

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2025/44/91372/E
Site Address:	land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB
Description:	Discharge of details reserved by conditions 9 (Construction Management Plan), 17 (Bin Storage Enclosures), 18 (Waste Storage), 19 (Construction Traffic), 20 (Highway Condition Survey), 22 (Arboricultural Method Statement), 24 (Boundary Treatments), 26 (Crime), 27 (Hard and Soft Landscaping), 28 (Cycle Parking), 29 (Electric Vehicle Charging), 30 (Construction Environmental Management Plan: Biodiversity) on previous permission 2023/93704 for erection of 12 dwellings and associated works
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Split Decision

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: 28-Oct-2025

Officer Report

Application: 2025/91372

Site: Land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB

Proposal: Discharge of details reserved by conditions 9 (Construction Management Plan), 17 (Bin Storage Enclosures), 18 (Waste Storage), 19 (Construction Traffic), 20 (Highway Condition Survey), 22 (Arboricultural Method Statement), 24 (Boundary Treatments), 26 (Crime), 27 (Hard and Soft Landscaping), 28 (Cycle Parking), 29 (Electric Vehicle Charging), 30 (Construction Environmental Management Plan: Biodiversity) on previous permission 2023/93704 for erection of 12 dwellings and associated works.

Assessment

Condition 9 (Construction Environmental Management Plan)

9. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- 1. Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.*
- 2. Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction*
- 3. Artificial lighting used in connection with all construction related activities and security of the construction site.*
- 4. A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.*

The plan thus approved shall be adhered to throughout the construction of the development.

Reason: *To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan. This information is required pre-commencement to ensure that the amenities of local residential properties are safeguarded at all stages in the development process.*

A document entitled Construction_ Management_Plan_ prepared by Premier Risk Services on behalf of Vivly Living has been submitted. This contains the following information relevant to condition (9):

1. Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.

Hours of work are specified in part 5.1 of the document as being:

- 07:30 to 18:30 on Monday to Friday
- 08:00 to 13:00 on Saturday
- No working on Sundays or Public Holidays
- No Piling operations should commence prior to 09:00hrs

Part 5.3 sets out other measures to limit noise emissions, including the siting of static plant and machinery as far away as possible from inhabited buildings and the use of acoustic covers for compressors and mufflers for ancillary pneumatic percussion tools.

These details are acceptable.

2. Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction

Part 5.4 sets out a range of dust control measures including the use of dampening sprays and tarpaulins.

These details are acceptable.

3. Artificial lighting used in connection with all construction related activities and security of the construction site.

Part 5.7 confirms that lighting schemes shall be compliant with the Institution of Lighting Professionals Guidance Note 01/21. Artificial lighting will be used only when necessary to maintain a safe working environment, and in a way that minimises disruption to neighbouring properties, including the use of directional lighting to focus illumination where it is needed, and the use of low glare, shielded fixtures to reduce light spill.

These details are acceptable.

4. A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

Part 3.1 sets out community liaison procedures, including the erection of a display board with the site manager's contact details and the maintenance of a complaints register.

The site manager and commercial manager's details (name and number) are provided in section 2.1

These details are acceptable.

Summary

KC Environmental Health have viewed the submitted information and advice that it is acceptable. The above details are considered satisfactory for the purposes of Condition (9) and it is recommended that approval be granted. The adherence to the plan throughout all phases of construction will discharge the condition.

Condition 17 (Bin Storage Enclosures)

17. Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All the approved bin enclosures shall be provided, and all of the areas shown on the approved site plan for the storage and collection of wastes including both private and communal bin presentation points, laid out with a hard surface and made available for use, before any new dwelling is first occupied, and thereafter retained as such, free from all obstructions to their use.

Reason: *In the interests of visual amenity and to ensure the provision of satisfactory facilities for the separation, storage and disposal of wastes, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.*

The following document is relevant to this condition:

- 22D26-FBA-ZZ-XX-DR-A-0740 – P13 - Proposed External Works Site Plan (submitted 11/07/25).
- A 3-D colour rendering of the proposed bin store showing an enclosure of slatted construction, with external dimensions (submitted 27/10/25).

