

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2022/70/92365/W
Site Address:	former railway goods yard, adj, Fold Farm, Netherton Fold, Netherton, Huddersfield, HD4 7HB
Description:	Variation condition 2 (plans) on previous permission 2019/92361 for Erection of 19 dwellings
Recommending Officer:	Ellie Worth

DECISION – Variation of Conditions -Approved

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.

David Wordsworth

AUTHORISED OFFICER

Date: 11-Jan-2023

Officer report

Site description

The application site comprises of an area of approximately 1.5 hectares, located off Netherton Fold and Station Road, approximately 0.1 mile to the south of the local centre of Netherton. Works approved under application 2019/92361 are currently underway at the site but are yet to be completed.

The site is bounded by extensive woodland to the north and mature trees to the west and south. To the north, the site is bounded by the former railway line that formed a branch line from Huddersfield to Meltham.

The site is wholly within the Green Belt and adjoins the Netherton (Corn Bank) Conservation Area.

Description of development

This application is submitted under Section 73 of the Town and Country Planning Act. National Planning Guidance confirms that permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. The guidance also confirms that in deciding any application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – is it not a complete re-consideration of the proposal.

The application seeks planning permission for the variation of condition 2 (plans) on previous permission 2019/92361 erection of 19 dwellings.

Condition 2 of 2019/92361 is as follows:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence. Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

The variations include amendments to the design of plot 1 and 2. These include the slight re-positioning of plot 1 and an altered design and the alteration of the garden room to plot 2, as requested by structural engineers, due to the need of a new highways retaining burr wall.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

At the application site

2021/94606 – Variation condition 2 (plans) on previous permission 2019/92361 for Erection of 19 dwellings. Approved 1st December 2022.

2021/94576 – Discharge of condition 11 (validation report) of previous permission 2019/92361 for erection of 19 dwellings. Approved 12th December 2022.

2021/94065 – Variation condition 2 (plans) on previous permission 2019/92361 for erection of 19 dwellings. Approved 10th May 2022.

2020/93669 – Discharge of conditions 5-9 and 13-16 of previous permission 2019/92361 for erection of 19 dwellings. Split decision 11th June 2021.

2019/92361 – Erection of 19 dwellings. Approved 20th July 2020.

Planning Enforcement

COMP/22/0029 – Breach of condition 2020/93669 – Deliveries should avoid Lea Lane and Bank Foot Lane, vehicles parked on these roads and complainants suggest the road is not being cleaned and therefore may cause accidents. Pending consideration.

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 18th November 2022.

As a result of the above publicity, one representation has been received. A summary of the concerns raised are as follows:

- What has happened to the promised allocated car park for the residents off of Netherthor Fold?
- The issues remain the same, in terms of noise, dirt and impact on drainage.
- There is also added volume and speed of traffic using Netherthor Fold/Lead Lane, perhaps a 20 mph speed restriction and weight limits for larger vehicles may just prevent a fatal accident.

Consultation Responses

KC Highways Structures: No objection subject to condition 15 (on the original permission) and the note regarding storm water attenuation being re-attached to the decision notice.

Local ward councillors

Ward councillors have been consulted as part of this application, however, no comments have been received.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is situated within the Green Belt on the Kirklees Local Plan and is also adjacent to Netherthor Conservation Area.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Standards
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Guidance/Documents:

- Housebuilders Design Guide SPD
- Highway Design Guide SPD
- National Design Guide - DCLG: Technical Housing Standards
- Nationally Described Space Standard
- Interim Affordable Housing Policy (Approved January 2020)
- Planning Applications Climate Change Guidance (2021)
- Waste Management Design Guide for New Developments (2020)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Protecting Healthy and Safe Communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the ‘determination of applications to develop land without compliance with conditions previously attached’. In addition to removing conditions, S73 enables the varying of a condition’s wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In terms of local context, there has been no changes in the environment (including built and natural) which would impact on the assessment of the application.

In light of the above, consideration must be given to the specific changes proposed and their interaction with adopted planning policy.

Impact on visual amenity (including openness of the Green Belt and heritage)

The application site lies within the Green Belt on the Kirklees Local Plan. In this instance, the principle of residential development on the site has already been established by the planning application 2019/92361, to which this application relates. It has been assessed that this variation would not impact on the principle of development and policy in relation to Green Belt development is broadly unchanged.

