

**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:	2024/70/92832/E
Site Address:	St Peters Ce Va Junior Infant And Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN
Description:	Variation of condition 2 (plans) of previous permission 2024/90525 for variation of condition 24 (noise impact assessment) of previous permission 2023/91092 for demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's play areas and associated landscaping
Recommending Officer:	William Simcock

DECISION – 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.

Victor Grayson

AUTHORISED OFFICER

Date: 17/02/2025

Officer Report – 2024/92832

**St Peters Ce Va Junior Infant and Early Years School, Field Head Lane,
Birstall, Batley, WF17 9HN**

Site Description

The site is a school campus which is presently undergoing redevelopment. It is located northwest of the centre of Birstall in a predominantly residential area. The topography of the area generally falls downhill from east to west. The application site has an irregular, roughly rectangular, shape. Nova Lane runs along the site's north-east boundary, on a higher ground level. Residential properties are located all around the site, with residential properties accessed from Nova Lane, Kings Drive and Middlegate being on the north, west, and south boundaries respectively. The residential properties are largely on a lower ground level than the application site.

Description of proposed development

Variation of condition 2 (plans) of previous permission 2024/90525 (itself an application for variation of condition 24 (noise impact assessment) of previous permission 2023/91092) for:

- Demolition of existing school and erection of new school;
- Improvements to existing access and formation of internal access road and turning head;
- Formation of car park, children's play areas and associated landscaping

Following a review of the external areas with the school and Department for Education, the developer considers that amendments are required in relation to the following areas:

- Secure line fencing
- Early Years external area play surface
- Hard outdoor PE area fencing
- Removal of proposed substation
- Removal of five existing trees

Secure line fencing

The internal low-level fencing being installed to the perimeter of the eastern and western school access route and Early Years play area needs to be increased from 1.1m high to 2.4m high, in order to provide adequate security for the attending children (the low drystone walls on the perimeters could enable authorised entrance). This is to be green weld mesh fencing.

Hard outdoor PE area fencing

The design for the fencing to the hard outdoor PE area originally incorporated the existing fencing on the boundary line, with new fencing to form the rest of the enclosure. Following a Conditions Survey, the existing fencing was found to be in poor condition and is not fit for purpose. It is therefore proposed that this fencing be removed and replaced with 3.5m high weld mesh fencing, as per the rest of the hard outdoor PE enclosure.

Early Years external area play surface

In order to comply with the National Curriculum, the Early Years playground needs to include a 'mud pit' and 'soft' play areas. To allow for this within the secured Early Years external area, while maintaining the required amount of hard surfacing as defined by BB103 (play space requirements – porous vs non-porous requirements), the school are required to extend the overall Early Years external area by 9 sqm.

Removal of proposed substation

The proposed substation is no longer required and has therefore been removed from the plans.

Removal of five existing trees

Three trees located within the existing playground are situated above the proposed attenuation tank. An exercise took place to try and avoid the root protection areas of these trees, however, this was deemed unachievable due to multiple constraints and as such these trees now require removing. These trees are numbered T71 (early mature Plum – Cat C), T72 (early mature Whitebeam – Cat C) and T74 (mature Sorbus – Cat B).

Two trees at the entrance area, it is proposed, will be removed due to clashes with general vehicular movement for both school and site deliveries and therefore the plans require amending to reflect this. These are T1 (early mature Cherry – Cat C) and T2 (semi mature Sorbus – Cat C).

History of negotiations/amendments received

07/01/2025: Further plans submitted to show design of fencing and tree replanting.

These were not subject to new publicity since they were not considered to raise substantial new issues.

Relevant Planning History

2023/91092: Demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's outdoor play areas and associated landscaping. Approved.

2023/93731: Discharge of conditions 16 (materials) and 20 (traffic survey) of previous permission 2023/91092. Approved.

2023/92910: Discharge of conditions 6, 7, 8, 9, 10. Approved.

2024/90525: Variation of condition 24 (noise impact assessment) on previous permission 2023/9109. This, in effect sought to change the original condition 24, which required submission of an updated Noise Impact Assessment, to a prescriptive condition requiring that it operate in accordance with the Noise Management Plan submitted by Robert Halstead Associates in February 2024. Approved.

2024/92164: Discharge of details reserved by condition 12 (validation report) of previous permission 2023/91092. Partial approval – in respect of Phase One only.

2024/92296: Discharge of conditions 17 (lighting plan), 19 (kitchen interception), 22 (cycle parking) and 23 (electric vehicle charging points) on previous permission 2023/91092. Split decision – details in respect of 19, 22, 23, approved, 17 not approved.

