

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/92541/W
Site Address:	Land off, Roslyn Avenue, Netherton, Huddersfield, HD4 7EW
Description:	Operational development to create development plateaux comprising land level changes, highways construction, utilities diversions and drainage construction
Recommending Officer:	Victor Grayson

DECISION – Full Planning Permission – 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: 24/07/2026

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.

Description of Proposal

Under this application for full planning permission, the applicant proposes operational development to create development plateaux comprising land level changes, highways construction and drainage construction.

Essentially, the works described above are the infrastructure and enabling elements of the previously-approved outline permission (Section 73 approval 2025/91870, which amended the earlier outline permission 2023/93503). The road layout, drainage scheme and other elements proposed under this application (2025/92541) are the same as those approved under that earlier application.

The submitted drawings and documents detail:

- Levels
- Retaining walls
- Estate roads (including footways, verges and on-street parking spaces)
- Shared private drives
- New footpaths
- The treatment of public footpath HUD/228/10
- Highway construction
- Surface water drainage proposals (including a below-ground attenuation tank, pipework, flow controls and a discharge point)
- Foul water drainage proposals
- Measures to achieve a Biodiversity Net Gain

Although the applicant has also referred to utilities diversions, details of these have not been (and did not need to be) submitted with this application.

Supporting information, including in relation to tree removal and protection, and archaeology, has been submitted.

The applicant would like to be able to progress the above-listed elements without having to first obtain a Reserved Matters approval for the residential development being progressed by the applicant (which already has outline permission).

Residential accommodation and related elements (such as public open space) are not proposed under this application.

History of negotiations/amendments received

The delegated report for application 2025/91870 details discussions that took place (and amendments that were submitted) under that application, many of which were also of relevance to this application (2025/92541). The earlier pre-application enquiry 2024/21370 is also relevant.

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.

2025/91870 – 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. This Section 73 application was approved on 03/06/2026.

2026/91611 – Reserved Matters application pursuant to Section 73 approval 2025/91870. Currently invalid.

Representations

The application has been advertised via two site notices posted on 22/11/2025, and a press notice published on 21/11/2025. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 17/12/2025.

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

- Drainage concerns. Rear garden of a property on Church Lane is currently saturated with rainwater. Development will make this worse. A lot of hardstanding is proposed. Unclear where water would flow to.
- Submission does not include preventative measures regarding overland flooding of existing properties (during the construction phase or upon completion).
- Proposed levels along site's southeastern boundary, and new road beyond it, would be substantially higher than existing. Sections requested.

Members for Crosland Moor and Netherton ward were notified of the application on 09/11/2025, 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 ward. 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 and Confidential Badger Survey Report are acceptable. Biodiversity Net Gain assessment and metric are acceptable. Applicant's baseline calculations are valid. Significant net gain would be achieved, and this would need to be secured for 30 years. Conditions recommended regarding tree and ancient woodland protection, lighting strategy, enhancements, a Habitat Management and Monitoring Plan and a Construction Environmental Management Plan: Biodiversity.

KC Environmental Health – Due to the complexities of land contamination issues, this application cannot be considered as a standalone development, as it is linked to the creation of dwellings which will introduce sensitive receptors at a future stage. Geoenvironmental Appraisal is largely accepted, however it has incomplete monitoring information, and lacks pesticide sample analysis. Recommend conditions 12, 15, 17, 18, 19 and 20 of outline permission 2023/93503 be imposed.

KC Highways Development Management – No objection, subject to conditions regarding phasing, Construction Environmental Management Plan, highway conditions survey, drainage within the highway, retaining structures, footpaths, internal streets, site access and off-site highway works. Informatives recommended.

KC Highway Structures – Conditions recommended regarding retaining walls adjacent to the highway, and surface water attenuation in the highway.