More specifically, the number of units as a whole would not change. The size, number of bedrooms or housing mixture would remain unaltered. Therefore, the proposal remains an effective and efficient use of the housing allocation, as required by LP7 and LP11.

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that *“the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better*

places in which to live and work and helps make development acceptable to communities”.

In this instance, the variation sought seeks to slightly amend the design finishes for plots 1 and 2 in order to allow the maintenance of a highway burr wall, designed by structural engineers. The changes to plot 1 include a variation in the entrance window arrangement and the installation of smaller, panelled doors to the bi-folds on the rear elevation. Plot 2 would include less glazing to the side elevation of the garden room, due to the installation of the burr wall.

From undertaking a site visit and having reviewed the information provided within the application form and the submitted plans, it appears that the burr wall has already been construction. Nonetheless, it has been faced in natural stone to match the wider development and therefore would not have an undue impact upon the visual aesthetics of the site, nor the wider area (including the conservation area and nearby Grade II Listed Buildings. The change in levels, resulting in the site being situated at a lower level than the street scene, would also help alleviate any bulk and massing and would ensure that the development would not have a greater impact upon the openness of the Green Belt. Lastly, the burr wall is also required from a structural safety perspective and therefore weight has been afforded to this.

In conclusion, the changes to the scheme are considered to be acceptable and therefore would accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12, 13 and 16 of the NPPF and the Council's adopted Housebuilders Design Guide SPD.

Impact on residential amenity

Paragraph 130 of the National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.

This is echoed within Kirklees Local Plan Policy LP24 which states that: - *proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary’.*

In this instance, given the nature of the site, the change in levels and the minimal alterations proposed, Officers are satisfied that the development would not result in any detrimental overbearing, overshadowing or overlooking to any existing third parties. The burr wall has also been constructed to a height lower than the existing stone boundary wall and therefore, would not result in any further overbearing or overshadowing to nearby residential properties.

The changes would also allow for an acceptable level of amenity to be provided for the future occupiers, whilst ensuring the stability of the site. There

would also be minimal changes to the outdoor amenity of plots 1 and 2 as a result of the burr wall.

For these reasons, the development has been considered acceptable from a residential amenity perspective, to accord with Policy LP24 of the KLP, the aims of the Housebuilder SPD and Chapter 12 of the NPPF.

Impact on highway safety

Given the nature of the amendments proposed, no alterations will occur to the previously approved access and parking arrangements. Therefore, there are no concerns in respect to highway safety. This is to accord with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the Highways Design Guide SPD and National Planning Policy Framework.

Other matters

The proposed variation is not considered to impact upon any other material planning considerations such as trees, ecology, PROW, crime and safety, land contamination etc. which remain as previously assessed within the parent application (ref. 2019/92361). These are addressed via conditions attached to the previous application (reviewed below).

Planning obligations:

If approved, this application will result in a new stand-alone planning permission being issued. As contributions have already been dealt with under the application for the wider housing site, legal advice was sought as to whether a legal mechanism was required to tie this application back to the existing S106 agreement.

In this instance, it has been noted that the proposed amendments would not alter any of the previously agreed contributions, with the most recently approved S73 application (2021/94606) including a deed of variation, which included the following clause (page 4):

In the event that an application is made pursuant to Section 73 of the Act for an amendment to the Planning Permission and the Planning Permission is granted (whether or not at appeal) in respect of the application (and the Council is satisfied that no revised planning obligations are required as a result of such amendment) reference to Planning Permission in this Agreement shall also be to the new Planning Permission granted pursuant to Section 73 of the 1990 Act and this Agreement shall apply to and remain in full force in respect of that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act.

For this reason and given that the planning obligations will remain unchanged as part of this application, a Deed of Variation/further legal agreement is not considered necessary in this case.

Review of conditions:

1. Plans and specifications (to remain as is)
2. Facing materials for dwellings prescriptive (to remain as is)

3. Roof materials for dwellings prescriptive (to remain as is)
4. Construction arrangements (works to be done in accordance)
5. Arboricultural method statement (works to be done in accordance)
6. Temporary surface water drainage (works to be done in accordance)
7. Drainage scheme (works to be done in accordance)
8. Flood routing plan (works to be done in accordance)
9. Phase III Remediation Statement (to remain as it is)
10. Validation report (works to be done in accordance with additional information still to be submitted as part of a final validation report)
11. Surfacing to private vehicle areas (to remain as it is)
12. Internal adoptable roads (to remain as it is)
13. Design and construction details of the junction of Station Road and Netherthorpe Fold (to remain as it is).
14. Retaining walls/building retaining walls adjacent to the existing/proposed adoptable highways (to remain as it is).
15. Security measures (works to be done in accordance)
16. Ecological mitigation and enhancement measures (to remain as it is)
17. Electric charging vehicle points (to remain as it is)
18. Boundary treatment in accordance with landscape plan (to remain as it is)

Condition 2 is sought to be varied; the wording of the condition will remain the same, but the plans table will be updated to reflect the decision.

