



Kirklees Council  
Planning Services  
PO Box 1720  
Huddersfield  
HD1 9EL

2<sup>nd</sup> July 2025

**S73 Application to Vary Conditions 5, 29, 32, 33, 34, 37, 39, 41 of Planning Permission  
Ref: 2023/93503 at land off Roslyn Avenue, Netherton, Huddersfield, HD4 7EW**

Dear Sir / Madam,

Please find enclosed a S73 Application which seeks to vary Conditions 5, 29, 32, 33, 34, 37, 39, 41 of Planning Permission Ref: 2023/93503 at land off Roslyn Avenue, Netherton, Huddersfield, HD4 7EW.

The approved Outline permission, subject to this S73 application, granted outline permission for 82 dwellings including layout and access as considerations. Harron Homes seek to vary conditions including reference to approved layout plans within the Outline permission to reflect their own house types and layout proposals. Once approved, a Reserved Matters application will be submitted for the Landscaping, Scale and Appearance of the site's development.

Condition 5 states:-

*"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."*

As stated above, a number of plans were included within the approved plans condition relating to the 'layout' of the site. These are to be updated to reflect the Harron Homes product.

Condition 29 states:-

*"Prior to above ground works commencing, an Ecological Design Strategy (EDS) to detail how the delivery of a minimum of 8.67 habitat units and a minimum of 6.10 hedgerow units, utilising the Biodiversity Net Gain Metric 4.0, shall be achieved postdevelopment on site, as indicative detailed within the approved Ecological Impact Assessment ref. 424.064759.00001 version 3, shall be submitted to and agreed in writing by the Local Planning Authority."*

An updated Ecological Appraisal and BNG assessment and Metric is submitted reflective of the Harron Homes scheme.

**a: 9 York Place, Leeds LS1 2DS t: 0113 243 6116**  
a: 32 Eyre St, Sheffield City Centre, Sheffield S1 4QZ t: 0114 354 0220  
w: [www.idplanning.co.uk](http://www.idplanning.co.uk)

Condition 32 states:-

*“Prior to above ground works commencing, notwithstanding the information shown on drawing 23046/IN/20/A and 23046/GA/01, full details of the permanent site access works and the road marking improvements at the Roslyn Avenue / Henry Frederick Avenue junction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.”*

The drawings referenced in the condition wording are to be updated to reflect the submitted layout changes.

Condition 33 states:-

*“Prior to above ground works commencing, notwithstanding the information shown on drawing 23046/IN/20/A, a detailed scheme for the proposed internal estate streets to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes, street trees and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented and maintained thereafter.”*

The drawing referenced in the condition wording is to be updated to reflect the submitted layout changes.

Condition 34 states:-

*“Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Play Area (a Local Equipped Area of Play (LEAP)), as shown indicatively on plan ref. 2246 PL 105 Rev. D commencing, notwithstanding the submitted details, a scheme providing details of the play equipment to be installed within the Play Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timetable and be so retained thereafter.”*

The drawing referenced in the condition wording is to be updated to reflect the submitted layout changes.

Condition 37 states:-

*“Prior to the occupation of the hereby approved dwellings, a strategy for the delivery of ancient woodland information boards within the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a board to be sited at the ‘link to existing foot path’ and a board at the ‘new link foot path to adjacent land’, as shown on plan ref. 2246 PL 105 rev. D, as well as:*

- The precise proposed location of each board.*
- The physical design of the information board units*
- Intended wording and any image(s) to be portrayed on the boards*
- Timeframe(s) for the implementation of the boards*
- Ongoing management and maintenance arrangements for the boards*

*Thereafter the information boards shall be installed in accordance with the approved details and thereafter retained.”*

The drawing referenced in the condition wording is to be updated to reflect the submitted layout changes.

Condition 39 states:-

*“Prior to the occupation of any dwelling hereby approved, the dwelling’s respective vehicle parking areas as shown on plan ref. 2246 PL 105 Rev. D shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.”*

The drawing referenced in the condition wording is to be updated to reflect the submitted layout changes.

Condition 41 states:-

*“Prior to the occupation of any dwelling hereby approved, the dwelling’s respective bin storage area and bin collection point, as shown on plan ref. 2246 PL 105 Rev. D, shall be laid out and made ready for use. Thereafter each bin storage area and waste collection point shall be retained.”*

The drawing referenced in the condition wording is to be updated to reflect the submitted layout changes.

### Application Submission

The S73 Application is submitted alongside the following plans and documentation:

- Completed Application Forms
- Covering Letter
- Site Layout – 652 PL01

The following plans and documents are to be sent directly to Kirklees Council as a wetransfer link.

- Updated Architectural Plans
- Updated Highways Access Technical Plans
- Updated Site Levels and Cross Sections
- Updated Ecology Reports and BNG Documentation
- Updated Planning Statement

I look forward to receiving confirmation of the Application validation in due course, however if there are any queries in the interim, please do not hesitate to contact me.

Yours Sincerely,

**Jonathan Dunbavin BSc MCD MRTPI**  
**Director**

