

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:	2024/70/91089/W
Site Address:	land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX
Description:	Variation of condition 2 (plans) of previous permission 2021/92086 for erection of 277 residential dwellings and associated infrastructure and access - replan of plots 39-44, 62-65, 76-90 and 132-133 and changes to house types
Recommending Officer:	Victor Grayson

DECISION – Section 73 Variation 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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 13-Aug-2026

Officer Report

Application: 2024/70/91089/W

Site: land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX

Proposal: Variation of condition 2 (plans) of previous permission 2021/92086 for erection of 277 residential dwellings and associated infrastructure and access - replan of plots 39-44, 62-65, 76-90 and 132-133 and changes to house types

Site Description

The application site is largely as per the description provided in section 2.0 of the committee report (dated 08/09/2022) for application 2021/92086, although the site has since been cleared, groundworks have been carried out, a site entrance has been created, and several dwellings have been erected.

Description of Proposal

This Section 73 (S73) application relates to some of the northern parts of the wider development site, which is being developed by Redrow Homes. Plots 39-44, 62-65, 76-90 and 132-133 would be affected.

The applicant proposes a replan of those 27 plots, changes to house types at some of those plots, and the introduction of a new apartment type. The applicant also proposes related layout and design changes.

The applicant proposes the variation of the drawings approved under condition 2 of planning permission 2021/92086 (dated 24/08/2023) which stated:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.*

The 2023 permission was for the erection of 277 dwellings.

The amendments now proposed are described in more detail as follows:

House types, typologies and unit size mix

At the affected 27 plots, the proposed house types would change as follows (NB – not all plots would be changed, however all 27 plots are listed below for completeness, and the affordable units are identified by grey shading):

Unit	Approved under 2021/92086	Proposed under 2024/91089
39	Marlow (detached 4-bed, 119.7sqm)	Shrewsbury (detached 4-bed, 107.9sqm)
40	Amberley (detached 3-bed, 105.6sqm)	Bakewell (semi 3-bed, 84sqm)
41	Marlow (detached 4-bed, 119.7sqm)	Bakewell (semi 3-bed, 84sqm)
42	Harrogate (detached 4-bed, 144.5sqm)	Stratford (detached 3-bed, 113.2sqm)
43	Harrogate (detached 4-bed, 144.5sqm)	Harrogate (detached 4-bed, 144.5sqm)
44	Marlow (detached 4-bed, 119.7sqm)	Shrewsbury (detached 4-bed, 107.9sqm)
62	Tavy (terraced 2-bed, 77.3sqm)	Tavy (terraced 2-bed, 77.3sqm)
63	Tavy (terraced 2-bed, 77.3sqm)	Tavy (terraced 2-bed, 77.3sqm)
64	Tavy 3 (terraced 3-bed, 87.2sqm)	Tavy 3 (terraced 3-bed, 87.2sqm)
65	Tavy (terraced 2-bed, 77.3sqm)	Tavy (terraced 2-bed, 77.3sqm)
76	Tavy (terraced 2-bed, 77.3sqm)	Tavy (semi 2-bed, 77.3sqm)
77	Tavy (terraced 2-bed, 77.3sqm)	Tavy (semi 2-bed, 77.3sqm)
78	Tavy 3 (terraced 3-bed, 87.2sqm)	Tavy (semi 2-bed, 77.3sqm)
79	Maisonette (1-bed, 46.9sqm or 55.1sqm)	Spey (ground floor apartment, 1-bed, 46.9sqm)
80	Maisonette (1-bed, 46.9sqm or 55.1sqm)	Spey (first floor apartment, 1-bed, 55.1sqm)
81	Dart (terraced 3-bed, 84.1sqm)	Dart (semi 3-bed, 84.1sqm)
82	Dart (terraced 3-bed, 84.1sqm)	Dart (semi 3-bed, 84.1sqm)
83	Dart 3 (terraced 3-bed, 94.9sqm)	Dart (semi 3-bed, 84.1sqm)
84	Dart (terraced 3-bed, 84.1sqm)	Dart (semi 3-bed, 84.1sqm)
85	Stratford (detached 3-bed, 113.2sqm)	Stratford (detached 3-bed, 113.2sqm)
86	Cambridge (detached 4-bed, 129.4sqm)	Cambridge (detached 4-bed, 129.4sqm)
87	Cambridge (detached 4-bed, 129.4sqm)	Cambridge (detached 4-bed, 129.4sqm)
88	Marlow (detached 4-bed, 119.7sqm)	Marlow (detached 4-bed, 119.7sqm)
89	Bakewell (semi 3-bed, 84sqm)	Harrogate (detached 4-bed, 144.5sqm)
90	Bakewell (semi 3-bed, 84sqm)	Oxford (detached 4-bed, 122.4sqm), relocated
132	Shaftesbury (detached 4-bed, 132.6sqm)	Stratford (detached 3-bed, 113.2sqm)

133	Stratford (detached 3-bed, 113.2sqm)	Cambridge (detached 4-bed, 129.4sqm)
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At the affected 27 plots, the typology mix would change as follows:

Typology	Approved under 2021/92086	Proposed under 2024/91089
Maisonette / apartment	2	2
Terraced	11	4
Semi-detached	2	9
Detached	12	12

At the affected 27 plots, the unit size mix (by tenure) would change as follows:

Tenure	Approved under 2021/92086	Proposed under 2024/91089
Social rent	2x 1-bed maisonettes 1x 2-bed 5x 3-bed	2x 1-bed apartments 2x 2-bed 4x 3-bed
First Homes	2x 2-bed	2x 2-bed
Other intermediate	2x 2-bed 1x 3-bed	2x 2-bed 1x 3-bed
Private	5x 3-bed 9x 4-bed	5x 3-bed 9x 4-bed

The overall number of units would not change.

Layout and design changes

Associated with the proposed changes to house types and typologies, the applicant proposes layout and design changes at the 27 affected plots. The most significant proposed changes are:

- Plots 39-44 changed from six detached dwellings to five detached dwellings and a pair of semi-detached dwellings (totalling seven dwellings), and some plots reoriented.
- Plots 62-65 roof changed from hipped to pitched.
- Plots 76-80 changed from a terrace to a pair of semi-detached dwellings and a semi-detached dwelling with two apartments attached.
- Plots 81-84 changed from a terrace to two pairs of semi-detached dwellings.
- Plots 89-90 replaced with a single detached dwelling (plot 89), and plot 90 changed to a detached dwelling and relocated to between plots 41 and 68.
- Previously-approved private drive serving plots 89-90 shortened (as it would now serve one less dwelling).
- Plots 132 and 133 reoriented.