Discharge of condition application 2020/93669 was submitted to discharge conditions 5-9 and 13-16, this application received a split decision with just conditions 5, 6, 7, 8, 9, and 16 being discharged. However, given the nature of the conditions, conditions 5, 6, 7, 8, 9 and 16 (now conditions 4, 5, 6, 7, 8 and 15) are to be amended to be prescriptive, to be done in accordance with the details submitted as part of 2020/93669, as opposed to their original form requiring further details.

Conditions 13, 14 and 15 (now conditions 12, 13 and 14) were not discharged under this application and therefore are to remain as is.

Discharge of condition application 2021/94576 was submitted to discharge condition 11 (validation report), with the information being considered acceptable, however, further information is required and is expected in a Final Validation Summary Report. As such, this condition is to remain and has been updated.

All non-listed conditions remain relevant and are to be retained as originally imposed.

Representation

As a result of the above publicity, one representation has been received. A summary of the concerns raised are as follow, along with Officer correspondence:

- What has happened to the promised allocated car park for the residents off of Netherthorpe Fold?

Comment: Resident parking is shown to be provided within the centre of the site, this was previously approved under application ref: 2019/92361 and is shown within the submitted plans for this current S73 application. As no timescales have been conditioned within the previously approved application, it would be down to the developer to decide when they wish to construct this element of the scheme. This would therefore fall outside of the remit of this application which relates minor changes to plots 1 and 2 including the installation of a burr wall.

- The issues remain the same, in terms of noise, dirt and impact on drainage.

Comment: The development should be carried out in accordance with the Construction Management Plan approved under application 2020/93669. If this is not considered to be the case, Planning Enforcement should be contacted.

- There is also added volume and speed of traffic using Netherton Fold/Lead Lane, perhaps a 20 mph speed restriction and weight limits for larger vehicles may just prevent a fatal accident.

Comment: This has been noted, however, is outside of the remit of this planning application. As such, Officers would advise speaking to the Council's Highways Department regarding this matter.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Variation of Condition.

Decision Authorisation - Delegated Powers

Application Number: 2022/92365

Officer Recommendation: Grant Variation of Condition

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The development shall be faced in natural stone in accordance with the materials specification prepared by Farrar Bamforth Associates (reference e19/D19) and shall be retained as such.

Reason: In the interests of visual amenity of the area and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The roofing materials for plots 1-3 shall be natural blue slate and the roofing material for plots 4-19 shall be concrete interlocking tiles. The materials used shall be in accordance with the materials specification prepared by Farrar Bamforth Associates (reference 19/D19) and shall be retained as such.

Reason: In the interests of the visual amenity of the area and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. All construction arrangements shall be carried out in full accordance with the approved construction management plan (Ref: 19D19-FBAZZ-XX-DR-A-1001-P02) discharged in accordance with 2020/93669 throughout the period of construction.

Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

5. The development shall be carried out in complete accordance with the approved Arboricultural Method Statement (Ref: BE-1027-04D 4/3/21) discharged in accordance with 2020/93669.

Reason: So as to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan.

6. The temporary surface water drainage works shall be implemented in accordance with the approved Construction Phase Surface Water Management Plan (Ref: P19-00650-M2-C-016 Version 3) discharged in accordance with 2020/93669. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place for that phase and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to

accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. None of the dwellings shall be occupied until the approved drainage scheme discharged in accordance with 2020/93669 has been provided on the site to serve the development, or each agreed phasing of the development to which the dwellings relate. The approved drainage scheme shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. The development shall be provided in accordance with the approved Flood Routing Plan (P19-00650-M2-C-033 Rev 3) and Land Drainage Flood Routing Plan (P19-00650-M2-C-039 Version 1) discharged in accordance with 2020/93669 and shall thereafter be retained as such.