KC Trees – No objection. Submitted Arboricultural Impact Assessment and Method Statement sufficiently details the site. 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. Minimal tree removals to facilitate the development are proposed, and all proposed removals are acceptable due to good mitigation in the form of street trees throughout the site. All infringements into Root Protection Areas have been sufficiently detailed and protection measures would be implemented where necessary. Submitted tree protection plan details all these protection measures clearly and there should be no significant impact on the trees where these measures are implemented.

Lead Local Flood Authority – Supports application. No conditions recommended.

West Yorkshire Archaeology Advisory Service – Condition similar to condition 28 of outline permission 2023/93503 should be imposed.

Yorkshire Water – No objection to proposed separate systems of drainage on-site (with combined off-site discharge), amounts of surface water and foul water to be discharged to the public combined sewer, or the proposed point of discharge. Condition recommended, requiring development to be carried out in accordance with the submitted Proposed Drainage Scheme Plan. Generic advice provided regarding adoption and diversion.

Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be 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).

Kirklees Local Plan (2019)

The application site comprises site allocation HS18 (allocated for residential development in the Kirklees Local Plan). For this site, the Local Plan sets out an indicative housing capacity of 132 dwellings within the 3.53 hectares (gross) of allocated land.

Site allocation HS18 identifies the following constraints relevant to the site:

- Potentially contaminated land
- Site is in an area that affects the setting of Castle Hill
- Deanwood Local Wildlife Site lies to the north of the site

Site allocation HS18 also identifies the following other site specific considerations:

- Access to be gained from Roslyn Avenue
- A minimum of 20m buffer will be required to the north of the site due to the proximity of Deanwood Local Wildlife Site
- Where site is steeper soakaways may not be advisable

Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings

- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP29 – Management of water bodies
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic green infrastructure network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP36 – Proposals for mineral extraction
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents

Relevant guidance and documents are:

- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Planning Applications Climate Change Guidance (2021)
- Viability Guidance Note (2020)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)

- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Social Value Policy (2022)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance

The National Planning Policy Framework (published in December 2024 and updated February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

Since March 2014 Planning Practice Guidance for England has been published online.

Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Securing developer contributions for education (2019)

Neighbourhood planning

There is no draft or adopted neighbourhood plan which carries material weight in the decision-making process for this application.

Assessment

Procedural considerations

This standalone application has not been submitted pursuant to an earlier outline application, although many of the proposals therein are the same as those previously considered and approved under applications 2023/93503 and 2025/91870.

There is no procedural reason why this application cannot be considered by the Local Planning Authority. Neither the site allocation (HS18, for residential development), nor the existence of an extant outline permission (for residential development) at this site, prevent this application from being considered. Although rare for sites where there is an intention to eventually carry out residential development, this kind of development proposal (for infrastructure and enabling works) is, in many respects, similar to commonly-proposed applications where such works (and the creation of development plateaux) are brought forward for industrial/commercial sites.

Should this application be approved (as is recommended), and should a Reserved Matters approval (relating to a residential development) not be issued or implemented, there is a risk that only the infrastructure and enabling works might be implemented, leaving the site less attractive and less usable for agriculture when compared to its existing condition. With a road layout,

retaining walls, drainage infrastructure, and plot plateaux, but without dwellings, soft landscaping (although some soft landscaping would be needed, for Biodiversity Net Gain reasons) or playspace, there is a risk of harm occurring in relation to visual amenity. Without a completed residential development, that harm would not be softened, and that harm would not be outweighed by the residential development's benefits. However, that risk is considered to be low, given the likelihood of a residential development eventually being completed here. A developer's investment in the infrastructure and enabling works would very much incentivise completion – a developer would not normally go to the expense of implementing such works without then recouping that outlay through house sales.

It is also noted that there is at least some risk of the above scenario potentially arising at a residential development site (where an infrastructure and enabling application has not been approved) in any case, given that unexpected events can stall the development of sites after early works have commenced.

The infrastructure and enabling works proposed under this application are regarded as a step towards the later delivery of 82 much-needed dwellings at the site.