The External Works Site Plan indicates that only Plots 6-11 would benefit from any form of enclosure or fencing for the bin stores. The other new dwellings, however, would have their bins placed in a location where they would be concealed by garden fencing, garages, or would be so far to the rear that they would barely be visible from the street. It is therefore considered that for Plots 1-5 and 12, a purpose-built bin enclosure is unnecessary.

It is considered that the submitted details are acceptable, and it is recommended that approval be granted. The construction of the enclosures, the provision and laying out with a hard surface of areas for the storage and collection of wastes before any new dwelling is first occupied, and their being made available for use, will ensure compliance with the initial requirements of the condition. Their subsequent as such, free from all obstructions to their use, will ensure ongoing compliance with the condition.

Condition 18 (Waste Storage)

18. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to construction commencing above foundation level, details of temporary arrangements for the storage and collection of waste from the dwellings, and the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The temporary waste collection arrangements thus approved shall be implemented throughout the construction phase.

Reason: *To ensure satisfactory arrangements are implemented in relation to waste, including 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.*

A drawing entitled Proposed Bin Store Phasing Plan, reference 22D26-FBA-ZZ-XX-DR-A-0725-P07, has been submitted.

The submitted plan shows the permanent bin storage points for all 12 dwellings and temporary collection points close to the Denby Lane frontage within the curtilage of Plot 3 (for phase 1) and within the curtilage of Plot 12 (for phase 2).

In their consultation response dated 29/09/2025 KC Waste Strategy have viewed the submitted plan and confirmed that it is acceptable.

Officers consider that the Proposed Bin Store Phasing Plan is satisfactory and is recommended that it be approved. The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Condition 19 (Construction Traffic)

19. Prior to construction commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: *To ensure that no harm to the safety or convenience of highway users occurs during the construction process and to accord with the aims of Policies LP20 and LP21. This information is required pre-commencement to ensure that the safety and convenience of highway users are not adversely affected at any stage during the development process.*

The following has been submitted:

- A document entitled Construction Management Plan, prepared by Premier Risk Services on behalf of Vivly Living;
- Additional information on routing of construction traffic by email dated 27/08/25.

The detailed requirements of the condition will be summarised under sub-headings below:

Point of access for construction traffic,

The point of access is shown on the plan and is to be the same access point, off Denby Lane, as for the completed development.

These details are acceptable.

Details of the times of use of the access,

Working hours / Deliveries and transport of materials, plant, and equipment to site are specified in part 5.1 of the document as being:

- 07:30 to 18:30 on Monday to Friday
- 08:00 to 13:00 on Saturday
- No working on Sundays or Public Holidays
- No Piling operations should commence prior to 09:00hrs

These details are acceptable.

The routing of construction traffic to and from the site,

This has not been shown or described on the CMP, but the agent has subsequently confirmed by email (27/08/25) that routing will be either via Ben Booth Lane or via Bristfield Road and Liley Lane.

These details are acceptable.

Construction workers' parking facilities

Figure 2.3 shows a blue-shaded area comprising the land that is intended to become the rear garden to Plots 11 and 12.

The developer anticipates that up to six vehicles would park in this area in the initial phases, and up to 10 in the later stages when vehicles will be stacked. By the time the external and superstructure works are complete, contractors will be able to park on the driveways of the unoccupied plots.

The blue-shaded area is not dimensioned, but based on scaled measurements taken from the approved site layout plan 0719 Revision P09, it would be

possible to fit in six cars or vans without stacking (with access off the main estate road or the spur) and possibly a further three if some vehicles were stacked.

Whilst it is considered doubtful that it would be possible to fit as many as ten vehicles in the blue shaded area, it is considered that taking into account the scale of the development, the scale and layout of the proposed workers' parking is adequate.

These details are considered acceptable.

