

**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:	2025/70/90891/W
Site Address:	Land at, Yew Tree Road, Birchcliffe, Huddersfield, HD2 2EQ
Description:	Variation of conditions 1 (Plans), 6 (Landscaping), 7 (Landscape Management Plan), 14 (Ecological Design Strategy) on previous permission 2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings
Recommending Officer:	William Simcock

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: 26-Mar-2026

Application: 2025/70/90891/W

Site: Land at, Yew Tree Road, Birchenclyffe, Huddersfield, HD2 2EQ

Proposal: Variation of conditions 1 (Plans), 6 (Landscaping), 7 (Landscape Management Plan), 14 (Ecological Design Strategy) on previous permission 2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings

Site Description

The application site is a parcel of land consisting of rough grass and scrub, located at the corner of Yew Tree Road and Burn Road, which bound it to the north and east respectively. It has a gentle downward gradient from north to south.

The site falls under a larger housing allocation known as HS35. The separate parcels of land to the north, on the opposite side of Yew Tree Road, and to the east, on the far side of Burn Road have already been granted planning permission for residential development and are largely built out.

The field to the west of the site, is subject to another planning permission (Reserved Matters 2021/94363, for which permission has been sought to vary conditions under application 2025/90891, which is awaiting determination). The parcel of land immediately to the south also benefits from a current, unrelated planning permission but development has not started.

Description of Proposal

The proposal is for variation of conditions 1 (Plans), 6 (Landscaping), 7 (Landscape Management Plan), 14 (Ecological Design Strategy) on previous permission 2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings.

The existing conditions read:

1. 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 LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP43, LP47, LP48, LP49, KP51, LP52, LP53, LP63 and LP65 of the Kirklees Local Plan and the aims of the Highways Design Guide SPD, Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.*

6. All hard and soft landscape works shall be carried out in accordance with the approved landscape masterplan referenced DR-5871-01. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme agreed with the local planning authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

7. The development shall be carried out in full accordance with the Landscape Management Plan hereby approved reference LMP-5871-01 and shall be retained for the lifetime of the development.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

14. Development shall be carried out in complete accordance with the approved Ecological Design Strategy by CF Landscape (revised 26th April 2023) and all features shall be retained as such after.

Reason: To provide ecological mitigation and enhancement in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

The proposal is intended to be the first phase of a development of which permissions 2018/90776 (outline) and 2021/91933 (reserved matters) for adjacent land to the west would comprise the second phase. The site now under consideration forms the eastern half of the wider development site. The layout plans shows that the sites, providing 27 houses altogether if both phases are implemented, would interconnect and would make use of a shared access road. Both were originally applied for as two separate Outline and subsequent Reserved Matters applications, however.

The covering letter sets out following proposed changes for which a variation of condition is sought:

The plans make some changes to layout and house type, which can be summarised as follows.

1. The means of access to the site would be unchanged, with footways either side of the access road for the first 10m, but the lower part of the access road would be laid out differently. There would no longer be a hammerhead providing a turning head for a refuse collection vehicle – instead, the access road would bend to the left and continue to serve the adjacent site to the west.

1. Plots 1-2 would be set 2m further north than originally proposed, Plot 3 set 1m further south, and Plot 5 oriented squarely towards the driveway instead of slightly turned to the east. Plots 6-10 would be brought about 1m further north than their original position.
2. The amended housetypes would, as before, consist of 2 no. semi-detached two-storey houses and 8 no. detached two-storey houses. The detached houses however would have a design somewhat simplified from the original house types as they would incorporate front-facing gable but there would no longer be a single-storey element at the rear.

Condition 6

Condition 6 relates to hard and soft landscaping. To align with the changes set out above, a revised landscape masterplan has been submitted to address the proposed changes to the layout. As such it is proposed to amend the condition so that it reads:

6. All hard and soft landscape works shall be carried out in accordance with the approved landscape masterplan referenced DR-5871-03 P05. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme agreed with the local planning authority."

Reason: *To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

Condition 7

Condition 7 relates to the Landscape Management Plan which has also been amended to address the changes to the layout. As such the developer proposes to amend the condition to read:

7. The development shall be carried out in full accordance with the Landscape Management Plan hereby approved reference LMP-5871-01.03 and shall be retained for the lifetime of the development.

Reason: *To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

Condition 14

Condition 14 relates to the approved Ecological Design Strategy which has been updated to address the changes to the scheme. As such the developer proposes that the condition is amended to read:

14. Development shall be carried out in complete accordance with the approved Ecological Design Strategy by Brooks Ecological (reference ER-5871-02A) and all features shall be retained as such after.

Reason: To provide ecological mitigation and enhancement in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

History of negotiations/amendments received

June 2025 – Swept path drawings, long sections and RSA brief submitted. Also, minor changes to layout to show bin collection points.

Sep 2025 – Road Safety Audit submitted.

