

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:	2025/70/91870/W
Site Address:	Land off, Roslyn Avenue, Netherton, Huddersfield, HD4 7EW
Description:	Variation of conditions 5 (plans and specifications), 29 (Ecological Design Strategy), 32 (site access works and road marking improvements), 33 (internal estate streets scheme), 34 (play area), 37 (information boards), 39 (vehicle parking areas surface and drainage) and 41 (bin storage area and waste collection point) of previous outline permission 2023/93503 for residential development of 82 dwellings and associated works, with layout and access as considerations
Recommending Officer:	Victor Grayson

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: 02-Jun-2026

Officer Report

Site Description

The application site is largely as per the description provided in section 1.0 of the committee report (dated 16/05/2024) for application 2023/93503.

Applicant

For this Section 73 application, although the named applicant is KCS Development Ltd (as was the case with the previous application 2023/93503), engagement has involved Harron Homes (who have acquired the site) and their representatives. Harron Homes are therefore hereafter referred to as “the applicant” in this report.

Description of Proposal

Under this Section 73 application, the applicant seeks to vary the previous outline permission 2023/93503.

The overall number of dwellings (82) would not change.

Layout

The applicant seeks to vary the layout previously approved, to enable the applicant’s house types to be accommodated. The attenuation tank would be moved from the site’s southwest corner to its southeast corner. The public open space at the south end of the application site would also be reconfigured.

The submitted Planning Statement includes the following explanation:

The revised site layout follows the principles set by the outline planning permission keeping the access to the site from Roslyn Avenue as approved and the number of dwellings proposed remains at 82 units. The revised plan seeks to amend parts of the internal road layout within the north, central and southern areas of the site. These are small realignment changes to facilitate changes to the proposed plots.

As a result of revisions to the site layout and to reflect Harron Homes house types a number of plans have been updated to reflect these revisions.

The proposed road layout is similar in many respects to what was previously approved under outline application 2023/93503. A single point of vehicular access is again proposed from Roslyn Ave, and the road layout would be looped. There would be similar spacing away from the ancient woodland to the north of the application site. Open space is again proposed in the southern part of the site.

The approved Proposed Site Layout drawing (2246 PL 105 rev D) would be replaced by Site Layout drawing (PL01 rev G).

The development's typology mix would change as follows:

Typology	Approved under 2023/93503	Proposed under 2025/91870
Apartment/maisonette	6	14 ¹
Terraced	12	9 ²
Semi-detached	28	20
Detached	36	39
TOTAL	82	82

Related to the proposed relocation of the attenuation tank, the applicant's revised drainage strategy would involve the disposal of surface water eastwards to the combined sewer beneath Roslyn Avenue (disposal through the curtilage of 404 Meltham Road is no longer proposed).

Unit size and tenure mix

Although not mentioned in the submitted application form, covering letter or Planning Statement, the applicant's drawings also illustrated changes to the proposed unit size and tenure mix. The following changes are proposed:

Tenure	Approved under 2023/93503	Proposed under 2025/91870
Affordable rent	2x 1-bed 4x 2-bed 2x 3-bed 1x 4-bed	6x 1-bed 1x 2-bed 2x 4-bed
First Homes	1x 1-bed 2x 2-bed 1x 3-bed	2x 2-bed 2x 3-bed
Shared ownership	2x 2-bed 1x 3-bed	2x 1-bed 1x 3-bed
Private	3x 1-bed 25x 2-bed 25x 3-bed 13x 4-bed	6x 1-bed 16x 2-bed 19x 3-bed 11x 4-bed 14x 5-bed
TOTAL	82 (16 affordable, 66 private)	82 (16 affordable, 66 private)

Public open space

¹ Units 3, 4, 8, 9, 17, 18, 30, 31, 45, 46, 67, 68, 69 and 70 are to be maisonettes.

² Including where dwellings are to be attached to a pair of maisonettes.

Although not mentioned in the submitted application form, covering letter or Planning Statement, the applicant's drawings also illustrated changes to the proposed on-site public open space, as follows:

Open space typology	Approved under 2023/93503 (drawing 2246 PL 115 rev B, which was also referred to in and annexed to the Section 106 agreement dated 17/07/2024)	Proposed under 2025/91870 (drawing PL-022 rev B)
Natural and semi-natural green space	4,189sqm	4,044sqm
Parks and recreation	0sqm	1,585sqm
Amenity green space	3,019sqm	1,321sqm
Allotments and community food growing	673sqm	579sqm
Children and young people	762sqm	762sqm
Outdoor sports facilities	0sqm	0sqm
TOTAL	8,643sqm	8,291sqm

Biodiversity net gain

The applicant has submitted a revised Biodiversity Metric dated 19/12/2025. This refers to an on-site baseline of 8.18 habitat units and 0.24 hedgerow units. Post-intervention, those figures would increase to 9.42 habitat units and 4.05 hedgerow units, representing 15.24% and 1585.2% increases respectively (applicant's figures).

Conditions

The proposed changes would necessitate variations to the following conditions of outline permission 2023/93503:

- Condition 5 (plans and specifications)
- Condition 29 (Ecological Design Strategy)
- Condition 32 (site access works and road marking improvements)
- Condition 33 (internal estate streets scheme)
- Condition 34 (play area)
- Condition 37 (information boards)
- Condition 39 (vehicle parking areas surface and drainage)
- Condition 41 (bin storage area and collection)

Section 106 agreement

In connection with the above amendments, the applicant sought variations to the original Section 106 agreement (dated 17/07/2024 and associated with

outline permission 2023/93503). Although that agreement includes provisions (at paragraph 2.17) that allow the previously-secured planning obligations to apply to subsequent Section 73 approvals, a Deed of Variation nonetheless had to be prepared in respect of the current application, as some of the amendments now proposed (including in relation to affordable housing and public open space) would result in those obligations being varied.

History of negotiations/amendments received

Pre-application meetings were held on 07/01/2025 and 23/05/2025, and written advice was issued by the council on 30/05/2025 (2024/21370), partly in response to an attempt by the applicant to amend the previously-approved layout via an incorrectly-submitted Reserved Matters application (2025/91212). The council's written advice noted the significant differences between the approved and proposed developments, and stated:

...you have identified considerations (such as drainage-related constraints, and Harron Homes's house types) that may hinder adherence to the previously-approved layout and access arrangements. Changes of this nature would necessitate the submission of a Section 73 application to vary the outline permission. Should you pursue such changes and submit a Section 73 application, I would still recommend adhering as closely as possible to the approved layout and access arrangements, to ensure the extent of change does not go beyond what can be considered under Section 73. I would add that adhering to the approved layout and access arrangements might also minimise the risk of new concerns (from consultees or neighbouring residents, for example) being raised during the life of your Section 73 application.