To clarify, if approval of full planning permission is granted under this application (as is recommended), that permission would not supersede the outline permission (2023/93503, as amended by the Section 73 approval 2025/91870) already granted at this site. Essentially, two different (and, to an extent, separate) developments have been considered under the various applications to date: a residential development (for which the outline permission is the first part of the required permission, with a subsequent Reserved Matters approval yet to be issued), and an infrastructure and enabling development. Should this current application be approved (as is recommended), implementation of that full planning permission would not excuse a developer from complying with the requirements of relevant conditions and planning obligations, as and when a residential development is completed at the site.

Principle of development

As identified, the site is a housing allocation. The proposed infrastructure and enabling development – while not itself a residential development – would facilitate the later implementation of such a residential development. For this reason, it is considered that much of the previous assessment regarding the principle of development (as set out in paragraphs 10.1 to 10.9 of the committee report (dated 16/05/2024) for application 2023/93503) at this site is relevant. The proposed development would assist in the delivery of 82 much-needed dwellings, at a site that is allocated for that purpose, in a sustainable location.

Given the above and previous assessment, the proposed development is considered consistent with the aims and objectives of LP65 and is acceptable in principle.

Layout

The proposed layout drawings submitted with this application are essentially the same as those submitted under application 2025/91870, but with dwellings, driveways, public open space, landscaping and other elements omitted. For example, the submitted Proposed Highways Plan (drawing EE100008-301 rev P7) is the same as the Proposed Highways Plan (drawing EE100008-301 rev P6) submitted and approved under application 2025/91870, but with the dwellings and other elements “switched off”.

This means that much of the assessment of layout set out in the delegated report for application 2025/91870 is applicable to this application for infrastructure and enabling development. That assessment need not be repeated in full here, however it is appropriate to note that the conclusions previously made remain valid, including in relation to amenity, distances from the ancient woodland, relationships with other trees to be retained, and other matters. Some elements of the proposed infrastructure and enabling development (particularly the proposed road layout) would fix the future locations of dwellings (to an extent) within the site, therefore it is appropriate to refer back to the assessment (made under application 2025/91870), and to note again that the proposed layout raises no significant amenity, townscape or other design concerns. An attractive, sufficiently safe, convivial and functioning residential development (based on the layout proposed under this infrastructure and enabling application) would still be achievable at this site.

Landscape, heritage and visual amenity impacts

As noted above, implementation of only the infrastructure and enabling works proposed under this application (without dwellings, soft landscaping and other elements being implemented) would worsen the appearance of the site. However, as also concluded above, the risk of the site being left only partly developed in this way is considered to be low.

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, and drawing EE100008-226 rev P01 (Retaining Wall Details) indicates that the retaining walls would be faced with brick or stone. Although, in isolation and without dwellings screening them, the retaining walls would appear prominent and obtrusive at this site (which is visible from public vantagepoints), the landscape and visual amenity harm that they would cause is unlikely to be prolonged.

Similarly, the visual impact that would be caused by the proposed roads (without dwellings and soft landscaping softening and outweighing that impact) is unlikely to be prolonged.

The proposed layout allows space for soft landscaping. This is important, as an approval of what is shown in the submitted drawings should not prevent a future residential development from complying with NPPF paragraph 136 (which requires new streets to be tree-lined).

Again, noting that previous assessments need not be repeated in full here, it is appropriate to note that the conclusions previously made regarding impacts on the setting of Castle Hill and impacts on other heritage assets remain valid.

Amenity impacts

Due to their scale, nature, likely duration and location relatively close to existing residential properties, there is potential for the proposed infrastructure and enabling works to significantly impact upon neighbouring amenity. The recommended condition (condition 6) requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) includes measures that would help ensure residential amenity would be protected during the construction phase, including in relation to noise, dust and artificial light. Condition 3, relating to dust, is also recommended in accordance with the comments of KC Environmental Health. A related informative is recommended regarding hours of works.

