev P03, a 15m^2 enlargement to the approved footprint is proposed to the learning resource centre.

Given its location within the internal courtyard of the school, this would not be visible from public view and due to its marginal increase, would not significantly add to the overall scale and size of the school. Furthermore, by virtue of its isolated and screened location, it would not impact on other material considerations, including residential amenity, highway arrangements, or landscaping.

The proposed amendment is deemed non-material and accepted by officers.

Drainage Amendments

The proposed amendments would result in the Tubosider drainage attenuation system being replacing with a modular attenuation system.

This amendment would be undertaken underground and therefore would have no further material impact upon the visual amenity of the site, nor other material considerations beyond drainage and flood risk. For these matters, KC Lead Local Flood Authority have confirmed that they have no objections to the revised plans submitted as part of this application.

Overall, the amendments proposed would not deviate from the core of the original permission, being minimal technical alterations which have arisen during the pre-construction process.

Lighting Amendments

The applicant has submitted revised lighting drawings NWSC-GAH-00-00-D-E-01101—S3-P03 & NWSC-GAH-00-00-D-E-01102-S3-P03 which have been updated to provide full co-ordination with the landscape drawing and proposed electrical services layout which has now been prepared following the Stage 4 Design (the Technical Design phase of construction).

The specification of lighting remains unchanged however the location of the lighting columns has been slightly revised.

Officers consider the revised locations to be acceptable and would result in negligible changes to the overall scheme.

Refinement of hard landscape finishes within the car park and drop-off areas

The application seeks to amend the proposed materials within some of the parking areas (see plan no. NWSC-ONE-ZZ-ZZ-D-L-00002, Rev P04), such as to the east of the new school, and the car parking spaces within the main car parking area, from block paving to asphalt.

As these materials are contained within the school site and would be contained at ground level, they would have limited visual impact. Officers raise no concerns with this change and deem it to be negligible.

Updated specification for the bin store and sprinkler tank enclosure

The application seeks to slightly reduce the overall length of the bin store and sprinkler tank from 13.83m (as previously approved) to 13.8m, and increase the width from 6.84m (as previously approved) to 6.95m (see plan no. NWSC-ONE-ZZ-ZZ-D-L-00002, Rev P04),

The change in dimensions is diminutive. While this results in a nominal change to the internal layout of the stores, given that these stores are viewed within the context of the site, and would not impact upon any adjacent residential properties, officers consider these changes to be acceptable and non-material in this location.

Refinement to the canopy/outdoor shelter locations serving the Post-16 garden and Forest School areas

As shown on the submitted Proposed Landscape Plan (Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00002 Rev P04), the Post-16 garden and forest school areas to the north of the school building are shown to have several tweaks, which include but are not limited to:

Post-16 garden:

- The provision of an additional picnic bench
- Addition of 2 larger picnic benches
- Alternate outdoor shelters
- Additional planting

Forest School

- Additional planting
- New outdoor shelter
- Revised seating/play areas

The above changes are considered to be an improvement to the previously approved scheme that are small in scale, compared to the context of the original application, and are welcomed by officers.

Adjustments to the woodland planting density

Along the southern and eastern boundaries of the site, additional tree planting is proposed. KC Trees have confirmed that the submitted Landscape Plan looks to be an improvement on the existing landscape regarding tree coverage. All species and locations look appropriate and well varied. Therefore, they have no objections or further comments to make.

Officers concur with the above assessment and note that the proposed adjustments are considered to be minimal and overall, a betterment to the previously approved scheme.

Updated BNG calculations

Given the above changes proposed to the previously approved landscaping scheme, updated BNG calculations have been provided to reflect the additional tree planting which has resulted in an increase in Biodiversity Net Gain from 22.56% to 24.46%. This change is considered reasonable and acceptable.

Notwithstanding this, the applicant will be required to comply with the Statutory BNG condition, including the submission of a Biodiversity Gain Plan.

Variations to the wording of Conditions 20 and 22

Further to the above, the proposed changes would result in a requirement to amend the wording of Conditions 20 and 22 which currently require the development to be carried out in accordance with the approved lighting scheme (condition 20), and the approved drainage details (condition 22).