Oct 2025 – Minor changes in layout made to satisfy Highways DM requirements.

Dec 2025 – Amended Ecological Design Strategy and Landscape Plan submitted to match general layout.

Feb 2025 – One set of additional house type plans submitted (was omitted from original design pack) and Landscape Management Plan updated to fit the latest version of the layout.

None of the above were considered to require re-advertisement since the original plans had attracted no representations and any changes to the layout of the development were considered to be minor.

The description (and covering letter) originally referred to condition 2 (materials) in that the developer's intention was that they would gain approval for specific external facing materials as part of this application. The case officer raised some concerns about the specific walling materials sought, and it was agreed with the developer that this would be addressed within the remit of a separate application for discharge of condition (2).

Relevant Planning History

Application site

2018/90776: Outline application for erection of up to 10 dwellings. Granted subject to Section 106 Agreement covering the following matters:

- On site provision of affordable housing
- Education contribution
- Public open space contribution
- Off-site highways contribution

2021/91933: Reserved matters application pursuant to outline permission. This was granted subject to a new Section 106 Agreement that superseded the original agreement of 11-Sep-2020 entered into at the Outline stage.

2024/91498: Approval of details reserved by conditions 2, 4, 7, 8, 9, 10, 11, 12 on reserved matters approval 2021/91933. Split decision.

2025/93498: Approval of details reserved by conditions 12 and 15 on reserved matters approval 2021/91933. Ongoing.

2026/90077: Approval of details reserved by conditions 2, 4, 8, 9, 11 on reserved matters approval 2021/91933. Ongoing.

Adjacent site (to west):

2018/90151: Outline application for erection of residential development. Outline permission granted subject to S106 Agreement.

2021/94363: Reserved matters for residential development (17 dwellings). Granted 16-May-2024 subject to S106 Agreement.

2025/90890: Variation of conditions 1 (Plans), 2 (Materials), 6 (Landscape Works), 7 (Landscape Management Plan), and 14 (Ecological Design Strategy) of previous permission 2021/94363 for reserved matters application pursuant to outline permission 2018/90151 for erection of 17 dwellings. Awaiting determination.

Representations

Final publicity date expires: 01-May-2025.

Publicity by neighbour site notice and press advertisement as the proposal constitutes Major Development.

No representations were received because of the publicity.

The site lies in Lindley Ward. The three Councillors for this ward are:

- Cllr Cahal Burke
- Cllr Ashleigh Robinson
- Cllr Anthony Smith

The three Ward Councillors were notified of the application by email 17-Apr-2025. No comments were received as a result.

Consultation Responses

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

Internal

- KC Highways Development Management – Support subject to conditions.
- KC Ecology – No objections, comments made.
- KC Lead Local Flood Authority – No objections.
- KC Crime Prevention – No objection in principle; comments made on some aspects of design and layout.

External

- The Mining Remediation Authority – No objections

Policy

Kirklees Local Plan (LP)

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 forms part of a Housing Allocation, HS35.

Other designations and constraints:

- The site lies within 200m of a former landfill site.
- Part of the site lies within a Coal Referral Area.
- Impact Risk Zones for a Site of Special Scientific Interest – but only applies to development involving infrastructure, minerals, combustion or likely to give rise to air pollution.
- The site is in the bat alert layer.

The following Local Plan policies are considered relevant to the proposal:

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access

- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 32:** Landscape
- **LP 33:** Trees
- **LP 47:** Healthy, active and safe lifestyles
- **LP 52:** Protection & improvement of environmental quality
- **LP 53:** Contaminated and unstable land

Supplementary Planning Documents

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, (HGD SPD)
- Open Space Supplementary Planning Document
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

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

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Ecology
- 5) Planning obligations
- 6) Review of conditions

- 7) Other matters
- 8) Representations
- 9) Conclusion

1 – Principle of development

This application is made under S73 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, S73 enables the varying of a condition’s wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight.

The proposed changes would not affect the previously established principle of development, including the number of dwellings delivered. The proposed changes to house type and layout (especially the internal road layout) are considered to be material. They will be assessed according to relevant national and local policies on visual and residential amenity, biodiversity and other material considerations.

The following text from Paragraph 140 of the NPPF is relevant and will inform the decision:

“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)”

1A: Masterplanning and Policy LP6

Under Policy LP5, masterplans should only be sought where “feasible and appropriate”. The scheme as proposed to be modified would still ensure connectivity with the proposed Phase 2 to the west and would not affect the development of other land within this housing allocation. It would thereby uphold the principles of master planning and therefore the aims of Policy LP6.

1B: Housing mix and affordable housing

In the following assessment of housing mix and balance, it is considered appropriate to treat both sites (those that were the subject of applications 2021/91933 and 2021/94363) as a single development since while being separate permissions they are inherently linked, forming two phases of the same development.

The site is within Lindley ward, which lies within Huddersfield North Housing Market Sub-Area. The tables below show the recommended breakdown of housing by number of bedrooms and tenure type, as recommended in the Housing Mix and Affordable Housing SPD, those that would be delivered by the reserved matters as approved, and as now proposed:

Market housing

Type	Recommended (Hudds N)	As approved	As proposed
1/2-bed	30-60%	0	0
3-bed	25-45%	9 (41%)	8 (36%)
4/5-bed	10-30%	13 (59%)	14 (64%)
Total	100%	22	22

Affordable rented housing

Type	Recommended (Hudds N)	As approved	As proposed
1/2-bed	40-79%	Breakdown is unspecified on plans (see below)	
3-bed	0-19%		
4/5-bed	0-19%		
Total	100%	5 (total affordable tenure)	

Affordable intermediate

Type	Recommended (Hudds N)	As approved	As proposed
1/2-bed	60% plus	Breakdown is unspecified on plans (see below)	
3-bed	20-39%		
4/5-bed	0-19%		
Total		5 (total affordable tenure)	

For the wider scheme as approved, the respective site plans showed a total of five affordable units grouped together at the northern end of the site. These were shown to be three x 2-bedroom, two x 3-bedroom. The market units on site were broken down as nine x 3-bedroom, 13 x 4-bedroom, with no units of 1-2 bedrooms.

On the site plans now proposed, for the two phases put together, the proposed breakdown for affordable housing, is, as before, three x 2-bedroom, two x 3-bedroom. For market housing there would however be a net loss of one 3-bedroom unit and a corresponding increase of one 4/5 bedroom unit.

It would result in a greater over-provision of 4-5 bedroom houses than on the scheme as approved, but as this would only affect one unit in a 27-unit scheme, and since the provision of market housing would still fall comfortably

within the parameters for 3-bedroom houses, it is considered that this minor change in housing mix would not materially reduce the quality of the scheme.

The proposed breakdown of affordable houses considered as a whole (for both tenure types across both phases) is three x 2-bedroom and two x 3-bedroom. This is the same as was approved under the extant reserved matters. The site layout plan, both as approved and as proposed for the current Section 73 application, does not specify how these would be broken down by tenure type. But the SPD (as shown in the tables above) indicates that for both affordable tenure types, 2-bedroom should usually be the predominant type, and the mix chosen, which is majority 2-bedroom, is considered to be in conformity with this. The breakdown by tenure type will be effectively controlled by the Section 106 Agreement.

In conclusion, it is considered that housing mix and balance now proposed, whilst it does not fully accord with the breakdown set out in the SPD, would not result in diminished quality as against the extant approved reserved matters and is therefore judged acceptable.

2 – Urban design and visual amenity

The proposal will be considered having regard to the aims of LP24a, and also those of the House Builders' Design Guide, in particular:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line and active frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

The schedule of house types approved for the original permission were of contemporary-traditional type. They are shown as having a simple plan form with a symmetrical double-pitched roof of 30-degree pitch. In terms of detailed design, they did not closely reference the traditional architecture within the wider area – for example, in their window proportions, the use of canopy porches, and the gutters being attached to a fascia board, not supported by corbels or brackets. However, all windows, including those on the side and rear elevations, had stone heads and cills.

The house types now being considered are in some respects similar to those originally approved, in that the design could be described as contemporary-traditional, and would share several features in common with the originally approved house types, including roof style, glazed doors to the rear, and the inclusion of canopy porches. Window style would be slightly different, in that

the windows now proposed would have a more uniform appearance, compared to those in the approved house types which would show a greater variety in terms of width relative to height. It is considered that this would not result in a loss of design quality, however.

In the plans originally submitted for this application, only the windows to the front elevations would have had heads and cills. Officers raised concerns with this, due to visual amenity concerns. Officers acknowledge that the approved housing developments on surrounding land to the north, east and south also lack heads and cills to their side and rear elevations. However, this includes schemes that were granted permission under the now-superseded Unitary Development Plan and before the adoption of the Housebuilders' Design Guide, which seeks to raise standards of design. To ensure that the highest possible standard of design is delivered, the applicant was asked to modify the design to incorporate heads and cills to all elevations. The applicant agreed to this and these features are shown on the final version of the plans for all house types.

An annotation on the plans proposes the following materials:

- Walls – Marshalls Cromwell pitched buff or similar
- Roof covering – Grey Roof Tile - Sandtoft Danum TLE (Dark Grey) or similar

Originally the developer sought to have condition 2 changed to a prescriptive condition, on the basis of the information supplied.

The previous discharge of condition application did not grant approval for the materials, but the officer's assessment advised that since surrounding development was built from Marshalls Cromwell Pitched Faced Weathered Stone or similar, the proposed development should be built from the same walling material or similar to ensure a consistent appearance.

