

**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:	2024/70/91236/W
Site Address:	Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY
Description:	Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works
Recommending Officer:	Katie Chew

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.

Nick Hirst

AUTHORISED OFFICER

Date: 18-Mar-2026

Officer Report

Application: 2024/91236

Site: Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

Proposal: Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works

Site Description

The application site is circa 800m west of Slaithwaite and circa 7.8km from Huddersfield Town Centre.

The site has an area of 2.3ha, historically consisting of agricultural land used for grazing. Drystone walls and other forms of low boundary treatment surround and divide the site. A watercourse, partly open, crosses the site. There are several trees, of varying age and size, in and around the site. Land levels vary across the site, but on the whole slope downwards to the north.

Since the approval of application 2020/93954 development works to implement the delivery of 42 dwellings have commenced on site. As per the approval, access is taken from Lingards Road, to the south-east of the site. PROW COL/133/10 runs along the site's western boundary. PROW COL/117/10 is located to the north-east of the site.

Outside of the site, residential properties are sited to the north, east and south. Manchester Road is beyond the houses to the north. The southern boundary is predominantly along Lingards Road, which has dwellings on its southern side.

Description of Proposal

The application seeks planning permission for a variation of condition 2 (plans) on previous permission 2020/93954 for erection of 42 dwellings and associated works. Condition 2, as approved, reads:

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

The proposed variation includes a change in house types for Plots 23; 34 & 35 previously approved under application 2020/93954. Amendments include:

Plot 23:

- Relocation of garage from internal ground floor to the side of the dwelling;
- Provision of a glass fronted single storey structure to be used as an entrance into the property;
- Addition of a dining room at lower ground floor level (beneath the garage);
- Provision of an electric gate;
- Removal of the originally approved single storey sunroom and terrace to the rear;
- Removal of originally approved side projection. Alterations are also proposed to the rear patio area and stairways, which sees the patio area increase slightly in size and curve around the dwelling to the west.
- The as approved plan for plot 23, from 2020/93954, is referenced 2019/572/101 rev. D
- The proposed plan, as part of this S73, for plot 23 is referenced 2019/572/SK13 Rev. K.

Plots 34 & 35:

- Removal of integral garage from internal ground floor, replaced with additional parking spaces to the front of the dwelling;
- Provision of a glass fronted single storey structure to be used as an entrance into the property;
- Provision of an electric gate;
- Removal of originally approved side projection on ground and first floor level.
- Alterations are also proposed to the rear patio area which seeks an amendment to the design of the stairway, and an increased patio area which wraps around the eastern/western elevations of the plots.
- The as approved plan for plots 34 and 35, from 2020/93954, is referenced 2019/572/101 rev. D
- The proposed plan, as part of this S73, for plots 34 and 35 is referenced 2019/572/101 rev. J.

The proposal seeks to update the approved plans table, to reflect the changes to plots 23, 34, and 35. The wording of condition 2 itself is not sought to be changed.

The Section 106 agreement attached to permission 2020/93954 has been updated so that it applies to the application reference number of this application (2024/91236). This is discussed in more detail within the contributions section of this report.

History of negotiations/amendments received

Following receipt of KC Highways comments, amendments were made to plots 34 & 35 to extend the length of the driveways to at least 6 metres to allow space for two

cars to park in tandem. Alterations were also made to remove the originally proposed (as part of this S73 submission) car ports and basements of these dwellings. Furthermore, alterations were made to revise the plans originally submitted for Plot 23 (again, as part of this application); this included to removal of the proposed basement and reduce the double garage down to a single garage.

Relevant Planning History

Application site

2025/92338 – Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Pending consideration.

2025/92156 – Erection of 3 apartments (Class C3) with associated amenities modified proposal). Pending consideration.

2025/91887 – Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Withdrawn 15/10/2025.

2024/93575 – Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Pending consideration.

2023/93464 – Discharge of conditions 4 (Phase II report), 5 (Remediation Strategy), 8 (Construction Environmental Management Plan), 9 (CEMP: Biodiversity), 10 (road condition survey), 11 (estate roads), 12 (Lingards Road footway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 16 (drainage infrastructure in highway), 17 (drainage scheme), 18 (flood routing), 19 (temporary drainage), 20 (Arboricultural Method Statement), 21 (bridge details), 22 (green retaining wall), 23 (Ecological Design Strategy), 24 (ecological measures), 25 (materials), 26 (footpath connections), 27 (landscaping), 28 (lighting), 29 (temporary waste arrangements), 30 (pedestrian improvements), 31 (pedestrian improvements) and 33 (cycle parking) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Split decision, 29/10/2025.

2020/93954 – Erection of 42 dwellings and associated works. Approved 11/10/23.

2014/93946 – Outline application for residential development with associated access onto Lingards Road. Approved 30/11/2015.

Surrounding area

92, Lingards Road

2013/92181: Erection of porch to front – Approved 03/09/2013.

2018/92537: Erection of single storey side extension – Approved 24/09/2019.

90 Lingards Road

2020/91838: Erection of front raised terrace, extension of existing basement and internal and external alterations – Approved 21/07/2021.

2023/92030: Variation of conditions 2, 4, and 7 on previous permission 2020/91838 erection of front raised terrace, extension of existing basement and internal and external alterations – Approved 05/09/2023.

88 Lingards Road

2011/93311: Erection of ground and first floor extensions – Approved 09/03/2012.

2012/92405: Non material amendment to permission number 2011/93311 for erection of ground and first floor extensions – Approved 10/08/2012.

Planning Enforcement

COMP/22/0424 – Major site monitoring.

Consultation Responses

KC Highways Development Management: No objections subject to the length of the driveway to the front of the proposed car ports of Plots 34 & 35 being extended to 6 metres to allow space for 2 cars to park in tandem.

Officer note: Amended plans have been received in accordance with the above request.

Parish/Town Council

N/A.

Local Ward Members

The site is within Colne Valley ward, where members are:

- Councillor McLoughlin
- Councillor McCarthy
- Councillor Addy

All of the above ward Councillors have been notified of this application on 24/05/2024. Cllr McCarthy expressed the following concerns for the proposal:

- Large number of representations from members of the public opposing the change in plans

- The new plans are materially different from those that were submitted as part of 2020/93954.
- The new plans would have a detrimental effect on neighbouring residents' amenity.

Officer note: The level of objection is noted, and is detailed below. The other concerns are addressed within the officer's assessment.

Representations

This application has been advertised as a Major Development which affects public rights of ways (COL/177/10 and COL/133/10), via site notices and through neighbour letters to properties boarding the site, along with being advertised within a local newspaper. This was in line with the Council's Development Management Charter at the time of submission¹.

Amended plans were received throughout the application process, with re-consultation periods undertaken in August 2024 and July 2025.

The final end of public comments was 08/08/2025. In total 51 public comments/objections were received (although it is acknowledged that several of these comments/objections were from the same individuals, and therefore a total of 9 individuals has commented on the proposals). The following is a summary of the comments made:

Urban Design

- The latest application includes a basement, making the houses 4-storeys and out of keeping with all of the existing homes in the area.
- Plots 34 & 35 would be at least two-and-a-half storeys high on Lingards Road, all living space.
- The changes to Plot 23 would have an unacceptable impact on the Green Belt. It would harm the landscape and visual amenity, given its bulky size and scale, and would be contrary to Planning Policy (NPPF). It should be refused outright. It would not have a width of 21.5m which is a 50% increase in built form.
- The foundations of plot 34 have moved 2.5m to the west of its approved position.
- This adjustment, combined with the proposed eastern extension of Plot 23, compresses the separation between built forms from the originally conceived 10 metres to just 2.5 metres. These houses will look like a row of terrace houses, as opposed to detached dwellings. This undermines the character and layout that were approved for Lingards Fold and materially alters the relationship with No. 92.

¹ An updated Development Management Charter was published December 2024.