The provision, use and retention of adequate wheel washing facilities within the site

The plan indicates that there would be a wheel-washing facility at the site entrance. The statement confirms that each lorry leaving site will be inspected by a Vivly Living site operative and if needed wheels will be cleaned via pressure washer.

Summary

KC Highways Development Management, in their email response dated 10/07/2025, have examined the submitted information and confirmed that it is acceptable.

Officers consider that the submitted information demonstrates that the development can be implemented without adversely affecting the safety or convenience of highway users and it is recommended that the details be approved.

The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Condition 20 (Highway Condition Survey)

20. Development shall not commence until a survey of the existing condition of the highway on Denby Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on St Mary's Avenue shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: *To ensure that any deterioration in the quality of the highway that may occur during construction is remedied in the interests of the*

safety and convenience of highway users, and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan. This information is required pre-commencement to ensure that an accurate record of the condition of the highway is obtained so that any defects arising from construction can be accurately identified and remediated.

A document entitled Denby Lane – Existing Highway Survey, dated 24/02/25, has been submitted. This contains 55 photographs showing the condition of Denby Lane at various points between Ben Booth Lane and Bristfield Road.

KC Highway Development Management have viewed the submitted document and, in their email dated 10/07/2025, confirmed that it is acceptable for the purposes of the condition. It is recommended that it be approved.

Officers support this assessment and therefore recommend that the details be approved, for the initial requirement of condition 20.

The condition however has a further requirement that upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects shall be submitted to and approved in writing by the Local Planning Authority.

Condition 22 (Arboricultural Method Statement)

22. Notwithstanding the submitted details, an amended Arboricultural Method Statement and Tree Protection Plan, updated to match the most up-to-date version of the proposal as shown on the approved site plan, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan thereby approved.

Reason: *To ensure the protection and long-term viability of trees within or on the boundaries of the site and to accord with the aims of Policy LP33 of the Kirklees Local Plan. This information is required pre-commencement to ensure that no harm arises to any retained trees at any stage in the development process.*

An Arboricultural Method Statement (AMS) by Iain Tavendale dated 26/03/2025 has been submitted. This includes a Tree Protection Plan showing which areas are to be protected by fencing.

The council's Arboricultural Officer has viewed the submitted AMS and considers it to be acceptable.

Officers support this assessment and hereby recommended the details be approved. The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Condition 24 (Boundary Treatments)

24. Before any new dwelling is occupied, a full scheme of boundary treatments showing the location, height and design of any new or retained fences, walls and other boundary treatments forming part of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. All of the approved boundary treatments shall be erected or constructed before any part of the development is occupied, and shall thereafter be retained as such.

Reason: *In the interests of visual and residential amenity, to ensure that the safety, character and useability of the adjacent Public Right of Way is not adversely affected, and to accord with the aims of Policy LP24 and LP20 of the Kirklees Local Plan*

The following documents have been submitted to comply with Condition 24 attached to the permission:

- 22D26-FBA-ZZ-XX-DR-A-0740 – P13 - Proposed External Works Site Plan, by Farrar Bamforth Architecture.
- 3875/2 Revision O, Detailed landscaping scheme by Rosetta.

The following boundary treatments are proposed for the outer site boundaries:

- The rear or north-western boundary of the site would consist of 1.2m fencing which for most of its length would be supported by a Gravitas earth banking system to account for the change in levels (these being lower to the north / north-west). The same system, combination of 1.2 timber fence on top of Gravitas earth banking, is proposed for the uppermost 37m of the north-eastern boundary, with the PROW.
- The north-eastern boundary of the Public Open Space with the PROW would be formed by a line of shrubs, to accord with Landscape Architect's details.
- The boundary between the end of the turning head and the PROW would be formed by an estate style fence (i.e. post and rail fence), which the agent has confirmed would also be made of timber.
- The boundary between Plot 4 and the PROW would be formed by a 1.2m timber fence.
- A 1.8m timber fence to most of the western boundary, except where adjacent Plot 1, where it would be 1.2m high.
- The plan shows a "Low Stone Wall" to Denby Lane boundary – height is unspecified.
- A combination of 1.8m and 1.2m fences are proposed to be used for garden boundaries, with estate-style fences surrounding the POS areas and the parts of the estate road close to Denby Lane.

