

**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:	2024/70/93575/W
Site Address:	Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY
Description:	Variation condition 2 (plans) on 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: 16-Apr-2026

Officer Report

Application: 2024/93575

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

Description: Variation condition 2 (plans) on 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, 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.

Residential properties are sited to the north, east and south of the site. 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 the inclusion of solar panels to Plots 9 to 22 (phase 1), excluding plot 20, for a total of 13 plots, approved under the original full application 2020/93954.

The solar panels proposed are to be set within the plane of the slates and not bracketed off the roof, therefore resulting in them not projecting above the roof line. Each panel is said to be able to generate 0.45kW.

Solar panels are to be included to:

- Plots 9 – 12: Both front and rear elevations. A total of 11 panels per plot.
- Plots 13 & 14: Side/South-West elevation. A total of 6 panels each for plots 13 and 14.
- Plots 15 & 17: Rear elevations. A total of 7 to plot 15, and 9 to plot 17.
- Plots 16 & 18: Front elevations. A total of 7 to plot 16, and 9 to plot 18.
- Plots 19, 20 & 21: Front elevations. A total of 10 to plot 19, 4 to plot 20 and 6 panels for plot 21.
- Plot 22: Front elevation, side North-East and South-West facing elevations. A total of 10 panels for plot 22.

The proposed Section 73 modification seeks to update the approved plans table, to reflect the above-described changes to plots 9-19, 21 & 22. The wording of condition 2 itself is not sought to be changed.

As part of the earlier S73 application, 2024/91236, the Section 106 agreement attached to permission 2020/93954 has been varied through a Section 106 Deed of Variation. The effect of this is that the original Section 106 agreement's contributions and obligation apply to all subsequent Section 73 approvals. This is discussed in more detail within the contributions section of this report.

History of negotiations/amendments received

Further details were requested in respect of the solar panels and their operation. The applicant also sought to provide revised plans which saw a slight increase to the number of solar panels to be included on plots 15, 17 and 18, and a redesigned configuration of the same number of solar panels on plots 9-12 to the rear.

Given the minor nature of these changes, consultation with third parties has not been re-undertaken.

Relevant Planning History (including enforcement history)

2025/92338 – Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Approved 15/04/2026.

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.

2024/91236 – Variation of condition 2 (plans) of previous permission 2020/93954 for erection of 42 dwellings and associated works. Approved 18/03/2026.

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

No relevant planning history.

Planning Enforcement

COMP/22/0424 – Major site monitoring.

Consultation Responses

KC PROW: No comments received within statutory timescales.

KC Ecology Unit: No comments received within statutory timescales.

KC Conservation & Design: No comments received within statutory timescales.

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 the above ward Councillors have been notified of this application on 14/01/2025. Cllrs McCarthy & Addy provided the below comments on the proposal:

Cllr McCarthy

I would be in support of this application. The introduction of solar panels will make this development more environmentally friendly.

Cllr Addy

Yes I am also in support of this as the only change being addition of solar panels – as Cllr McCarthy says it will make the venture more environmentally friendly.

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.

Additional information in respect of the proposed solar panels was received post the public representation period, which were not considered to warrant a re-consultation period.

The end of public comments was 21/02/2025. In total 3 public comments were received. The following is a summary of the comments made:

- This variation work was completed on at least plots in approximately October 2024. The developer was aware that they did not have permission for the work and failed to plan the work within the conditions in place for more than a year.

Officer note: Noted. This application seeks to regularise this issue. Section 73 allows for modifications via 'Determination of applications to develop land without compliance with conditions previously attached' while Section 73A allows for modifications for 'Planning permission for development already carried out'.

- Are residents now to have permitted development?

Officer note: Within the previously approved scheme (2020/93954), Condition 38 sought to remove permitted development rights relating to Classes A (the enlargement, improvement or other alteration of a dwellinghouse), B (additions etc. to the roof of a dwellinghouse) and C (other alterations to the roof of a dwellinghouse) of Part 1 of Schedule 2 of that Order. Permitted development rights relating to solar equipment on domestic premises falls under Part 14 Class A of that Order, and therefore these rights have not been removed in this instance.

- The supporting statement does not source evidence of the statements it makes on the options available such as for the heat pumps and underfloor heating and battery storage for the solar panels.

¹ An updated Development Management Charter was published December 2024.

Officer note: Noted.

- Fully supportive of the installation of solar panels and the environmental benefits they offer.

Officer note: Noted.

- Concerns in respect of the ongoing development, specifically in relation to working outside of permitted construction hours, issues with dirt, dust, noise and vibrations, and damage to the roads from heavy 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.

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

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 (app ref. 2020/93954), 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.

Considering the above, regard 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 and has not been impacted upon by the two previous Section 73 modifications (2024/91236 and 2025/92338).