The development's road layout would not change (except in respect of the previously-approved private drive serving plots 89-90, as noted above), however access points to plots would change in some locations.

The applicant has submitted a Parking Compliance document (rev B) that confirms that – at the 27 affected plots – both 1-bed units would each be provided with one parking space, all 2-bed and 3-bed units would be provided with two or three parking spaces, and all 4-bed units would be provided with three parking spaces. The “N” against plot 89 (“N” meaning the provision would not comply with the council's parking expectations) is assumed to be an error, as three spaces are proposed for that 4-bed dwelling.

Section 106 agreement

In connection with the above amendments, the applicant sought amendments to the original Section 106 agreement (dated 18/08/2023 and associated with permission 2021/92086).

History of negotiations/amendments received

The undated covering letter (received 18/04/2024) submitted with this application referred to a re-plan of plots 39-44, 79-90, 132-133, 148-160 and 165-167, however the scope of the re-plan was subsequently revised by the applicant, and only plots in the northern parts of the wider development site are to be amended.

Amended and corrected plans relating to layout, affordable housing, EV charging, and boundary treatments were submitted. A Proposed Materials Plan (BVF-16-02-18 rev C) was also submitted, however this was subsequently superseded by rev F which was approved on 02/07/2026 under Discharge of Conditions application 2023/93094.

During the life of this application, the applicant advised that changes would need to be made to on-site and off-site provisions towards Biodiversity Net Gain. However, the applicant subsequently withdrew these changes from consideration under this application, so as not to complicate and delay its determination. The applicant may yet submit a further amending application in relation to these changes.

Relevant Planning History

2021/92086 – Planning permission granted 24/08/2023 for the erection of 277 dwellings and associated infrastructure and access.

2024/92272 – Non-Material Amendment approved 16/10/2024. Related to plots 62-65 and 76-80.

2025/91172 – Section 73 application for variation of condition 2 (plans and specifications) of previous permission 2021/92086. Relates to plots 134-187, 191-218 and 256-277. Pending determination.

Discharge of conditions applications (pursuant to conditions of the above permission) have been determined or are currently under consideration.

Representations

The application has been advertised via letters sent to neighbouring residents, two site notices posted on 09/06/2024, and a press notice published on 31/05/2024. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 02/07/2024.

Ward Members (for Ashbrow ward) were notified of the application on 13/05/2024.

Two representations were received in response to the council's consultation. The comments made are summarised as follows:

- Amendments address needs of developer, not of local residents.
- Previously-raised objections still apply regarding highway safety, pressure on local services, impact on wildlife, destruction of vegetation, crude fencing, landscape buffer adjacent to properties on Bradley Road, limited landscaping, outlook, traffic noise, loss of privacy, and light pollution.
- Loss of Green Belt.
- Area already congested with building sites.
- Increased congestion.
- Area's roads are in a poor condition.
- Risk of major road incident.
- Inadequate local facilities.
- Remains unclear what the dwellings would look like.
- Construction has caused surface water issues. Unclear if these have been addressed.
- Missed opportunity to create a good neighbourly development with a sense of place.

The amendments made during the life of the application did not necessitate reconsultation.

Consultation Responses

Lead Local Flood Authority – Support the application.

Planning Policy and Guidance

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 27/02/2019).

Relevant planning policy and guidance is referred to in the committee report (dated 08/09/2022) for application 2021/92086. That policy and guidance landscape remains largely unchanged since that committee report was published, however the following is noted:

- Further versions of the National Planning Policy Framework have been published since application 2021/92086 was determined (the most recent having been published on 12/12/2024 and amended on 07/02/2025). A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025, however that document is at an early stage and is subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.
- Biodiversity Net Gain has become mandatory under the Environment Act 2021, however application 2021/92086 was determined prior to BNG becoming mandatory.
- The council has also published the following Supplementary Planning Documents and guidance relevant to the current application:
 - Affordable Housing and Housing Mix SPD (2023)
 - Kirklees Interim Housing Position Statement to Boost Supply (2023)
 - Social Value Policy (2022)

It remains the case that there is no draft or adopted neighbourhood plan which carries material weight in the decision-making process for this application.

Assessment

Scope of this application

Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of applications to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

It is important to note that when assessing Section 73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

In this case, the applicant could develop the site in accordance with the previous permission, and this fallback is a material consideration to which significant weight must be given.

The principle of residential use at this site has already been accepted by the council.

Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant's ability to complete the previously-approved development.

House types, typologies and unit size mix

The proposed changes to house types and unit size mix raise no concerns in relation to meeting known housing need. Very little net change is, in fact, proposed.

The council's Affordable Housing and Housing Mix SPD was not adopted at the time the Strategic Planning Committee resolved to approve application 2021/92086, and it would therefore not be reasonable to fully apply the expectations of the SPD upon the current proposals. However, the expectations of the SPD can at least be noted when amendments to unit size mix are proposed.

The following table sets out the affordable unit size mixes of the entire development, as approved under application 2021/92086 and as now proposed. These are compared with the expectations of the council's Affordable Housing and Housing Mix SPD for sites within the Huddersfield North sub-area. Green numbers indicate where the proportions match the expectations of the SPD, and red numbers indicate where they do not.

	SPD expectation		Approved under 2021/92086				Proposed under 2024/91089			
	Aff/Soc Rent	Intermediate	Aff/Soc Rent		Intermediate		Aff/Soc Rent		Intermediate	
1-bed	40-79%	60+%	7	63%	0	48%	7	67%	0	48%
2-bed			12		12		13		12	
3-bed	0-19%	20-39%	9	30%	13	52%	8	27%	13	52%
4-bed	0-19%	0-19%	2	7%	0	0%	2	7%	0	0%

Some percentage figures above do not total 100% due to rounding.