The council's written advice also noted that – as well as the details of access and layout that were included in and approved under the outline planning application 2023/93503 – additional details submitted with that application (including in relation to dwelling sizes and drainage) were also submitted and approved, and should be regarded as “fixed”, such that any subsequent Reserved Matters application would need to accord with them. To deviate from those “fixed” details would necessitate a Section 73 application.

Extensive advice from KC Highways Development Management was also provided at pre-application stage, and an officer from that team attended the meeting held on 07/01/2025.

In June 2025 the applicant asked if a Section 73 application could be submitted, deleting the matter of layout from the previous outline permission (and for layout to be reconsidered later, at Reserved Matters stage). On 18/06/2025 officers advised that this would not be possible, as “layout” is referred to in the development description of the previous outline permission (2023/93503). A Section 73 application to amend the layout would need to be submitted instead.

Extensive negotiation took place during the life of the current Section 73 application (2025/91870). Prior to public consultation commencing, the applicant submitted drawings and documents that were missing from the initial submission. The applicant submitted a draft Section 106 Deed of Variation on 06/11/2025, and amended ecological and landscape information on 19/12/2025 and 29/01/2026. A drawing register was submitted on 03/02/2026, and a package of drawings was submitted on 28/04/2026. Clarification regarding the proposed dwellings was provided on 12/03/2026 and 13/03/2026. Officers provided the applicant with updates, including on 28/01/2026, 21/04/2026 and 27/05/2026.

On 12/03/2026 officers queried the amendments to the proposed unit size mix (shown on the submitted drawings, but not mentioned in the submitted application form, covering letter or Planning Statement), and on 13/03/2026 the applicant amended the proposed unit size mix in response.

On 19/03/2026 and 30/03/2026 officers queried the amendments to the on-site public open space (shown on the submitted drawings, but not mentioned in the submitted application form, covering letter or Planning Statement). The applicant's emailed response of 07/04/2026 resulted in officers having to point out the differences with reference to a previously-approved drawing and a more recent submission drawing. There then followed extensive discussion regarding the on-site public open space provision, including regarding whether Parks and Recreation space could be provided above the proposed attenuation tank, whether play equipment could be installed above the tank, whether the trees illustrated to the north of the tank would be within infrastructure stand-off distances, whether the purported Parks and Recreation space would meet the relevant defining requirements, what off-site contribution would be required, and other matters.

Much of the negotiation during the life of the application related to highway matters. In response to the detailed highways comments forwarded to the applicant on 08/09/2025, the applicant submitted several amended and additional drawings on 04/11/2025. In response to further detailed comments dated 24/11/2025, the applicant submitted several drawings and documents on 15/12/2025. Further highways comments were issued on 19/12/2025, to which the applicant responded (with further submissions, including an amended Road Safety Audit brief) on 23/12/2025. On 05/01/2026 KC Highways Development confirmed that there were still highways matters outstanding. The applicant responded with further submissions on 28/01/2026. On 04/02/2026 and in subsequent emails, KC Highways Development confirmed that there were still highways matters outstanding, and on 10/03/2026 KC Highways Development Management requested a designer's response to the Road Safety Audit. These and other comments prompted further submissions (including regarding the Road Safety Audit) from the applicant, including on 06/02/2026, 09/02/2026, 17/02/2026, 09/03/2026, 13/03/2026, 26/03/2026, 02/04/2026 21/04/2026 and 28/04/2026.

A draft list of conditions was related to the applicant on 19/03/2026, and an amendment to one of those conditions was relayed on 21/04/2026. On 21/04/2026 the applicant confirmed that the conditions were agreed.

On 01/06/2026 officers sought clarification regarding the plans and specifications to be listed in the council's decision notice, in light of errors in the numbering, titling and content of some of the submission documents. In response, on 02/06/2026 the applicant confirmed that the list drafted by officers was correct.

Relevant Planning History

2023/93503 – Outline planning permission (with layout and access as considerations) granted 29/07/2024 for a residential development of 82 dwellings and associated works.

2025/91212 – Reserved Matters application pursuant to outline permission 2023/93503. This application was made invalid and was returned to the applicant, as the proposals did not accord with the previous outline permission. Specific information required by outline conditions was also missing from the submission.

2025/92541 – Application for full planning permission for operational development to create development plateau comprising land level changes, highways construction, utilities diversions and drainage construction. Under consideration.

Representations

The application has been advertised via two site notices posted on 02/08/2025, and a press notice published on 08/08/2025. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 30/08/2025.

Nine representations were received in response to the council's consultation. The comments made are summarised as follows:

- Unsustainable development.
- Overdevelopment. Excessive density. Change to semi-rural character of area.
- Loss of green space. Loss of buffer between existing residential areas. Large trees should be planted on western boundary.
- Maintenance of trees queried.
- Adverse effect on views of Castle Hill and surrounding hills.
- Loss of wildlife.
- Ecological information is inadequate. Species omitted.
- More properties should have bird and bat boxes/bricks.
- Loss of privacy and natural light.
- Noise.

- Light pollution.
- Air pollution.
- Decreased quality of life for residents.
- Prolonged disruption during construction. Roads will be damaged.
- Traffic and congestion would increase. Existing roads are heavily parked and difficult to navigate. Speeding occurs. Road safety concerns. Roads unsuitable for construction access.
- Traffic survey inadequate.
- Improvements to public footpath queried.
- Lack of information regarding low carbon technologies.
- Lack of detail of LEAP.
- Fences have been erected at the site, blocking paths and wildlife corridors.
- Fences are too close to trees and woods.
- Local infrastructure is inadequate.
- Cumulative impacts, given Netherton has already been developed.
- Previous applications have been refused. Application should be refused or significantly revised.
- Proposed variations to conditions raise serious concerns about long-term sustainability and public amenity.
- Request for funds to be allocated to community groups to help mitigate the development's impacts.
- Contrary to local and national planning policy, and does not align with climate emergency declaration and carbon neutrality goals.

Members for Crosland Moor and Netherton ward were notified of the application on 31/07/2025, however no comments were received in response. Ward boundaries and names were changed prior to the May 2026 local elections, and the application site is now within Netherton and Newsome. No comments on the application were received from Members for the newly-created ward.

The amendments and further information submitted during the life of the application did not necessitate public reconsultation.

