



Application Number	
Date Logged	
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KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk Tel: 01484 414746

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	
Address Line 1	
Address Line 2	
Address Line 3	
Town/city	
Postcode	

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
419862	429216

Description

Land to the rear of St Lukes Bierley Marsh

Applicant Details

Name/Company

Title

Mr

First name

Stephen

Surname

Owens

Company Name

Owens Developments

Address

Address line 1

Enterprise House

Address line 2

Field Head Lane

Address line 3

Town/City

Birstall

County

Country

Postcode

WF17 9BN

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

Director

First name

Nigel

Surname

Jacques

Company Name

nj-ARCHITECTS

Address

Address line 1

10 Castle Yard

Address line 2

Address line 3

Town/City

ilkley

County

Country

Postcode

LS299DT

Contact Details

Primary number

07793006671

Secondary number

Fax number

Email address

npjacques@nj-architects.co.uk

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Land to the rear of St Luke's, Bierley Marsh

The development proposed is 5 dwellings in two blocks – one 4 terraced houses, one single bungalow type house.

Reference number

Appeal Ref: APP/Z4718/W/21/3289729

Date of decision (date must be pre-application submission)

20/07/2022

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 2 - Approved Plans

Has the development already started?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

The Appeal Inspector made reference within his decision to the communication received from the Local Authority Highways Officer/Section 38 Team dated 2nd September 2021, which was issued post the submission of the planning application. The result of which is that the consented Proposed Site Layout 104B, listed under Condition 2, does not reflect the detail requirements of the consent as identified within the Decision Notice.

This relates to the change in the original requirement for the road to be made up to adoptable standard. It recognised technical issues with its delivery.

"Following comments received from the Councils Section 38 Team, the proposed access road is not considered suitable for adoption; this is due to constraints in its width and conflict with the existing St Luke's Church Hall access ramp at the side of the building, on the junction of South View Road. In addition, there are several technical issues, which are unable to be resolved to make the proposed road to an adoptable standard.

It is considered that an additional 5 dwellings at the beginning of the access road would not cause any significant or unacceptable highway safety issues. Highway Development Management would however wish to see some improvements to the existing track to bring the road to a better standard, which is recommended to be conditioned. Based on these factors it is considered that, on balance, this proposal would be acceptable from a highway perspective on this occasion, subject to relevant conditions".

The correspondence requested a condition upon a consent that:

"in the event of a grant of planning permission, a pre-development and post-development condition survey of this stretch of Bierley Marsh (within the red line boundary) as well as associated highway improvement works e.g. re-surfacing and associated operations".

It is therefore essential to amend Drawing 104B to ensure they reflect the detailed requirements of the consent. This requires an amendment to condition 2 wording to change the drawing references.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

The reference to drawings 104B will be changed to 104D.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

11. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.
** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.
** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner / Agricultural Tenant	Address	Date Notice Served
KIRKLEES COUNCIL	PO Box 1720, HUDDERSFIELD, HD1 9EL	02/12/24

Signed - Applicant:

Or signed - Agent: ,

Date (DD/MM/YYYY):

02/12/24.

Redacted

✓



Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Nigel Jacques

Date

11/11/2024