Implications of the proposed variation of Condition 2

The proposal seeks to amend the appearance of plots 9-22. 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

Policy LP26 states that renewable and carbon energy proposals will be supported, and planning permission granted would not have either individually or cumulatively unacceptable impact on protected species, designated sites of importance for biodiversity or 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.

In addition, with specific reference to heritage and climate change, Policy LP35 states that consideration should be given to the need to 'identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance.

The proposed variation includes a change in design to plots 9-19, 21 & 22 previously approved under application 2020/93954. Amendments include the introduction of solar panels which are to be installed to:

- Plots 9 – 12: Both front and rear elevations. A total of 11 panels per plot.

- Plots 13 & 14: Side/South-West elevation. A total of 6 panels each for plots 13 and 14.
- Plots 15 & 17: Rear elevations. A total of 7 to plot 15, and 9 to plot 17.
- Plots 16 & 18: Front elevations. A total of 7 to plot 16, and 9 to plot 18.
- Plots 19, 20 & 21: Front elevations. A total of 10 to plot 19, 4 to plot 20 and 6 panels for plot 21.
- Plot 22: Front elevation, side North-East and South-West facing elevations. A total of 10 panels for plot 22.

The proposed solar panels are to be set within the plane of the slates and would not be bracketed off the roof. Each panel is said to be able to generate 0.45kW.

In terms of urban design and the design quality of the dwellings, officers are satisfied that the provision of solar panels to the roofs of Plots 9-19, 21 & 22 (phase 1 of the development) would not have a significant material impact upon the visual amenity of the wider site, or the appearance of the dwellings affected by this S73 applications. Whilst the solar panels will be visible from public vantage points, the panels would be viewed within the context of the new housing development. Solar panels are becoming increasingly common across all houses and in the modern built environment, with new developments typically featuring them.

Overall, the proposed amendments would not significantly change the appearance of plots 9-19, 21 & 22, nor that of the wider development. Regardless, the changes sought are considered visually suitable for the dwellings and wider area, and would be of an equivalent, if not better quality, to that originally approved, given the climate change benefits that would arise from the scheme. The proposed variation is deemed to adhere to the aims and objectives of LP24 and LP26 of the Local Plan and Chapter 12 of the NPPF.

Impact on the historic environment

The following is the assessment on heritage impacts undertaken as part of the original full permission application (2020/93954):

10.42 Two listed buildings are adjacent to the site; Lower Wood Farm (Grade 2 Listed) and nos. 25 – 31 Lingards Road Grade 2 Listed. The site is not within a Conservation Area. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.43 The listed buildings comprise of C18th farmhouse and associated barns (Lower Wood Farm), as well as workers' cottages (nos. 25-31 Lingards Road). The heritage value of the buildings comprises of their historic architectural form, representative of local vernacular at their time of construction, and their setting adjacent open pastureland, particularly for Lower Wood Farm which has association with the application site.

10.44 The proposed development is not to the heritage asset itself. Therefore, there would be no direct harm to the architectural fabric of the building. Nonetheless, as identified the setting of the buildings is of importance.

10.45 First considering nos. 25-31, the open fields to the rear (e.g., the site) play less of an important role to their setting. Worker's dwellings are sited where needed, in this case there being considered not intrinsically link to open fields etc. Furthermore, the fields are set more to the side, with the closest area proposed to be kept as open POS. The closest new units (house type J and flats 13 – 18), have been designed with a more traditional architectural design comparative to the rest of the site, to more closely reflect the design of the listed buildings. While it is accepted any new development within the setting of a listed building will cause a degree of harm, the proposal's impact on nos. 25-31 would be on the lower end of less than substantial.

10.46 Turning to Lower Wood Farm, it is a historic farmstead which presumably farmed the surrounding land thus inferring historic connection with the site. Historic maps (1893) show the surrounding land as subdivided fields around the site. Any development on the farmstead's former farmland would affect its setting. However, as a no longer operational farmstead, the site's agricultural association with the adjacent agricultural land has functionally been severed. Dwellings rising above the farmstead and visible alongside it is already established, which the proposal would mimic albeit closer. The layout has incorporated a sizable gap between Lower Wood Farm and plot. 8 (22m) to the side, and plots 9 – 12 (34m) and flats 13 and 14 (29m) to rear. Flats 15 – 18 would also be sited to the side / rear of the farmstead (30m). These would be maintained through the removal of Permitted Development rights, to prevent new outbuildings and/or extensions encroaching into the gap. The farm's watercourse would be retained. As has been noted these units have an attractive design which, while including innovative features, is rooted in Pennine vernacular. The flats particularly have complementary designs, with simple form and architectural detailing reflective of the farmhouse's own.