Consultation Responses

KC Ecology – Ecological Impact Assessment (SLR, July 2025) is reasonable and acceptable. There are recommendations for nesting birds, bats, badgers, and hedgehogs that can be covered by a CEMP. There is an elder tree with moderate bat potential that is to be retained. Enhancements for birds, bats, and hedgehogs have also been recommended. The BNG section of the EclA and, and metric, are reasonable and acceptable. Habitat and hedgerow units have been assessed. A significant net gain is proposed. Conditions recommended regarding a CEMP: Biodiversity, an additional badger survey, lighting and tree protection.

KC Forestry – Number of dwellings should be reduced to ensure suitable stand-off from established trees along eastern boundary. Some dwellings

would have foundations close to high water demand species. Shading of some curtilages is likely to lead to pressure to prune. Responsibility for line of trees adjacent to 32 Roslyn Avenue needs addressing. A minimum buffer of 15m (between the adjacent ancient woodland and any development) must be maintained.

KC Highways Development Management – No objection, subject to conditions. The revised site access and internal street layout have been subject to a Stage 1 Road Safety Audit, with all items raised closed out in the Design Response report. Therefore, HDM have no objection to the revised highway arrangements. Previously-imposed conditions, informative notes and planning obligations should be re-imposed, subject to amendments. Additional informative recommended regarding Section 38 matters.

KC Highway Structures – Condition recommended regarding surface water attenuation in the highway. No condition recommended regarding technical approval of retaining walls, as none has been shown on the drawing submitted for consultation (developer should, however, confirm if any are proposed).

KC Landscape – Condition 9 should be expanded to address concerns regarding on-site public open space. Off-site public open space contribution would be £39,312.

KC Trees – No objection or further comments. The submitted AIA and AMS sufficiently details an accurate representation of the site and the 15m buffer zone has been applied with only a minor infringement due to the installation of the footpath, but the recommended no dig construction of said footpath is acceptable. There would be minimal tree removal to facilitate the development and all proposed removals are acceptable due to good mitigation in the form of street trees throughout the site. All infringements into RP's have been sufficiently detailed and protection measures would be implemented where necessary. The tree protection plan details all these protection measures clearly and there should be no significant impact on the trees where these measures are implemented.

KC Waste Strategy – Bin storage and collection points need to be shown. Space for 3x 240ltr bins is needed at each property (1x 240ltr for residual waste, 1x 240ltr for recycling, and – as the properties have gardens – the space to accommodate a third bin for garden waste or to accommodate future changes to waste collection due to the implementation of Simpler Recycling legislation). Temporary arrangements needed, should dwellings become occupied while construction continues. Advice provided regarding specific plots.

Lead Local Flood Authority – No comment.

Yorkshire Water – No objection to variation of conditions 5 and 39.

Planning Policy and Guidance

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 27/02/2019).

Relevant planning policy and guidance is referred to in the committee report (dated 16/05/2024) for application 2023/93503. That policy and guidance landscape remains largely unchanged since that committee report was published, however the following is noted:

- Further versions of the National Planning Policy Framework have been published since application 2023/93503 was determined (the most recent having been published on 12/12/2024 and amended on 07/02/2025). A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025, however that document is at an early stage and is subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.
- Biodiversity Net Gain has become mandatory under the Environment Act 2021, however application 2023/93503 was submitted prior to BNG becoming mandatory.
- The council has also published the following guidance and policy relevant to the current application:
 - Kirklees Interim Housing Position Statement to Boost Supply (2023)
 - Social Value Policy (2022)

It remains the case that there is no draft or adopted neighbourhood plan which carries material weight in the decision-making process for this application.

Assessment

Scope of this application

Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of applications to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

It is important to note that when assessing Section 73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired,

the applicant may go ahead and complete the original approved scheme if they wish.

In this case, the applicant could develop the site in accordance with the previous permission, and this fallback is a material consideration to which significant weight must be given.

The principle of residential use at this site has already been accepted by the council.

Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant's ability to complete the previously-approved development.

Layout

Given the similarities with the previously-approved layout, the layout now proposed raises no significant townscape or other design concerns. An attractive, sufficiently safe, convivial and functioning residential development could still be achieved at this site (subject to details to be considered at Reserved Matters stage).

Revised typologies/massings, arrangements and orientations of dwellings are proposed. The proposed typological/massing mix is considered acceptable. The development would not become unacceptably dominated by a single typology, and the range of typologies still proposed would ensure that suitable variety and visual interest in the street scene could be achieved.

Although full details of house types would be submitted for consideration at Reserved Matters stage, the site layout proposed under this current Section 73 application suggests that these would be sufficiently varied and would help ensure the development does not appear monotonous. The proposed varied building lines and orientations of dwellings would also help in this respect.

The proposed changes to dwelling orientation would still ensure that the development's roads and other areas of public realm would be suitably engaged with, animated and overlooked.

The locations of the proposed affordable housing units would change under the current proposals, however the proposed changes would not make the development's affordable element more visually distinguishable from the private (market) element. Further consideration of this matter would be undertaken at Reserved Matters stage, when more is known about the sizes, house types, amenity and quality of the proposed affordable housing.

In the revised layout now proposed, similar relationships between existing and proposed dwellings would be maintained, when compared with what was previously approved under outline application 2023/93503. The amenities of

those neighbouring properties would not be significantly affected by the proposals. The proposed changes raise no concerns regarding impacts upon the natural light, privacy or outlook of neighbours.

Similarly, the amenities of the proposed dwellings would not be unacceptably compromised by the proposed layout changes. Within the development, adequate distances between dwellings would be maintained, and residents of the development could be provided with adequate natural light, privacy and outlook. However, residential amenity and quality would need to be considered further when more detailed information is provided at Reserved Matters stage.

On 13/03/2026 the applicant provided the following floorspace figures:

Reference	House type	Size (GIA sqm)
T37 GF	Hatfield	52.3
T37 FF	Bramfield	65.6
T4	Windslow	72.7
T7	Brackley	91.3
B4	Elston	103.9
T5	Mursley	76.4
T10	Stockley	106.1
T8	Mawsley	90.1
T14	Oakham	118.7
T28	Uppingham	134.6
T16	Shelford	138.3
T19	Banbury	182.5
T21	Newbury	198.6
T22	Tollesbury	211.4

All of the proposed units would meet the minimum sizes set out in the Government's Technical housing standards – nationally described space standard. Further consideration of unit sizes (as part of an assessment of residential quality) would be carried out at Reserved Matters stage. Additional recommended condition 11a requires the submission of relevant information at that stage.

The application site is in an area that affects the setting of Castle Hill. Comparing the previously-approved layout with the revised layout now proposed, no greater impacts upon Castle Hill would arise.

In relation to other heritage assets, the current proposals would not have a greater impact than the approved development would have had. Nonetheless, it is recommended that condition 7 of the previous outline permission 2023/93503 be re-imposed.

Comparing the previously-approved layout with the revised layout now proposed, dwellings and the turning head at the north end of the site would not be located closer to the ancient woodland (Dean Wood) adjacent to the application site – an earlier concern expressed by KC Trees regarding the site layout was addressed through the submission of amended plans during the life of this application. There would therefore be no greater impact on the ancient woodland as a result of the proposed layout changes, and the assessment set out in the committee report (dated 16/05/2024) for application 2023/93503 remains valid. The relevant consideration set out in site allocation HS18 (that “a minimum of 20m buffer will be required to the north of the site due to the proximity of Deanwood Local Wildlife Site”) would still be satisfactorily addressed.

KC Forestry have correctly noted that units 65 to 68 would be located close to established trees along the application site’s eastern boundary. These units would be closer to the trees than units 36 to 38 would have been in the layout previously approved under application 2023/93503. While concerns regarding the proximity of the trees, shading of gardens and future pruning pressure are noted, it is not recommended that amendments (or deletion of units) be sought, given streetscape, mitigative tree planting, highway layout and housing delivery considerations.

The applicant’s Proposed Levels Plans show retaining walls within the site of up to 2.585m in height, however these are limited in number, they would be located within the southern part of the developed area, and they would be located between plots (and therefore wouldn’t face the public realm and would be largely screened by dwellings). Lower retaining walls are proposed elsewhere within the site. Drawing EE100008-226 rev P01 (Retaining Wall Details) indicates that the retaining walls would be faced with brick or stone. Further consideration of the proposed retaining walls would be carried out at Reserved Matters stage, when the matter of appearance is considered.

A drawing submitted on 15/12/2025 (Site Layout drawing 002 rev C) referred to an earlier revision stating “Ransom strip to Western boundary added”. Officers queried what this related to, what the reason for including it was, and whether it only concerned the estate road stub immediately to the north of plot 29, or whether it also related to other parts of the western boundary. On 15/12/2025 the applicant amended the drawing, and advised:

...this is just a 1m area of retained ownership by the Vendor, down the Western boundary and so we have brought in our red line boundary to suit. Our Highways design stops at the red line position so it’s not really a true ‘ransom strip’.

As noted above, much of the negotiation during the life of the application related to highway matters. Detailed highways comments were forwarded to the applicant on 08/09/2025, and several further detailed comments were subsequently provided by KC Highways Development Management (including relayed comments from other highways teams within Kirklees Council). These concerned internal highway widths, visibility, swept path analysis, traffic

calming, levels, sizes of residents' and visitor parking spaces, number of parking spaces for each dwelling, links to the site's public footpath, bin collection points, cycle parking, road long sections and highway adoption. Extensive exchanges also took place regarding the required Road Safety Audit and designer's response.

In their final comments dated 05/05/2026, KC Highways Development Management raised no objection to the revised development proposals in principle, subject to conditions being imposed. Regarding the Road Safety Audit, KC Highways Development Management further advised:

The revised site access and internal street layout have been subject to a Stage 1 Road Safety Audit (document ref. 400187-001-01 dated March 2026), with all items raised closed out in the Design Response report (document ref. 400187-001 signed off by HDM on 27/03/26).

Given the above assessment, it is considered that the layout changes proposed by the applicant under this Section 73 application are acceptable, subject to relevant conditions being imposed.

Unit size and tenure mix

The following table sets out the market and affordable unit size mixes of the development, as approved under application 2023/93503 and as now proposed. These are compared with the expectations of the council's Affordable Housing and Housing Mix SPD for sites within the Huddersfield South sub-area. Green numbers indicate where the proportions match the expectations of the SPD, and red numbers indicate where they do not.

	SPD expectation			Approved under 2023/93503						Proposed under 2025/91870					
	Market	Aff/Soc Rent	Interm.	Market		Aff/Soc Rent		Interm.		Market		Aff/Soc Rent		Interm.	
1-bed	30-60%	40-79%	40-79%	3	42%	2	67%	1	71%	6	33%	6	78%	2	57%
2-bed				25		4		4		16		1		2	
3-bed	25-45%	0-19%	20-39%	25	38%	2	22%	2	29%	19	29%	0	0%	3	43%
4+-bed	15-35%	20-39%	0-19%	13	20%	1	11%	0	0%	25	38%	2	22%	0	0%

The key changes (in the current proposals, compared with those previously approved under 2023/93503) are:

- Proportion of 4+-bed market units no longer compliant.
- Proportion of 3-bed affordable/social rent now compliant.
- Proportion of 4+-bed affordable/social rent now compliant.
- Proportion of 3-bed intermediate no longer compliant.

The proposed increase in larger market units is a concern, although it is noted that this would not be at the expense of the overall number of units on the site, and that – if family-sized market units (3- and 4+-bed units) are grouped together – there would only be an increase of six units. The limited extent of

the deviations from the SPD's expectations (only a few percentage points in respect of the larger market units and the 3-bed intermediate units) is also noted. The improvements to the affordable/social rent mix weigh positively in the balance of planning considerations.

Given the above considerations, it is recommended that the proposed unit size and tenure mix be accepted.

This revised unit size and tenure mix necessitates an amendment to the original Section 106 agreement (dated 17/07/2024 and associated with outline permission 2023/93503), as discussed later in this report.

Of note, the committee report (dated 16/05/2024) for application 2023/93503 referred to nine affordable rent units, however the original Section 106 agreement (dated 17/07/2024 and associated with outline permission 2023/93503) referred to both affordable rent and social rent tenures.

Public open space

The applicant's submission included significant, material amendments to the proposed on-site public open space, necessitating extensive discussion with the applicant.

The applicant now proposes part of the Parks and Recreation space above the proposed attenuation tank. This raised concern regarding whether this area could be sufficiently planted or host adequate facilities (to a Parks and Recreation standard), and therefore whether it would meet the relevant defining requirements of this open space typology. KC Landscape expressed concern that what is shaded pale blue on drawing PL-022 rev B could not be accepted as "Parks and Recreation" public open space, given the current level of detail and design. KC Landscape also recalled experiences at other sites where later factors (such as unforeseen site challenges, sub-surface obstacles, services, easements, topography, and pressure from residents to cheapen on-site provision to lower service charges) have resulted in poorer provision (compared with what was promised at application stage). KC Landscape advised that, at best, the area shaded pale blue would be "Amenity Greenspace".