The minor change proposed to the affordable unit size mix (namely, the replacement of a 3-bed “Tavy 3” social rent house with a 2-bed “Tavy” social rent house) is considered beneficial, as it would bring the mix slightly closer to compliance with the SPD’s expectations for 3-bed social rent units (although full compliance would still not be achieved, as the proportion would be 27% when the relevant expectation is 0-19%).

The locations of the proposed affordable housing units would not change, and the proposed changes would not make the development’s affordable element more visually distinguishable from the private (market) element.

Of note, the change of plot 78 from a 3-bed to a 2-bed house was shown on drawings previously approved on 16/10/2024 under NMA application 2024/92272, however at that time the applicant did not explicitly state that approval of that amendment was being sought.

A similar assessment is not required in respect of the development’s private (market) element, as no changes to that tenure’s unit size mix are proposed.

Layout and design changes

Revised typologies/massings, arrangements and orientations of dwellings are proposed.

The proposed typological/massing mix is considered acceptable. The development would not become unacceptably dominated by a single typology, and the range of typologies still proposed would ensure that suitable variety and visual interest in the street scene would be achieved.

There would also be variety in the proposed house types which would help ensure the development does not appear monotonous and insufficiently varied. The proposed varied building lines and orientations of dwellings would also help in this respect.

For the 27 affected plots, previously-approved house types are proposed, except in the case of plots 79 and 80, where acceptable Spey units (which would be of a similar design to other types already approved at this site) are proposed.

The proposed changes to dwelling orientation would still ensure that the development’s roads and other areas of public realm would be suitably engaged with, animated and overlooked.

The current proposals would not have a greater impact upon the nearest heritage assets than the approved development would have had.

Of note, some of the proposed design changes shown on the current drawings (in relation to plots 62-65 and 76-80) were previously approved on 16/10/2024 under NMA application 2024/92272.

Residential amenity and quality

The 27 affected plots are not close to any existing residential properties, and the proposed changes raise no concerns regarding impacts upon the natural light, privacy or outlook of neighbours.

Within the development, adequate distances between dwellings would be maintained, and residents of the development would be provided with adequate natural light, privacy and outlook.

The floorspace figures provided by the applicant confirm that all units would meet the relevant minimum sizes set out in the Government's Nationally Described Space Standards. Adequate garden sizes (commensurate with the size of dwelling they would serve) are proposed.

The proposed change of seven terraced dwellings to semi-detached dwellings raises no concerns regarding the standard of accommodation, and could in fact be beneficial in terms of residential amenity.

Other planning considerations

Regarding the two representations received, the majority of points raised relate to the principle of development and other issues previously considered under application 2021/92086, and not to the matters being considered under this Section 73 application. Regarding the comment that it remains unclear what the proposed dwellings would look like, it is considered that the elevational drawings (submitted under this application and previously under application 2021/92086) adequately illustrate the proposals. The comment made regarding construction-phase drainage is unrelated to the matters being considered under this Section 73 application.

Adequate parking is shown for all 27 affected plots, in accordance with guidance in the council's Highway Design Guide SPD.

Regarding drainage, the development's total amount of impermeable surfaces would not significantly change. Layout amendments can have implications for flood routeing, however given the development's road layout would not significantly change, and given the Lead Local Flood Authority have raised no objection to this Section 73 application, it is recommended that condition 21 be reworded as a compliance condition, referring to the flood routeing details previously approved.

Regarding school places, it is noted that the proposed development could potentially result in a lower child yield than the previously-approved scheme would have, given that 80 bedrooms are proposed in the affected 27 plots (where 81 bedrooms were approved under permission 2021/92086).

However, given the relatively small difference in the number of bedrooms, and given that a smaller population (of the development) is not certain to result, it is not considered necessary to revisit the education contribution previously secured.

Regarding Biodiversity Net Gain (BNG), although this current Section 73 application was submitted after mandatory BNG became applicable (under the Environment Act 2021), given the fallback position provided by the previous planning permission (which was not subject to mandatory BNG), it would not be reasonable to impose this requirement. Furthermore, applications for a section 73 permission made after 12 February 2024 where the original permission (to which the section 73 application relates) was either granted or the application for the original permission was made before this date, such as this, are formally exempt from the statutory BNG requirements(s). In any case, an adequate BNG was secured under that previous permission with reference to Local Plan Policy LP30.

The proposed amendments have no significant adverse implications in relation to other planning considerations.

Section 106 agreement

In connection with the changes proposed under this current Section 73 application, the applicant sought amendments to the original Section 106 agreement (dated 18/08/2023 and associated with permission 2021/92086). That agreement does not include wording that allows subsequent approvals to be linked to the original agreement's provisions, therefore a Deed of Variation (in association with this current Section 73 application) would be necessary.

The Deed of Variation needs to:

- Link the approval of this current Section 73 application to the provisions of the original Section 106 agreement; and
- Update Plan 2 of the original Section 106 agreement (which showed the locations of the affordable housing units).

A draft (engrossment) version of the Deed of Variation has been visible online since 28/05/2026. The Deed of Variation was subsequently completed on 10/08/2026. The only differences between the draft (engrossment) version and the completed version of the Deed of Variation was at page 2 (where a minor error in the address of one of the parties was corrected) and at page 8 (where the signing page for Redrow Homes was updated). A redacted version of the completed Deed of Variation of 10/08/2026 (with signatures and handwritten addresses removed) has been visible online since 12/08/2026. It is considered that the council's publication of the Deed of Variation (in its draft form, and then in its completed form) complies with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. No representations specific to the Deed of Variation have been received.

The Deed of Variation also includes provisions relating to another current Section 73 application (2025/91172, currently pending determination), obviating the need for another deed in the event that that application is also approved.

The Deed of Variation also deletes the words “a conveyancer” from paragraph 2.6 of the third schedule of the original agreement.

Conditions

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously-imposed conditions (attached to the previous permission 2021/92086), and to update, revise, add to or delete redundant conditions as part of the assessment of the current application. Those conditions would normally be re-imposed in any subsequent approval of a Section 73 application, as the effect of the Section 73 approval is the issue of a fresh grant of permission.

