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Our ref. JM240093
Your ref. PP-13594307

10 January 2025

Dear Nick,

SECTION 73 APPLICATION TO VARY THE APPROVED PLANS AND SPECIFICATIONS SCHEDULE AND CONDITIONS 6, 9, 38, 40 AND 41 OF OUTLINE APPLICATION 2022/60/91735/W

LAND OFF HERMITAGE PARK, LEPTON, HUDDERSFIELD, HD8 0JU

PLANNING PORTAL REF: PP-13594307

Please be aware that an application has been submitted through the Planning Portal (PP-13594307) for the variation of the plans and specifications schedule and Conditions 6, 9, 38, 40 and 41 of planning consent 2022/60/91735/W. On the 10th November 2023, planning consent was granted for Outline permission, with access and layout, for the erection of 80 no. dwellings and associated work will all other matters reserved on land off Hermitage Park, Lepton, HD8 0JU.

This application is submitted on behalf of Miller Homes (the Applicant), who are currently preparing a Reserved Matters submission on the Site. As part of providing their own product on the site, there is a requirement to amend the approved layout slightly to accommodate the house types due to be submitted with the Reserved Matters. These amendments will not see any change to the number of dwellings delivered on-site, or impact the proposed highways / access works, and a plan is provided for illustrative purposes only to show the differences between the approved and proposed layout (Proposed Site Layout (Rev G) vs Approved Site Layout (3284-0-002 Rev II) Rev A).

A Reserved Matters submission will follow the determination of this Section 73 application (S73), and community consultation will be undertaken in advance of that submission to allow local residents and key stakeholders an opportunity to comment on the detail of the development proposals.

Planning Consent 2022/60/91735/W

Associated with the planning consent is a plans and specification schedule and a number of conditions, including:

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Condition 6

“Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of the treatment of Public Right of Way KIR/85/10 and the ‘proposed Public Right of Way’, as shown on plan ref. “3284-0-002 rev. II”, denoted in blue and pink respectively. The details shall include full sections, construction specifications, drainage works, surface finishes, treatment of sightlines, and a timetable for implementation. Thereafter the development shall be undertaken in accordance with the approved details, and be implemented in accordance with the approved timetable.”

Condition 9

“Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment along the site’s boundary with Lepton Great Wood. This shall include a boundary treatment which prevents direct access into the great wood by people except at the single point via Public Right of Way KIR/85/10, as shown on plan ref. “3284-0-002 rev. II”. The details shall include provisions to allow access for wildlife throughout. The approved details shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.”

Condition 38

“Prior to the occupation of each dwelling to be accessed via a private drive, the dwellings’ respective bin collection point, as shown on plan ref. “3284-0-002 Rev. II” shall be laid out and made ready for use. Thereafter each waste collection point shall be retained.”

Condition 40

“Prior to the occupation of each dwelling, each dwelling’s respective car parking spaces as shown on plan ref. “3284-0-002 Rev. II” shall be laid out with a hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) each parking space shall be so retained.”

Condition 41

“Prior to the occupation of any of the hereby approved dwellings, details of the method of preventing motorised vehicles using the ‘Maintenance Access / Potential Emergency Access’ (adjacent to the pumping station), as shown on plan ref. “3284-0-002 rev. II”, to access adjacent land shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a physical barrier which prevents unauthorised motorised vehicles and details of how it would be secured and openable by emergency services and maintenance workers only. Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.”

Proposed Variation(s) to 2022/60/91735/W

This S73 application seeks to amend the plans and specification schedule as follows:

Proposed Amendment No.	Outline Consent Plan/ Document	Proposed S73 Amended Plan/ Document
1	Location Plan (3284-0-000 Rev A)	Location Plan (Rev A)
2	Lepton Sites HS3 and HS3 Masterplan Document (Rev E)	Lepton Sites HS3 and HS3 Masterplan Document (Rev H)
3	Block Plan (3284-0-002 Rev II)	Site Layout (22:5611:01 G)
4	Block Plan (339-UW-P-010 Rev A)	POS Typologies Plan (22:5611:105)
5	Block Plan (13015/IN/09 Rev E)	Internal Visibility Analysis (13015/IN/19 Rev A)
6	Block Plan (13015/ATR/06 Rev B)	Swept Path Analysis (13015/ATR/06 Rev I)
7	Tree/ Arboricultural Survey - Arboricultural Survey Report (Rev F)	Arboricultural Survey Report (SA 201376 Rev C)
8	Tree/ Arboricultural Survey (TP001 Rev C)	Tree Protection Plan (SA - 21376 TPP01 Rev C) Tree Protection Plan (SA - 21376 TPP01 Rev C) Arboricultural Impact Assessment (SA - 21376 AIA01 Rev C) Arboricultural Impact Assessment (SA - 21376 AIA01 Rev C)
9		Built Heritage Statement Addendum (26 th November 2024)

An Addendum to the Built Heritage Statement (26th November 2024) is also submitted in support of this s73 application which we kindly request is made an approved plan in the plans and specifications schedule.

Proposed Amendment No.1

Proposed Amendment No.1 seek to amend of the Location Plan, which has been reduced to accurately reflect the parcel of land which is to be delivered as part of this initial phase. For the avoidance of doubt the land removed from the Location Plan to the south of Crow Trees is still to remain landscaped and undeveloped in accordance with Policy HS2. The Masterplan for the site remains unchanged in this regard.