In response, on 13/04/2026, the applicant stated:

Detail of landscaping and proposed benches and bins can be agreed via the reserved matters process. Again, the tank has a 3m easement and all planting in this area will be in line with YW specification, outside of the easement will be planted in line with the Parks & recreation criteria.

While this response provided some reassurance regarding some of the purported Parks and Recreation space, it did not provide clear confirmation that the relevant defining requirements could or would be met for all of the space. Officers therefore recommend expanding the previously-imposed

condition 9, securing a Parks and Recreation open space provision strategy. The following wording is recommended:

9. Plans and particulars relating to the Reserved Matters of landscaping shall adhere to the Public Open Space typologies identified on drawing PL-022 rev B, and shall include a Parks and Recreation open space provision strategy detailing how the open space so identified would be managed and made accessible, and would provide high public value opportunities for informal recreation and community events in accordance with the council's Open Space SPD.

This expanded condition has been agreed with the applicant. If what is submitted at Reserved Matters stage falls short of what is expected of Parks and Recreation open space, the Reserved Matters application may be refused, or the council may require an increase in the off-site public open space contribution (which may need to be secured via a further Deed of Variation to the previous Section 106 agreement).

Regarding the applicant's proposed location of the Local Equipped Area for Play (LEAP) directly above the attenuation tank), KC Landscape expressed concern that this may not be achievable, as certain play equipment (particularly swings which – due to their movement – normally require relatively deep foundations) typically has 1m foundation depths. In response, the applicant stated that the attenuation tank would be 2.4m at its shallowest point, and that most play equipment products would have foundation depths of 1.2m. It is accepted that this should mean the equipment can be located anywhere above the attenuation tank. However, the applicant will need to make sure the tank's inspection chamber covers (which are hard surfaces, and therefore not suitable for areas where falling children will land) are located away from the equipment. Details of those locations would need to be submitted at Reserved Matters stage.

Officers have reminded the applicant of what play equipment was shown in drawings submitted under the original outline application 2023/93503, and have advised the applicant that – having regard to NPPF paragraph 140 – the council would not now accept a diminished provision of play equipment.

A second entrance/exit for the LEAP would need to be shown at Reserved Matters stage.

KC Landscape expressed concern that adopting authorities are likely to raise concerns regarding trees proposed within 8m of an attenuation tank, meaning there would be pressure to omit some of the street trees shown on the applicant's drawings (particularly those to the north of the proposed attenuation tank). These concerns were exacerbated by the relevant text in the Yorkshire Water guidance forwarded by the applicant, which states "Sewers must have 5 metres clearance from trees and hedges or the width of the canopy at mature height". As confirmed to officers directly by Yorkshire Water, a developer would need to ascertain how large a tree will grow, then measure 5m from the edge of the canopy of the mature tree to the nearest

part of the tank. Those trees currently shown to the north of the tank would not maintain this stand-off distance. Officers therefore remain concerned that there would be future pressure to fell or prune these trees, or that they may not even be planted in the first place, due to maintenance/adoption requirements. In response, the applicant has said that final positioning of trees would be agreed at Reserved Matters stage, which is correct (inasmuch as landscape details are to be submitted at that stage), however officers have advised the applicant that early thought still needs to be given to these matters, and it is noted that a highways layout and drainage scheme (approved at outline stage) should not prevent those later Reserved Matters details from complying with NPPF paragraph 136 (which requires new streets to be tree-lined).

The applicant's proposed changes to the on-site public open space provision mean that the off-site contribution would be decreased from the previously-secured to £75,695 to £39,312. This revised sum is to be secured in the required Section 106 Deed of Variation.

Biodiversity net gain

Regarding Biodiversity Net Gain (BNG), although this current Section 73 application was submitted after mandatory BNG became applicable (under the Environment Act 2021), given the fallback position provided by the previous planning permission (which was not subject to mandatory BNG), it would not be reasonable to now impose this requirement.

However, an adequate BNG was secured under that previous permission (with reference to Local Plan policy LP30) in any case. As reported at paragraph 10.103 of the committee report dated 16/05/2024, the previous applicant's Biodiversity Metric (dated 17/10/2022) stated that the development would have resulted in a 11.71% gain in habitats and a 2465.61% gain in hedgerows.

Under the current Section 73 application, the applicant has submitted a revised Biodiversity Metric dated 19/12/2025. This now refers to an on-site baseline of 8.18 habitat units and 0.24 hedgerow units. Post-intervention, those figures would increase to 9.42 habitat units and 4.05 hedgerow units, representing 15.24% and 1585.2% increases respectively (applicant's figures). This on-site provision would more than meet the 10% BNG expectation, and is welcomed.

The reference in condition 29 to "8.67 habitat units and 6.10 hedgerow units" would need to be updated to "9.42 habitat units and 4.05 hedgerow units".

Other matters

Subject to details to be provided at Reserved Matters stage (including details of the sizes of the integral garages to be provided for some dwellings), adequate parking can be provided for all plots, in accordance with guidance in the council's Highway Design Guide SPD.

Regarding drainage, the applicant's revised drainage strategy would involve the disposal of surface water eastwards to the combined sewer beneath Roslyn Avenue (disposal through the curtilage of 404 Meltham Road is no longer proposed). The attenuation tank would be moved from the site's southwest corner to its southeast corner. The development's total amount of impermeable surfaces would not significantly change. Layout amendments can have implications for flood routeing, however the development's road layout would not significantly change. Given the Lead Local Flood Authority have raised no objection to this Section 73 application, drainage matters need not be considered further at this stage. Details related to drainage would, however, need to be submitted pursuant to the recommended conditions.

Regarding school places, it is noted that the proposed development could potentially result in a higher child yield than the previously-approved scheme would have, given that more bedrooms are now proposed across the development (a total of 215 bedrooms were approved under permission 2023/93503, whereas a total of 240 are now proposed). However, given the relatively small difference in the number of bedrooms (once the increased number of 1-bed units is excluded from consideration), and given that a higher population (of the development) is not certain to result, it is not considered necessary to revisit the education contribution previously secured.

Nine representations were received in response to the council's consultation, however the comments made relate to matters that were previously considered under application 2023/93503, and/or matters that are not being considered under the current application. One resident stated that the proposed variations to the conditions raised "serious concerns about long-term sustainability and public amenity", but did not state what these concerns were, and – as set out in the assessment in this report – the variations are considered acceptable in any case.

The proposed amendments have no significant adverse implications in relation to other planning considerations.