Details pursuant to some (but not all) of the 42 conditions of the 2021/92086 permission have been approved by the council via various Discharge of Conditions applications submitted by the applicant. It is recommended that the conditions of that original permission be re-imposed, but amended where appropriate, to reflect those approvals to date. This means that some of the conditions can become compliance conditions. Some conditions may also be deleted. Changes to the conditions are proposed as follows:

- Condition 1 (commencement) – No longer required, as a material start has commenced on site.
- Condition 2 (compliance with plans, specification and conditions) – Minor wording change, for consistency. Of note, although the applicant seeks a variation in relation to condition 2, a substantial rewording of the condition is not necessary. However, changes to the related plans and specifications table are recommended.
- Condition 3 (CEMP) – Changed to a compliance condition, referring to the documents approved under application 2023/92685. The applicant additionally requested that revised construction management information (submitted on 02/06/2026) be referred to in this condition, however – as explained to the applicant on 11/08/2026 – that submission included duplicated information (related to the Redrow / BDW site split) that would have resulted in confusion. Further revisions to the construction management information may be considered under the outstanding Section 73 application 2025/91172, or under another Discharge of Conditions application.
- Condition 4 (road condition surveys) – Changed to a compliance condition, referring to the documents approved under application 2023/92688.
- Condition 5 (CEMP: Biodiversity) – Changed to a compliance condition, referring to the documents approved under application 2023/92683.

- Condition 6 (Bradford Road access and visibility) – Changed to reflect the fact that the vehicular access from Bradford Road has been created.
- Condition 7 (temporary drainage) – Changed to a compliance condition, referring to the documents approved under application 2023/92687.
- Condition 8 (temporary waste arrangements) – No change.
- Condition 9 (archaeology) – Changed to a compliance condition, referring to the documents approved under application 2023/92686.
- Condition 10 (Bradford Road entrance and junction) – No change.
- Condition 11 (Shepherds Thorn Lane / spine road junction) – No change.
- Condition 12 (internal adoptable roads) – No change.
- Condition 13 (cycle parking) – No change.
- Condition 14 (electric vehicle charging) – No change.
- Condition 15 (odour) – No change.
- Condition 16 (waste management) – No change.
- Condition 17 (highway retaining structures) – No change.
- Condition 18 (coal legacy – site investigation) – Changed to a compliance condition, referring to the documents approved under application 2023/92684.
- Condition 19 (coal legacy – validation statement) – Deleted, as the approval of details under application 2023/92684 means conditions 18 and 19 can be replaced with a single compliance condition.
- Condition 20 (drainage scheme) – Changed to a compliance condition, referring to the documents approved under application 2023/92687.
- Condition 21 (flood routeing) – Changed to a compliance condition, referring to the documents approved under application 2023/92687.
- Condition 22 (surfacing and drainage of parking) – No change.
- Condition 23 (Phase II intrusive site investigation report) – Deleted, as the approval of details under application 2023/92684 (in relation to a condition that had no ongoing requirements) means no compliance condition is now necessary.
- Condition 24 (Remediation Strategy) – Some wording deleted in light of the approval pursuant to condition 23.
- Condition 25 (implementation of remediation) – No change.
- Condition 26 (Validation Report) – No change.
- Condition 27 (Noise Impact Assessment) – Changed to a compliance condition, referring to the documents approved under application 2023/93697.
- Condition 28 (ventilation scheme) – Deleted, as the approval of details under application 2023/93697 means conditions 27 and 28 can be replaced with a single compliance condition.
- Condition 29 (air quality mitigation) – No change.
- Condition 30 (external materials) – Changed to a compliance condition, referring to the documents approved under application 2023/93094.
- Condition 31 (electricity substations) – Changed to a compliance condition, referring to the documents approved under application 2023/92727.

- Condition 32 (boundary treatments) – No change.
- Condition 33 (air source heat pumps) – No change.
- Condition 34 (foul water pumping station) – No change.
- Condition 35 (drainage infrastructure in Green Belt) – No change.
- Condition 36 (external lighting) – No change.
- Condition 37 (landscaping) – No change.
- Condition 38 (BEMP) – No change.
- Condition 39 (Arboricultural Method Statement and Tree Protection Plan) – Changed to a compliance condition, referring to the documents approved under application 2023/92683.
- Condition 40 (removal of vegetation) – Deleted (as the condition duplicated the provisions of Wildlife and Countryside Act 1981 in relation to birds, their young and their nests), and an informative note is recommended instead.
- Condition 41 (removal of permitted development rights) – No change.
- Condition 42 (elevational accretions) – No change.

To avoid confusion, renumbering of the conditions (to reflect the above-mentioned deletions) is not recommended.

Draft lists of conditions were shared with the applicant on 31/03/2026, 11/08/2026 and 12/08/2026. On 12/08/2026, the applicant confirmed agreement to the conditions being imposed.

Conclusion

This Section 73 application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of condition 2 as indicated.

Subject to conditions and a Deed of Variation (to the original Section 106 agreement), the proposed changes are considered acceptable.

The NPPF 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.

The scale of change proposed by the applicant is considered to be "minor". The proposed changes would not result in a development that is materially and substantially different to the one which has been approved.

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: Approve variations subject to conditions and a Section 106 Deed of Variation

Report Dated: 13/08/2026

Decision Authorisation – Delegated Powers

Application Number – 2024/91089

Officer Recommendation – Approve variations subject to conditions and a Section 106 Deed of Variation

Conditions and Reasons

1. [deleted].

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out strictly in accordance with the following construction management documents approved by the Local Planning Authority on 26/02/2024 (under Discharge of Condition application 2023/92685) throughout the period of construction and no change therefrom shall take place unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition:

- Construction (Environmental) Management Plan (Redrow, December 2023, rev C);
- Proposed Construction Management Plan (drawing BVF-16-02-12 rev C);
- Proposed Construction Compound (drawing BVF-16-04-07 rev A);
- Indicative Build Programme; and
- Site Waste Management Plan (Redrow / Reconomy, 18032, 18/01/2024)

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

4. The relevant parts of the highway on Bradford Road, Bradley Road and Shepherds Thorn Lane shall be maintained during the entirety of the construction phase to the condition documented in the pre-commencement highway condition survey in accordance with the document titled “Road Condition Survey for Bradley Villa Farm, Huddersfield” and the addendum (page 124) to that document approved by the Local Planning Authority on 20/03/2024 (under Discharge of Condition application 2023/92688). The final highway remediation works so approved shall be completed prior to the occupation of the 277th dwelling.