- If the advantages of these variations are so great, why were they not adopted in the original design.
- The new design and height of Plot 23 is contrary to the original planning decision.
- This application disregards the previous application, as building heights have been increased, massing has increased and overlooking has increased. It will be detrimental to neighbours.
- Instead of the document stating “perceived increase in footprint” can the increase in footprint be stated as a percentage.
- Every new application seems to supersize the new houses proposed on Lingards Road. The new plans show the houses sitting higher than previous planned.
- Plot 23 will overbear plot 34. The sense of enclosure risks creating a canyon-like effect between built form and engineered boundary, undermining the spatial rhythm expected in this part of the development.
- I do not see how the houses are going with topography; all three houses (in this application) are being built on platforms, over mounds of soil, that appear to be making the new houses taller and more dominant than the existing houses.
- The developer is creating a raised large tier that will create a stepped effect, raising the original field height up from the front driveway all the way back to the rear garden.
- I fear, large walls will have to be built to achieve this, and the unsightly walls mentioned above that I feel are not something to be admired.
- It is also unclear whether the Plot 23 eastern room is intended to extend vertically to the roofline. If so, this would further intensify the massing effect, especially when viewed from neighbouring properties at lower elevation. This would be harmful the Green Belt boundary eroding the sense of openness and rural edge that the designation seeks to protect
- The lower floor, currently under construction, sits above road level, meaning the front door and garage will be raised significantly above the street. It also begs the question of whether residents are going to have to go up steps to access the front door of the property, which would have an impact on the streetscape.
- The proposal fails to comply with local and national planning policy.
- Plot 23 fails to comply with the guidance within the Council’s Housebuilder Design Guide SPD.
- The new dwellings aren’t equivalent height, or marginally lower, than the units to the south of Lingards Road as set out within the Committee Report for the original application. The application should require the ridgeline to be reduced for Plot 23.

Officer note: These concerns have been noted, and a full assessment has been undertaken within the report below in relation to visual amenity. Of note, the developer has not applied for an increase in the height of the dwellings.

- The kitchen and snug at Plot 23 would be under the proposed garage, but there would be no basement underneath the kitchen and snug. If the basement justification given is correct, why has no basement been provided here?
- Concerns regarding the inclusion of a basement to some of the plots and the reasons for it.
- Construction concerns for the basement.

Officer note: Noted. The proposals have however, now been amended to remove the basement from Plot 23.

- The fronts of the three dwellings have not got the required amount of green natural planting or garden as required in the local plan. The design has focused on paving the front making them into large parking bays/yards rather than complying with the requirements.
- Loss of front gardens, due to car parking. This would be contrary to design policies.
- A single hedge line along the boundary with Lingards Road is grossly insufficient in landscaping terms and will conflict sharply with the soft landscaping on the other (existing) side of Lingards Road.

Officer note: Noted. Whilst it is acknowledged that some of the garden to the front of the dwellings will be lost to provide amended parking spaces, the amendments have also resulted in the provision of additional garden spaces to the sides of the dwellings and therefore on balance, this is deemed to be acceptable. In terms of the hedging to the front of the properties, this is in accordance with originally approved plans and does not form part of this S73 application.

Highways/Access

- Large heavy goods vehicles & large tractor/trailer combinations, transporting heavy machinery and hardcore down to the site, were not supposed to use the top part of Lingards Road from Chain Road down to the site. This is a very narrow single-track road with few passing places which is hard enough for oncoming cars to negotiate. The road itself is not in a good state of repair which is only made worse by these heavily laden vehicles.

Officer note: Noted. These concerns would need to be raised with the Council's Planning Enforcement team as these issues cannot be dealt with under this S73 application.

- Will the driveway be constructed to the correct gradient 1/15 which the changes proposed?

Officer note: Noted. As shown on the submitted plans, the driveways are to be constructed with a 1/15 gradient.

- Car parking locations have changed but there has been no updated car manoeuvrability/parking visualisation Without it, how can one know whether the changes made are viable? Cars are now planned to be parked closer to the road, which means turning in and out of spaces, on to, or off the road, decreases the ease of doing so.

Officer note: Noted. KC Highways have assessed the proposals and deem them to be acceptable. Further details can be found within the Highway Safety section of this report.

- The new properties have gates facing the highway. How do they open?

Officer note: Noted. The gates are to slide open, within the site, as shown on drawing No. Sk VOC 01 – Bin enclosure and gates.

Residential Amenity

- Concerns over overlooking.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Will the proposed side elevation windows shown within Plots 34 & 35 be obscurely glazed, and be opening/non-opening?

Officer note: The proposed side elevation windows shown within Plots 34 & 35 are not marked as being obscurely glazed or non/opening, this is not considered to be a cause for concern however, as these windows simply relate to a landing area (non-habitable room) and would look out onto blank gable elevations of the adjacent properties.

- Object to any variations that will lead to a delay in the development being completed as the residents are having to live with the nuisance created by the developer.

Officer note: Noted.

- This amended application mainly effects residents living on Lingards Road, whose views are going to be further impeded with the addition of a double garage to the side of the top house, and a reduction in the separation distance from the new buildings to the existing properties, with the addition of car ports right up to the plot boundary.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Would like to draw to the attention of the Local Planning Authority that heavy machinery is being operated throughout the site from the unearthly hour of 7am. There has also been a delivery of another heavy excavator at around 8pm, which all the associated noise of unloading the machine and its ancillary equipment. In a residential area it is hoped that noise arising from loud machinery/building noise would be restricted and enforced by the Local Planning Authority, or at least some courtesy to the residents from the builder.
- Deliveries taking place outside of the hours specified in the CEMP.
- And if large vehicles have to park, to (for example) offload, it could end up effectively closing the road for the duration. And, because they start work as early as 7:10am, it could mean I, and many others, will struggle to get to work. This is unacceptable.

Officer note: Noted. Original approval ref: 2020/93954 was approved with a informative restricting noising activities to Monday-Friday: 07:30-18:30, and Saturday: 08:00-13:00, with no working on Sundays or bank holidays. Should works be falling outside of these hours, it is recommended that the Council's Planning Enforcement team be made aware of this, the team can then investigate this further.

- The new application shows disregard to the original and shows contempt for neighbouring residents.
- It is shameful the way the dwellings (on plots 9-12) have been allowed to dominate the farm, and plots 1 to 8 dominate houses on Manchester Road; with roof terraces allowing new residents to have an elevated view into gardens and houses.
- The consequence is a tangible loss of amenity to neighbouring residents—including myself—through increased enclosure, overshadowing, and visual intrusion. These impacts are not theoretical; they are experienced daily and are a direct result of the developer's decision to build beyond the approved parameters.

Officer note: Noted. Officers have undertaken a full assessment on neighbouring amenity as part of this report.

- The extension to no. 92 should be treated as part of the built context when assessing the impact on amenity and the spatial relationship in relation to Plot 23.
- No. 92 is being boxed in by incremental shifts that erode its amenity and outlook. This is contrary to the principles of separation, rhythm, and visual relief set out in the Kirklees Housebuilders Design Guide SPD and Local Plan Policy LP24.
- In addition, the eastern extension now overlaps my bungalow by approximately 10 metres, intruding into the established visual corridor and disrupting the spatial relationship between dwellings. This level of encroachment would likely have attracted scrutiny had it been presented transparently in a full planning application.

- The effect of the massing, height, and impact on No.92 is materially significant and must not be ignored or unjustly accepted. To do so would result in the Kirklees planning process being seriously undermined.
- The existing porch at no. 92 was missed from the original assessment for 2020/93954. The changes to plot 23 will overbear, result in a loss of privacy and will visually enclose this space.

Officer note: Noted. Officers have undertaken a full assessment on neighbouring amenity as part of this report.

Other Matters

- Concerns over site safety and the use of safety helmets, high visibility jackets and protective footwear.

Officer note: Noted. It is recommended that this raised with the site manager/developer in the first instance. Alternatively, this could be raised with the Health and Safety Executive (HSE).

- Concerns over the safety of the design and the provision of load bearing walls within the dwellings.

Officer note: Noted. This would fall outside the remit of this application and would be dealt with by Building Regulations should the application be approved.

- There are inconsistencies within the submitted plans.

Officer note: Noted. The drawing errors identified within the representation have now been corrected.

- Concerns that the proposed amendments would lead to an increase in crime and theft in the area.

Officer note: Noted. However, given the minimal changes made it is not considered that the amendments would lead to a significant increase in crime within the area.

- This is the fourth planning application for this location. If the application is approved, are we to expect “tweaks” & “modifications” throughout the site for the duration of this project?