As these details are proposed to be changed, the drawings referenced within conditions 20 and 22 will also need to be updated (with no other change). This is deemed to be acceptable. The proposed amendments are outlined below:

Condition 20

The external lighting for the play area shown on hereby approved drawing nos. ***NWSC-GAH-00-00-D-E-01101-External Lighting Sheet 1 of 2-S3-P03 & NWSC-GAH-00-00-D-E-01102-External Lighting Sheet 2 of 2-S3-P03,*** *and any external lighting erected for the MUGA's, shall only be operated between –*

- *07:45hrs to 20:15hrs Monday to Friday*
- *07:45hrs to 18:15hrs Saturdays*
- *10:15hrs to 16:15hrs Sundays or Bank Holidays*

Reason: *To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the NPPF and LP52 of the Local Plan.*

Condition 22

The development shall be carried out in accordance with the details shown on the submitted plans, ***"Drainage Planning Technical Note" Drawing No. NWSC-HEX-XX-XX-TN-C-0001-V01, dated 28/04/2026",*** *unless otherwise agreed in writing with the Local Planning Authority.*
Reason: *In the interest of satisfactory and sustainable drainage and to accord with Chapter 14 of the National Planning Policy Framework and Policy LP28 of the Kirklees Local Plan.*

Conclusion

In considering the cumulative impacts of the above, the Council's NMA guidance note identifies the following five tests:

1. *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.*

Officer note: The description of development would remain the same.

2. *The proposed changes must not contravene any condition attached to the original permission.*

Officer note: This application seeks an amended to conditions imposed on the original application. The Council's Protocol for dealing with non-material amendments references changes to conditions as being unlikely to be non-material. However, the Protocol makes it clear that this is guidance only, not formal rules. Each NMA application must be assessed against its own merits and all relevant circumstances considered. Section 96A of the Town and Country Planning Act 1990, which confers the power to make non-material changes to planning permissions, includes the following:

(1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
(3) The power conferred by subsection (1) includes power –

(a) To impose new conditions:
(b) To remove or alter existing conditions.

Therefore, subject to the change in condition not being material, in principle it is possible to change a condition via an NMA application.

In this instance, Officers do not consider a slight amendment to drawing numbers to result in a material change in the condition. The amended plans have been assessed by both officers and KC LLFA and are deemed to be acceptable. It is not considered that such a change would result in any negative impacts on residential or visual amenity, and no third parties would be disadvantaged by such a change.

3. *The proposed changes should not require a further restriction to make them acceptable.*

Officer note: The proposed changes would not require a further restriction to make them acceptable.

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

Officer note: Whilst a 15sqm extension is proposed to the ground floor learning resource centre, this is a minimal increase in built form and would be no higher than the previously approved building. The extension would also face into the internal courtyard and therefore not result in any visual or residential amenity concerns.

5. *The proposed changes would have likely been approved had it formed part of the original application.*

Officer note: It is likely that the proposed changes would have been approved had they formed part of the original application.

Officers do not consider the proposed alterations to be material in nature. The proposed amendments are not considered to affect other material planning considerations. No new conditions are considered necessary to make the proposed amendment acceptable, nor would any consultee or representative involved in the initial application be unduly prejudiced by the change.

The development has been subject to no previous NMA applications, therefore no concerns regarding cumulative, incremental changes apply other than those discussed within this application.

On the basis of the above, while considering the council's protocol for dealing with non-material amendments, and having regard to the purpose of NMA applications, the proposed change would be acceptable under the non-material amendment procedure.

Recommendation: Approve NMA.

Decision Authorisation: Delegated Decision.

Report Dated: 23/06/2026

Recommended Decision Letter Text

The changes sought are:

General Design Amendments to the School

- General update to the window designs:

    - Head of windows and openings lowered by 150mm throughout.
    - Base of all windows lifted to +1050mm throughout (except wing), removing low level spandrel panel to some windows.
    - Removal of 'look-alike windows' within courtyard to maintain only louvre at head.

- Removal of glazed canopy and bridging brickwork parapet.
- Removal of sections of render and replacement with glazed brick in some locations.
- Changed layout to group room windows on western elevation and removal of external downpipes.
- Reduced depth of recesses to some entrance doors.
- A 15m2 extension is proposed on the ground floor into the courtyard area.

Drainage Amendments

- It is proposed to amend the drainage attenuation system by replacing the previously indicated Tubosider system with a modular attenuation system.

Lighting Amendments

- Whilst the specification of the lighting remains unchanged, an updated lighting drawing has been prepared to reflect changes following Stage 4 Design.

Landscaping Amendments

- Adjustments have been made to the woodland planting density along the southern and eastern boundaries.
- Refinement of hard landscape finishes within the car park and drop-off areas.
- Updated specification for the bin store and sprinkler tank enclosure.
- Refinement to the canopy/outdoor shelter locations serving the Post-16 garden and Forest School areas.
- Updated BNG calculations being updated to reflect some changes within the landscaping scheme including additional tree planting, which has resulted in an increase in Biodiversity Net Gain from 22.56% to 24.46%.

Conditions

You seek to amend the wording of originally approved Conditions 20 and 22 to reflect the amended drawing nos.