Since the details do not categorically say that one particular product will be used, it cannot form the basis for a prescriptive condition. A separate application has been made to discharge condition 2 and the developer accepts that approval of materials can be assessed under the remit of that discharge of condition application, not the current application for variation of condition.

The overall layout and arrangement of the proposed development have been minimally changed and it is considered that it would still fulfil the aim of the Housebuilders' Design Guide in creating coherent building lines and maintaining active frontages. All houses would have their main elevation – the one containing the principal openings – facing the estate street or shared driveway that would provide vehicular access, and those on corner plots – the Dalton and Cawthorne house types – would not present a completely blank frontage to the street in that they would have secondary or non-habitable room windows within their eastern and western elevations respectively.

In conclusion, it is considered that the development as modified would fulfil the aims of Policy LP24(a) and would conform to the principles set out within the Housebuilders' Design Guide.

Landscaping

The site is proposed to be landscaped with a combination of amenity grassland, species-rich grassland, tree planting, shrub planting, and hedgerows (native hedgerow on the western and southern site boundaries, ornamental hedgerow on the northern and eastern site boundaries.) Viewing both phases as a complete scheme, the amount of soft landscaping has not been changed overall and the number of new trees planted would also be unchanged. New trees would be distributed evenly throughout the site and would be planted predominantly near to the boundaries with the existing adopted highway or close to the new estate road.

None of the species chosen would be invasive (according to the report, "Horizon-scanning for invasive non-native plants in Great Britain", by Natural England).

The notes set out on the landscaping plan set out a detailed scheme for implementation.

The original plan, 5871-01 by Brooks Ecological, also showed details of boundary treatments and of a scheme of bird and bat boxes; these are not shown on the current landscape masterplan but these enhancements would normally form part of an Ecological Design Strategy, which is covered by a separate condition.

An amended landscaping plan (composite, covering both phases) was submitted during the application process (12/12/2025) to ensure that the landscaping scheme conformed to the latest site layout, which had been subject to amendments, and to ensure that it would be high-quality. It is noted that the landscaping plan does not cover hard landscaping works. The original landscaping scheme also did not include a full scheme of hard landscaping works (such as driveways and footpaths) but only boundary treatments, which are in fact covered by a separate condition.

It is considered that the landscaping plan would result in the delivery of a scheme which is at least equal in quality to that previously approved. Condition 6 can therefore be replaced with a new prescriptive condition:

"All landscape works shall be carried out in accordance with the approved landscape masterplan referenced H25-0067_001. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme agreed with the local planning authority."

3 – Impact on residential amenity

The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 6 – Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 16 – All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations. The provision of homes that meet these standards should be considered within the housing mix of the wider site in line with Local Plan policy LP11 (Housing Mix and Affordable Housing).

Nationally Described Space Standards (NDSS) are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Potential impact upon existing residential development:

It is considered that no dwellings on land to the north or east of the site would be affected by loss of privacy or other factors arising from the proposed development, owing to the separation distances involved.

The dwellings situated near the southern boundary of the site – Plots 6-10 – are the only ones that would be situated in close proximity to unrelated land with development potential. As a starting point, 10.5m should normally be maintained between a habitable room window and adjacent undeveloped land, and 21m between mutually facing habitable room windows at the rear. The land to the south, it is noted, has an extant permission for housing, and the possibility of mutual overlooking or other factors that might compromise amenity for either set of occupants must be considered.

Plots 6-10 would be placed so that rear-facing habitable room windows would be between 10 and 11m from the rear boundary, thereby just meeting the 10.5m standard or marginally falling short. It is noted however that those on

the approved reserved matters were placed still closer to the boundary (even if the projecting single-storey element were to be disregarded). From examination of the site plan for application 2022/92780 (reserved matters for the land to the south) and the site plan for the application now being considered, it can be demonstrated that a minimum distance of 21m would be maintained between facing rear elevations, in accordance with the standard set out in the Housebuilders' Design Guide.

There would be a significant difference in finished ground and floor levels between the two sites (the site to the south being set lower) which would further limit any possibility of overlooking between windows and outdoor amenity space. It is considered that the distance maintained between the rear elevations of the proposed new dwellings and the boundary is sufficient to avoid any negative effects on amenity for either development.

Internal space

The house types that are now proposed for this site (Phase 2 only) would each benefit from the following amount of internal space:

Description	Bedrooms / floors	Floorspace (GIA sqm)	Minimum NDSS expectation (GIA sqm)	Compliant
Wetherby	Two-bed, two-storey	70	70	Yes
Dalton	Three-bed, two-storey	84	84	Yes
Bramham	Four-bed, two-storey	139	97	Yes
Malham	Four-bed, two-storey	114	97	Yes
Halsham	Four-bed, two-storey	152	97	Yes
Cawthorne	Five-bed, two-storey	154	110	Yes

As can be seen from the above table, all would meet or exceed the minimum figure in the NDSS for the relevant type of dwelling. The three-bedroom affordable units would have 4sqm more floorspace than the equivalent three-bedroom houses originally proposed for the same plots (84sqm as against 81sqm) and furthermore the third bedroom would, at 8.0sqm, exceed NDSS specifications. This represents a small improvement in housing quality compared to the currently approved scheme.