The reasoning behind the amendment, is that the land covered by the revised Location Plan is policy compliant with regards to achieving biodiversity net gain and on-site public open space without requiring the additional land to the south of Crow Trees to make up a short-fall. Furthermore, the land is somewhat detached from the rest of the allocation, and doesn't logically form part of the initial phase. As such, this land will be reserved for Phase 4, ensuring that the future phase of development can utilise this land to deliver policy compliant open space and biodiversity net gain.

Proposed Amendment No. 2

Proposed Amendment No.2 seeks to vary the approved Masterplan Document, to reflect the proposed amendments to the phasing of the development. For the avoidance of doubt, the illustrative masterplan of the development is unchanged, this solely relates to the timing of delivery and phasing. The proposed amendments are supported by a statement from KCS Developments (dated 18th December 2024), on behalf of the land-owner, confirming they are agreeable to the proposed amendments.

Proposed Amendment No. 3

Proposed Amendment No. 3 seeks to vary the Site Layout Plan. This includes the following changes:

- A slight change in housing mix, increasing the quantum of smaller dwellings, has resulted in the re-location of plots.
- The re-location of the dwelling and garage at Plot 1 to minimise the impact on the adjacent property at 14 Hermitage Park, Lepton.
- Minor amendments to the internal road layout.
- Re-location of visitor parking spaces.

Proposed Amendment No. 4

Proposed Amendment No. 4 seeks to vary the POS Typologies Plan. As discussed at pre-application stage, the land in front of the Crows Trees is no longer to form part of 'Phase 2' and is proposed to now be included in 'Phase 4'. The Reserved Matters can still achieve biodiversity net gain and the required public open space on-site without this land, and the preference would therefore be for this land to come forward as part of a later phase to assist with the policy requirements of Phase 4. For the avoidance of doubt, this land will remain undeveloped as set out in the approved Masterplan Document. For the purposes of this S73 application, the red line boundary remains the same, however the Reserved Matters red line will exclude the land south of the Crows Trees as would be common with many phased developments.

Proposed Amendment Nos. 5 and 6

Proposed Amendment Nos. 5 and 6 seek to amend the Highways Tracking Plans in line with the minor amendments to the internal road layout.

Proposed Amendment Nos. 7 and 8

Proposed Amendment Nos. 5 and 6 seek to revise the approved Arboricultural Survey Report and Tree Survey Plan.

Proposed Amendment No. 9

Proposed Amendment No. 9 seeks to add a new document to the plans and specifications schedule – an Addendum to the Built Heritage Statement. The Addendum has been prepared in support of the proposal due to the amendment to the Site Layout Plan. It confirms that the proposed minor revisions to the approved site layout will not alter the previous conclusions of the Built Heritage Statement (2022) in respect to heritage impacts. The measures set out in the site layout, including the incorporation and location of POS, are maintained and will not be affected or diminished by the revisions. As such no additional heritage impacts upon the two designated assets, Crow Trees and Woodsome Hall, will arise.

Proposed Amendments to Conditions 6, 9, 38, 40 and 41

The s73 seeks to amend the wording of Conditions 6, 9, 38, 40 and 41 to refer to the revised Site Layout Plan (22:5611:01 Rev G). For the avoidance of doubt, the revised conditions are proposed to read as follows:-

Condition 6:

“Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of the treatment of Public Right of Way KIR/85/10 and the ‘proposed Public Right of Way’, as shown on plan ref. “22:5611:01 Rev G”. The details shall include full sections, construction specifications, drainage works, surface finishes, treatment of sightlines, and a timetable for implementation. Thereafter the development shall be undertaken in accordance with the approved details, and be implemented in accordance with the approved timetable.”

Condition 9:

“Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment along the site’s boundary with Lepton Great Wood. This shall include a boundary treatment which prevents direct access into the great wood by people except at the single point via Public Right of Way KIR/85/10, as shown on plan ref. “22:5611:01 Rev G”. The details shall include provisions to allow access for wildlife throughout. The approved details shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.”

Condition 38:

“Prior to the occupation of each dwelling to be accessed via a private drive, the dwellings’ respective bin collection point, as shown on plan ref. “22:5611:01 Rev G” shall be laid out and made ready for use. Thereafter each waste collection point shall be retained.”

Condition 40:

"Prior to the occupation of each dwelling, each dwelling's respective car parking spaces as shown on plan ref. "22:5611:01 Rev G" shall be laid out with a hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) each parking space shall be so retained."

Condition 41:

"Prior to the occupation of any of the hereby approved dwellings, details of the method of preventing motorised vehicles using the 'Maintenance Access / Potential Emergency Access' (adjacent to the pumping station), as shown on plan ref. "22:5611:01 Rev G", to access adjacent land shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a physical barrier which prevents unauthorised motorised vehicles and details of how it would be secured and openable by emergency services and maintenance workers only. Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings."

We would be happy to discuss that variation of conditions with you further and look forward to receiving confirmation of validation in due course.

Yours sincerely,

Annabelle Parkinson

Annabelle Parkinson
Planner