Should this application be approved (as is recommended), should the infrastructure and enabling works be implemented, and should a Reserved Matters approval be delayed, not issued or not implemented, the application site would need to be well secured, to avoid it becoming vulnerable to anti-social behaviour such as flytipping and car meets, which could adversely affect neighbouring amenity.

Regarding the comments made by a resident in relation to levels, the submitted Cut and Fill Model (drawing EE100008-104 rev P01) indicates that, at the south end of the application site (along the boundary shared with existing residential curtilages), levels would only increase by up to 0.5m, which is not unusual for a residential development of this scale and nature. Further away from this boundary, greater level changes are proposed, however it is considered that these would not cause material harm to the amenities of existing neighbouring residents. To the east of the application site, the limited extent of the level change, and the lengths of existing gardens, would ensure amenity impacts would also be limited.

Again noting that previous assessments need not be repeated in full here, it is appropriate to note that the conclusions previously made regarding amenity and distances between dwellings remain valid.

Highways considerations

Local Plan policies LP20, LP21, LP22, LP24 and LP47 are relevant to the highways implications of the proposed development, as is chapter 9 of the NPPF.

It is again noted that the layout drawings submitted with this application are essentially the same as those submitted under application 2025/91870, but with dwellings, driveways, public open space, landscaping and other elements omitted. It is also noted that many of the same highways drawings and documents (that were previously submitted and approved under application 2025/91870) have also been submitted under this application.

Much of the negotiation during the life of the application 2025/91870 related to highway matters. Detailed highways comments were 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.

Following satisfactory resolution of those highway matters, and the approval of application 2025/91870, KC Highways Development Management provided final comments (dated 11/06/2026) on this application for infrastructure and enabling works, stating:

Planning application 2025/92541 has been submitted for "Operational development to create development plateau comprising land level changes, highways construction, utilities diversions and drainage construction", which are associated with a previously consented residential development (2025/91870) at land accessed from Roslyn Avenue, Netherton, Huddersfield, HD4 7EW. The proposals also include the associated footpath upgrades within the site that are associated the previously consented development.

The [submission] documents are consistent with those submitted with previously consented residential development (2025/91870), but with the omission of some of the details that are not relevant to this 'operational development' application. Therefore, HDM have no objection to this application and the preliminary details that have previously been agreed. This is subject to the conditions and informative from the 2025/91870 planning approval (and the original permission 2023/93503) that are relevant to HDM being replicated".

Given the above assessment, it is considered that – subject to conditions – the proposed development is acceptable in highways terms, and would comply with Local Plan policies LP20, LP21, LP22, LP24 and LP47 and chapter 9 of the NPPF.

Public rights of way

Public footpath HUD/228/10 runs east-west through the southern end of the application site. As under applications 2023/93503 and 2025/91870, improvements to this footpath, and connections to it, are considered

necessary. Recommended condition 21 secures details of these improvements.

Drainage

The applicant has submitted a Proposed Drainage Scheme Plan (drawing EE100008-300 rev P6), which shows the same foul and surface water drainage layout as was shown in rev P5 of that drawing which was submitted and approved under application 2025/91870. In rev P6, the dwellings and other elements have been “switched off”. There are two other differences between rev P5 and rev P6, namely the inclusion of an additional annotation (in rev P6) regarding the inspection of an existing manhole in Roslyn Avenue (which is considered appropriate), and the inclusion of additional pipework towards the site’s southeast corner to accommodate foul and surface water from a future “Phase 2 development” to the west (which is considered appropriate for masterplanning and futureproofing reasons, despite there being no approval of planning permission in place for such an additional phase).

The applicant has also submitted the same Flood Risk Assessment and Drainage Strategy Report (Elston, EE100008, rev B, 22/07/2025) and Surface Water Management Plan (Elston, EE100008, rev A, 08/10/2025) that were submitted and approved under application 2025/91870.

The applicant’s submission states that, given the site’s underlying geology, infiltration drainage techniques are not considered suitable as the primary method of surface water discharge. This is accepted. It is also noted that the nearest watercourse to the site is to the north, within an ancient woodland and Local Wildlife Site, where the installation of a drainage connection would cause unacceptable harm to those assets. It is therefore accepted that – having regard to the drainage hierarchy set out in the Flood risk and coastal change section of the Government’s Planning Practice Guidance (specifically, paragraph 056, ref 7-056-20220825) – surface water from this development may be disposed of via the existing Yorkshire Water Combined Sewer beneath Roslyn Avenue. The same disposal method was previously accepted under application 2025/91870 (the disposal through the curtilage of 404 Meltham Road, approved under application 2023/93503, is no longer proposed by the applicant). Yorkshire Water do not object to this method of disposal.

Within the site, surface water would be temporarily stored in a below-ground attenuation tank towards the site’s southeastern corner. Flow controls are also proposed. The location of the attenuation tank is considered acceptable (notwithstanding the concerns raised under application 2025/91870 regarding the landscaping and play equipment proposed above it).

This proposed provision is likely to have a greater capacity than what is actually required for the infrastructure and enabling works proposed under this application, given the limited amount of impermeable surface that this development would create. However, such over-engineering is not a concern,

and it is noted that the capacity of the proposed drainage scheme was designed to accommodate the surface water from the roofs and driveways of the residential development that the applicant intends to carry out at this site in the future.

For this infrastructure and enabling application, although the Lead Local Flood Authority have not recommended any conditions, it is considered appropriate to impose the same drainage-related conditions that were imposed on the Section 73 approval 2025/91870. The applicant's agent has agreed to this, and the relevant recommended conditions are 12, 13 and 14, listed below. It is also considered necessary to require compliance with the drainage-related provisions of the Section 106 agreement dated 17/07/2024 secured under the outline permission 2023/93503.

Given the above assessment, and having regard to the concerns raised by two residents in relation to drainage, it is considered that the proposed drainage scheme is acceptable.

Site stability, level changes and contamination

In relation to the area's coal mining legacy, the application site is within the Development Low Risk Area as defined by the Coal Authority (now the Mining Remediation Authority). The Mining Remediation Authority did not need to be consulted on the application.

Level changes are proposed across much of the site, to enable development plateaux and roads of acceptable gradients to be created. The submitted Cut and Fill Model (drawing EE100008-104 rev P01) illustrates the proposed excavation and raising of levels, confirming that levels would increase by up to 2m in places, and decrease by up to 3m in others. The majority of the site, however, would undergo less dramatic changes in levels. Overall, the proposed extent of level change across the site is considered acceptable and is not unusual for a development of this scale and nature (which is proposed to assist the future delivery of a major residential development).

Regarding site contamination, the submitted Geoenvironmental Appraisal (Lithos, 5080/1, July 2024) acknowledges the presence of a former tip to the northeast of the application site, and details the findings of ground investigation carried out in 2024. No significant contamination was found.

KC Environmental Health have largely accepted these findings, but have noted that the submission has incomplete monitoring information, and lacks pesticide sample analysis. KC Environmental Health have therefore recommended that conditions 17, 18, 19 and 20 of outline permission 2023/93503 be imposed again in relation to the infrastructure and enabling works. These are accordingly included in the list of conditions below (as conditions 8, 9, 10 and 11).

Ecological impacts and biodiversity

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the mandatory BNG requirement, nor do officers consider exemption applicable in this case. It is also noted that this standalone application has not been submitted pursuant to an earlier, exempt (or pre-mandatory) outline application (although many of the proposals therein are the same as those approved under applications 2023/93503 and 2025/91870).

Policy LP30 of the Kirklees Local Plan requires developments to minimise impacts on biodiversity and provide biodiversity net gains, and that the council's Biodiversity Net Gain Technical Advice Note also sets out an expectation for 10% BNG to be achieved.

