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/91490/W
Site Address:	Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH
Description:	Non material amendment to previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue
Recommending Officer:	Ellie Thornhill

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: 17-Jul-2026

Application: 2026/91490

Site: Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH

Proposal: Non material amendment to previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue

Overview

A summary of the changes sought are as follows:

- To amend the previously approved roof tiles to include a secondary roofing material on the site due to the manufacture of the approved tiles (Hardrow Twillight roof tiles) no longer being able to produce enough supply for the full development. The new roof tile is Grays Art Slate roof tile in the Reproduction Country Weathered reclaimed slate.

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, regard is given to 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. 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:

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

   2. 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?

   3. 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.

Assessment

The application proposes a secondary roofing material, due to the manufacture of the approved tiles (Hardrow Twillight roof tiles) no longer being able to produce enough supply for the full development. As such, an alternative material has been proposed which is Grays Art Slate roof tile in the Reproduction Country Weathered reclaimed slate.

The information submitted with this application sets out which units would be constructed from the original, approved roof tile and those that would be constructed from the new proposed roof tile. This includes plots 1, 6, 14, 15, 18, 19, 20 and 21.

Having reviewed the sample provided against the approved walling and roofing materials, along with the applicant also providing an example of where this roofing material has been used locally, officers are satisfied that it would have an acceptable visual finish, that would blend in appropriately within the site and the wider area.

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

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: Condition 22 of application 2023/91212 states:

23. Notwithstanding what is shown on the drawings hereby approved, prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.
***Reason**: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

The applicant could / should have submitted these details via an Application for Approval of Details Reserved by Condition. Nonetheless, this submission is not considered to undermine the condition, due regard has been given by officers to the material (per the assessment above). Furthermore, as neither DOCs nor NMAs are not advertised, but represents could be submitted nonetheless, third parties are not considered to have been prejudiced. Officers are satisfied that approving the details falls within the remit and scope of S97 of the TCPA.

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

   Officer note: The amendments proposed would not be to the height, scale, width or depth of the building, or materially affect the other aspects of the proposal.

4. *The proposed changes would have likely to have 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 amendment is 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.

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 Report

Dated: 17/07/2026

Proposed Letter Text

The changes sought are:

- To amend the previously approved roof tiles to include a secondary roofing material on the site due to the manufacture of the approved tiles (Hardrow Twillight roof tiles) no longer being able to produce enough supply for the full development. The new roof tile is Grays Art Slate roof tile in the Reproduction Country Weathered reclaimed slate.

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

- Application form
- Planning condition 23 – Materials Rev A
- Technical Data Sheet (Contract Reproduction Reclaimed Slate Range)

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings.