

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:	2025/70/90490/W
Site Address:	60, Slades Road, Bolster Moor, Huddersfield, HD7 4JR
Description:	Variation of condition 2. plans and specifications schedule on previous permission no 2017/90989 for erection of 5 dwellings
Recommending Officer:	Molly Storer

DECISION – Variation of Condition - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 05-Jun-2025

Officer report

THE SITE

60 Slades Road, Bolster Moor relates to the middle plot (plot 3) of a development of 5 houses approved under planning application 2017/90989. Aerial imagery shows that this dwelling has not yet been constructed.

Residential properties exist beyond the north, south and western boundaries of the site, with open land on the opposite side of the road to the east, providing long distant views.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for Variation of Condition 2. plans and specifications schedule on previous permission no 2017/90989 for erection of 5 dwellings.

Condition 2 of 2017/90989 states the following:

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 Policies BE1, BE2, T10 and T19 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

The proposed changes would be to amend the house type to a handed version of plot 4 whereby the design, materials and form will mirror this plot.

Materials of natural stone and redarned walls with a blue slate roof and anthracite aluminum or similar fascia soffits and verges would remain the same as on the approved plans. Internal layout on the ground floor will remain majority the same although the living room will be amended to be a guest suite with an ensuite. Bedroom 1 on the first floor will now be the living room and a larger balcony. The attic layout will remain the same. Externally, this will involve a cat slide roof to the front elevation, the roof lights equally spaced out on the front roof plane and an additional ground floor window on the north elevation.

PLANNING HISTORY

2017/90989 - Erection of 5 dwellings – Conditional Full Permission.

2017/92059 - Discharge conditions 3, 7, 10, 15, 18 on previous permission 2017/90989 for erection of 5 dwellings – Discharge of conditions split decision.

2017/93885 - Discharge of conditions 11 (Phase II Intrusive Site Investigation Report) and 12 (Remediation Strategy) on previous application 2017/90989 for erection of 5 dwellings – Discharge of conditions approved.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised on the Council's website, and by neighbour notification letters, site notice and press notice. The expiry date of the publicity period was 31st May 2025.

No representations were received.

CONSULTATIONS

No consultations were required.

ALLOCATION AND POLICIES

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).

The site is allocated as a Green Belt land on the Kirklees Local Plan.

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation:

- The Town & Country Planning Act 1990 (as amended).

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

ASSESSMENT

This Section 73 application seeks to specify the location of the change of use within the building.

The 2017/90989 application granted planning permission for the erection of 5 dwellings. Plots 1,2, 4 and 5 have been built and the application relates to mirroring plot 3 or plot 4.

The proposed changes would be to amend the house type to a handed version of plot 4 whereby the design, materials and form will mirror this plot.

Materials of natural stone and redarned walls with a blue slate roof and anthracite aluminum or similar fascia soffits and verges would remain the same as on the approved plans. Internal layout on the ground floor will remain majority the same although the living room will be amended to be a guest suite with an ensuite. Bedroom 1 on the first floor will now be the living room and a larger balcony. The attic layout will remain the same. Externally, this will involve a cat slide roof to the front elevation, the roof lights equally spaced out on the front roof plane and an additional ground floor window on the north elevation.

It is considered that the key determining issues in the consideration of this application is impact upon visual amenity and residential amenity these will be assessed in the following report.

The 2017/90989 consent required the development to commence within 3 years of the date of the decision (23rd May 2020). It is considered that substantial development has begun at the site with plots 1, 2, 3 and 5 being completed/near completion therefore there is no longer a requirement for this time limit condition and development has lawfully commenced.

The assessment will deal with the merits of the proposed variations only.

The determining issues are assessed as follows:-

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

In terms of visual amenity, the external alterations of a cat slide roof to the front elevation, the roof lights equally spaced out on the front roof plane and an additional ground floor window on the north elevation is not considered to have a significant impact on the character and appearance of the street scene. The external materials remain the same as previously approved and as the design would mirror that of the adjacent property it would harmonise with the locality.

It is therefore considered that approving these details and varying these conditions would not cause detrimental harm to the visual amenities of the locality and that the variations are in compliance with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings" and "...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 198 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact

resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

It is considered that the alterations to the front, whilst proposing a slightly larger balcony would not significantly adversely affect neighboring properties as to the sides of the balcony there would be a 1.8m rendered wall to provide a privacy screen to the neighbours. The additional window on the ground floor is to serve a bathroom. In the event that planning permission be approved a condition is therefore recommended to be attached to ensure that this is obscurely glazed. There is no other additional bulk, massing or glazing and it is therefore considered not to cause any significant harm to residential amenity.

As such, the proposal would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 of the National Planning Policy Framework.

CONCLUSION & RECOMMENDATION

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90490

Officer Recommendation: Variation of Conditions Approval

Conditions

1. 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

2. The development hereby approved shall be undertaken in accordance with the materials of construction as approved by discharge of conditions application 2017/92059 by letter dated 28-Jul-2017.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. 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), no buildings or extensions falling within Classes A-E of Part 1, Schedule 2 of the order shall be undertaken without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site, so as not to detract from the amenities of adjacent properties, and to preserve the openness of the green belt and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

4. The finished ridge height of all dwellings shall be no higher than those shown on drawing no. 09 rev A.

Reason: In the interests of visual amenity, to preserve the openness and character of the Green Belt in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

5. Roof lights to all plots as shown on the approved drawings shall be shall be of a 'conservation' style designed to fit flush to the plane of the roof and thereafter retained in 'conservation' style designed to fit flush to the plane of the roof.

Reason: In the interests of visual amenity and to protect the character and appearance of the Green Belt and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

6. The development hereby approved shall be undertaken in accordance with the layout, construction and specification of the highway works at the site access junction with Slades Road (drawing no. 01); (and all associated highway works) submitted as part of discharge of conditions application 2017/92059 and agreed in writing by the Local Planning Authority within the letter dated 3 July 2017.

Reason: In the interests of Highway safety in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the

Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

7. The development shall not be brought into use until visibility splays of 2.4m x 43m have been completed. Thereafter, visibility splays in which there shall be no obstruction to visibility above the level of the adjacent footway shall be retained thereafter.

Reason: In the interests of highway safety and in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

8. The development shall not be brought into use until all areas indicated to be used for private drives and parking and turning areas have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 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) those areas shall be so retained, free of obstructions and available for parking and turning thereafter.

Reason: In the interests of amenity and traffic safety, to avoid potential flood risk, to ensure an adequate provision for parking and turning is retained on site and in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

9. Development shall be carried out in accordance with the Preliminary Risk Assessment (Phase I Desk Study Report) submitted as part of discharge of conditions application 2017/92059 and agreed in writing by the Local Planning Authority within the letter dated 7 July 2017.

Reason: To accord with discharge of conditions application 2017/92059 and in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

10. Development shall be carried out in accordance with the Phase II Intrusive Site Investigation Report submitted as part of discharge of conditions application 2017/93885 and agreed in writing by the Local Planning Authority within the letter dated 4th December 2017.

Reason: To accord with discharge of conditions application 2017/92059 and in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims

of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 11.** Development shall be carried out in accordance with the Remediation Strategy as part of discharge of conditions application 2017/92059 and agreed in writing by the Local Planning Authority within the letter dated 4th December 2017.

Reason: To accord with discharge of conditions application 2017/93885 and in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 12.** Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

Reason: To ensure the safe occupation of the site in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 13.** No development, except for the demolition of existing buildings and the clearance of subsequent debris from the site, shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The details shall include: a) evidence to confirm the reasons for rejection of other methods of surface water disposal, b) evidence of existing positive drainage to a public sewer from the site ; and c) the means of attenuating surface water to as close to greenfield rates as reasonably practical and in any event , by a minimum reduction of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. No dwelling shall be occupied until the works comprising the approved scheme have been completed and thereafter retained and managed.

Reason: To ensure that adequate and suitable drainage is available to serve the development, in the interests of the protection of the natural environment in accordance with guidance in the National Planning Policy Framework.

- 14.** Notwithstanding the submitted information, bird nesting features in the form of one sparrow terrace and one multi-chamber swift box shall be incorporated integral to each the approved dwellings during the period of construction. The sparrow terrace shall be located at least 4 metres above ground, in the north east elevation with the swift box located directly under the eaves in the north east elevation, before the dwelling to which it is related is first occupied and retained thereafter

Reason: To enhance ecological interest within the site, in accordance with the guidance contained within Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 15.** Notwithstanding the submitted plans, one bat box, in the form of a Schweglar type 1FR/2FR bat boxes or similar shall be incorporated integral to each of the approved dwellings during the period of construction. The bat boxes shall be located away from external windows and lighting, at least 5 metres above ground level on the south west elevation, before the dwelling to which it is related is first occupied and retained thereafter.

Reason: To enhance ecological interest within the site, in accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 16.** Details to include the height, design, siting and materials to be used for the erection of walls and/or fences to all boundaries shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of any of the dwelling commences. The development shall be completed in accordance with the approved details along with a 600mm high natural stone wall to the site frontage as shown on drawing no. 09 Rev A before the development hereby approved is occupied/brought into use and shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with the requirements of Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 17.** Prior to occupation of the hereby approved dwellings an electric vehicle recharging point shall be installed in each of the integral garages/within the curtilage of each dwelling (5 in total). 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. Thereafter the electric vehicle recharging points shall be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in

accordance with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

- 18.** The development shall not be occupied until the ground floor window in the north (side) elevation as shown on plan 2415 02 hereby approved has been obscure glazed minimum grade 4. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden
[S](#)

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:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays
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.

Plans and specifications schedule: -

Plan Type submitted as part of application 2017/90989	Reference	Version	Date Received
Location plan	Streetwise Maps		21/03/17
Site block plan & streetscape	09	A	16/05/17
Plot 1 floor and elevation plans	10	A	16/05/17
Plot 2 floor and elevation plans	11	A	16/05/17
Plot 3 floor and elevation plans	12	A	16/05/17
Plot 5 floor and elevation plans	14	A	16/05/17
Additional visual showing an anthracite GRP			
Supporting statement			21/03/17

Plan Type submitted as part of application 2025/90490	Reference	Version	Date Received
Location Plan	-	-	11/03/2025
Previously Approved Plans and Elevations	2415 01	-	24/02/2025
Proposed Plans and Elevations	2415 02	-	24/02/2025
Proposed Site Plan and street scene	2415 03	-	24/02/2025
Application form	-	-	10/03/2025
Design and access statement	-	-	10/03/2025
Climate change statement	-	-	04/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant

in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted

Report Dated

3rd June 2025