The above changes are as detailed on the following plans/documents:

- Site Plan, Drawing No. NWSC-DLA-00-00-D-A-10001, Rev P01, received 30/04/2026.
- General Arrangement Plan Ground Floor, Drawing No. NWSC-DLA-01-00-D-A-10100, Rev P03, received 20/05/2026.
- General Arrangement Plan First Floor, Drawing No. NWSC-DLA-01-01-D-A-10101, Rev P03, received 20/05/2026.
- General Arrangement Plan, Drawing No. NWSC-DLA-01-RF-D-A-10102, Rev P03, received 30/04/2026.
- GA Elevations Exterior, Drawing No. NWSC-DLA-01-ZZ-D-A-10110, Rev P03, received 30/04/2026.
- GA Elevations Courtyard, Drawing No. NWSC-DLA-01-ZZ-D-A-10111, Rev P04, received 20/05/2026.
- GA Sections Sheet 1, Drawing No. NWSC-DLA-01-ZZ-D-A-10120, Rev P02, received 30/04/2026.
- GA Sections Sheet 2, Drawing No. NWSC-DLA-01-ZZ-D-A-10121, Rev P02, received 30/04/2026.
- Drainage Layout, Drawing No. NWSC-HEX-ZZ-ZZ-D-C-92001, Rev P02, received 30/04/2026.
- External Lighting Sheet 1 of 2, Drawing No. NWSC-GAH-00-00-D-E-01101, Rev P03, received 30/04/2026.
- External Lighting Sheet 2 of 2, Drawing No. NWSC-GAH-00-00-D-E-01102, Rev P03, received 30/04/2026.
- Proposed Landscape Plan, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00002, Rev P04, received 30/04/2026.
- Proposed Landscape Plan Sheet 1 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00003, Rev P02, received 30/04/2026.
- Proposed Landscape Plan Sheet 2 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00004, Rev P02, received 30/04/2026.
- Proposed Landscape Plan Sheet 3 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00005, Rev P02, received 30/04/2026.
- Proposed Landscape Plan Sheet 4 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00006, Rev P02, received 30/04/2026.
- Proposed Landscape Plan Sheet 5 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00007, Rev P02, received 30/04/2026.
- Proposed Landscape Plan Sheet 6 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00008, Rev P02, received 30/04/2026.
- Access and Security Strategy GA, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00009, Rev P02, received 30/04/2026.
- Detailed Planting Plan – Sheet 1 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00201, Rev P02, received 30/04/2026.
- Detailed Planting Plan – Sheet 2 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00202, Rev P02, received 30/04/2026.

- Detailing Planting Plan – Sheet 3 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00203, Rev P02, received 30/04/2026.
- Detailed Planting Plan – Sheet 4 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00204, Rev P02, received 30/04/2026.
- Detailed Planting Plan – Sheet 5 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00205, Rev P02, received 30/04/2026.
- Detailed Planting Plan – Sheet 6 of 6, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00206, Rev P02, received 30/04/2026.
- Site Sections – Sheet 1 of 2, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00413, Rev P01, received 30/04/2026.
- Site Sections – Sheet 2 of 2, Drawing No. NWSC-ONE-ZZ-ZZ-D-L-00414, Rev P01, received 30/04/2026.
- Hydro Water Management Solutions Maintenance Requirements, authored by HydroWMS, received 30/04/2026.
- Biodiversity Net Gain Assessment, Project No. 90653.625993, Issue No. 3, authored by Delta Simons, dated February 2026, received 30/04/2026.
- The Statutory Biodiversity Metric, received 30/04/2026.
- Covering Letter, Ref: 67552/01/JG/RBa/40877815V1, authored by Lichfields, dated 29/04/2026, received 30/04/2026.
- Technical Note, Flood Risk and Drainage Design, Ref: NWSC-HEX-XX-XX-TN-C-0001-V01, authored by Hexa, dated 28/04/2026, received 30/04/2026.
- NMA Comparison 01.06.2026, received 01/06/2026.

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings. Accordingly, Conditions 20 and 22 are hereby varied to the following:

20. The external lighting for the play area shown on hereby approved drawing no. NWSC-GAH-00-00-D-E-01101-External Lighting Sheet 1 of 2-S3-P03 & NWSC-GAH-00-00-D-E-01102-External Lighting Sheet 2 of 2-S3-P03, and any external lighting erected for the MUGA's, shall only be operated between –

- *07:45hrs to 20:15hrs Monday to Friday*
- *07:45hrs to 18:15hrs Saturdays*
- *10:15hrs to 16:15hrs Sundays or Bank Holidays*

Reason: *To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the NPPF and LP52 of the Local Plan.*

22. The development shall be carried out in accordance with the details shown on the submitted plans, "Drainage Planning Technical Note" Drawing No. NWSC-HEX-XX-XX-TN-C-0001-V01, dated 28/04/2026", unless otherwise agreed in writing with the Local Planning Authority.

Reason: *In the interest of satisfactory and sustainable drainage and to accord with Chapter 14 of the National Planning Policy Framework and Policy LP28 of the Kirklees Local Plan.*