- The Rosetta plan also confirms that all garden boundary fences would have a gap provided to allow the movement of hedgehogs from one garden to another. It is noted that the outer site boundaries do not have this feature, but in the case of the western boundary, it would be adjacent to a highway, and the northern boundary would consist of steep banking which would make it difficult for hedgehogs to access the new plots from the north anyway. The estate style fence forming the boundary between the POS and PROW is permeable and would allow the movement of hedgehogs.

The proposed boundary treatments are considered generally acceptable. Additional security measures, it is noted, have been proposed for plots 1-4 and 12 to compensate for the lower boundary treatments – this is assessed in the appropriate section of this report. It is considered that the relatively low fences on this part of the estate would be desirable from the point of view of visual amenity, in the case of the eastern boundary for minimising impact on the PROW and can be accepted.

Officers however have three unresolved concerns about the scheme of boundary treatments.

1. The use of the proposed Gravitas earth banking system at the northern and eastern boundaries does not comply with the “Overall Engineering Layout” reference D900 Revision 5 which forms part of the approved documents for application 2023/93704, and which shows levels graded down to the north-western and north-eastern boundaries, with no land raising. This is the only document that provides detailed information on existing and proposed levels, and in the absence of a condition specifying levels or seeking the submission of further information on levels, the levels on this drawing should be regarded as prescriptive. Furthermore, the scheme of boundary treatments now proposed does not specify the amount of land raising or the height of the earth banking and does not provide assurance that it can be formed without encroaching on the PROW. It is considered therefore that this change should not be permitted without a S73 (variation of condition) having been sought and obtained.
2. It is not clear that the submitted details make use of opportunities for connectivity between the site and the PROW (as required by Policy LP20). The layout does not allow for a link between the footpath at the end of the turning head and the PROW. The argument that this would be impracticable because of the change in levels is accepted, since the document entitled “Overall Engineering Layout” reference D900 Revision 5 forming part of the approved documents indicates a very steep gradient at this point that would not be conducive to foot access. A gap is retained at the southern end of the POS-PROW boundary which would appear to allow for the possibility of foot access, as drawing D900 Revision indicates a gradient of 1:3.5 at this point. This is however contradicted by the detailed landscaping scheme by Rosetta which

shows the hedge reaching to the southern extent of the POS without a gap.

3. The height of the proposed stone wall is unspecified and there would therefore be a lack of clarity as to what is being approved.

It is therefore considered that approval of details submitted for this condition should not be granted.

Condition 26 (Crime)

26. Before any dwelling is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future occupants from crime, and the fear of crime. The approved measures shall be implemented before the dwelling to which they relate is first occupied and thereafter retained as such.

Reason: *To ensure that future occupants are adequately protected from crime and the fear of crime and to accord with the aims of Policy LP24 of the Kirklees Local Plan.*

The following details have been submitted to comply with Condition 26 attached to the permission:

- 22D26-FBA-ZZ-XX-DR-A-0722-P08 - Proposed Crime Prevention Plan;
- 22D26-FBA-ZZ-XX-DR-A-0740-P13 - Proposed External Works Site Plan.

The Crime Prevention Plan shows the proposed boundary treatments and also specifies that the rear ground floor doors and windows to Plots 1, 2, 3, 4 and 12 are to be a minimum of PAS 24: 2022 standard with the addition of any Euro profile cylinders being to TS007 3* standard.

The Designing Out Crime Officer (DOCO) raised the concern that the estate-style fencing would not provide sufficient security to Plots 1-4 and 12, and also asked why the enhanced security measures for Plots 1-4 and 12 had not been adopted for the other plots. Planning officers would comment that the scheme of boundary treatments will have been influenced by factors other than security for individual properties, such as: to allow passive surveillance of the Public Open Space areas and make them more attractive to future users; to create a more open frontage where garden boundaries meet the public highway; to ensure that the PROW adjacent to the site does not become too enclosed. Plots 1-4 and 12 would not have their rear gardens protected with 1.8m fencing as would the others, but the proposed additional security measures built into the design are considered reasonable as a compensatory measure.

The DOCO has also commented that for Plot 12 the wheelie bin storage area should be located away from the building shell, as is the case with all other plots. This concern has been addressed – the latest version of the plans does in fact show the bin storage area located away from the building.

It is considered that the proposed details are acceptable, and it is recommended that they be approved. The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Condition 27 (Hard and Soft Landscaping)

27. Notwithstanding the details on the landscaping scheme prepared by Rosetta Landscape Design, an amended landscaping plan shall be submitted to and approved by the Local Planning Authority before construction work commences above foundation level showing in detail the means of public access to the two areas of public open space, and shall include the following:

- 1. The path giving access to the POS situated to the west of Plot 12 surfaced in bitmac or a similar material providing a sealed, cohesive surface.*
- 2. A pathway also surfaced in bitmac or another material providing a sealed, cohesive surface, crossing the area of POS located above and around the attenuation tank to the south-east of Plot 5, and seating provided in this area.*

All hard and soft landscape works shall be carried out in accordance with the landscaping scheme as approved in accordance with this condition within the first planting, sowing or landscape management season following the commencement of development. The works shall be carried out prior to the occupation of any part of the development or in accordance with the 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, LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

The following details have been submitted to comply with Condition 27 attached to the permission:

- 22D26-FBA-ZZ-XX-DR-A-0726 - P08 - Landscaping Plan, by Farrar Bamforth
- 22D26-FBA-ZZ-XX-DR-A-0740 – P13 - Proposed External Works Site Plan
- 3875/2 Revision O, Detailed landscaping scheme by Rosetta
- 3875-LMS&schedules-REV A-19nov24, by Rosetta

The proposed drawings all confirm that a bitmac pathway will be provided for the POS to the west of Plot 12 and that a further bitmac pathway will be provided for the POS to the SE of Plot 5, leading to a timber bench. The objectives of

ensuring that POS is designed so as to maximise accessibility and dwell time would thereby be fulfilled.

The planting scheme, in terms of overall layout and species mix, and the Landscape Management Schedule, are the same as submitted and approved for the original application.

The landscaping plan Rev O shows the hedge extending along the full length of the POS boundary with the PROW, precluding all access to the PROW. This contradicts the details submitted for condition 24 and shown on the Proposed External Works Site Plan, as previously noted. It is an expectation that the site will provide direct access to the PROW.

It is therefore considered that approval should not be granted for the details submitted for this condition, pending resolution of this matter.

Condition 28 (Cycle Parking)

28. Before any part of the development is brought into use, details of secure covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided before any part of the development is brought into use and shall be so retained thereafter.

Reason: *In the interests of cyclist safety and security, to ensure a satisfactory layout, and to promote the use of low-impact means of transport, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.*

The following details have been submitted:

- 22D26-FBA-ZZ-XX-DR-A-0723-P07 - Proposed Cycle Store Plan.
- Moravia wall-mounted bike rack specification sheet.
- Timber bike shed specification sheet.

Plots 1-2 and 5-9 are shown to have a cycle rack mounted within their respective garages. This is acceptable.

The agent has confirmed that the timber bike stores do not have any windows. KC DOCO has requested more detail on locks for the bike sheds – the specification sheet does however confirm that these are to be of hasp and staple type (i.e. requiring a padlock). It is considered that the degree of security provided by the proposed cycle sheds would give future residents an acceptable degree of protection from crime.

Officers therefore recommend that the submitted details be approved.