Officer note: Noted. The Local Planning Authority cannot decline to determine any new applications or modifications coming forward at this site however, each application will be based on its own merits and assessed as such.

- A stop notice has been issued to the developer as he has contravened existing agreements made as part of the planning permission.

- Following the Stop Notice, the applicant has been building bunds, and digging trenches. One of these trenches effectively cuts off access, from the field side, to plots 23, 34, and 35. As such, any large diggers, dump trucks, or cement trucks will only be able to make their way up to these plots by driving across the trench.

Officer note: Noted. This should be reported to KC Enforcement.

- The development fails to provide cycle storage facilities.
- This is a direct contradiction to the requirements set out in the Kirklees Local Plan, specifically Policy LP21: Highways and Access.

Officer note: Noted. Cycle storage facilities are covered by condition 33 of original approval 2020/93954, which is yet to be discharged.

- Land has been cleared to the west of the site to allow the erection of a temporary boundary fence, straightening out a 'kink' in the western boundary demarcated by a broken-down dry-stone wall and shown clearly on the ground plan of the site. Is this an agreed change of the site boundary line?

Officer note: Noted. This has been raised with the Council's Planning Enforcement team and would fall outside the remit of this S73 application.

- Since the original planning permission was granted, we have seen caution thrown to the wind; lip service paid to what was said, the delegated report, and what is enshrined in the approved conditions. Now it all appears to be about making things bigger, higher, with better views, and a disregard for the impact on green belt.

Officer note: This concern has been noted, nevertheless, each application is assessed on its own merits.

- The applicant sought pre application advice from Nick Hirst, but this was never approved. In late June 2025, the developer nonetheless excavated Plot 23 and began pouring concrete foundations. Kirklees Planning was promptly notified by a neighbouring resident that construction was under way without any approved permission. Residents then contacted the officer to discuss the new plans and why plot 23 foundations were a different shape to the submitted plans. It now appears that the finished property (plot 23) will stand 2 metres higher than my own home, in direct conflict with the Sub-Committee stipulation in Mr Hirst's 2023 report.
- How can it be acceptable for construction to continue without an approved permission when the building is already set to exceed the agreed height by such a margin?
- Whether the deviation is the result of design or error, the outcome is the same: the foundations do not match those in submitted plans. This constitutes

a clear breach of the planning system. It would also have negative real-world impact on the amenity of neighbours.

- Separately, the principal contractor previously stated (paraphrased) that the foundations were laid in accordance with the plans received. If that's true, then the plans he is working from do not match any of those submitted as part of the planning application and found under "Plans" online.
- The foundations for plot 23 are a mystery. I am of the opinion that they have been built incorrectly, as they do not match the plans; or to different plans than those I see online. If the house is built different to the plans, I cannot foresee Kirklees planning insisting on the house being rebuilt to the approved plans.

Officer note: This concern has been noted, and the developer has been advised that they need to submit a fresh S73 application to attempt to regularise any additional changes undertaken. This is currently with the Council's Planning Enforcement team.

- The planning authority must recognise that this is not a technical adjustment. It is a fundamental breach of trust with the community, and a clear departure from the principles of respectful, context-sensitive development.
- The communities concerns as part of the original permission, have been justified by the unauthorised works taken place.
- The unauthorised works at Plot 23. This requires its own assessment and should not override proper planning scrutiny. am committed to ensuring that planning decisions are made on the basis of policy, site context, and
- Procedural integrity—not on the momentum of unauthorised works. Photographic evidence has been provided.
- Finally, it is difficult not to notice the contrast in how planning enforcement is applied. Plot 23, and now perhaps Plot 34, illustrate the extent to which developers may seek to push the limits of the current planning system.
- Plot 23 has once again diverged from the latest submitted plans under application 2024/91236.
- The developer has prematurely commenced work on constructing the dwellings on plots 23 and 34, before approval has been granted. Regrettably the Council has not felt it necessary to stop work.
- This is an outrageous disregard for the planning protocols and for public input to the planning process -especially when the "as built" parts of the new property are so grossly deficient compared with all submitted plans.

Officer note: These concerns are noted.

- Between plots 23 and 34 there is an interconnected retaining wall. Since the earlier CGI have been ruled as inconsequential to the plans, there is no way of knowing how high the wall will be above the height of the road; or which material will be seen from the road (e.g. glass, concrete, stone).

Officer comment: Noted. Plans have been submitted which show sections through the retaining walls proposed between Plots 23 & 34. To the front facing Lingards Road, the wall is to be 4m in height (from garden level), constructed from coursed stone.

- The planning officer has said the Supporting Information, seen against the planning applications, on Kirklees website, are not part of the plans. They may appear under the heading of Plans and drawings, where everything legal is meant to appear; and they may be submitted as part of the application, but they are definitely not part of the plans.

Officer comment: Noted. This related to the CGI plans which had been submitted indicatively and to provide some imagery of the amendments to support the proposals. Nevertheless, to avoid any confusion the CGI plans have now been superseded from the submission.

- The amount of concrete poured into this site, is not meeting the Council's net zero target

Officer comment: Noted.

- It still seems sad to me when I think about the fields that have been lost to this development. And all the wildlife that has been affected or killed. We were told this development would be sympathetic to the Colne Valley, but I feel it could be anywhere in the country. It is just a concrete jungle housing estate. And even the greenbelt field to the side has been affected, with hundreds of tonnes of soil dumped on top of it, making an unmistakable mound

Officer comment: These concerns have been noted, however, the principle of development on the site has been established and would not be re-assessed as part of this S73 application.

- The use of Section 73 of the Town and Country Planning Act 1990 to facilitate these changes is also questionable. Section 73 allows for the variation or removal of conditions, but it does not permit changes that materially alter the approved development itself. The scale of the proposed changes at Plot 23—particularly the 50% increase in width and the altered spatial relationships—goes beyond what Section 73 was intended to accommodate. According to government guidance, where modifications are substantial, a new planning application under Section 70 should be submitted.

Officer comment: Officers consider a S73 application to be the correct application for assessing the changes proposed.

- The LPA should review cumulative discrepancies across the site.

Officer comment: The Council's Planning Enforcement team are aware of breaches within the site and are currently assessing this matter.

- Breach of validation requirements. The plans should be to scale and the block plan should accurately show the site and the immediate surroundings. Depicting Plot 23 with a speculative or unbuilt design breaches these standards and renders the block plan procedurally deficient.
- It is the responsibility of Development Control Admin to identify and rectify such discrepancies prior to validation. The failure to do so raises concerns about internal oversight and the integrity of the planning process. The applicant should submit the corrected block plan showing Plot 23 in its approved or built form only, not the speculative design from 2024/91236.

Officer comment: Noted. Amended plans have been submitted by the agent to rectify these changes.

- Having reviewed every photographic record of the excavation and foundation works at Plot 23 dating back to June, I found no evidence whatsoever of trench collapse—no slumping, no shearing, no remedial shoring, and no reactive groundworks. The excavation appears stable throughout. The only visible instance of footing extension is marked below (yellow arrow). Crucially, this extension follows the same alignment as the original footing path. It does not explain, justify, or even relate to the lateral displacement of the built form.

Officer comment: Noted.

- Breach of Delegated Authority – Under Kirklees' adopted Scheme of Delegation, case officers may not approve applications that: represent a material departure from a previously approved scheme, attract significant public objection; raise public interest or precedent risks that warrant committee scrutiny.
- This application should be referred to Planning Committee.

Officer comment: The application does not represent a material departure from the original scheme, nor does it trigger a committee decision due to the small level of representations submitted (9 individuals).

- Into the fourth month of groundwork's and Lingards Road has been cleaned for the first time today due to complaints to the Council. These further developments will involve huge amounts of material and move the detritus higher up Lingards Road, can assurances be given that the road is swept at least twice a week.

Officer note: Noted. As this application is for a S73, this would fall outside the remit of this application. Therefore, if there are concerns surrounding the construction works ongoing at the site, it recommended that you contact the Council's Planning Enforcement team who can investigate this further.

- Wheel washing facilities are non-existent and safety on site must surely be compromised by the non-use of hard hats.

Officer note: Noted. These concerns would need to be raised with the Council's Planning Enforcement team as these issues cannot be dealt with under this S73 application.

