

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2023/44/92474/E
Site Address:	Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU
Description:	Discharge of condition 29 (education facilities) of previous outline permission 2019/90527 for erection of up to 127 dwellings with details of access
Recommending Officer:	Victor Grayson

DECISION – Discharge of Condition – 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: 07-Feb-2025

Officer Report

Discharge of condition 29 (education facilities) of previous outline permission 2019/90527 for erection of up to 127 dwellings with details of access

Decisions to date

Outline

2019/90527 – Outline permission granted 09/12/2019 for erection of up to 127 dwellings, with details of access.

Reserved Matters

2022/91047 – Reserved Matters approved 30/06/2023 for a development of 91 dwellings.

Various related Discharge of Conditions and a Non-Material Amendment application have also been considered.

Consultation

None carried out.

Condition 29 (education facilities)

Condition 29 reads as follows:

29. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall facilitate an increase in the capacity of local schools commensurate with the demands of the development.

Reason: *To ensure provision of educational facilities to mitigate the impacts of the development and in accordance with Policy LP49 of the Kirklees Local Plan.*

A Section 106 agreement dated 29/06/2023 (and associated with the Reserved Matters approval 2022/91047) secured the following in relation to education:

- Phase 1 – £326,793 contribution
- Phase 2 – £59,417 contribution

These contributions are to be paid to the council towards the provision of educational facilities or school places in the geographical vicinity of the development, the need for which directly arises from the development.

Schedule 2 of the Section 106 agreement sets out when the contributions are to be paid.

The covering letter (dated 17/08/2023) submitted with this Discharge of Conditions application states “The proposed development will be carried out in accordance with the education contribution requirements as set out in Schedule 2 of the signed S106”.

Officers are satisfied that the Section 106 agreement dated 29/06/2023 (and associated with the Reserved Matters approval 2022/91047) adequately addresses the requirements of outline condition 29. The condition includes no ongoing requirements; therefore, it is recommended that condition 29 be fully discharged.

Recommendation

Approve details pursuant to condition 29.

Decision Notice Text

Condition 29 (education facilities)

The Section 106 agreement dated 29/06/2023 (and associated with the Reserved Matters approval 2022/91047) adequately addresses the requirements of outline condition 29. Condition 29 includes no ongoing requirements and is therefore hereby fully discharged.

Report Dated:

07/02/2025