It is therefore considered that the amount of internal floorspace is, in each case, is satisfactory.

Outlook, light and privacy for future occupants:

The proposed dwellings have been sited and designed so that none would overlook their neighbours' windows or amenity space at close quarters. All would receive what are considered adequate amounts of natural light and would not suffer undue obstruction to outlook. It is considered that in terms of light and outlook, and the degree of privacy for future residents, the proposal would be at least equal in quality to the originally approved scheme.

Provision of private garden space:

For each plot, the amount of garden space is considered suitable for the amount of living accommodation provided. The rear gardens would have a southerly aspect and would therefore be well-placed to receive direct sunlight. In this respect, the proposed layout would not be substantially different from the approved one.

Residential amenity – conclusion:

It is considered that the layout of the development would provide an acceptable standard of living for future occupants, and that the level of amenity provided for future residents would not be inferior to that delivered by the currently approved scheme. Furthermore, it would not adversely affect the amenities of the occupiers of properties outside the site. It would thereby accord with the aims of LP24(b).

It is considered that no conditions need be imposed specifically to protect residential amenity, except for the erection of boundary treatments – this is covered by a condition on the existing permission, which can be carried over to the new one.

4 – Impact on highway safety

The Highways Development Management consultation response dated 10/06/2025 made the following observations:

- The proposals remove the previously approved refuse vehicle turning head;
- The application will need to comply with Kirklees Design Guide including provision of 23 metre Forward Visibility Splays and dimensions must be in accordance with the Kirklees Design Guide (Table 1);
- A minimum carriageway width of 5.5m will be required with either footways or a minimum 600mm block paved margin on either side;
- Shared surface carriageway must not be steeper than 1:21 or 5% otherwise a Local Residential Street (Type B) with footways on both sides will be required;

- Swept path analysis for refuse vehicle is required to show how it can pass an on-coming car;
- The ramp for the carriageway transition is located where it will conflict with traffic exiting the parking area to the west;
- The detailed design and highway adoption approval will be subject to a full technical audit on application.

Following extensive discussions with the Councils Section 38 Highway Adoptions Team and the provision of a Road Safety Audit and Designers Response, Highways Development Management (response dated 04/11/2025) confirmed that the revised proposals shown on combined planning layout number Z234.009 rev E are acceptable.

The following conditions are proposed by HDM:

- (i) Vehicle parking areas to be surfaced and drained before being brought into use, in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' and thereafter retained.
- (i) A scheme detailing the provision of a 2.0m wide footway to the Yew Tree Road and Burn Road frontages of the development site shall be submitted and approved.
- (ii) Construction Management Plan submitted and approved.
- (iii) Estate street phasing plan should be imposed.

The case officer notes that the provision of footways is already on the outline permission for each phase – conditions 15-16 on 2018/90776 (phase 1, eastern parcel), conditions 20-21 2018/90151 (phase 2, western parcel). These are worded as follows:

15. Details of 'layout' submitted pursuant to condition 2 shall include the provision of a 2 metre wide footway to the Yew Tree Road and Burn Road site frontages.

Reason: *In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan.*

16. Construction details for the 2 metre wide footway to the Yew Tree Road and Burn Road site frontages pursuant to condition 14 shall be submitted to and approved in writing by the Local Planning Authority before the footways are installed. The footways shall be provided in accordance with the approved details before any dwelling on the site is first occupied and shall thereafter be retained.

Reason: *In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan.*

In addition, the following condition 4 on the reserved matters approval was imposed:

4. Prior to development commencing full details of the new 2.0m wide footway to the Yew Tree Road and Burn Road frontage of the development site, shall be submitted to and agreed in writing with the Local Planning Authority. Details should include construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column and associated highway works. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development. Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to highway/pedestrian safety are devised and agreed at an appropriate stage of the development process.

The original outline condition 15 is complied with – the site plan now under consideration shows a continuous footway along both road frontages.

It is unclear why two conditions were imposed – one on the outline permission, one on the reserved matters approval – which have the same aim, but it is noted that the latter condition contains more detail as to what the applicant will have to supply to discharge the condition, and it is considered that for the avoidance of doubt, it should be re-imposed on the new reserved matters approval.

The submission of a Construction Management Plan was covered by a condition on the outline permission and was not repeated on the subsequent approval of reserved matters – the addition of such a condition to a subsequent variation would therefore serve no planning purpose.

Condition (14) on the outline permission requires that

“No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work”.