- It is important to note that Permitted Development rights were removed for Lingards Fold under the original approval. This restriction was imposed specifically to prevent unregulated expansion and to safeguard the estate's character. To permit such a substantial increase under a variation to Condition 2 risks undermining the intent of that restriction and sets a concerning precedent for future development.

Officer note: This concern has been noted and will be taken into consideration as part of this application.

- Misalignment with submitted plans: The description of development is narrowly framed. The approved plans do not include garage foundations for Plot 23.
- By laying foundations in advance of consent, the developer has undertaken unauthorised operational development. This is not a minor discrepancy but a material change, as it introduces a structural element not envisaged in the approved scheme.

Officer comment: Noted. As previously discussed, this is with the Council's Planning Enforcement team who have advised that the developer submit a fresh S73 application to try and regularise this breach.

- Application 2024/91236 is still pending. No permission exists. Therefore, there are no conditions to vary, and no lawful basis for a Section 73 submission.
- The Court of Appeal held that Section 73 cannot be used to alter the description of development. In Finney, an attempt to increase turbine height via S73 was quashed as unlawful.
- The High Court confirmed that S73 cannot be used to amend conditions in a way that conflicts with the operative description of development.
- Permitting the use of Section 73 to regularise these works would set an undesirable precedent.

Officer comment: Officers are satisfied that the changes submitted fall under the remit of a S73 application. There would be no changes to the description of development or changes to the conditions attached to the original application.

- The garage foundations on Plot 23 represent unauthorised development. The only lawful route is via a new full planning application.

Officer comment: Noted. This is with the Council's Planning Enforcement team, and the developer has been advised to submit a fresh S73 application.

- This report demonstrates that the proposed siting and elevation strategy for Plot 23 is not the only viable design solution. There are other options which include; Option A: Eastern Garage Placement and Option B: Eastern Driveway Access with Front-Facing Garage. This second alternative (Option B) demonstrates that even without altering the architectural design, a simple change in access strategy enables a lower elevation and better integration with the site's topography. It is a practical, policy-compliant solution that avoids unnecessary height and dominance.

Officer comment: Noted, however, Officers are reviewing the information submitted as part of the application.

- I remain firmly of the view that the plans for Plot 23 do not reflect what is actually being constructed on site. The development appears to disregard the natural topography entirely. As evidenced in the image above, soil has been artificially built up, followed by blockwork to form retaining walls into which concrete is now being poured. This method is significantly raising the ground level above its original state.

Officer comment: Noted. As discussed previously, this is with the Planning Enforcement team for investigation.

- While the plans indicate a modest increase of 20 cm in height, the actual effect—especially when viewed from the right-hand side of Lingards Road—is far more dramatic. In my view, the plans we were shown do not match what is being constructed. Yet under Condition 2 of the approved planning permission, I have a legal right to see accurate plans of what is being built.

Officer comment: Noted. The developer has been advised that any discrepancies from the plans as submitted under this S73 application should be covered and assessed by the Council under a future S73 application.

- I have spoken to a professional with expertise in foundation design, and they have raised concerns about what appears to be a raft-type foundation being used on this plot. They question whether the underlying material is suitable for this method and have warned of potential structural movement in the future.

Officer comment: Noted. However, responsibility for securing a safe development rests with the developer and/or landowner.

- No retrospective planning application could adequately resolve these issues or mitigate the resulting impacts. I therefore urge that the build at Plot 23 be professionally assessed without delay. If it is found to be inconsistent with the

approved plans under application 2024/91236, construction should cease immediately.

Officer comment: This is with the Council's Planning Enforcement team who are investigating the situation and are in discussions with the developer for this site.

- I object to the proposed development on the grounds of inconsistent and misleading dimensional information regarding the dwelling at plot 23. Taking the garage structure as an example of such discrepancies, as shown on the submitted layout plan and block plan. These discrepancies undermine the reliability of the application and raise concerns about the accuracy of the overall site representation.

Officer comment: Noted. Amended plans have been received to try and rectify any discrepancies.

- On-site observations suggest that the initial foundation pours were incorrect. New foundations have since been poured over the original ones, with a noticeable reorientation. If the assumed original error has resulted in additional concrete depth, this will inevitably affect the finished floor levels — and by extension, the roof height.

Officer comment: Noted. Planning Enforcement are currently investigating these claims.

- Changes to the plans from the original application, including changes to the rear or plots 23 and 24.
- To accommodate disregarding the approved plan, large stones, found on-site, have been used to build a huge tiered, loose stone wall. This wall has also left existing residents forced to look at these huge stones that, in at least one case, have meant a loss of outlook.
- That concern stems from inadequate construction, soil movement, water pressure, and poor drainage attributed to such walls that have been known to cause dangerous leaning, bulging, cracking, and even complete collapse. The walls should not be accepted or approved.

Officer comment: Noted. As highlighted above responsibility for securing a safe development rests with the developer and/or landowner.

- Contradictions between the plans submitted and supporting information (including windows, parking, landscaping, retaining walls etc).
- Discrepancies between the plans and what has been built on site.

Officer comment: Noted. Amended plans have received to overcome these discrepancies.

- Concerns regarding the car port positioning, the design, its security.

- It will effectively reduce the house separation distance shown on the approved plans down from 21 metres to an estimated 14 metres and drastically reduce the landscaping distance in the gardens of the new properties.
- Were the developer to recognise the damage that his proposals would do to Lingards Road and move the entire house building line and car port positioning back some 7 metres into the field, this proposal for car ports instead of garages might be acceptable.
- To omit the garages and provide outdoor car parking, just so additional living accommodation can be provided, is not acceptable.

Officer comment: Noted. The originally submitted car ports have now been removed from the scheme. Outdoor parking is also not considered to be alien within the streetscene, and whilst some additional living accommodation is being provided, originally approved living accommodation is also being removed from the dwellings to help even out the proposals, when compared to the originally approved scheme.

- Concerns regarding bin location and their accessibility.

Officer comment: Noted. KC Highways have assessed the proposed scheme and raised no concerns in respect of the bin locations and their accessibility.

- This application only relates to plot numbers 23, 34 and 35 but it appears to set a precedent for all other plots accessed directly from Lingards Road. In fact drawing number E19/7567/001-03 actually shows part of a proposed car port on plot number 36. The applicant should submit a variation covering all his intended plot variations facing on to Lingards Road, so that they can be considered as a whole.

Officer comment: Noted. These discrepancies have now been removed from the plans.

- Once a four storey dwelling is approved, any developer wanting to build in Slaithwaite would point to these and say I want the same. It should not be allowed that a small application like this should be able to change the character of a whole village.

Officer comment: This is noted, however following amendments the basements of the proposals have been removed, and now both dwellings are back to being three storey properties as originally approved. Nevertheless, each application is assessed on its own merits.

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).

Kirklees Local Plan (2019)

The application site forms the majority of Housing Allocation HS125 but also extends into adjacent Green Belt land. The site is also located within the Strategic Green Infrastructure Network and Bat Alert Area. A Grade II Listed Building is located to the north of the site. It is also important to note that PROW COL/133/10 runs along the site's western boundary, and PROW COL/117/10 is located to the north-east of the site.

Relevant Local Plan Policies to the proposed development are:

- **LP1** – Presumption in favour of Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and Effective use of Land and Buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP19** – Strategic Transport Infrastructure
- **LP20** – Sustainable Travel
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP23** – Core Walking and Cycling Network
- **LP24** – Design
- **LP26** – Renewable and Low Carbon Energy
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and Enhancing the Water Environment
- **LP35** – Historic Environment
- **LP38** – Minerals Safeguarding
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and Unstable Land
- **LP63** – New Open Space
- **LP65** – Housing Allocations

Local Supplementary Planning Guidance/Documents

Supplementary Planning Documents

- Housebuilders Design Guide SPD (2019)
- Highway Design Guide SPD (2021)
- Open Space SPD (2021)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), and the Planning Practice Guidance Suite (PPGS), 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** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Green Belt
- **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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standards (2015)

Assessment

This application is made under Section 73 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, Section 73 enables the varying of a condition's wording. The effect of a granted Section 73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. The time limit for development to commence cannot be extended through a Section 73 application.