Reason: To mitigate the risk to property of flooding and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the Phase III Remediation Statement prepared by Met Consultancy Group, reference P19-00650. In the event that remediation is unable to proceed in accordance with the approved Remediation Statement or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP35 of the Local Plan and guidance given in the National Planning Policy Framework.

10. Following completion of the measures identified in the approved Remediation Statement (or any approved revised Remediation Strategy), a Final Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Final Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

11. The private vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded before the dwelling to which they relate is first occupied. The parking spaces shall thereafter be retained as such.

Reason: In the interests of highway safety and to mitigate flood risk and to accord with Policies LP21 and LP28 of the Kirklees Local Plan.

12. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any dwelling is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained as such thereafter.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. Design and construction details of the junction of Station Road and Netherton Fold shall be submitted to and approved in writing by the Local Planning Authority before development commences (excluding demolition and site clearance). No building shall be occupied until the works to provide the junction has been completed in accordance with the approved plans. The junction shall thereafter be retained as such.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

14. A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highways and including any modifications to the existing retaining wall supporting Netherton Fold/Lea Lane shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall be provided before any of the dwellings are first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

15. Security measures shall be provided in accordance with the approved statement entitled 'Security Measures' prepared by Farrar Bamforth Associates (ref (19/D19)). The approved security measures shall be incorporated into the development and shall thereafter be retained as such.

Reason: To enhance the security of the development and reduce the fear of crime. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. The proposed ecological mitigation and enhancement measures as set out in the approved Ecological Design Strategy prepared by Bagshaw Ecology (reference BE1027.3a, dated 13th October 2019) and on the approved Landscaping Plan shall be provided in full before the occupation of the 19th dwelling and shall thereafter be retained as such.

Reason: To provide mitigation and enhancement measures in the interests of the biodiversity of the site and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. An electrical vehicle recharging point shall be provided for each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The recharging points shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained.

Reason: To accord with LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

18. The boundary treatment of the site shall be provided in accordance with the approved Landscaping Plan. No additional walls, fences or other means of enclosure shall be erected adjacent to the proposed core walking and cycling network within the site (the 'Greenway Route' as identified on the Landscaping Plan).

Reason: To provide an open aspect to this section of the proposed core walking and cycling network in the interests of the amenity and safety of users of the route and so as to achieve a well-designed development. This is to accord with Policies LP23 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding undertaking to the Highway Authority explicitly stating that they have a full understanding of their obligations in relation to the systematic and cyclical inspection and structural

assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspect of Highway Structures. Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours Saturdays With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Received via this approved Variation of Condition Application			
Proposed site layout plan	0701	P16	15 th July 2022
Proposed site layout overlay	0721	P01	15 th July 2022
Proposed Private Cantilevered RC Burr Wall	P19-00650-Met-M2-S-080	-	15 th July 2022
House Type A approved	0702	P02	15 th July 2022
House Type A proposed	0702	P03	15 th July 2022
House Type B approved	0703	P01	15 th July 2022
House Type B proposed	0703	P02	15 th July 2022
Received via approved Variation of Condition Application Reference.			

2021/94606				
Proposed Sections	Site	0711	P02	14 th December 2021
Received via Discharge of Condition Application Reference. 2021/94576				
Phase IV Validation Statement (Plots 4-11)		P19-00650	-	9 th December 2021
Gas Membrane Installation Validation Report		By MEC Environmental LTD Version 3 Dated 27/09/21	-	9 th December 2021
Received via approved Variation of Condition Application Reference. 2021/94065				
House Type C – Plans & Elevations		19-D19-0704-P02	-	25 th October 2021
Received via approved Discharge of Condition Application Reference. 2020/93669				
Flood Routing Plan		P19-00650-M2-C-033	3	12 th March 2021
Land Drainage Flood Routing		P19-00650-M2-C-039	1	12 th March 2021
Drainage Layout Plan		P19-00650-M2-C-008	3	3 rd November 2020
Section 104 Plan		P19-00650-M20-C-031	5	12 th March 2021
Site Land Drainage Plan – Sheet 1		P19-00650-M2-C-017	3	10 th June 2021
Site Land Drainage Plan – Sheet 2		P19-00650-M2-C-025	2	12 th March 2021
Greenway Cycle/Footpath Details		P19-00650-M2-C-019	2	12 th March 2021
Land Drainage Details		P19-00650-M2-C-018	3	10 th June 2021