2024/92608: Discharge of details reserved by condition 21 (kitchen extract system) of previous permission 2023/91092. Details approved.

Representations

Final publicity date expired: 28/11/2024. Publicity was undertaken by site notice and press advertisement in addition to neighbour letters on the grounds of the proposal being major development, a departure from the development plan and affecting a Conservation Area or its setting.

No representations were received.

Consultation Responses

The following is a brief summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Arboricultural Officer: The change in plans results in the loss of eight extra trees to the site, none of which are protected. This loss would not have a detrimental effect on the wider landscape, however, it is advised that more mitigation planting be proposed to combat this extra loss. There is no further comment and no objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site falls within land that is designated as Urban Green Space within the Local Plan. It adjoins the Birstall Conservation Area.

It is considered that the scale and nature of the development does not raise access or Equality Act 2010 considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees

Supplementary Planning Documents:

- Highway Design Guide SPD
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Planning Policy Framework

The NPPF was updated in December 2024 and is a material consideration relevant to this application.

Assessment

The main issues of this case are considered in the assessment below. The key considerations are:

- Principle of development
- Visual amenity and heritage considerations
- Other issues
- Conditions

Principle of development

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

It is important to note that when assessing Section 73 applications the extant planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered.

Under NPPF paragraph 140, local planning authorities should 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.

The principle of redevelopment of the site was previously accepted through the approval of application 2023/91092.

Impact on visual amenity and heritage considerations

The site is adjacent to Birstall Conservation Area, however, as previously stated, the proposed works would not be prominent from outside the site and would not involve an increase in the scale or height of any built structures, other than the boundary treatments. It is therefore considered that the proposed amendments would have no material impact upon the setting of the Conservation Area.

The proposed new fences would be set within the site, not on the site’s outer boundaries, and furthermore are of a lightweight, visually permeable construction. As such they would not be prominent when viewed from outside the site and would not detract from the visual amenity of the area.

The landscaping plans submitted 07/02/2025 show a total of 40 trees to be planted within the site. At least two of the existing trees are considered to make a positive contribution to the setting of the Conservation Area and it is possible that the newly planted trees would be less visually prominent. The replanting is, however, an increase of 10 on the number of trees originally shown. It is considered that working within the site’s constraints, the developer has done all that is reasonably practicable to compensate for the tree loss referred to earlier in this report. It is considered that this fulfils the aims of Local Plan policy LP33 and would help to ensure that tree loss will only have a minimally negative impact on local amenity. Condition 14 already requires details of soft landscaping works to be submitted, including tree planting. The agent has confirmed that the new trees will be standards, not

whips. The species mix can be determined under a future application for discharge of condition 14.

The other proposed changes – the deletion of the sub-station and the changes to the early years soft play area – would be very minor in the context of the site and would not negatively affect the character of the area.

In conclusion, it is considered that the development, as amended, would not result in an inferior scheme compared with what has been approved, and that it would protect the character of the townscape and heritage assets.

Other issues

Noise – The Noise Management Plan submitted under application 2024/90525 set out the hours of operation of the site, including the hours during which outdoor play or activities would be permitted. The variations now imposed do not involve an intensification of the use of the site, and the proposed changes to the arrangement of outdoor play space are considered minor. It is considered they would have no significant implications for noise over and above that which would have been generated by the original proposals and that the Noise Management Plan remains fit for purpose.

Highways and access issues – Parking and access arrangements (including pedestrian) would be unchanged.

Biodiversity – It is considered that implications of the proposed amendments for biodiversity would be minimal. At the time of the original application (which was before the Environment Act 2021 requiring mandatory 10% Biodiversity Net Gain came into force), officers determined that the development would deliver a 10.85% biodiversity net gain (BNG) on site, thus obviating the need for delivery in the area and/or an off-site financial contribution. The proposed changes in landscaping are judged to be minor and it is unlikely that the amount of BNG delivered on-site would be significantly compromised. It is therefore judged to accord with the aims of Local Plan policy LP30.

Conditions

Conditions imposed on an original permission should, in the case of a Section 73 application, be carried over to the new permission unless they are no longer relevant. The original condition 1 was the standard condition on time limit for commencement. Conditions 6 to 8 are worded pre-commencement, development has commenced and all details sought by these conditions have been approved, and they will be re-worded accordingly. Details in respect of conditions 19, 21, 22 and 23 have been approved, and again this will be reflected in the new wording of the conditions. The original conditions 9 and 10 have been fully discharged and are therefore no longer necessary, which is why they were removed from the decision on 2024/90525.

Other conditions will be updated with references to current plans where necessary.