10.47 Overall, the fabric of the listed building would be wholly unaffected. While its setting would be somewhat eroded, this is mitigated by appropriate spacing and good design. Accordingly, the proposal would not cause substantial harm to the heritage value of Lower Wood Farm. The harm to the heritage asset would be categorised as less than substantial. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10.48 The delivery of residential development, at a time of national crisis, is considered a substantial public benefit. The proposal would be secured with a full complement of S106 obligations, to the benefit of the public, and planning conditions are imposed to ensure quality elements of the development are delivered.

10.49 The proposed development would cause less than substantial harm to the identified heritage assets. However, an appropriate design and good spacing the harm is kept to a minimal. The public benefits are considered to outweigh the identified less than substantial harm. Accordingly, the development is deemed to comply with the requirements of S66 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national Policy in Chapter 16 of the NPPF and the guidance contained within Policy LP35 of the Local Plan.

The question before officers is whether the proposed variation, the addition of solar panels to phase 1 of the proposal, would cause a materially differing impact to that previously assessed and found to be acceptable.

For both the identified heritage assets (Lower Wood Farm (Grade 2 Listed) and nos. 25 – 31 Lingards Road (Grade 2 Listed)), it remains the case that the proposal would not have a direct impact on their fabric and the consideration relates to setting. As set out in the previous section, solar panels are a typical feature of the modern environment; the addition of solar panels in this instance is 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 Buildings. Officers are satisfied that the impact caused is therefore the same as that of the original application.

In terms of public benefits, the scheme as a whole would provide public benefits in terms of the delivery of residential development at a time of national crisis, whilst also now (per the sought variation) reducing carbon emissions associated with these new dwellings. Whilst this includes private benefit(s), there is a public benefit to the provision of housing at a time of need as well as the provision of sustainable means of energy generation. Given the limited harm on the above adjacent heritage asset, this is considered to outweigh the harm 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.

Given the nature of the proposals, Officers do not consider there to be any overlooking, overshadowing or overbearing concerns arising from the scheme.

However, it is acknowledged that solar panels do have the potential for glare. The applicant has submitted a declaration for reflection rate of the Trina Solar Modules which confirms that the Trina Solar Modules will have an anti-reflection coating with a reflection rate of less than 6% under circumstances of perpendicularly incidental light. This is deemed acceptable.

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.

Other Matters

The proposed variation is not considered to impact upon any other material planning considerations such as highways, drainage, air quality, land contamination, crime mitigation, minerals, or the strategic green infrastructure network.

It is acknowledged that application 2020/93954 has been subject to a separate Section 73, app ref. 2024/91236, which approved modifications to plots 23, 34, and 35. Furthermore, another section 73 application, ref. 2025/92338, has also been approved which sought to modify the design of plot 24.

Officers are satisfied that there are no cumulative impacts across these various Section 73s that would materially impact or prejudice the assessment undertaken.

Planning Obligations

Application 2020/93954 was granted subject to a S106 agreement (dated 06/10/2023) which secured various planning obligations, thus, a S106 deed of variation has been secured which ensures all previously approved obligations and contributions carry over to this Section 73 application. The agreement, which was undertaken as part of the earlier Section 73 2024/91236, has been completed and is dated 15/01/2026.

The secured deed of variation includes the following clause being added into the original Section 106 agreement:

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.

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 (2020/93954) 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.

As part of application 2024/91236, itself a section 73 application to the original permission ref. 2020/93954, the original conditions were reviewed and updated to reflect previous discharge of condition applications which have been approved at the site.

No further conditions are required.

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: 07/04/2026.

Decision Authorisation: Delegated Powers

Application Number: 2024/93575

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 24hours 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.

b) 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).

c) 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.

d) 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.

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

1. 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.
1. 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 least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
2. 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.
3. 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:

1. Land Contamination Risk Management (LCRM)
2. BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
3. 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

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.

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Note: 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 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.
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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:

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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: 2024/93575			
Plots 19 to 22 elevations.	BR 02 E.	-	07/01/2025
Plots 15 to 18 Elevations	BR 06 C.	-	19/03/2026
Plots 13 and 14 layouts and elevations.	BR 07 B	-	07/01/2025
Plots 9 to 12 elevations.	BR 11 C.	-	19/03/2026
Installation Manual – UNIVERSAL kit – Supporting Information	V11.3	-	07/01/2025
Supporting Statement – Supporting Information	-	-	07/01/2025
Test Report – Supporting Information	2023DAWA21142	-	07/02/2025
Declaration for Reflection Rate of Trina Solar Modules – Supporting Information	DL-202104-011	-	13/02/2025
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 A1	2019 572 101	D	09.01.2023
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
Landscape Masterplan	R/2646/1	E	17.01.2023
Planning Layout	E19/7567/000	N	09.01.2023
Main Road and Sewer Plan	E19/7567/004	K	26.01.2023
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	7364	-	19.11.2020

Information			
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.

Further details were requested in respect of the solar panels and their operation.