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

5. The Construction Environmental Management Plan: Biodiversity (Futures Ecology, ref: FE30/CEMP01, July 2023) approved by the Local Planning Authority on 20/10/2023 (under Discharge of Condition application 2023/92683) shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity during construction by avoiding impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

6. The vehicular access into the site at Bradford Road shall be used by construction traffic for the duration of the construction phase, and no other access to or egress from the site for construction traffic shall be provided, enabled or used unless approved in writing by the Local Planning Authority. Visibility splays at this access shall be kept clear of all obstructions to visibility above 0.6m measures from the ground throughout the construction period.

Reason: In the interests of amenity, to ensure adequate intervisibility is provided and maintained, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

7. The development hereby approved shall be implemented in accordance with the following temporary drainage scheme and phasing documents approved by the Local Planning Authority on 19/12/2023 (under Discharge of Conditions application 2023/92687):

- Temporary Drainage Strategy (Redrow, ref: 4607, rev A, 14/12/2023);
- Stage 0 – Pre Enabling Works (EWC/DWG/000/REV E);
- Stage 1 – Initial Enabling Works (EWC/DWG/001/REV C);
- Stage 2 – Pond and SW Outfall Construction (EWC/DWG/002/REV D);
- Stage 3 – Live SW Outfall (EWC/DWG/003/REV C);
- Temporary Surface Water Management – Impermeable Areas Analysis (4607-16-06-211); and
- Silt and Debris Management During Construction (4607-16-06-212)

No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.

8. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary

arrangements so approved shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

9. The development hereby approved shall be implemented in accordance with the Specification for an Archaeological Investigation (West Yorkshire Archaeology Advisory Service, November 2021) approved by the Local Planning Authority on 20/10/2023 (under Discharge of Condition application 2023/92686), including in relation to archaeological investigation, recording, analysis and reporting.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

10. Prior to the commencement of development (including ground works) full details of the permanent site entrance and junction at Bradford Road, the toucan crossing and combined cycle/footway works on Bradford Road, and all other associated works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of sight lines, road markings, construction specifications, signals, crossings, surface finishes and signage, an independent road safety audit covering all aspects of this work, and details of the delivery of the scheme under an appropriate Section 278 approval. The scheme shall also include the additional verge and landscaped areas that are required to allow for further junction works that may be required in relation to the potential future development of the HS11 allocated site. Unless otherwise agreed in writing by the Local Planning Authority, no dwellings of the development hereby approved shall be occupied prior to the implementation of the approved scheme for use by residential traffic.

Reason: To ensure suitable vehicular access is provided for residents of the development hereby approved, in the interests of highway safety, to achieve a satisfactory layout, and to allow for future development of the HS11 allocated site in accordance with Policies LP5, LP20, LP21 and LP65 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of the Bradford Road entrance and junction are agreed, and that the entrance and junction are provided, at an appropriate stage of the development process.

11. Prior to the commencement of development (including ground works) full details of the junction of Shepherds Thorn Lane and the spine road of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of sight lines, road markings, construction specifications, signals, crossings, surface finishes, signage and temporary (vehicular restriction, turning and emergency access) arrangements, an independent road safety audit covering all aspects of this work, and details of the delivery of the scheme under an appropriate

Section 278 approval. The scheme shall also include provisions for further works required in relation to the potential future development of the HS11 allocated site. Unless otherwise agreed in writing by the Local Planning Authority, no more than 200 dwellings of the development hereby approved shall be occupied prior to the implementation of the approved scheme.

Reason: To ensure a suitable connection is provided, in the interests of highway safety, to achieve a satisfactory layout, and to allow for future development of the HS11 allocated site in accordance with Policies LP5, LP20, LP21 and LP65 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of the junction of Shepherds Thorn Lane and the spine road are agreed, and that the junction is provided, at an appropriate stage of the development process.

12. Prior to the commencement of development, a scheme detailing the proposed internal adoptable roads, internal cycle paths and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of an empty duct for high-voltage cabling beneath the full length of the spine road, swept paths for a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent road safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

13. Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

14. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use lower-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

15. The following units (as annotated on drawing BVF-16-02-03 rev T) shall not be occupied prior to odorous activities at the adjacent farm permanently ceasing in accordance with the Unilateral Undertaking dated 13/06/2023:

- Units 8 to 20;
- Units 21 to 26;
- Units 59 to 61;
- Units 107 to 120;
- Units 134 to 142;
- Units 143 to 158; and
- Units 246 to 264

Reason: In the interests of residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

16. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

17. Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations,

together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

18. The development hereby approved shall be implemented in accordance with the following documents approved by the Local Planning Authority on 22/11/2023 (under Discharge of Conditions application 2023/92684) relating to past coal mining activity:

- Letter titled “Bradley Villa Farm, Huddersfield (Revised drainage investigation)” (Lithos Consulting, ref: 048/3319/AG, dated 28/07/2021, with appendices);
- Letter titled “Bradley Villa Farm – Mining legacy issues declaration” (Lithos Consulting, ref: 055\3319\REG, dated 24/08/2023); and
- Earthworks Specification (Lithos Consulting, ref: 3319/3, dated April 2022).

Should any remediation works and/or mitigation measures to address land instability arising from coal mining legacy prove necessary during the course of site preparation and/or construction, these works and/or measures shall be implemented on site in full prior to any part of the development hereby approved being brought into first use.

Reason: To minimise risk associated with the area’s mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.

19. [deleted].