Section 106 agreement

In connection with the amendments proposed under this current Section 73 application, the applicant sought amendments to the original Section 106 agreement (dated 17/07/2024 and associated with outline permission 2023/93503).

The relevant Deed of Variation needs to:

- Link the approval of this current Section 73 application to the provisions of the original Section 106 agreement;
- Amend the definitions of Affordable Housing Plan, First Homes, Shared Ownership Dwellings and Social Rented Dwellings, and replace the plan at Annex 2 of the original Section 106 agreement (which showed the locations of the affordable housing units) with an updated plan; and

- Amend the definitions of Public Open Space Areas and Off Site Public Open Space Contribution, and replace the plan at Annex 4 of the original Section 106 agreement (which showed the locations, typologies and quanta of the on-site open space) with an updated plan. Of note, the Off Site Public Open Space Contribution is to be decreased from £75,695 to £39,312.

The necessary Deed of Variation was completed on 18/05/2026. The agreement has been visible online from 20/05/2026, in compliance with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. No representations specific to the Deed of Variation have been received.

Conditions

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously-imposed conditions (attached to the previous outline permission 2023/93503), 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-imposed 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.

The applicant has requested the variation of conditions 5, 29, 32, 33, 34, 37, 39 and 41, mostly due to the fact that the previous wording of these conditions referred to now-superseded drawings.

To date, no details submitted pursuant to the conditions of outline permission 2023/93503 have been approved. Therefore, it is recommended that the conditions of that permission be re-imposed, largely unchanged. The only changes proposed to the conditions are minor, and are intended to provide clarity, remove duplication, refer to the latest drawings, and reflect the latest proposals. It is also proposed that a condition be added (numbered 11a, to enable adherence to the previous condition numbering).

Of those changes, the following are noted:

- Condition 3 (timeframe for submission of Reserved Matters application) – Date added, to ensure this Section 73 approval does not inappropriately extend the timeframe.
- Condition 5 (plans and specifications) – Although the proposed amendments relate to this condition, its wording does not need to change (although the related plans and specifications table is to be updated to refer to the documents submitted under this Section 73 application).
- Condition 8 (boundary treatments) – Updated to refer to the latest drawing.
- Condition 9 (on-site open space) – Updated to refer to the latest drawing, and added requirement for a Parks and Recreation open space provision strategy.

- Condition 11a (floor plans and schedule of accommodation) – Added condition.
- Condition 15 (Construction (Environmental) Management Plan) – Superfluous text deleted (including in relation to temporary drainage, which is addressed by condition 23).
- Condition 29 (Ecological Design Strategy) – Updated to refer to the applicant's latest Biodiversity Metric figures.
- Condition 30 (footpaths) – Updated to refer to the latest drawing.
- Condition 32 (site access works and road marking improvements) – Updated to refer to the latest drawing.
- Condition 33 (internal estate streets scheme) – Updated to refer to the latest drawing.
- Condition 34 (play area) – Updated to refer to the latest drawing.
- Condition 37 (information boards) – Updated to refer to the latest drawing.
- Condition 39 (vehicle parking areas surface and drainage) – Updated to refer to the latest drawing.
- Condition 41 (bin storage and collection) – Updated to refer to the latest drawing.

The additional condition regarding badgers (recommended by KC Ecology) is not included, as the matter is adequately addressed by condition 10.

The applicant's agent was provided with a draft list of conditions on 19/03/2026, and an amendment to one of those conditions was relayed to the applicant's agent on 21/04/2026. On 21/04/2026 the applicant's agent confirmed that the conditions were agreed.

Conclusion

This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of conditions 5, 29, 32, 33, 34, 37, 39 and 41 as indicated, and the other amendments and details proposed and submitted by the applicant.

Subject to conditions, the proposed amendments are considered acceptable.

The proposed amendments would not change the description of development previously approved under outline application 2023/93503.

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed amendments would result in a development that would constitute

sustainable development. The proposed amendments are therefore recommended for approval.

Recommendation: Approve variations subject to conditions and a Section 106 Deed of Variation

Report dated: 02/06/2026

Decision Authorisation – Delegated Powers

Application Number – 2025/91870

Officer Recommendation – Approve variations subject to conditions and a Section 106 Deed of Variation

Conditions and Reasons

Compliance conditions

1. Approval of the details of the appearance, landscaping, and scale (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the Reserved Matters referred to in condition 1 above relating to the appearance, landscaping, and scale shall be submitted to and approved in writing by the Local Planning Authority by means of an application or applications for Reserved Matters approval. The development shall be carried out in full accordance with the plans and particulars so approved.

Reason: No details of the matter referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before 29/07/2027.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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, so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Details to be provided at Reserved Matters stage

6. Plans and particulars relating to the Reserved Matters of landscaping and/or scale, notwithstanding the submitted details, shall include details of finished floor levels and external ground levels. Thereafter, the development shall be completed in accordance with the approved levels details.

Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

7. Plans and particulars relating to the Reserved Matters of appearance, scale and/or landscape shall, notwithstanding the submitted information, be supported by a Heritage Impact Assessment. The Heritage Impact Assessment shall consider the Reserved Matters' potential impact(s) upon the heritage assets identified in section 7 of the submitted Archaeology and Heritage Desk Based Assessment.

Reason: To ensure that due regard is given to the potential impacts of the Reserved Matters upon nearby heritage assets, in accordance with Policy LP35 of the Kirklees Local Plan.

8. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment(s) along the site's northern boundary with Dean Wood. This shall include a boundary treatment which prevents direct access into the wood by people, except at the single point via the proposed "footpath link", as shown on Site Layout drawing PL01 rev G, and details of warning signs concerning the sheer drop to the immediate north of the site, including their proposed locations. The details shall include provisions to allow access for wildlife through the boundary treatment. The approved scheme shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.

Reason: In the interest of amenity, safety, ecology, and delivery of appropriate open space, in accordance with Policies LP24, LP30, and LP63 of the Kirklees Local Plan.

9. Plans and particulars relating to the Reserved Matters of landscaping shall adhere to the Public Open Space typologies identified on drawing PL-022 rev B, and shall include a Parks and Recreation open space provision strategy detailing how the open space so identified would be managed and made accessible, and would provide high public value opportunities for informal recreation and community events in accordance with the council's Open Space SPD.

Reason: In the interest of the amenity of existing and new residents and to secure appropriate on-site Public Open Space provision, in accordance with Policies LP24 and LP63 of the Kirklees Local Plan.