The starting point for a Section 73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

For policy, the Local Plan was the development plan at the time the original application was determined and it remains so at the time of assessment. While the National Planning Policy Framework has been revised, none of the changes are considered material to this application. In terms of local context, there have been no significant 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.

The principle of development on the site has already been established by planning application 2020/93954 to which this application relates.

Implications of the proposed variation of Condition 2

The proposal seeks to amend the appearance and layout of three plots; 23, 34 & 35. The wording of condition 2 would not be changed but, if supported, the plans table would be revised to include the updated plans. On the matter of post-approval variations, paragraph 140 of the NPPF states:

Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The potential implications of the sought changes, as set out within the description of development section of this report, are considered below:

Visual Amenity and Heritage Assets

Kirklees Local Plan Policies LP1 and LP2 and more significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Policy LP35 of the Kirklees Local Plan is relevant stating that: 'Development proposal affecting a designated heritage asset should preserve or enhance the significant of the asset. In cases likely to result in substantial harm or loss will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.'

Chapter 16 of the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use

The proposed variation includes a change in house types for Plots 23; 34 & 35 previously approved under application 2020/93954. Amendments include:

Plot 23:

- Relocation of garage from internal ground floor to the side of the dwelling;
- Provision of a glass fronted single storey structure to be used as an entrance into the property;
- Addition of a dining room at lower ground floor level (beneath the garage);
- Provision of an electric gate;
- Removal of the originally approved single storey sunroom and terrace to the rear;
- Removal of originally approved side projection.
- Alterations are also proposed to the rear patio area and stairways, which sees the patio area increase slightly in size and curve around the dwelling to the west.

Plots 34 & 35:

- Removal of integral garage from internal ground floor, replaced with additional parking spaces to the front of the dwelling;
- Provision of a glass fronted single storey structure to be used as an entrance into the property;
- Provision of a shared electric gate;
- Removal of originally approved side projection on ground and first floor level.
- Alterations are also proposed to the rear patio area which seeks an amendment to the design of the stairway, and an increased patio area which wraps around the eastern/western elevations of the plots.

In terms of urban design and the design quality of the dwellings, officers are satisfied that the provision of glass fronted single storey structures to the front of the dwellings would not have a significant material impact upon the visual amenity of the wider site, given the removal of other protrusions (e.g. single storey sunroom and terrace to the rear of plot 23) from the properties, which ensures that the overall footprint and scale of the dwellinghouse would not become excessive, nor result in a change significantly over and above what was originally approved. Whilst the front extensions are somewhat contemporary in design, dwellings in the area host a variety of appearances and large panels of glazing are not uncommon within the wider site or surrounding area and are therefore deemed to be acceptable.

In terms of the proposed changes to the garage, and inclusion of a dining room (beneath the garage), at Plot 23, similar to as discussed above, the proposed garage would replace existing structures which are to be removed from the dwelling to allow for this change. Visually the single garage is considered to be appropriate within the context of the site and would provide sufficient off-street parking for the dwelling. The new dining room would be located beneath the single storey garage and would not be visible from Lingards Road. It would be visible however from further vantage points and from within the site itself; nonetheless, this addition would be viewed against the existing dwelling, whereby the property already benefits from living accommodation on the lower ground floor and therefore would not appear incongruous. In terms of the additional floorspace, the dining room would be built beneath the garage and would not result in any additional bedrooms at the property.

The alterations proposed to the rear patio areas of Plots 23, 34 & 35 incorporate an increase in the overall size of the patio areas, and seek to create a 'wrap around' design on the either the eastern or western sides of the dwellings (dependent on each plot). This does also include a change to the stairways and how they are utilised. Nonetheless, these changes are considered to be minor when compared to what was previously approved at the site, and Officers do not consider these changes to detrimentally impact on the visual amenity of the area.

Looking at the proposed changes to parking at Plots 34 & 35, the removal of the integral garages is considered to be appropriately offset by the addition of extra parking spaces to the front of the dwellings. This arrangement is considered suitable in terms of highway safety and visually as the parking area is to be suitably block paved to match the previously approved hardstanding. Whilst it would result in a loss of some of the front garden area, this is not considered to be a significant loss, or to severely impact on the overall appearance of the dwelling, which is located in an area whereby off-street parking to the front of properties is common.

Finally, the proposed electric gates, whilst not common with the area, are considered to have a minimal impact on the visual amenity of the area. They could also be installed by the future occupiers of the dwellings, outside of a planning application should they wish to do so.

Overall, the proposed amendments would not significantly change the appearance of plots 23, 34, and 35, nor that of the wider development. Regardless, the changes sought are considered to be an equivalent quality to that originally approved and would not detract from the original approval. The proposed variation is deemed to adhere to the aims and objectives of LP24 of the Local Plan and Chapter 12 of the NPPF.

Impact on the historic environment

In terms of impact on adjacent heritage assets, it is acknowledged that to the north-east of the site is Grade II Listed building Lower Wood Farm. This listed building is located a sufficient distance away from Plots 23, 34 & 35, with these plots being situated to the south-west of the site, with various intervening other plots. Nevertheless, similar to comments outlined above, given the location of the plots to be amended, in relation to this heritage asset, and the minimal alterations proposed to Plots 23, 34 & 35, the changes are not considered to result in significant harm, or harm over and above what has previously been approved and assessed at this site, in relation to the construction of modern dwellings adjacent to this Listed Building. The impact is therefore the same as that of the original application.

Nevertheless, the scheme as a whole does provide public benefits in terms of the delivery of residential development at a time of national crisis and given the limited harm on the above adjacent heritage asset; as per the original application, this is considered to outweigh the harm identified to the historic environment on this occasion.

It is therefore considered that in terms of visual amenity/impact on heritage assets the proposal would result in less than substantial harm which is to be outweighed by the identified public/private benefits of the scheme. The overall benefits when weighed against the nature of the proposal is such that it is concluded that the development proposal complies with LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework states that Local Planning Authorities should seek to achieve a high standard of amenity for existing and future users.

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.

The nearest residential properties to Plots 23, 34 & 35 are nos. 88-94 Lingard's Road, which are located directly to the south of these plots, across Lingards Road. It is noted that number 92 has a front extension (approved via application 2013/92181), which projects circa 1m beyond the original front elevation, and has

had permission for a side extension (approved via 2018/92537), for a projection of 3.2m, neither of which are shown on the applicant's plans. Also, no. 90 Lingards Road benefits from a large front terrace (approved via application 2020/91838), which projects circa 2.1m beyond the original front elevation. No. 88 Lingards Road also has ground and first floor extensions (approved via 2011/93311 however, these extensions do not bring the dwelling closer to the development site/proposals given their size and location.

Separation distances, to the opposing dwellings (original and as extended) are all in excess of 21m, with views being across the public realm. Given the existing properties' southern location, compared to those proposed, and the nature of the proposed amendments, Officers have no concerns in respect of overshadowing, or the loss of light, for existing residents. Impacts arising from overlooking, or the proposals appearing overbearing, are discussed in more detail below.

In respect of Plot 23, the amendments would provide a new single storey glass fronted structure to the front of the dwelling. This would 'infill' a previously recessed section of the plot's front elevation, bringing the ground floor of the set-back section flush to the front section. A canopy would be located around the structure, projecting circa 1.4m. Whilst this addition would include large panels of glazing and have a canopy that would project 1.4m beyond the front elevation, as approved, given its single storey height, non-habitable status and the separation distances between this plot and adjacent neighbouring properties Officers have no concerns in regard to potential overlooking or the proposals appearing overbearing, compared to that previously approved.

Further to the above, for plot 23, the originally approved side projection (to the eastern elevation) is to be removed and replaced with a single garage (on the western elevation). Whilst the garage would be slightly larger in size than the side projection to be removed, and therefore make the plot appear marginally wider than approved, given its single storey height (when viewed from Lingard's Road), low mass, and acceptable separation distances, Officers do not consider that this change would result in any impacts relating to overlooking, or appearing overly dominant on neighbouring properties on Lingard's Road. While the plot may, by virtue to the increased width, be more visible from properties to the south, there is established to be no right to a view within the planning system. For the reasons given, the key test – that of material residential amenity impacts – would not be prejudiced by the proposed variation(s) to plot 23.