20. None of the dwellings hereby approved shall be occupied until the drainage scheme approved by the Local Planning Authority on 19/12/2023 (under Discharge of Conditions application 2023/92687) has been provided on the site to serve the development or each agreed phase of the development to which the dwellings relate in accordance with the following documents:

- Drainage Blockage Route (4607-16-06-104);
- Catchment Area Plan (4607-16-06-103 rev B);
- Proposed Attenuation Basin (4607-16-06-131);
- Temporary Surface Water Infrastructure Maintenance Schedule and Attenuation Basin Maintenance Schedule (ref: 4607, 13/11/2023);
- Risk Assessment of the Drainage Infrastructure Maintenance (4607-16-06-213);
- S104 Adoptable Drainage Layout sheet 1 of 2 (4607-16-06-101 rev F); and
- S104 Adoptable Drainage Layout sheet 2 of 2 (4607-16-06-102 rev F)

The approved drainage scheme shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27

and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

21. No part of the development hereby approved shall be brought into use (dwellings shall not be occupied) until the works comprising the flood routing scheme approved by the Local Planning Authority on 17/01/2024 (under Discharge of Conditions application 2023/92687) have been completed in accordance with the following documents:

- Contours Layout (4607-16-06-205 rev C);
- Proposed External Works Sheet 1 of 4 (4607-16-06-301 rev E);
- Proposed External Works Sheet 2 of 4 (4607-16-06-302 rev E);
- Proposed External Works Sheet 3 of 4 (4607-16-06-303 rev D);
- Proposed External Works Sheet 4 of 4 (4607-16-06-304 rev F);
- Email dated 15/11/2023, 10:52 (Mark Atkinson, Redrow); and
- 26-page document (ref: SWS-NETWORK-01-REV-F.SWS.MDX) setting out Micro Drainage calculations

The approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

22. Prior to the first occupation of any specified dwelling hereby approved, unless otherwise agreed in writing by the Local Planning Authority the approved vehicle parking area(s) for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

23. [deleted].

24. Prior to the commencement of development (including ground works, other than those required to inform a site investigation report) a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

25. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 24. In the event that remediation is unable to proceed in accordance with the approved

Remediation Strategy or contamination not previously considered is identified or encountered on site, all works in the affected area (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, 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 ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

26. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

27. Prior to the first occupation of any specified dwelling hereby approved all works specified for that dwelling in the following documents approved by the Local Planning Authority on 18/01/2024 (under Discharge of Conditions application 2023/93697) in relation to noise and ventilation shall be carried out in full and such works shall thereafter be retained:

- Noise Assessment – Condition 27 and 28 (Sharps Redmore, ref: R2-26.10.22-Bradley Villa Farm Condition 27&28-2019711-GJK, 22/11/2023); and
- Ventilation Strategy Statement (Redrow, December 2023)

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

28. [deleted].

29. Prior to the commencement of superstructure works, a scheme detailing fully-costed air quality mitigation measures (based on the cost damage

calculation set out in chapter 12 of the submitted Environmental Statement) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings of the development hereby approved shall be occupied prior to the implementation of the air quality mitigation measures so approved. Following completion of the approved air quality mitigation measures a verification report detailing a breakdown of costs shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall detail the expenditure of each of the mitigation measures agreed, and this shall reflect the total sum of cost damages that have been calculated for the development.

Reason: In the interests of amenity and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

30. Notwithstanding what is shown on drawing BVF-16-02-04 rev E, the development hereby approved shall be implemented in accordance with the following documents approved by the Local Planning Authority on 02/07/2026 (under Discharge of Conditions application 2023/93094) relating to external materials:

- Proposed Materials Plan (drawing BVF-16-02-18 rev F)
- Proposed Materials Palette rev B

No other external materials shall be used unless approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

31. The electricity substation (illustrated in drawing BVF-16-02-04 rev E) shall be constructed in accordance with the details set out in the following documents approved by the Local Planning Authority on 16/10/2023 (under Discharge of Condition application 2023/92727):

- Substation footprint drawing (BUUK Infrastructure, rev R1, 27/04/2022);
- Substation Earthing Layout drawing (GTC-E-EA-0001_R7-9);
- Reinforcing Mesh Earth Connection Bar Layout drawing (GTC-E-EA0003_R1-4);
- Close Coupled Substation Pyramid Roof Detail General Arrangement drawing (GTC-E-SS-0012_R2-2_1_of_1); and
- Proposed Materials Plan (BVF-16-02-04 rev E).

No boundary treatment shall be erected around the electricity substation. The substation's vents and UPVC rainwater goods shall be black, and the substation's doors shall be steel and powder coated with a finish in BS 12 B 21 Mineral Green. No other substations shall be erected within the site unless approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

32. Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing, shall be designed to prevent and deter crime and anti-social behaviour, and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

33. Prior to the commencement of superstructure works, details of external air source heat pump units to be provided as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and specifications, shall confirm locations of the units, shall include screening measures where necessary, and shall include noise and maintenance information. The units shall be installed in accordance with the details so approved and shall be maintained in accordance with the details so approved thereafter.

Reason: In the interests of visual and residential amenity, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

34. Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details of the foul water pumping station to be provided on-site in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of external materials, surface treatments and any bollards and boundary treatments. The foul water pumping station shall be constructed in accordance with the details so approved.

Reason: In the interests of visual amenity, to ensure impacts upon the openness of the green belt are minimised, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

35. Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details of the drainage infrastructure works (including works providing access thereto) to be provided in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of levels, regrading, vegetation removal, surface treatments, boundary treatment removal, landscaping, any external materials and any bollards and boundary

treatments. The drainage infrastructure works shall be constructed in accordance with the details so approved.

Reason: In the interests of visual amenity, to ensure impacts upon the openness of the green belt are minimised, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

36. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

37. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Planting plans, including additional treeplanting notwithstanding what is shown in the drawings hereby approved;
- Details of tree pit sizes and soils;
- Species schedules;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;
- Details of all on-site play spaces;

- Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways;
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and
- Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths).

No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

38. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall be in accordance with the submitted Biodiversity Impact Assessment (Futures Ecology, April 2022, ref: FE30/BIA01), shall provide a minimum of 15.5 habitat units and 4.52 hedgerow units post-development and shall include the following:

- Description and evaluation of features to be managed;
- Details of the extent and location/area of proposed enhancement works on appropriately-scaled maps and plans;
- Details corresponding with landscaping details to be submitted pursuant to condition 37;
- Details of ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Details of an ongoing monitoring programme and remedial measures; and
- Arrangements for the review and update of the BEMP every five years and its implementation for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer

through the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers conservation Aims and Objectives for the site. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are agreed at an appropriate stage of the development process.

39. The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement (SLR, ref: 424.064599.00001, version 5, December 2023) approved by the Local Planning Authority on 11/12/2023 (under Discharge of Condition application 2023/92683) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

40. [deleted].