This was, at the time, a standard condition. It has now been superseded by the standard estate street phasing plan condition, which is worded to allow greater flexibility (the developer is no longer expected to obtain full Section 38

approval before planning approval can be given). However, the original condition will remain on the outline and will have to be complied with. There would be no clear benefit in placing the estate streets phasing plan on the reserved matters as it would not counteract or negate the condition on the outline permission.

Finally, the requirement that vehicle parking areas be surfaced and drained before being brought into use is on the extant reserved matters approval and it is considered appropriate to re-impose it.

Policy LP22 advises that the level of parking provided should be determined in each case on the basis of several factors, including the accessibility of the site.

KC Highways DM, in their final response, did not make any comment on the level of parking provision. Case officer observations are that all 4/5-bedroom houses would benefit from a double-width driveway and a garage sufficient for at least one car (minimum 6m x 3m). The floorplans for the Cawthorne house type indicate that the integral garage should fit two cars. This arrangement would be cramped as the arrangement shown would make it very difficult to open car doors if two cars were parked inside the garage. But it would still benefit from three parking spaces overall and there is no expectation in the Housebuilder's Design Guide or Highway Design Guide that a house with more than four bedrooms should be provided with more than three parking spaces, whether external or internal.

A total of seven designated visitor parking spaces are shown on the combined layout, of which five are off private drives, one is in the form of a bay off the western stretch of the adopted part of the layout, and one of which is within the carriageway. For the approved reserved matters, there is some inconsistency between the masterplan and individual layouts as regards visitor parking, in that the masterplan 2215-9502-P04 shows six designated visitor spaces, all off private drives, whereas the individual site plans for the two phases 2021/91933 and 2021/94363 additionally show on-street visitor parking provision (i.e. within the adoptable part of the layout) south of Plots 1-2 and 25-27, sufficient for three vehicles. It is not clear whether these were counted towards the total.

However, the number of spaces that would be provided for visitors on the layout now being considered – 7 – is commensurate with the standard requirement of one visitor space per four dwellings and is therefore not inferior to what has been approved.

In conclusion, it is considered that the development – as modified by this variation of condition application – demonstrates both safe access to the existing highway network and an internal layout that would ensure satisfactory access, parking and servicing for future users. It would avoid any adverse impact on the free and safe use of the highway and accord with Policies LP21-22 of the Local Plan and Principle 12 of the Housebuilder Design Guide SPD.

5 – Ecology

Ecology

A Biodiversity Net Gain assessment and BNG Metric have been submitted which find the baseline value of the site to be 4.71 Habitat Units (HU). On-site value post-intervention is calculated at 2.44. These values are unchanged from the assessment of the site pursuant to the original application.

An amended Ecological Design Strategy (EDS) and BNG Assessment were submitted 12/12/2025. These were deemed necessary because the changes to the layout that had taken place between the original version of the site layout plan and its final version, in order to satisfy highway requirements, meant that the original EDS no longer conformed to the current site plan and it was therefore unclear that the required level of ecological enhancement could be delivered. The amended EDS demonstrates that the planting scheme would deliver the same level of enhancement as under the original approval of reserved matters, and that the calculation of post-site intervention value is still correct. As before, on-site enhancement would include areas of species-rich grassland and the planting of newly-planted trees, in addition to bird and bat boxes and hedgehog access holes in the rear boundary fence.

The mandatory provision of a Biodiversity Net Gain (BNG) of 10% as set out under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) does not apply in this case since the permission being sought is for a variation of conditions for which the parent permission was applied for, and granted, before 12/02/2024. The original permission for reserved matters was granted subject to an offsite contribution to provide a 5% biodiversity net gain (a financial contribution of £58,190) secured via a legal agreement.

KC Ecology were consulted on this application. They raised no concerns about the applicant's methodology or proposed enhancements. The response from KC Ecology however emphasises that the relevant conditions cannot be considered discharged until the relevant works have actually been undertaken, and any ongoing obligations complied with. This is accepted by officers, and the conditions will be worded accordingly.

Similarly, under the Act, any development delivering a "significant enhancement" also requires the submission of a 30-year management plan. This requirement, again, does not apply to this application because of the date of the original permission, and furthermore the existing conditions on the Ecological Design Strategy, and the landscape management clauses in Section 106 Agreement (both to be amended to prescriptive conditions), will in case deliver the same aim.

6 – Planning obligations

The issuing of an approval under a Section 73 application will result in a new planning permission. In many cases, this means that a Deed of Variation will need to be entered into to ensure that obligations pertaining to any Section 106 Agreement entered into for the original application will remain valid.

The Section 106 Agreement entered into for the original reserved matters approval, 2021/91933, lists the following obligations:

- On site provision of affordable housing
- Payment of Managed Areas Inspection Fee
- Payment of POS contribution before more than 50% of units occupied
- Payment of education contribution before more than 50% of units occupied
- Payment of off-site highways contribution before more than 50% of units occupied
- Payment of biodiversity contribution before more than 50% of units occupied
- Payment of Metrocard contribution before any unit is occupied.