In terms of the changes proposed to Plots 34 & 35, these are to include the removal of the previously approved integral garage; the floorspace would become part of the internal habitable space. The lost car parking provision is to be replaced with additional car parking to the front of the properties. This change would not result in any overlooking or overbearing impacts on adjacent neighbouring properties.

In addition, a new single storey glass fronted structure is now proposed to the front of the dwelling. This is to be offset by the removal of the originally approved side

projection (to the western elevation). As outlined above, this addition is to be single storey in height, set a sufficient distance away from adjacent neighbouring properties, and whilst glazing is proposed within the extension, this will be for a non-habitable room, and therefore for the above reasons, the proposed changes are not considered to result in overlooking, or would appear overbearing in nature.

Consideration is also required for future occupiers; both of the plots directly affected and those neighbouring. The proposed changes would not affect the amenity quality of the dwellings so as to harm future occupiers, nor would it materially affect the relationship with neighbouring plots.

For these reasons, the development is considered acceptable from a residential amenity perspective, in accordance with policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Highway Safety

This proposal is for the change of house type to plots 23, 34 and 35. The proposed changes include the relocation of Plot 23's garage, removal of Plots 34 & 35's garaging which is replaced with additional parking to the front of the dwelling.

The proposed variations would not affect the development's established relationship with the public highway. KC Highways Development Management have been consulted on the proposals and raise no objection to the proposed changes, following receipt of amended plans which sought to extend the length of the shared driveways between Plots 34 & 35 to 7 metres. In effect, there would be no net change in the level of off-road parking proposed by the change.

A condition is recommended requiring that the proposed gateways only open into the site (i.e., they could not open / swing onto the public highway). This is in the interest of highway safety.

The development is therefore considered to be acceptable and accord with LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other Matters

The proposed variation, principally consisting of plot type amendments / substitutions, is not considered to impact upon any other material planning considerations such as drainage, air quality, land contamination, crime mitigation, minerals, or the strategic green infrastructure network.

Planning Obligations

Application 2020/93954 was granted subject to a S106 agreement which secured various planning obligations, thus, a S106 deed of variation which carries over the previous obligations and contributions has been secured.

The new deed of variation also includes the following clause:

24.1. In the event that an application for planning permission is made pursuant to Section 73 or Section 73A or Section 73B or for a minor amendment to the Planning Permission pursuant to Section 96A of the 1990 Act and permission is granted by the Council in respect of that application then:

24.1.1. references to “Application”, “Planning Permission” and “Development” in this Deed shall thereafter be deemed to include the application made pursuant to Sections 73 or 73A or 73B or Section 96A, the new planning permission granted pursuant to Section 73 or 73B of the 1990 Act and the development permitted by that permission or as changed pursuant to Section 96A respectively; and

24.1.2. this Deed shall apply to and remain in full force in respect of both the Planning Permission and that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act unless required to do so by the Council.

This is to allow any future S73 applications to be dealt with without the need for a deed of variation.

A draft version of the Section 106 agreement was uploaded to the council's website on 18/11/2025. This publication (prior to determination of the application) complies with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. No public comments were received relating to it. The final agreement, which did not materially change from the published draft, is dated 15/01/2026.

Review of Conditions

As this is an application under S73 of TCPA 1990 it would, in effect, be a new permission. Planning practice guidance (The Use of Conditions) confirms that the original planning permission would continue to exist whatever the outcome of the application under section 73 and that the conditions imposed on the original permission still have effect unless they have been discharged.

The PPG also confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The 38 conditions applied to the previous application (2014/93946) should therefore be repeated unless they are no longer required.

The submitted application form states that works have commenced on site 20/03/2024 and therefore Condition 1 has been removed.

Whilst the plans have been updated within the plans table to reflect the amendments applied for, the wording of Condition 2 will remain unchanged.

Both conditions 4 (Phase 2 Contamination Investigation Report) & 5 (Remediation Strategy) have also been removed as they have been discharged under application ref: 2023/93464, 09/05/2024, and therefore are no longer required. Condition 6, which requires that remediation be done in accordance with the approved remediation strategy (pursuant to condition 5) has been amended to specify the remediation strategy approved via 2023/93464.

In addition, the other original conditions have been reviewed and updated to reflect previous discharge of condition applications which have been approved at the site.

One additional condition is recommended; this relates to the proposed electric gates and their opening mechanisms, in this case it is to be conditioned that the electric gates open in a sliding motion only, in the interests of highway safety and to ensure the gates do not open out onto the public footway. This is to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Variation of Condition

Report Dated: 18/03/2026.

Decision Authorisation: Delegated Powers

Application Number: 2024/91236

Officer Recommendation: Approve

Conditions and Reasons

1. Removed – development commenced 20/03/2024.

2. The development hereby permitted shall be carried out in 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.

3. 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 work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Reason: In the interests of preserving the biodiversity of the site, in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. Removed – discharged under application ref: 2023/93464, 09/05/2024.

5. Removed – discharged under application ref: 2023/93464, 09/05/2024.

6. Remediation of the site shall be carried out and completed in accordance with the Contamination Remediation Method Statement for Proposed development of Lingards Road, Slaithwaite, authored by Haigh Huddleston and Associates (ref: E19/7567/MD/06), dated 03/11/2023, which was approved under application reference 2023/93464, granted 09/05/2024, (to satisfy/discharge Condition no. 5 (Remediation Strategy) imposed on previous permission 2020/93954, granted 11/10/2023). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. 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. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Development shall be carried out strictly in accordance with the Construction Environmental Management Plan, approved under application reference 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 8 (Construction Environmental Management Plan) imposed on previous permission 2020/93954, granted 11/10/23), and no change from thereon shall take place without the prior written consent of the Local Planning Authority.

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.

9. Development shall be carried out strictly in accordance with the Construction Environmental Management Plan: Biodiversity Land off Lingards Road, Slaithwaite, authored by Middleton Bell Ecology (ref: MBE/OTH/2023/23/01), dated 16/11/2023, which was approved under application 2023/93464, granted 09/05/2024 (to satisfy/discharge condition no. 9 (CEMP: Biodiversity) imposed on previous permission 2020/93954, granted 11/10/2023). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

10. Development shall be carried out strictly in accordance with the Road Condition Survey, received 19/12/2023, which was approved under application 2023/93464, granted 09/05/2024 (to satisfy/discharge condition no. 10 (Road Condition Survey) imposed on previous permission 2020/93954, granted 11/10/2023). Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a

defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.

11. Development shall be carried out strictly in accordance with the following plans:

- E19/7567/043B
- E19/7567/042C
- E19/7567/041C
- E19/7567/040C
- E19/7567/036H
- E19/7567/034L
- E19/7567/024K
- E19/7567/022F
- E19/7567/005-01G
- E19/7567/005-02F
- E19/7567/006-01B
- E19/7567/006-02
- E19/7567/006-03
- E19/7567/006-04
- E19/7567/007H
- E21/7826/008E
- E19/7567/009C
- E16/6781/011-02A
- E16/6781/012-01B
- E16/6781/012-02B
- E19/7567/012-03A
- E19/7567/012-04A
- E19/7567/012-05

Which were approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 11 (Estate Roads) imposed on previous permission 2020/93954, granted 11/10/2023). Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

12. Development shall be carried out strictly in accordance with the following plans:

- E19/7567/043B
- E19/7567/042C
- E19/7567/041C
- E19/7567/040C
- E19/7567/036H
- E19/7567/034L
- E19/7567/024K
- E19/7567/022F
- E19/7567/005-01G
- E19/7567/005-02F
- E19/7567/006-01B
- E19/7567/006-02
- E19/7567/006-03
- E19/7567/006-04
- E19/7567/007H
- E21/7826/008E
- E19/7567/009C
- E16/6781/011-02A
- E16/6781/012-01B
- E16/6781/012-02B
- E19/7567/012-03A
- E19/7567/012-04A
- E19/7567/012-05

Which were approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 12 (Lingards Road Footway) imposed on previous permission 2020/93954, granted 11/10/2023). No dwelling shall be occupied until the approved scheme has been implemented.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

13. Development shall be carried out strictly in accordance with Plan Ref: 7567 01 Rev B, 7567 02 Rev B, 7567 03 Rev E and 7567 100 Rev D, approved under application reference 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 13 (Highway Retaining Walls) imposed on previous permission 2020/93954, granted 11/10/23). The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.