The original officer's report noted that the proposal includes 3.5m high weld mesh ball-stop fencing to the outdoor PE area and recommended a condition to ensure this is installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics – Planning Implications document. This is to ensure ball strike does not cause a loud vibrating noise. It is considered that as a precautionary measure this should be applied to other weld mesh fencing within the site and the condition will be updated accordingly.

Conclusion

The development approved under planning permission 2023/91092, subsequently varied by permission 2024/90525, would deliver public benefits in terms of education, is well-designed and is not deemed harmful to the amenity of residents, nor would it harm the safe and effective operation of the highway. The amendments proposed under this Section 73 application are minor in nature, significance and potential impacts, and would not harm the setting of the heritage and cultural assets in the vicinity of the development.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation: Delegated Powers

Application Number: 2024/92832

Officer Recommendation: Grant variation of condition

Conditions and Reasons

Note: You advised that the following conditions are those that were previously imposed under permissions 2023/91092 and 2024/90525, but with amended wording to refer to the current plans, and to refer to details where these have already been approved under Discharge of Conditions applications. Where only partial approval of details has been granted, the wording of the condition has been retained unchanged.

1. Condition removed.

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 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 development shall be undertaken in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement reference AWA5528AMS by AWA Tree Consultants. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. The Fence Type 1 fencing as shown on plan ref SRP1088-ITR-XX-00-DR-L0103 rev P01 shall be installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The removal of vegetation shall 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 shall 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 Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. The development shall be implemented in accordance with the phasing plan approved under application 2023/92910.

Reason: To define the phases of the development's delivery and the provision of key infrastructure on site, in accordance with the aims and objectives of Policies LP21 and LP24 of the Kirklees Local Plan.

7. The CEMP:Biodiversity approved under application 2023/92910 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 protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

8. The development shall be carried out strictly in accordance with the Construction (Environmental) Management Plan (C(E)MP) approved under application 2023/92910 throughout the period of construction and no change therefrom 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. Condition removed.

10. Condition removed.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under application 2023/92910, 2022-6004 V1.11. If 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 two 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 the National Planning Policy Framework

12. 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 the National Planning Policy Framework.

13. Prior to commencing the superstructure of the hereby approved new school, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall detail the delivery of the enhancements detailed within section 8 of the submitted Ecological Impact Assessment, ref '2023-1513', and the Biodiversity Metric 3.1 calculations contained within the Biodiversity Net Gain Assessment ref '2023-1513'. This shall include the provision a minimum of 10% net gain of habitat units and 10% net gain of hedgerow units' post-development. The BEMP shall also include the following:

- Description and evaluation of features to be managed and enhanced;
- Specification and location of faunal enhancement features detailed in the submitted EclA;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the longterm implementation of the BEMP will be secured by the developer with the management body responsible for its delivery.

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: To ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

14. Prior to commencing the superstructure of the hereby approved new school, commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities.
- Assessment of landscaping impact on public sewer infrastructure
- Details of an implementation and maintenance programme for a minimum 5-year period.
- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing, and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.

15. Prior to any new or rebuilding of retaining walls adjacent to the existing highway, a scheme detailing the location and cross-sectional information together with the proposed design and construction details including any modifications to the existing retaining wall on Nova Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works to deliver the new or rebuilding of retaining walls adjacent to the existing highway shall be implemented in accordance with the approved details and shall be retained so thereafter.

Reason: In the interest of preserving the safety of the public highway, in accordance with Policy LP21 of the Kirklees Local Plan.

16. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. 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 and Chapter 12 of the National Planning Policy Framework.

17. Prior to the hereby approved new school being first brought into use, or prior to the installation of any external lighting, notwithstanding the submitted information, a lighting design strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:

- a) Identify those areas / features on site that are particularly sensitive for local species and that are likely to cause disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) With due regard to the requirements of points a and b, detail how appropriate lighting would be installed to mitigate and protect against crime.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to assist in the prevention of crime, and to comply with Policies LP24 and LP30 of the Kirklees Local Plan.

18. Prior to the hereby approved new school being first brought into use, the photovoltaic arrays annotated on proposed drawing SRP1088-WLG-ZZ-ZZ-DR-E-7001- 269 rev P2 shall be installed and operational. The photovoltaic arrays as installed shall thereafter be retained.

Reason: In the interests of sustainable development and addressing climate change, to ensure a contribution towards the development's energy needs is made by renewable sources, and to accord with Policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

19. The scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas (Fats & Oils Prevention Scheme by Rayner Rowen and Product Data Sheet by Greaspak), as approved pursuant to application 2024/92296 for discharge of conditions, shall be implemented prior to the new school being first occupied being brought into use and shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP28 and LP52 of the Kirklees Local Plan.