The Agreement contained the following clause:

12. Future Permissions.

12.1 In the event that an application is made pursuant to Section 73 of the 1990 Act for an amendment to the Planning Permission and a planning permission is granted in respect of that application then:

12.1.1 References to “Planning Permission” in this Deed shall thereafter be deemed to include both the Planning Permission and the new planning permission granted pursuant to Section 73 of the Act; and

12.1.2 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 Act unless required to do so by the Council.

The Agreement already entered into will remain binding on any variation of condition (including this one). Furthermore, no new or modified obligations are deemed necessary. Accordingly, there is no requirement to enter into a deed of variation.

7 – Review of conditions

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously applied conditions attached to permission 2021/94664 and to update, revise, add to or delete redundant conditions as part of the assessment of the current application.

Those conditions would normally be re-applied in any subsequent approval of a Section 73 application, as the effect of the Section 73 approval is the issue of a fresh grant of permission.

Conditions 1, 6, 7, and 14 are recommended to be varied as set out within this report. It is recommended that all other conditions be re-imposed, as they continue to serve a necessary purpose. The condition list is:

1. Development to accord with plans and specifications
2. Full schedule of materials to be submitted
3. Window frames set in a 100mm reveal
4. Details of 2m footway
5. Parking areas / driveways to be surfaced and drained
6. Landscaping works to be carried out prior to occupation of development
7. Landscape Management Plan to be implemented
8. Details of temporary arrangements for bin storage
9. Details of bin stores
10. Details of anti-crime measures
11. Details of boundary treatments
12. Details of external lighting for new dwellings where applicable
13. No removal of hedgerows, trees or shrubs between 1st March and 31st August inclusive
14. Development shall be carried out in complete accordance with the approved Ecological Design Strategy by Brooks Ecology and thereafter retained as such
15. Prior to sub structure works, a scheme detailing all new retaining walls and building retaining walls adjacent to the proposed highway shall be submitted and approved in writing.

A materials plan and boundary treatment plan were submitted with the original application documents. However, these must be considered as indicative only since details of materials and boundary treatments were reserved by conditions and are presently the subject of a separate discharge of conditions application (2026/90077): it is considered that, for the avoidance of doubt, these plans should not be placed on the list of approved documents.

6 – Other matters

Climate change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies.

At the time when this application was submitted, the submission of a Climate Change Statement had not been adopted as a validation requirement. No conditions requiring details of renewable energy generation or other climate change mitigation measures were imposed at the time.

It is considered that it would be unreasonable to retrospectively seek to incorporate such measures into the development (beyond the provision of a scheme of EV charging points and cycle storage which are already covered by conditions on the outline approval).

Crime and security

The Designing Out Crime Officer, who was consulted on the development, made the following comments – planning case officer comments are added in italics below:

1. Boundary treatments- please ensure there are no footholds on the outer face of the 1.8m fence/ wall to hinder climbing attempts or being used as informal seating.
1. Additionally, the subdivisional boundaries between plots (1200mm post and rail) are insufficient in terms of security or privacy.
2. Cawthorne's front door is in a recess, which is potentially a crime generator. If it cannot be brought forward, this must be mitigated with appropriate lighting and preferably CCTV.
3. 0.9m footpath to Burn Road (for access to a proposed flow control manhole) I would strongly suggest making it at least 2 metres wide.to allow for safer and more comfortable passing between pedestrians utilising it.

The applicant's agent has been notified of these concerns. They accept that boundary treatments shown on the plans are provisional and can be the subject of a condition, along with security enhancement measures for the Cawthorne house type. Boundary treatments and other measures to protect future occupants against crime were originally covered by planning conditions 10 and 11, which can be carried over to the new permission, with clarification that amended details are sought notwithstanding the details on the plans now under consideration. The footpath to Burn Road appeared on earlier versions of the site plan but on the latest version no such access is shown.

Drainage

The submission of details of a permanent drainage scheme was covered by conditions 10 and 11 on the original outline approval. It is considered that the current proposals do not raise any new implications for drainage, and KC Lead Local Flood Authority, who were consulted on the proposal, made no comments or objections.

Land contamination and stability issues

The site lies within 20m of land recorded as potentially contaminated owing to its past uses. A Phase 2 Geo-environmental Report and Remediation Strategy were submitted with the application. The submission of such reports was not a requirement of any of the conditions attached to the approved reserved matters; contaminated land conditions were imposed at the outline stage (permission reference 2018/90776). A separate Discharge of Condition application (ref 2025/93499 has been made and is currently being considered. Consequently, the issue of land contamination is not deemed to be relevant to this application and the contaminated land reports have not been assessed.