The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Condition 29 (Electric Vehicle Charging)

29. One electric vehicle recharging point shall be installed within the dedicated parking area or garage for each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: *In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.*

This is a prescriptive condition which does not require the submission of additional plans or supporting information. Despite this, a plan entitled Proposed EV Charger Plan, reference 22D26-FBA-ZZ-XX-DR-A-0724-P06, has been submitted.

This demonstrates that each new dwelling is to have a single EV charge point either mounted externally, within the parking space, or internally within the garage. It also confirms that they would ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

The submitted information demonstrates adherence to the requirements of condition 29, which is welcome and a note of which can be placed on the decision notice. However, as the condition is prescriptive and has an ongoing requirement, it cannot be discharged.

Condition 30 (Construction Environmental Management Plan: Biodiversity)

30. No development shall take place (including demolition, ground works, and vegetation clearance, other than where necessary to undertake site investigation works) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers and invasive plant species.*
- b. Identification of "biodiversity protection zones", where appropriate.*
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d. The location and timing of sensitive works to avoid harm to biodiversity features.*
- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.*

- f. Responsible persons and lines of communication.*
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: *To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30. This information is required pre-commencement to ensure that impacts on biodiversity do not occur at any stage in the construction process and that invasive species are not allowed to spread.*

A document entitled Construction environmental management plan: biodiversity, by MAB Ecology, was submitted 19/06/25. Compliance with the terms of the condition will be assessed under the following headings:

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers and invasive plant species.*

It confirms that a site walkover survey was carried out on the 23/04/25 to assess current conditions. No nesting birds were found (although it is acknowledged that some parts of the site were inaccessible owing to bramble scrub). No signs of badgers were found, and also no evidence of invasive species.

- b. Identification of “biodiversity protection zones”, where appropriate.*

No “biodiversity protection zones” are to be designated, however, since the site is to be developed in its entirety, with no retained areas of semi-natural habitat.

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

- d. The location and timing of sensitive works to avoid harm to biodiversity features.*

(c+d) Table 1 lists several potentially harmful activities, precautionary measures (such as appropriate storage of building materials), times when such activities should be avoided or only undertaken with additional precautionary measures (including the bird nesting season)

- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.*

Table 1 provides instances of works that should only be undertaken when an ecologist is present – removal of onsite vegetation and dismantling of sheds during the bird breeding season. Furthermore, if Great Crested Newts are

discovered on site, works must cease and advice sought from an ecologist or Natural England.

f. Responsible persons and lines of communication.

The names and contact details of the Construction Director, Construction Manager and Site Manager are listed.

g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The report states that prior to the commencement of any works on the northern boundary of the site, temporary fencing will be erected 2m inside the northern boundary to avoid disturbance to this area and reduce the risk of fauna such as hedgehog entering the construction zone. The ecologist has explained in email correspondence with the case officer that this precaution is deemed appropriate because of the tree belt and large domestic garden that lies to the north of the site.

Summary

The submitted CEMP: Biodiversity has been examined by KC Ecology in their consultation response dated 19/06/2025, where they confirm that it fulfils the purposes of the condition.

Officers therefore recommended that the submitted details be approved. The condition has an ongoing requirement, a note of which is recommended to be included on the decision.

Conclusion

Approval should be granted in respect of conditions:

- 9 (Construction Management Plan)
- 17 (Bin Storage Enclosures)
- 18 (Waste Storage), 19 (Construction Traffic)
- 20 (Highway Condition Survey)
- 22 (Arboricultural Method Statement)
- 26 (Crime)
- 28 (Cycle Parking)
- 29 (Electric Vehicle Charging)
- 30 (Construction Environmental Management Plan: Biodiversity)

The details submitted pursuant to the following conditions cannot be approved:

- 24 (Boundary Treatments)
- 27 (Hard and Soft Landscaping).

Condition 29 (Electric Vehicle Charging) is a prescriptive condition that cannot be discharged.