10. Plans and particulars relating to the Reserved Matters of landscape shall, notwithstanding the submitted information, be supported by an Ecological Impact Assessment (EclA) which is informed by updated ecological survey(s) in accordance with relevant national and local guidelines.

Reason: To enable appropriate assessment of the development's potential impact on local ecology and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

11. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include a lighting design strategy. The strategy shall:

- Identify those areas / features on site that are particularly sensitive for local species and that are likely to cause disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging;
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- With due regard to the requirements of the two bulleted points above, detail how appropriate lighting would be installed to mitigate and protect against crime.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed on dwellings facing either Dean Wood or areas of Public Open Space without prior written consent from the Local Planning Authority.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

11a. Each application for the approval of Reserved Matters shall include floor plans (providing details of internal layouts of the residential accommodation) and a schedule of accommodation (providing unit size mix information and gross internal floorspace figures in sqm) for all residential units.

Reason: To enable the quality, amenities and housing mix of the residential accommodation to be assessed in accordance with Policies LP11 and LP24 of the Kirklees Local Plan and chapter 5 of the National Planning Policy Framework.

Development to be undertaken in accordance with

12. The development's construction shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in section 7.1 of the Air Quality Assessment by SLR (ref: 410.065407.00001) (version: rev 1.0) for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Kirklees Local Plan.

13. Details of any additional tree works required during the construction process that are not identified within the submitted information shall be

submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

Details to be provided prior to development commencing (and related conditions)

14. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of dwelling buildout phases and the provision of on-site infrastructure including, but not limited to, highways, Public Open Space and drainage. The development shall be implemented in accordance with the approved phasing plan.

Reason: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

This pre-commencement condition is necessary to ensure that due regard is given to the delivery of necessary infrastructure alongside the dwelling build outs.

Note: For the purposes of this permission, all references to a “phase” or “phase of development” hereafter shall be interpreted as being a reference to the phasing as to be approved pursuant to condition 14.

15. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development;
- A timetable of all works;
- Hours of works;
- Construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;

- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Means of engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

16. Prior to development commencing (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities, to be informed by an up-to-date ecological assessment;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity 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 ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated with the construction phase commencing.

17. Prior to development commencing, notwithstanding the submitted information, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation, including any phasing, and completion of the approved remediation measures.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.

20. Following completion of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy) a Validation Report shall be submitted to the Local Planning Authority. No phase of the development shall be brought into use until such time as the remediation measures have been completed for the phase in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in phases, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority alongside the final phase's Validation Report.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.

21. Prior to development commencing, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details / design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision and maintenance thereafter based upon the initial information contained within the previous Flood Risk Assessment referenced 1174-R001 rev 3, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No phase of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development. The drainage so installed shall thereafter be retained.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

22. Prior to development commencing, an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area (both upstream and downstream of the development), shall be submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

23. Prior to development commencing, details of temporary surface water drainage for the construction period (after soil and vegetation/site strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of any phasing of the development and phasing of temporary drainage provision;
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

24. Prior to development commencing, notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a Tree Protection Plan and details of how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate regard is given to mitigation and that any necessary measures are in place to protect the trees, prior to works taking place.

25. Prior to the commencement of development (including ground works), a survey of the existing condition of the highway (the extent of highway to be

surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highway defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the Highway and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that an adequate survey of the surrounding road network is undertaken to establish a baseline position, prior to associated construction traffic causing potential impact.

26. Prior to development commencing within a given phase, a scheme detailing locations and including cross-sectional information, together with the proposed design and construction details of all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint of that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate highway feature designs and details have been secured prior to relevant works being undertaken.

27. Prior to the commencement of development within a phase of development, full details of any proposed temporary or permanent:

- Retaining walls (including building retaining walls); and
- Retaining structures

supporting and/or adjacent to the proposed adoptable highway or existing public highway (including PROWs), as well as full details of any proposed modifications to existing highway retaining walls or structures within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location plan(s), drawings (including plans, elevations and cross-sections), design statement(s) and method statement(s).

The approved details shall be implemented prior to the commencement of development (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained thereafter throughout the life of the development.

Reason: To ensure that any new or modified retaining walls and 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.

This pre-commencement condition is necessary to ensure suitable consideration and design may be undertaken prior to potentially prohibitive works taking place.

28. Prior to development commencing, a Written Scheme of Archaeological Investigation (WSI) shall be submitted to, and approved in writing, by the Local Planning Authority. The WSI shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- The programme and timetable for post-investigation assessment and subsequent analysis, publication, dissemination, and deposition of resulting material.

Thereafter the development shall be undertaken in accordance with the approved WSI.

Reason: In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate investigation and mitigation take place prior to the detailed design stage and may be appropriately considered.

Details to be provided prior to specified time

29. Prior to above ground works commencing, an Ecological Design Strategy (EDS) to detail how the delivery of a minimum of 9.42 habitat units and a minimum of 4.05 hedgerow units, utilising the Biodiversity Net Gain Metric v3, shall be achieved post-development on site, as indicative detailed within the approved Ecological Impact Assessment ref 424.065545.00001 rev 3, shall be submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Details on the establishment of grassland, tree planting, traditional orchard, hedgerow and scrub planting on the site;
- Details of faunal provisions for bats, birds and hedgehogs to be integrated into the design;

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures;
- Details for disposal of any wastes arising from works; and
- A lighting design strategy for biodiversity.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

30. Prior to above ground works commencing, a scheme for the upgrade of public footpath HUD/228/10 within the site, its associated links from the estate streets, and the provision of the two new footpath links each identified on Site Layout drawing PL01 rev G, as “footpath link”, shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted information, the scheme shall include details of the program of works and phasing of delivery, detailed drawings showing levels and sections, gradients, construction details, surface materials, drainage, and boundary treatments for each respective footpath and footpath link. Thereafter the approved works shall be implemented in accordance with the approved details and shall be retained so thereafter.

Reason: To ensure new and affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP21, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Prior to above ground works commencing, a detailed scheme for the proposed internal roads, footways and footpaths, to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage including construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to basecourse in accordance with the approved plans and details. Thereafter the wearing course of the road(s) shall be implemented in accordance with the phasing strategy.

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.

32. Prior to above ground works commencing, notwithstanding the information shown on the submitted plans and information including drawing EE100008-

301 rev P6, 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.

Reason: In the interests of highway safety and to achieve a satisfactory layout and quality of delivery in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

33. Prior to above ground works commencing, notwithstanding the information shown on the submitted plans and information including drawing EE100008-301 rev P6, 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.

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.

Details to be provided and/or works to take place prior to occupation

34. 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 drawing PL01 rev G) 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.