Paragraph 196-197 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. A small part of the site lies within an area designated a Coal Referral Area and therefore deemed "high risk" for coal mining legacy. The Mining Remediation Authority was consulted on this application as a precautionary measure given the possibility that the changes to design and layout would bring Plots 5 and 6 closer to the zone of influence of a mineshaft than was the case on the original layout.

The Mining Remediation Authority confirm that they have no concerns and no objection to the variation of condition.

9 – Representations

No representations were received.

10 – 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 plans and other details submitted for this application would deliver a development that would enhance the environment through delivering a scheme with high quality design and landscaping and that would guarantee the safe use of the highway for future residents. It is considered that the quality of approved development would not be diminished as a result of the changes for which approval is sought.

It would constitute sustainable development and is therefore recommended for approval.

Recommendation: GRANT VARIATION OF CONDITION

Report Dated: 26/03/2026

Decision Authorisation: Delegated Powers

Application Number: 2025/90891

Officer Recommendation: Grant variation of condition

Conditions and Reasons

Note: The applicant is advised that the below conditions were imposed by planning permission 2021/91933. They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged. Where the details pursuant to the above conditions, in accordance with 2021/91933 corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not be necessary.

1. 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 LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP43, LP47, LP48, LP49, KP51, LP52, LP53, LP63 and LP65 of the Kirklees Local Plan and the aims of the Highways Design Guide SPD, Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

2. Prior to their use, a full schedule of all facing materials, including walling and roofing materials, and materials for window heads and cills shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved materials and retained thereafter.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. All new window frames shall be set back in the reveal by 100mm and shall not be fitted flush with the external wall.

Reason: So as to ensure the satisfactory appearance of the development on completion, to maintain and enhance the character and appearance of the area and to accord within Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Prior to development commencing full details of the new 2.0m wide footway to the Yew Tree Road and Burn Road frontage of the development site, shall be submitted to and agreed in writing with the Local Planning Authority.

Details should include construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column and associated highway works. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development. **Reason:** In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to highway/pedestrian safety are devised and agreed at an appropriate stage of the development process.

5. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking areas and private driveways for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter retained throughout the lifetime of the development. **Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

6. All landscape works shall be carried out in accordance with the approved detailed landscape plan by Highstone Design referenced H25-0067_001. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme agreed with the local planning authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

7. The development shall be carried out in full accordance with the Landscape Management Plan hereby approved reference LMP-5871-01.04 and shall be retained for the lifetime of the development.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to the commencement of development of superstructure works, temporary arrangements for bin storage shall be submitted to and approved in writing by the Local Planning Authority. The temporary arrangements shall be so retained thereafter for the duration of the construction works.

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 and the National Planning Policy Framework.

9. Prior to any of the dwellings hereby approved, being first brought into use, full details of the bin stores to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height and materials of the bin store.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.

10. Prior to the installation of any doors or windows within the hereby approved dwellings, details of measures to prevent and deter anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Notwithstanding the details on the approved plans, full details (including sections and details of levels) of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any boundary treatment. The boundary treatments thereby approved shall be implemented before any dwelling is first occupied. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

12. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and

anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

13. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

14. Development shall be carried out in complete accordance with the approved Ecological Design Strategy by Brooks Ecology, reference ER-5871-02B and all features shall be retained as such after.

Reason: To provide ecological mitigation and enhancement in accordance with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. Prior to sub structure works, a scheme detailing all new retaining walls and building retaining walls adjacent to the proposed highway shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify locations of the works, and shall include cross-sectional information together with the proposed designs and construction details. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact Highway Adoptions on 01484 221000 or highways.section38@kirklees.gov.uk.

NOTE: To discuss all new surface water attenuation tanks, pipes and manholes located within the proposed highway footprint, please contact Highway Structures on 01484 221000.

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 Council 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: 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, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. 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	Reference	Version	Date Received
Application form			31/03/2025
Location plan	Z234.004		10/04/2025
House type pack	Z234.007		26/03/2026
Halsham house type	NH.HAL.02		26/03/2026
Layout plan (east)	Z234.003	C	06/10/2025
Layout plan (combined)	Z234.009	E	06/10/2025
Swept path analysis plan	STE/25/03/16	A	23/06/2025
Longitudinal sections 1-2	STE/25/03/11		23/06/2025
Road safety audit stage 1	MAL/YTRB/RSA1	0	26/09/2025
Biodiversity Metric (eastern site)	3.0		
Ecological Design Strategy	ER-5871-02	B	12/12/2025
Biodiversity Net Gain Assessment	ER-5871-04	B	12/12/2025
Composite detailed landscape plan	H25-0067_001		12/12/2025
Landscape Management Plan	LMP5871-01.04		26/02/2026

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

The case officer requested several amendments during the application process in the interests of highway safety, good design and ensuring that a satisfactory landscaping scheme and ecological design strategy would be delivered, which informed the final decision.