Catchment Area Plan	P19-00650-M2-C-029	1	3 rd November 2020
Gulley Catchment Plan	P19-00650-M2-C-020	1	3 rd November 2020
Drainage Long Sections	P19-00650-MET-M2-C-028	01	3 rd November 2020
Typical Manhole Construction Details	P19-00650-M2-C-030	1	3 rd November 2020
Manhole Construction Details S7	P19-00650-M2-C-021	1	3 rd November 2020
Manhole Construction Details S8	P19-00650-M2-C-022	1	3 rd November 2020
Manhole Construction Details S9	P19-00650-M2-C-023	1	3 rd November 2020
Flow Control S10 Construction Details	P19-00650-M2-C-027	1	3 rd November 2020
Manhole Schedule	P19-00650-M2-C-026	1	3 rd November 2020
Site Levels Plan	P19-00650-M2-C-008	3	3 rd November 2020
Foul Drainage Outfall	P19-00650-M2-C-032	1	3 rd November 2020
Flood Risk & Drainage Impact Assessment – Supporting Information	P19-00650	02	12 th March 2021
Drainage Calculations & Simulation Results – Supporting Information	P19-00650	Rev 4/AK	12 th March 2021
Surface Water Drainage	P19-00650-O+M-	02	10 th June 2021

Operations and Maintenance Manual – Supporting Information	01		
Security Measures Document – Supporting Information	(19/D19)	-	3 rd November 2020
Arboricultural Impact Assessment & Method Statement – Supporting Information	BE-1027-04	D	12 th March 2021
Arboricultural Method Statement – Supporting Information	BE-1027-05	A	9 th June 2021
Construction Plan	19-D19-1001-P02	-	12 th March 2021
Construction Phase Surface Water Management Plan	P19-00650-M2-C-016	3	12 th March 2021
Received Via approved Original Full Planning Application Reference. 2019/92361			
Location Plan	19-D19-0101-P01	-	15 th July 2019
Landscaping Plan	19-D19-0715-P02	-	14 th October 2019
House Type D - Plans & Elevations	19-D19-0705-P01	-	15 th July 2019
House Type D1 – Plans & Elevations	19-D19-0706-P01	-	15 th July 2019
House Type E – Plans & Elevations	19-D19-0707-P01	-	15 th July 2019
House Type F – Plans & Elevations	19-D19-0708-P01	-	15 th July 2019
House Type G – Plans & Elevations	19-D19-0709-P01	-	15 th July 2019

House Type H – Plans & Elevations	19-D19-0710-P02	-	15 th July 2019
Typical Garage Layouts	19-D19-0713-P01	-	15 th July 2019
Boundary Details	19-D19-0714-P01	-	15 th July 2019
Transport Statement – Supporting Information	Prepared by Met Engineers P1900650 Revision 02 July 2019	-	15 th July 2019
Soakaway Testing Factual Report – Supporting Information	Prepared by Met Engineers P19-00650 August 2016	Rev B July 2019	15 th July 2019
Ecological Impact Assessment – Supporting Information	Prepared by Bagshaw Ecology BE-2017.1 Rev A 11 th June 2019	-	15 th July 2019
Ecological Design Strategy – Supporting Information	Prepared by Bagshaw Ecology BE1027.3a 13 th October 2019	-	14 th October 2019
Biodiversity Metric – Supporting Information	-	-	14 th October 2019
Phase 1 Desk Study – Supporting Information	Prepared by Met Engineers P19-00650 February 2016	Rev B July 2019	15 th July 2019
Phase 2 Geoenvironmental Site Assessment – Supporting Information	Prepared by Met Engineers P19-00650 February 2016	Rev C July 2019	15 th July 2019
Phase 3 Remediation Statement – Supporting Information	Prepared by Met Engineers P19-00650	-	15 th July 2019

Statement of Community Involvement – Supporting Information	Prepared by ID Planning July 2019	-	15 th July 2019
Materials Specification – Supporting Information	Prepared by Farrar Bamforth Associates 19/D19	-	15 th July 2019
Planning Statement incorporating a Heritage Statement – Supporting Information	Prepared by ID Planning July 2019	-	15 th July 2019
Design and Access Statement – Supporting Information	Prepared by Farrar Bamforth Associates 19/D19 July 2019	-	15 th July 2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no amendments were requested as the proposals were considered to be acceptable as submitted.

Dated: 10th January 2023.