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out at units 1, 5, 7, 8, 11, 15, 18, 21, 23, 40, 43, 66, 68, 75, 77, 81, 84, 85, 87, 91, 106, 112, 114, 132, 134, 137, 174, 176, 180, 181, 185, 188, 213, 216, 217, 218, 222, 225, 227, 230, 255 and 259 (as annotated on drawing BVF-16-02-03 rev T) without the prior written consent of the Local Planning Authority. No development shall be carried out, no boundary treatment or other obstacle shall be installed, and no trees shall be planted within the space immediately to the west of the curtilage of unit 143 without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk in accordance with Policies LP24, LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

42. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, open space or green belt land, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: Under the Wildlife and Countryside Act 1981 it is an offence to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests. In addition, certain species are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Therefore, the removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: References to “(as amended)” documents in the plans and specifications schedule below reflect the amendments made during the life of the application. Not all documents were (or needed to be) updated to reflect these amendments.

Please refer to the informative notes attached to permission 2021/92086 (dated 24/08/2023)

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Site Location Plan	BVF-16-02-02	Rev A	11/03/2022
Proposed Site Layout	BVF-16-02-16	Rev B	03/11/2025
Land Adjacent to Plot 143	4607-16-06-906		11/08/2022
Proposed Site Sections (as amended)	BVF-16-02-07	Rev C	11/08/2022
Section 38 Agreement (showing proposed highway adoption)	4607-16-06-201	Rev E	31/08/2022
Internal Layout – Refuse Collection Vehicle Swept Path Analysis	19154/ATR/04	Rev B	11/08/2022
Internal Layout Private Driveway Delivery Van Tracking	19154/ATR/09	Rev B	02/09/2022
A641 Bradford Road Proposed Site Access Arrangement	19154/GA/01	Rev H	11/07/2022
A641 Bradford Road Proposed Site Access – Swept Path Analysis	19154/ATR/06	Rev C	11/07/2022

Proposed Pedestrian / Cycle Link to Bradley Road	19154/GA/04	Rev C	30/05/2022
Bradley Road – Swept Path Analysis	19154/ATR/05	Rev B	30/05/2022
Proposed Drainage Strategy Sheet 1	4607-16-06-921		18/04/2024
Proposed Drainage Strategy Sheet 2	4607-16-06-922		18/04/2024
Sections Through Basin, Tank and Access Track	4607-16-06-904		20/12/2021
Proposed Boundary Treatment Plan	BVF-16-02-19	Rev B	03/11/2025
Boundary Wall and Fence Detail	RHY-SD-801	Rev D	23/06/2022
Free Standing Brick Walls	F-SD0806		25/05/2021
Typical Horizontal Railing Fence	F-SD0926		25/05/2021
Screen Fencing	F-SD0906	Rev B	25/05/2021
Post and Rail Fencing	F-SD0900		25/05/2021
Proposed EV Charging Plan	BVF-16-02-20	Rev B	03/11/2025
Proposed Affordable Housing Plan	BVF-16-02-21	Rev D	13/02/2026
Proposed Levels Strategy	4607-16-06-903	Rev E	03/11/2025
Landscape Strategy Plan (as amended)	865A-02E		15/08/2022
Tree Assessment Plan – Sheet 1 (as amended)	135.14	Rev 5	05/05/2022
Tree Assessment Plan – Sheet 2 (as amended)	135.14	Rev 5	05/05/2022
Tree Assessment Plan – Sheet 3 (as amended)	135.14	Rev 5	05/05/2022
On-site open space plan (as amended)	Hand-annotated version of drawing BVF-16-02-03	Rev K	25/04/2022
Amberley detached house type (brick and render) plans and elevations	EF_AMBY_DM.8	Rev A	04/07/2022
Bakewell semi house type (brick) plans and elevations	EF_BB4_M.1	Rev A	07/07/2022
Cambridge detached house type (brick and render) plans and elevations	EF_CAMB_DM.7 elevation code: A1	Rev A	25/05/2021
Cambridge detached	EF_CAMB_DM.7		25/05/2021

house type (brick) plans and elevations	elevation code: B1		
Charterhouse apartment block (brick and render) elevations	SRG-16-02-T1-904		30/06/2022
Charterhouse apartment block (brick and render) elevations	SRG-16-02-T1-905		30/06/2022
Charterhouse apartment block ground floor plan	SRG-16-02-T1-901		30/06/2022
Charterhouse apartment block first floor plan	SRG-16-02-T1-902		30/06/2022
Charterhouse apartment block second floor plan	SRG-16-02-T1-903		30/06/2022
Chester detached (brick and render) plans and elevations	EF_CHTR_DM.1 elevation code: A1		30/06/2022
Chester detached (brick) plans and elevations	EF_CHTR_DM.1 elevation code: B1		30/06/2022
Dart, Dart 3 (4 block) house type (brick) elevations	EF_DD4_M.2, EF_DART_EM.3, EF_DART_MM.3, EF_DAR3_MM.2		30/06/2022
Dart, Dart 3 (4 block) house type plans	EF_DD4_M.2		30/06/2022
Dart mid-terrace house type (brick) plans and elevations	EF_DD4_M.3		25/05/2021
Dart end-terrace house type (brick) plans and elevations	EF_DD4_M.3		25/05/2021
Harrogate detached house type (brick) plans and elevations	EF_HARR_DM.8	Rev B	25/05/2021
Harrogate detached house type (brick and render) plans and elevations	EF_HARR_DM.8	Rev A	25/05/2021
Ledbury, Ledbury 3 (4 block) house type (brick and render) elevations	EF_LL4_M.4, EF_LEDB_EM.4, EF_LEDB_MM.4, EF_LED3_MM.4		30/06/2022
Ledbury, Ledbury 3 (4 block) house type plans	EF_LL4_M.4, EF_LEDB_EM.4, EF_LEDB_MM.4, EF_LED3_MM.4		30/06/2022
Lincoln semi house type (brick and render) elevations	EF_LNC3_SM.1 elevation code: A1	Rev A	30/06/2022