Recommendation: Split decision

Report Dated: 28/10/2025

Proposed Letter Text

Condition 9 (Construction Environmental Management Plan)

A document entitled Construction_Environmental_Management_Plan_Draft Grange Moor Rev 3 prepared by Premier Risk Services on behalf of Vivly Living has been submitted.

The submitted details are considered satisfactory for the purposes of Condition (9) and are hereby approved. The adherence to the plan throughout all phases of construction will discharge the condition.

Condition 17 (Bin Storage Enclosures)

The following submitted documents are relevant to this condition:

- 22D26-FBA-ZZ-XX-DR-A-0740 – P13 - Proposed External Works Site Plan (submitted 11/07/25).
- A 3-D colour rendering of the proposed bin store showing an enclosure of slatted construction, with dimensions (submitted 27/10/25).

The submitted details are acceptable and are hereby approved for the purposes of condition (17). The construction of the enclosures, the provision and laying out with a hard surface of areas for the storage and collection of wastes before any new dwelling is first occupied, and their being made available for use, will ensure compliance with the initial requirements of the condition. Their subsequent use, free from all obstructions to their use, will ensure ongoing compliance with the condition.

Condition 18 (Waste Storage)

A drawing entitled Proposed Bin Store Phasing Plan, reference 22D26-FBA-ZZ-XX-DR-A-0725-P07, has been submitted. This shows the permanent bin storage points for all 12 dwellings and temporary collection points close to the Denby Lane frontage within the curtilage of Plot 3 (for phase 1) and within the curtilage of Plot 12 (for phase 2).

The Proposed Bin Store Phasing Plan is deemed acceptable for the purposes of this condition and is hereby approved.

Notwithstanding the above, be aware that condition 18 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The temporary waste collection arrangements thus approved shall be implemented throughout the construction phase.

Condition 19 (Construction Traffic)

The following has been submitted:

- A document entitled Construction Management Plan, prepared by Premier Risk Services on behalf of Vivly Living;
- Email from Michael Parham dated 27/08/25 providing additional information on routing of construction traffic.

The submitted Construction Management Plan and supplementary information on routing are considered acceptable and are hereby approved.

Notwithstanding the above, be aware that condition 19 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition.

All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

The developer is reminded that to comply both with this condition, and the details approved for condition (9), works on site and construction traffic may only take place between the hours of 07:30 and 18:30; any deviation from these hours is likely to constitute a breach of condition.

Condition 20 (Highway Condition Survey)

A document entitled Denby Lane – Existing Highway Survey, dated 24/02/25, has been submitted. This contains 55 photographs showing the condition of Denby Lane at various points between Ben Booth Lane and Bristfield Road.

The submitted document is deemed acceptable for the initial requirement of condition 20 and are hereby approved.

However, condition 20 has a further requirement, which is outstanding. The below must be adhered to, to ensure continued compliance with the condition:

Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on St Mary's Avenue shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Condition 22 (Arboricultural Method Statement)

An Arboricultural Method Statement (AMS) by Iain Tavendale dated 26/03/2025 has been submitted. This includes a Tree Protection Plan showing which areas are to be protected by fencing.

The submitted documents are considered acceptable and are hereby approved.

Notwithstanding the above, be aware that condition 22 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

Development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan thereby approved.

Condition 24 (Boundary Treatments)

A document entitled Proposed External Works Site Plan, reference 22D26-FBA-ZZ-XX-DR-A-0740, revision P13, by Farrar Bamforth Architecture, has been submitted.

The proposed boundary treatments are considered largely acceptable. Officers however have the following unresolved concerns:

The use of the proposed Gravitass earth banking system at the northern and eastern boundaries does not comply with the "Overall Engineering Layout" reference D900 Revision 5 which forms part of the approved documents for application 2023/93704. This indicates that land levels are to be graded down towards the north-western and north-eastern boundaries and does not indicate any significant land-raising close to these boundaries. Furthermore, the scheme of boundary treatments now proposed does not specify the amount of land raising or the height of the earth banking and is also unclear about whether the works could be undertaken without encroaching on the adjacent PROW. It is considered therefore that this change should not be permitted without a S73 (variation of condition) having been sought and obtained.