20. Prior to the hereby approved development being brought into use and prior to the demolition of the existing school, a Traffic Survey shall be

submitted to and approved in writing by the Local Planning Authority. The Traffic Survey shall consider the impacts of parent parking during student drop off / pick up times upon the nearby roads Nova Lane, Middlegate, Kings Drive, Bronte Road, and Shirley Avenue. The document shall consider whether mitigation measures (with timeframes for implementation), either physical or operational, are necessary to manage any detrimental highway impacts attributed to parent parking and drop off. Any approved mitigation measures shall be implemented in accordance with the approved details. **Reason:** In the interest of mitigating the identified harm to the safe and efficient operation of the local highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

Note: Pursuant to condition 20 it is recommended that the scope of the survey be agreed with K.C. Highways Development Management prior to the works being undertaken. K.C. Highways Development Management may be contacted at Highways.DevelopmentControl@kirklees.gov.uk

21. Before food cooking commences the extraction system as approved pursuant to application 2024/92608 for discharge of condition (Specification & EMAQ Report by Purified Air) shall be installed and shall be thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution either in a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

22. The approved cycle parking facilities as detailed in “Condition 22: Cycle Parking” by Rayner Rowen approved pursuant to application 2024/92296 for discharge of condition shall be installed in accordance with the approved timeframe and shall be retained thereafter.

Reason: To promote methods of sustainable travel, to comply with Policy LP21 of the Kirklees Local Plan.

23. The scheme of electric vehicle charge points as detailed in the Statement, Product data sheet and post for 7KW & 22KW single mount approved pursuant to application 2024/92296 for discharge of condition shall be installed in accordance with the approved timeframe and shall be retained thereafter.

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 and Chapters 9 and 15 of the National Planning Policy Framework.

24. The use of the approved outdoor play area for reception and early years children, identified as area 1 within the key on plan ref SRP1088-WMA-ZZ-00-DR-A-00-013, shall operate in accordance with the noise mitigation measures contained in the Noise Management Plan by Robert Halstead Chartered Surveyors & Town Planners dated February 2024, submitted as part of application 2024/90525, and shall thereafter be retained.

Reason: In the interest of protecting the amenity of neighbouring residents from undue noise pollution, in accordance with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

25. The hereby approved development shall be operated in accordance with the provisions to encourage sustainable travel detailed within the approved Travel Plan, ref 1856/2 rev B by Ashley Helme Associates.

Reason: To promote sustainable measures of travel, in accordance with Policy LP20 of the Kirklees Local Plan.

26. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment is 5dB below the existing background sound level at any time (as per the table within section 7 of the submitted Acoustic Planning Report by Lighthouse Acoustics (ref 1015/APR1 Revision 1) (dated 27/03/2023)). 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Submitted via application 2024/92832 (this application)			
Security Fencing Detail	SRP1088-ITR-XX-00-DR-L-0103	P01	07/01/2025
Tree retention removal	SRP1088-ITR-XX-00-DR-L-0012	P04	30/10/2024
Landscape GA1	SRP1088-ITR-XX-00-DR-L-0101	C06	07/01/2025
Landscape GA2	SRP1088-ITR-XX-00-DR-L-0102	C04	30/10/2024
Landscape levels 1	SRP1088-ITR-XX-00-DR-L-0201	C04	07/01/2025
Landscape levels 2	SRP1088-ITR-XX-00-DR-L-0201	C03	30/10/2024
Landscape Ex and Prop Levels 1	SRP1088-ITR-XX-00-DR-L-0210	P11	07/01/2025
Landscape Ex and Prop Levels 2	SRP1088-ITR-XX-00-DR-L-0211		30/10/2024
Urban greenspace sports recreation	SRP1088-ITR-XX-00-DR-L-0009	P10	07/01/2025

