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/92031/W
Site Address:	72, Northgate, Huddersfield, HD1 6AE
Description:	Non material amendment to previous permission 2025/93475 for variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure
Recommending Officer:	William Simcock

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-Jul-2026

Application: 2026/92031

Application Site: 72, Northgate, Huddersfield, HD1 6AE

Proposal: Non material amendment to previous permission 2025/93475 for variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure.

Overview

The application seeks a non-material amendment to previous permission 2025/93475 for variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new two-storey police station (sui generis) with associated car parking, landscaping and infrastructure.

The proposed amendments are illustrated in the following drawing:

- Proposed landscape general arrangement plan reference 6BKD2 BBA 30 ZZ D L 1003 revision C10.

The applicant proposes that two car parking spaces would be lost in order to accommodate new EV charging ports. The change would result in a reduction in the number of car parking spaces from 96, as shown on the layout approved under the original permission (reference 2024/92246) and subsequent Section 73 permission (reference 2025/93475), to 94 spaces, in order to accommodate the new EV charging port columns.

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. Are the proposed changes inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval?

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?

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

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

Section 4.29 of the Transport Assessment submitted with the original application, 2024/92246, established a peak parking demand of 84 vehicles. The layout as approved provides 96 spaces, so even with the loss of two parking spaces, provision would be in excess of the assessed peak demand.

The proposal does not involve any other changes to layout; vehicular access and flow within the site would be unchanged. The description of development would not be prejudiced.

It is therefore considered that the proposed change, in terms of scale, is inconsequential.

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

It is considered that the proposed changes would have no impact upon visual or residential amenity.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision by disadvantaged in any way?

Two representations were made on the original application for planning permission (2024/92246), but these did not comment on EVCP, highway safety issues or the internal layout of the site. No representations were made It is considered the interests of third parties would not be disadvantaged in any way by the proposed amendments.

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

Neither the main building nor any of the ancillary buildings forming part of the development would be altered in any way.

In the Authority's view would the amendment by contrary to any policy of the Council?

It is considered that the proposed changes would not contravene any policy of the Council. No condition duly imposed on the permission would be contravened nor would any additional condition(s) be required to make the change acceptable.

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 environmental impacts of the permitted development.

In accordance with 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 to be non-material in scale and effect. They do not prejudice the interests of third parties, do not conflict with adopted planning policy, and do not require the imposition of additional planning conditions. On this basis, officers conclude that the proposed amendments are acceptable under the Non-Material Amendment procedure.

Recommendation: Approve NMA

Decision Authorisation: Delegated Decision

Report Dated: 23/07/2026.

Recommended Decision Letter Text

The proposed amendments sought are as follows:

- A loss of 2 no. parking spaces to accommodate additional EV charging ports.

The proposed amendments are illustrated in the following drawing:

- Proposed landscape general arrangement plan reference 6BKD2 BBA 30 ZZ D L 1003 revision C10.

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

It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.