Reason: To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

35. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted details, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to

occupation or in accordance with the timescales set out in the approved Travel Plan or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan.

36. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

37. 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 two new footpath links each identified on Site Layout drawing PL01 rev G as “footpath link”, 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; and
- Ongoing management and maintenance arrangements for the boards

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

Reason: In the interest of mitigating potential harm to local ecology, to comply with Policy LP33 of the Kirklees Local Plan.

38. Prior to the occupation of the hereby approved dwellings, a strategy for the delivery of ancient woodland information packs to new residents shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the details to be contained in the information pack and when they shall be provided to (first-time) new residents of the development. Thereafter the approved strategy shall be implemented.

Reason: In the interest of mitigating potential harm to local ecology, to comply with Policy LP33 of the Kirklees Local Plan.

39. Prior to the occupation of any dwelling hereby approved, the dwelling’s respective vehicle parking areas as shown on drawing PL01 rev G shall be surfaced and drained in accordance with the Communities and Local Government and Environment Agency’s “Guidance on the permeable surfacing of front gardens (parking areas)” published 13/05/2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.

Reason: To ensure that sufficient parking is provided and retained to serve the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

40. Prior to the occupation of any dwelling hereby approved, an electric vehicle recharging point shall be installed within the respective dwelling's dedicated parking area and made operational. 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 the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

41. Prior to the occupation of any dwelling hereby approved, the dwelling's respective bin storage area and bin collection point, as shown on drawing PL01 rev G, shall be laid out and made ready for use. Thereafter each bin storage area and waste collection point shall be retained.

Reason: To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

Nesting birds – Informative

Please be reminded of the provisions of the Wildlife and Countryside Act 1981. To prevent significant ecological harm to birds, their eggs, nests and young, no removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive unless it is confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Section 38 Agreement – Informative

The applicant should be aware that the internal street layout will need to be designed and built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-section-38-agreements.pdf>.

Until such time that the Section 38 process has been fully completed and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are summarised at paragraph 3.17 of the Kirklees Highway Design Guide SPD

(<https://www.kirklees.gov.uk/beta/planning-policy/pdf/highway-design-guide-spd.pdf>), and described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': <https://assets.publishing.service.gov.uk/media/62e7b821d3bf7f75b9121a6a/advice-note-highways-adoption.pdf>

Please refer to the informative notes attached to outline planning permission ref: 2023/93503 dated 29/07/2024

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Location Plan	2246 PL 100	Rev A	12/12/2023
Site Layout	PL01	Rev G	13/03/2026
Proposed Site Areas	PL-021	Rev A	04/11/2025
Site Cross Sections	PL-021	Rev A	04/11/2025
Site Sections	PL-020		24/07/2025
Proposed Site Sections	08		28/04/2026
Landscape Masterplan	R/2837/1	Rev G	28/04/2026
Proposed Landscaping Children's Play Area	2246 PL 114	Rev A	07/03/2024
POS & Typologies Plan	PL-022	Rev B	04/11/2025
Affordable Housing Plan	07	Rev. C	13/03/2026
Proposed Highways Plan	EE100008-301	Rev P6	13/03/2026
Highways Area Plan	EE100008-306	Rev P2	13/03/2026
Highways Area Layout Plan	EE100008-225	Rev P1	15/12/2025
Foul and Surface Water Drainage Layout Plan	EE100008-100	Rev P03	24/07/2025
Proposed Drainage Scheme Plan	EE100008-300	Rev P5	13/03/2026
Proposed Levels Plan Sheet 01	EE100008-302	Rev P5	13/03/2026
Proposed Levels Plan Sheet 02	EE100008-203	Rev P4	28/01/2026
Proposed Levels Plan Sheet 03	EE100008-304	Rev P5	28/04/2026
Retaining Wall Details	EE100008-226	Rev P01	23/12/2025
Longitudinal Sections	EE100008-215	Rev P01	28/04/2026
Longitudinal Sections	EE100008-216	Rev P6	28/04/2026
Forward Visibility Splay 20mph Requirements	25041/IN/02	Rev C	28/01/2026
Junction Visibility Splays 20mph Requirements	25041/IN/01	Rev C	28/01/2026
Swept Path Analysis Refuse Vehicle Tracking	25041/ATR/01	Rev E	28/04/2026
Swept Path Analysis Delivery Vehicle Tracking	25041/ATR/02	Rev E	28/04/2026
Design Statement (as amended)	Ellis Healey	Rev 1.5	07/03/2024
Statement of Community Involvement	Johnson Mowat, 14/11/2023		23/04/2024
Ecological Impact Assessment	SLR, 424.065545.00001,	Rev 3	19/12/2025

Plan/document type	Reference	Version	Date received
	19/12/2025		
Biodiversity Metric	SLR, 19/12/2025	Rev 3	29/01/2026
Flood Risk Assessment and Drainage Strategy Report	Elston, EE100008, 22/07/2025	Rev B	24/07/2025
Surface Water Management Plan	Elston, EE100008, 08/10/2025	Rev A	04/11/2025
Arboricultural Impact Assessment & Method Statement	SLR, 415.065296.00001, 30/10/2025	Rev 0.1	04/11/2025
Travel Plan	Optima, 23046, 10/11/2023	Rev 1	01/12/2023
Transport Assessment (as amended)	Optima, 23046, 10/11/2023	Rev 1	01/12/2023
Stage 1 Road Safety Audit	Sanderson, 400187, 24/03/2026	Issue 2	27/03/2026
GG119 Road Safety Audit Response Report	Elston, 400187-001, 20/03/2026		27/03/2026
Foul Water Manhole Schedules	EE100008-214	Rev P2	23/12/2025
Surface Water Manhole Schedules	EE100008-215	Rev P2	23/12/2025
Air Quality Assessment	SLR, 410.065407.00001, 20/10/2023	Rev 1.0	29/11/2023
Desk Study Report	Betts Geo, 16RED116/DS, November 2023	Rev 3	01/12/2023
Archaeology and Heritage Desk Based Assessment	MAP Arch, MAP 5.05.23, 06/03/2023	Rev C	29/11/2023
Rapid Health Impact Assessment			18/01/2024
Geophysical Survey Report	Magnitude Surveys, MSSE1529, 30/03/2023		04/01/2024
Planning Case Report (as amended)	Johnson Mowat, 27/11/2023		29/11/2023
Planning Statement	Carter Jonas, J0089058, 23/07/2025	Rev 02	24/07/2025

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

The Local Planning Authority provided opportunities for the proposals to be amended.