It is not clear that the submitted details make use of opportunities for connectivity between the site and the PROW (as required by Policy LP20). A gap is retained at the southern end of the POS-PROW boundary which would appear to allow for the possibility of foot access, but this is contradicted by the detailed landscaping scheme by Rosetta which shows the hedge reaching to the southern extent of the POS without a gap.

The height of the proposed "low stone wall" is unspecified.

It is therefore considered that approval of details submitted for this condition should not be granted. Some of the works would require an application for Variation of Condition, as they represent a material change to the permission granted.

Condition 26 (Crime)

The following have been submitted:

- 22D26-FBA-ZZ-XX-DR-A-0722-P08 - Proposed Crime Prevention Plan;
- 22D26-FBA-ZZ-XX-DR-A-0740-P13 - Proposed External Works Site Plan.

It is considered that the proposed details are acceptable for the purposes of condition 26 and are hereby approved.

Notwithstanding the above, be aware that condition 26 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The approved measures shall be implemented before the dwelling to which they relate is first occupied and thereafter retained as such.

Condition 27 (Hard and Soft Landscaping)

The following details have been submitted to comply with Condition 27 attached to the permission:

- 22D26-FBA-ZZ-XX-DR-A-0726 – P08 - Landscaping Plan, by Farrar Bamforth
- 22D26-FBA-ZZ-XX-DR-A-0740 – P13 - Proposed External Works Site Plan
- 3875/2 Revision O, Detailed landscaping scheme by Rosetta
- 3875-LMS&schedules-REV A-19nov24, by Rosetta

The proposed drawings show that a bitmac pathway will be provided for the POS to the west of Plot 12 and that a further bitmac pathway will be provided for the POS to the south-east of Plot 5, leading to a timber bench. The objectives of ensuring that POS is designed so as to maximise accessibility and dwell time would thereby be fulfilled.

The planting scheme, in terms of overall layout and species mix, and the Landscape Management Schedule, are the same as submitted and approved for the original application.

The landscaping plan Rev O shows the hedge extending along the full length of the POS boundary with the PROW, precluding all access to the PROW. This contradicts the details submitted for condition 24 and shown on the Proposed External Works Site Plan, as previously noted. It is an expectation that the site will provide direct access to the PROW.

For the avoidance of doubt, condition 27 is not hereby discharged.

Condition 28 (Cycle Parking)

The following details have been submitted:

- 22D26-FBA-ZZ-XX-DR-A-0723 Revision P07 - Proposed Cycle Store Plan.
- Moravia wall-mounted bike rack specification sheet.
- Timber bike shed specification sheet.

The submitted details are considered acceptable and are hereby approved. Notwithstanding the above, for clarity, the details submitted on the identified plan, if implemented and retained, would adhere to the requirements of condition 28.

The approved measures shall be provided before any part of the development is brought into use and shall be so retained thereafter.

Condition 29 (Electric Vehicle Charging)

A plan entitled Proposed EV Charger Plan, reference 22D26-FBA-ZZ-XX-DR-A-0724 Revision P06, has been submitted. This demonstrates that each new dwelling is to have a single EV charge point either mounted externally, within the parking space, or internally within the garage.

Condition 29 is a prescriptive condition which does not require the submission of additional plans or supporting information, nor can it be formally discharged. It is simply an ongoing requirement that must be adhered to.

Notwithstanding the above, for clarity, the details submitted on the identified plan, if implemented and retained, would adhere to the requirements of condition 29.

Condition 30 (Construction Environmental Management Plan: Biodiversity)

A document entitled Construction Environmental Management Plan: Biodiversity, by MAB Ecology, was submitted 19/06/25.

The submitted information is acceptable for the initial requirements of condition 30 and is hereby approved.

Notwithstanding the above, be aware that condition 30 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.