14. Development shall be carried out strictly in accordance with the following plans:

- Doc ref: Preliminary Slope Stability Assessment
- E19/7567/054-01 Rev A
- E19/7567/054-02 Rev A
- E19/7567/054-03 Rev A
- E19/7567/054-04 Rev A
- E19/7567/054-05 Rev A
- E19/7567/054-06 Rev A
- Email dated 07/02/2025 (Applicants response regarding conditions 14 and 15).

Which were approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 14 (Highway Embankments) imposed on previous permission 2020/93954, granted 11/10/2023).

Reason: In the interest of protecting the safe use of the highway network, in accordance with policy LP21 of the Kirklees Local Plan.

15. Development shall be carried out strictly in accordance with the following plans:

- Doc ref: Preliminary Slope Stability Assessment
- E19/7567/054-01 Rev A
- E19/7567/054-02 Rev A
- E19/7567/054-03 Rev A
- E19/7567/054-04 Rev A
- E19/7567/054-05 Rev A
- E19/7567/054-06 Rev A

- Email dated 07/02/2025 (Applicants response regarding conditions 14 and 15).

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interest of protecting the safe use of the highway network, in accordance with policy LP21 of the Kirklees Local Plan.

16. Development shall be carried out strictly in accordance with the following plans:

- E19/7567/043B
- E19/7567/042C
- E19/7567/041C
- E19/7567/040C
- E19/7567/036H
- E19/7567/034L
- E19/7567/024K
- E19/7567/022F
- E19/7567/005-01G
- E19/7567/005-02F
- E19/7567/006-01B
- E19/7567/006-02
- E19/7567/006-03
- E19/7567/006-04
- E19/7567/007H
- E21/7826/008E
- E19/7567/009C
- E16/6781/011-02A
- E16/6781/012-01B
- E16/6781/012-02B
- E19/7567/012-03A
- E19/7567/012-04A
- E19/7567/012-05

Which were approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 16 (Drainage Infrastructure in Highway) imposed on previous permission 2020/93954, granted 11/10/2023). The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.

17. Development shall be carried out strictly in accordance with Plan Ref: E19/7567/004 Rev H, E19/7567/036 Rev H, E19/7567/207B, E19/7567/012-04A and Doc Ref: Proposed SWS Operations & Maintenance Itinerary Ref: E19/7567/HH/L004A, which was approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 17 (Drainage Scheme) imposed on previous permission 2020/93954, granted 11/10/2023). None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

18. Development shall be carried out strictly in accordance with Flood Routing Plan, drawing no. E19/7567/019F, dated Oct-22, which was approved under application 2023/93464, granted 09/05/2024 (to satisfy/discharge condition no. 18 (Flood Routing) imposed on previous permission 2020/93954, granted 11/10/2023). No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

19. Development shall be carried out strictly in accordance with Plan Ref: SK503A 'Temporary Drainage Plan, and the Construction Phase Management Plan and Risk Assessment, which was approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 19 (Temporary Drainage) imposed on previous permission 2020/93954, granted 11/10/2023). The temporary works shall be implemented in accordance with the approved scheme and phasing. 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: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

20. Development shall be carried out strictly in accordance with the Arboricultural Method Statement, Ref: 20427/AJB, authored by JCA Limited, which was approved under application 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 20 (Arboricultural Method Statement) imposed on previous permission 2020/93954, granted 11/10/2023).

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

21. Prior to above ground works commencing, a scheme detailing the proposed design and construction details for the new bridge structure(s), including any wing walls, carrying the new access roads over the un-named watercourse shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the new bridge structures shall be implemented in accordance with the approved details and shall thereafter be retained so.

Reason: To ensure acceptable design details of the bridge structures, in accordance with policy LP21 of the Kirklees Local Plan.

22. Prior to above ground works commencing, details of the proposed Green Retaining Wall System, as shown on plan ref. "E19/7567/000 Rev. N", shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to design, management and maintenance arrangements. Thereafter the Green Retaining Wall System shall be implemented in accordance with the approved details and thereafter retained so.

Reason: In the interest of visual and residential amenity, to comply with the aims of Policy LP24 of the Kirklees Local Plan.

23. Development shall be carried out strictly in accordance with the Ecological Design Strategy, authored by Middleton Bell Ecology, Ref: MBE/OTH/2023/7/02, dated 27/07/2023, approved under application reference 2023/93464, granted 09/05/2024 (to satisfy/discharge condition nos. 23 (Ecological Design Strategy) & 24 (Ecological Measures) imposed on previous permission 2020/93954, granted 11/10/2023). Once installed, all ecological features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

24. Removed/merged with Condition no. 23 – discharged under application ref: 2023/93464, 09/05/2024.

25. Development shall be carried out strictly in accordance with the Proposed Materials – Lingards, approved under application reference 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 25 (Materials) imposed on previous permission 2020/93954, granted 11/10/23). The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

26. Prior to above ground works commencing, a scheme detailing the proposed 'Footpath Link's, as shown on plan ref. "E19/7567/000 Rev. N" shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include where the path(s) connect to PROW COL/133/10 and COL/117/10. The scheme shall include full sections, construction specifications, drainage works, lighting, surface finishes, signage, and treatment of sightlines. Before any building is brought into use the footpath(s) shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable and safe access is available for the development, in the interest of the safe and efficient operation of the highway and amenity, to comply with the aims of Policy LP21 and LP24 of the Kirklees Local Plan.

27. Notwithstanding the submitted information, prior to landscaping works commencing and/or the occupation of any of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping with management and maintenance strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include:

a) Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species across the site. This shall include, but not be limited to:

a. Appropriate trees and hedgerow planting along the site's north boundary, to provide screening between the new properties and existing properties fronting onto Manchester Road

b. Planting specifications to provide appropriate screening between the new access road and no. 45 Lingards Road.

a) Details of all hard landscape materials and boundary treatments for the site including garden fences/walls etc. and proposed treatment to existing boundaries and retained features. This shall include, but not be limited to:

- a. Specifications for the western boundary to the adjacent open land.
 - b. Specifications for the boundary treatment between the site and the adjacent property Lower Wood Farm
 - c. Boundary treatment to provide screening between the new access road and no. 45 Lingards Road, to include section plan(s).
-
- b) Timescales for implementation of the hard and soft landscaping, to include the land identified as Public Open Space on plan ref. R/2646/1 Rev. E.
 - c) A management and maintenance strategy of the hard and soft landscaping to cover a minimum of five years.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved soft landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. The hard landscape proposals shall thereafter be retained.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24 and LP63 of the Kirklees Local Plan.

28. Installation of any external lighting (excluding that within the adoptable highway) shall be undertaken strictly in accordance with Lighting Design Strategy – Lingards Road, Slaithwaite, received 18/04/2024, Lingard Road, Slaithwaite Installation: Proposed Lighting, authored by Ansell Lighting, Ref No. QUO-89349-L0B7C3, dated 26/01/2024, and Untitled/Unreferenced site plan with illuminance levels, received 18/04/2024, approved under 2023/93464, granted 09/05/2024, (to satisfy/discharge condition no. 28 (Lighting) imposed on previous permission 2020/93954, granted 11/10/2023), and no change from thereon shall take place without the prior written consent of the Local Planning Authority, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts on local species in the interest of ecological mitigation, while balancing residential amenity and crime mitigation, to comply with Policies LP24 and LP30 of the Kirklees Local Plan.

29. Development shall be carried out strictly in accordance with the Construction Environmental Management Plan, approved under application reference 2023/93464, granted 29/10/2025 (to satisfy/discharge condition no. 29 (Temporary Waste Arrangements) imposed on previous permission 2020/93954, granted 11/10/23). The temporary arrangements so approved shall be implemented prior to 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.

30. Prior to the occupation of the hereby approved dwellings, notwithstanding the details shown on the approved plan(s), a scheme detailing the improvement of pedestrian provisions between the junctions of Lingards Road and Niels Road, and Lingards Road and Manchester Road shall be submitted to, and approved in writing by, the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of construction specification, surfacing, drainage, kerbing and any necessary Transport Regulation Orders and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. No dwellings shall be occupied until the approved scheme has been implemented.