Plan Type	Reference	Version	Date Received
designation plan			
Site plan	SRP1088-ITR-XX-00-DR-L-0008	P07	07/01/2025
External access and security plan	SRP1088-ITR-XX-00-DR-L-0003 Rev P10		30/10/2024
Landscape strategy plan	SRP1088-ITR-XX-00-DR-L-0002	P11	07/01/2025
Landscape masterplan	SRP1088-ITR-XX-00-DR-L-0001	P13	07/01/2025
Arboricultural report and impact assessment	AWA6191		30/10/2024
Arboricultural method statement	AWA6191AMS		30/10/2024
Submitted via application 2024/92608			
Specification & EMAQ Report	Purified Air		11/09/2024
Submitted via application 2024/92296			
Fats and Oils Prevention Statement	Rayner Rowen		15/04/2024
Product Data Sheet	Greaspack		15/04/2024
Planning condition 22: Cycle parking	Rayner Rowen		15/04/2024
Statement (in support of condition 23)			15/04/2024
Product data sheet	Project EV		15/04/2024
Post for 7KW & 22KW single mount			15/04/2024
Submitted via application 2024/90525			
Noise Assessment	Noise Management Plan		22/04/2024
Supporting Information	Planning Statement		22/02/2024
Submitted via application 2023/91092			
Block Plan	SRP1088-ITR-XX-00-SK-L-1002	Rev. P01	26/07/2023
Proposed site sections	SRP1088-WMA-ZZ-ZZ-DR-A-00-002	Rev. P09	25/07/2023

Plan Type	Reference	Version	Date Received
Proposed site sections	SRP1088-WMA-ZZ-ZZ-DR-A-00-008	Rev. P04	25/07/2023
Location Plan	SRP1088-WMA-ZZ-ZZ-DR-A-00-010		12/04/2023
General Plan	SRP1088-WMA-ZZ-ZZ-DR-A-00-011		12/04/2023
Proposed Site / Block Layout	SRP1088-WMA-ZZ-00-DR-A-00-013		12/04/2023
Proposed Floor Plans	SRP1088-WMA-ZZ-00-DR-A-10-001	Rev. P11	12/04/2023
Proposed Floor Plans	SRP1088-WMA-ZZ-01-DR-A-10-002	Rev. P09	12/04/2023
Proposed Floor Plans	SRP1088-WMA-ZZ-02-DR-A-10-003	Rev. P04	12/04/2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-001	Rev. P04	12/04/2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-002	Rev. P02	12/04/2023
Existing site sections	SRP1088-WMA-ZZ-ZZ-DR-A-20-003	Rev. P03	25/07/2023
Existing site sections	SRP1088-WMA-ZZ-ZZ-DR-A-20-004	Rev. P04	25/07/2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-010	Rev. P08	03/07/2023
Proposed Elevations	SRP1088-WMA-ZZ-ZZ-DR-A-20-011	Rev. P07	03/07/2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0001	Rev. P09	03/07/2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0002	Rev. P07	03/07/2023
General Plan	SRP1088-ITR-XX-00-DR-L-0003	Rev. P07	03/07/2023
Existing Site / Block Layout	SRP1088-TR-XX-00-DR-L-0004	Rev. P01	12/04/2023
Proposed Landscaping Layout	SRP1088-ITR-XX-00-DR-L-0012	Rev. P02	03/07/2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0009	Rev. P06	03/07/2023
Proposed Site / Block Layout	SRP1088-ITR-XX-00-DR-L-0008	Rev. P05	03/07/2023
Grouped Plans and Elevations	SRP1088-ITR-XX-00-DR-L-0310	Rev. P04	03/07/2023
Proposed Site Sections	SRP1088-ITR-XX-00-DR-L-0311	Rev. P01	11/05/2023

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	SRP1088-ITR-XX-00-DR-L-0312	Rev. P01	03/07/2023
General Plan	SRP1088-WLG-ZZ-ZZ-DR-E-7001-269	/	12/04/2023
General Plan	42459_T	Rev. 0	12/04/2023
General Plan	42459_UG	Rev. 0	12/04/2023
Design and Access Statement			13/04/2023
Supporting Information	Planning Statement		12/04/2023
Supporting Information	Rapid Health Impact Assessment (HIA)		12/04/2023
Supporting Information	Statement of Community Involvement		12/04/2023
Supporting Information	Climate Change Statement		12/04/2023
Supporting Information	Phase 1 Ground Investigation Report		13/04/2023
Ecological/Biodiversity Statement	Biodiversity Net Gain Assessment		11/07/2023
Ecological/Biodiversity Statement	Metric 3.1 Calculations		11/07/2023
Transport Assessment	Transport Statement	Rev. F	03/07/2023
Transport Assessment	Travel Plan		12/04/2023
Drainage / Foul Sewerage Assessment	Drainage Strategy / ref. 20226004	V1.12	12/04/2023
Ecological/Biodiversity Statement	Ecological Impact Assessment		13/04/2023
Conservation/Heritage Assessment	Heritage Statement		12/04/2023
Noise Assessment	Acoustic Planning Report 1015/APR1	Rev. 1	12/04/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer sought clarification

from the applicant on the design of fencing and details of tree planting but no modifications to the scheme were deemed necessary.

Report Dated: 11/02/2025