Lincoln semi house type (brick) elevations	EF_LNC3_SM.1 elevation code: B1	Rev A	30/06/2022
Lincoln semi house type plans	EF_LINC_SM.2	Rev C	21/06/2022
Maisonette unit type (brick) plans and elevations			25/05/2021
Marlow detached house type (brick and render) plans and elevations	EF_MARO_DM.3 elevation code: A1		25/05/2021
Oxford detached house type (brick and render) plans and elevations	EF_OXFO_DM.4 elevation code: A1		25/05/2021
Oxford detached house type (brick) plans and elevations	EF_OXFO_DM.4 elevation code: B1		25/05/2021
Oxford detached house type (brick) plans and elevations	EF_OXFOQ_DM.4 elevation code: B1		25/05/2021
Shaftesbury detached house type (brick and render) plans and elevations	EF_SHAF_DM.8		25/05/2021
Shrewsbury detached house type (brick and render) plans and elevations	EF_SHRB_DM.3 elevation code: A1		25/05/2021
Shrewsbury detached house type (brick) plans and elevations	EF_SHRB_DM.3 elevation code: B1		25/05/2021
Spey (apartment) plans and elevations	4607G_SPEY_AM.1		18/04/2024
Stratford detached house type (brick and render) plans and elevations	EF_STRAQ_DM.1 elevation code: A1	Rev A	25/05/2021
Stratford detached house type (brick) plans and elevations	EF_STRAQ_DM.1 elevation code: B1	Rev A	25/05/2021
Tavy semi house type (brick) elevations			30/06/2022
Tavy semi house type plans	EF_TAVY_EM.3		30/06/2022
Tavy mid-terrace house type (brick) plans and elevations	EF_TT3_M.4		25/05/2021
Tavy end-terrace house type (brick) plans and elevations	EF_TT3_M.4		25/05/2021
Tavy, Tavy 3 (4 block)	EF_TT3_M.3,		30/06/2022

house type (brick) elevations	EF_TAVY_EM.3, EF_TAVY_MM.3, EF_TAV3_MM.3		
Tavy, Tavy 3 (4 block) house type plans	EF_TT3_M.3		30/06/2022
Tweed semi house type (brick) plans and elevations	EF_TWEE_SM.2.0	Rev A	07/07/2022
Warwick detached house type (brick and render) plans and elevations	EF_WARW_DM.6 elevation code: A1	Rev A	25/05/2021
Warwick detached house type (brick and render) plans and elevations	EF_WARW_DM.6 elevation code: A2	Rev A	25/05/2021
Warwick detached house type (brick) plans and elevations	EF_WARW_DM.6 elevation code: B1	Rev A	25/05/2021
Warwick detached house type (brick) plans and elevations	EF_WARW_DM.6 elevation code: B2	Rev A	25/05/2021
Welwyn detached house type (brick and render)	EF_WELW_DM.8 elevation code: A1		26/07/2021
Welwyn detached house type (brick) elevations	EF_WELW_DM.8 elevation code: B1		26/07/2021
Welwyn detached house type plans	EF_WELW_DM.8		26/07/2021
Single Garage Type 1	Gar01-901		25/05/2021
Twin Garage Type 10	Gar10-903		25/05/2021
Double Garage Type 12	Gar12-905		25/05/2021
Environmental Statement Volume 1 (as amended)	ID Planning, April 2021		24/05/2021
Environmental Statement Volume 2 (appendices) (as amended)	ID Planning, April 2021		25/05/2021
Environmental Statement Non-Technical Summary (as amended)	ID Planning, April 2021		25/05/2021
Planning Policy Statement (as amended)	ID Planning, May 2021		25/05/2021
Design and Access Statement (as amended)	Redrow, 865A DAS V3, 06/05/2021		15/06/2021
Mix Analysis (accommodation schedule)	31/08/2022		31/08/2022
Transport Assessment Addendum (as amended)	Optima, 191954, 11/10/2021		13/10/2021
Response Report to Road Safety Audit Stage 1 (as amended)	Optima, 19154, 12/07/2022	Rev 1	13/07/2022

Parking Compliance	Redrow	Rev B	03/11/2025
Flood Risk and Drainage Assessment	Weetwood, 05/05/2021	Version 1.5	24/05/2021
Email from Jon Dunbavin regarding drainage	05/05/2022, 09:33		05/05/2022
Unilateral Undertaking (odour)	13/06/2023		04/07/2023
Odour Assessment	Redmore, 3841-1r1, 23/02/2021	Version 1	25/05/2021
Odour Assessment (further information)	Redmore, 3841-2r1, 02/06/2023	Version 1	05/06/2023
Lighting Study and Report (as amended)	Buro Happold, BVFL-BHE-XX-XX-RP-E-0001, 04/05/2021		25/05/2021
Noise Impact Assessment	Sharps Redmore, 2019711, 09/02/2021		25/05/2021
Health Impact Assessment	ID Planning, March 2021		25/05/2021
Arboricultural Survey	Quants, 135.14, 07/12/2020	Rev 2	24/05/2021
Arboricultural Impact Assessment (as amended)	Quants, 135.14b, 05/05/2021	Rev 3	24/05/2021
Ecological Impact Assessment	Futures Ecology, FE30/EclA01, 06/05/2021	Rev B	25/05/2021
Biodiversity Impact Assessment	Futures Ecology, FE30/BIA01, 04/04/2022		26/04/2022
Bat Report	Futures Ecology, FE30/BAT01, 04/05/2021	Rev A	26/05/2021
Addendum Bat Report	Futures Ecology, FE30/BAT02, 13/09/2021		08/10/2021
Breeding Bird Survey Report	Sterna Ecology, 152, 20/10/2020	Rev R1	25/05/2021
Energy and Sustainability Statement	AES, 08/04/2022	Rev 3	05/05/2022
Planning Statement (utility report) (as amended)	TDS	Rev V0	07/06/2021
Geophysical Survey	ASWYAS, 3489, November 2020	Version 1.0	24/05/2021
Archaeological Evaluation	CFA Archaeology, Y510/21, June 2021	Version 3.0	08/07/2021
Heritage Impact Assessment (as amended)	ID Planning, May 2021		25/05/2021

Preliminary Geoenvironmental Investigation	Lithos, 3319/2B, April 2021		05/07/2021
Statement of Community Involvement	ID Planning, March 2021		25/05/2021

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 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.

The Local Planning Authority provided opportunities for the proposals to be amended.