Reason: In the interests of mitigating highway impacts of the proposal, to ensure highway safety and compliance with LP21 of the Kirklees Local Plan.

31. Prior to the occupation of the hereby approved dwellings, notwithstanding the details shown on the approved plan(s), a scheme for the provision of pedestrian improvements along Lingards and Niels Road at the Springfield Avenue and Yew Tree Lane junctions shall be submitted to, and approved in writing by, the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of the proposed construction specifications, white lining, signing, surface finishes, Traffic Regulation orders, with an independent Safety Audit covering all relevant aspects of the work. No dwellings shall be occupied until the approved scheme has been implemented.

Reason: In the interests of mitigating highway impacts of the proposal, to ensure highway safety and compliance with LP21 of the Kirklees Local Plan.

32. Prior to the occupation of the hereby approved dwellings, an electric vehicle recharging point shall be installed within the dedicated parking area of each of the approved dwellings. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

33. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

34. Prior to the occupation of the hereby approved dwellings, each dwelling's respective bin collection point, as shown on plan ref. "E19/7567/000 Rev. N", shall be provided and made ready for use. Thereafter each waste collection point shall be retained.

Reason: To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

35. Prior to the occupation of the hereby approved dwellings, the vehicle parking areas as shown within the submitted plans shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.

Reason: To ensure that sufficient parking is provided and retained to serve the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

36. Prior to the occupation of the hereby approved dwellings, the sightlines of the new junction onto Lingards Road, as shown on plan ref. "E19/7567/000 Rev. N", shall be cleared of all fixed obstructions to visibility exceeding 1.0m in height. The sightlines as made shall thereafter be retained free of any fixed obstruction.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan.

37. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure appropriate and sustainable drainage infrastructure is in place, to accord with Policy LP27 of the Kirklees Local Plan.

38. 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) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out within any plot without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and residential amenity, to comply with Policy LP24 of the Kirklees Local Plan.

39. Electric gates shown on hereby approved drawing no. E19/7567/001-03B for Plots 23, & 34/35 shall only open in a sliding motion. So long as such gates are in position, they shall be retained to only open in a sliding motion.

Reason: In the interests of highway safety and to ensure the gates do not open out onto the public footway. This is to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Note from K.C. Highways Structures:

All new storm water attenuation tanks/pipes/culverts 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 agreement to the Highway Authority explicitly stating that they will be fulfilling 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 CS450- Inspection 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 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 on Crime Mitigation:

For general guidance and advice on crime mitigation please see comments from the Council's Designing Out Crime officer under previously approved application 2020/93954:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/filedownload.aspx?application_number=2020/93954&file_referen ce=936339

Note on Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Note: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition

Note: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Note: Public footpaths COL/133/10 and COL/117/10 are partly within / adjacent to the development site. Neither path must be interfered with or obstructed, prior to, during or after development works. The Council's public

rights of way unit may be contacted by email address publicrightsofway@kirklees.gov.uk.

Note: It is the developer and landowner's responsibility to secure a safe development.

Note: Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Approved under section 73 ref: 2024/91236			
Planning Layout – Plots 23, 34/35	E19/7567/001-03B	-	10/10/2024
Planning Layout – Plots 23, 34/35 (Section on front retaining wall)	E19/7567/001-03B	-	21/11/2025
Planning Layout – Plots 23, 34/35 (Section on middle retaining wall)	E19/7567/001-03B	-	20/11/2025
House Type A1.	2019 572 101	J	10/10/2024
Plot 23 – Alternative layouts with garage.	2019 572 Sk 13	K	10/10/2024
Bin Enclosure and gates	Sk VOC 01	-	10/10/2024
Approved under app discharge of condition ref: 2023/93464			
Flood Routing Plan	E19/7567/019F	F	19/12/2023
Geo-environmental Ground Investigation Report – Supporting Information	E22/7931/R001	-	27/11/2023
Contamination Remediation Method Statement – Supporting Information	E19/7567/MD/06	-	27/11/2023
Lighting Levels – Supporting Information	-	-	18/04/2024
Lighting Design Strategy – Supporting Information	-	-	18/04/2024
Installation: Proposed Lighting – Supporting Information	QUO-89349-L0B7C3	-	18/04/2024

Construction Environmental Management Plan: Biodiversity – Supporting Information	MBE/OTH/2023/23/01	-	27/11/2023
Road Condition Survey to Accompany Discharge of Condition Application – Supporting Information	-	-	19/12/2023
Ecological Design Strategy – Supporting Information	MBE/OTH/2023/7/02	-	19/12/2023
Approved under full planning permission ref: 2020/93954			
Location Plan	2019-572-01	-	19/11/2020
Site Plan 1	2019 572 50	E	09/01/2023
Site Plan 2	2019 572 51	F	09/01/2023
Site Plan 3	2019 572 52	E	09/01/2023
Site Sections A, B, C	2019 572 53	C	09/01/2023
Site Sections D, E, F, G	2019 572 54	C	09/01/2023
Site Sections H, J, K	2019 572 55	D	09/01/2023
Site Sections L, M, N, P, Q	2019 572 56	D	09/01/2023
Section Key Plan	2019 572 60	D	09/01/2023
Site Sections Across Lingards Rd	2019 572 61	B	27/01/2023
P.O.S Designations	2019 572 62	-	20/10/2022
Section Through Attenuation Tank	2019 572 63	A	30/11/2022
House Type A2	2019 572 102	C	25/11/2022
House Type A3	2019 572 103	C	25/11/2022
House Type B1	2019 572 104	C	21/10/2022
House Type B2	2019 572 105	C	21/10/2022
House Type C1	2019 572 106	A	01/06/2022
House Type C2	2019 572 107	A	01/06/2022
House Type C3	2019 572 108	A	01/06/2022
House Type D1	2019 572 109	B	01/06/2022
House Type E	2019 572 111	A	01/06/2022
House Type F	2019 572 112	A	01/06/2022
House Types G1 and G2	2019 572 113	B	25/11/2022
Flat Type H1 and H2	2019 572 114	C	09/01/2023
Flat Type J 1 to 3	2019 572 116	C	09/01/2023
Landscape Masterplan	R/2646/1	E	17/01/2023
Main Road and Sewer Plan	E19/7567/004	K	
Road Long Sections	E19/7567/005	B	23/01/2023
Flood Routing Plan	E19/7567/019	E	26/01/2023
Vehicle Tracking Analysis Plan	E19/7567/034	H	23/01/2023

Existing Sewer Information	E19/7567/035	A	23/01/2023
Proposed Land Drainage	E19/7567/036	A	23/01/2023
Transport Statement – Supporting Information	1804A	Rev 2	20/10/2022
Phase 1 Environmental Assessment – Supporting Information	7364	-	19/11/2020
Phase 1 Report Supporting Letter – Supporting Information	E09/7567/MH/PW/001	-	25/11/2020
Ecological Impact Assessment – Supporting Information	MBE/ECO/2020/13/5	-	17/01/2023
Flood Risk Assessment – Supporting Information	E20/7567/FR01	E	26/01/2023
Extended Phase 1 Habitat Survey – Supporting Information	424.04328.00004	Rev 1	19/11/2020
Biodiversity Metric 3.1 – Supporting Information	-	-	17/01/2023
Design, Heritage and Access Statement – Supporting Information	2019 572 20	M	09/01/2023
Heritage Statement Extract – Supporting Information	2019 572 21	L	09/01/2023
Road Safety Audit Stage 1 – Supporting Information	2022-09 Slaithwaite RSA1	0	20/10/2022
Road Safety Audit Designer’s Response – Supporting Information	E19/7567/HH/001	-	20/10/2022
Retaining Wall Case Study – Supporting Information	-	-	20/10/2022
SuDS Retaining Wall: Case Study – Supporting Information	-	-	20/10/2022
Micro Drainage Calculations – Supporting Information	-	-	19/11/2020
Letter from Middleton Bell Ecology – Supporting Information	-	-	08/01/2021

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Following receipt of KC Highways comments, amendments were made to plots 34 & 35 to extend the length of the driveways to at least 6 metres to allow space for two cars to park in tandem. Furthermore, alterations were made to revise the plans originally submitted for Plot 23, this included to removal of the proposed basement and reduce the double garage down to a single garage.