Under this infrastructure and enabling application, the applicant has submitted a 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). This on-site provision would more than meet the 10% BNG expectation, and is welcomed.

However, on 05/11/2025, the case officer queried how the two developments proposed at this site (namely, the residential development (approved / to be approved (without prejudice) under the earlier outline permission and a future Reserved Matters approval) and the infrastructure and enabling development) would apparently achieve the same outcomes regarding BNG. Of note, the same Biodiversity Metric dated 19/12/2025 was also submitted under application 2025/91870. Later the same day, the applicant's agent stated:

In terms of BNG, the infrastructure scheme reflects and is wholly compatible with the section 73 layout and any subsequent RM under this will also be compatible with no differences. The landscaping scheme for the section 73 delivers 15% net gain and is the same landscaping scheme that will be delivered for the infrastructure scheme so 15% BNG will be achieved as the schemes are identical and compatible.

Recommended condition 20 requires the submission of details of how the delivery of a minimum of 9.42 habitat units and a minimum of 4.05 hedgerow units would be achieved post-development on site.

The level of net gain proposed on site is considered to amount to 'significant', for BNG purposes. Therefore, provisions for 30-year (minimum) management

and maintenance are required. This is addressed in the 'Section 106 agreement' section below.

The submitted Ecological Impact Assessment (SLR, 424.065545.00001, rev 3, 19/12/2025) details field surveys carried out in March 2023 (and updated in April 2025), and notes that the majority of the application site is of little ecological value. However, some protected bird species are known to be present in the area, a single elder tree (which is to be retained) along the northern boundary of the site was assessed as having moderate potential to support roosting bats, and the site has the potential to support hedgehogs.

The submitted Ecological Impact Assessment sets out recommendations relating to planting, bird boxes, bat boxes, hedgehog highways and other measures. To ensure these and other measures are delivered, recommended condition 20 secures the submission and approval of details of faunal provisions for bats, birds and hedgehogs.

The applicant has submitted a Confidential Badger Survey Report (SLR, 424.065545.00001, version 2, 23/10/2025), which has not been published online. The authors of this report found badger setts close to (but not within) the application site. These were noted to be active when surveyed on 01/04/2025. The report found that the application site did not serve as the badgers' main foraging habitat. It is also noted that the layout of the proposed development would ensure construction activity would not be carried out close to the badger setts. Therefore, as with applications 2023/93503 and 2025/91870, a specific condition relating to badger protection is not considered necessary.

With regard to the other conditions recommended by KC Ecology, the list below includes conditions regarding tree protection (including ancient woodland protection), and lighting. A Construction Environmental Management Plan: Biodiversity would also be secured. With regard to BNG and habitat management and monitoring, the statutory pre-commencement condition (requiring a Biodiversity Gain Plan) applies (an informative regarding this is recommended), and appropriate measures regarding management for a 30-year period would be secured in the Section 106 Confirmatory Deed (which refers to those measures in the Section 106 agreement dated 17/07/2024 secured under the outline permission 2023/93503).

Ancient woodland and trees

The applicant has submitted the same Arboricultural Impact Assessment & Method Statement (SLR, 415.065296.00001, rev 0.1, 30/10/2025) that was previously submitted under application 2025/91870.

Under this application for infrastructure and enabling works, the applicant proposes the same buffer (which, under applications 2023/93503 and 2025/91870, was considered adequate) at the north end of the site, and proposes the same tree losses and retention as was previously proposed and accepted.

The previous officer assessment of impacts upon trees and the adjacent ancient woodland remains valid.

Tree protection measures are set out in the submitted Arboricultural Impact Assessment & Method Statement, and notwithstanding the comments of KC Trees regarding the acceptability of these measures, to ensure consistency with the council's previous decisions, and to ensure these measures are implemented, a condition is recommended, securing the submission and approval of, and adherence to, an Arboricultural Method Statement including a Tree Protection Plan. The applicant's agent has agreed to this.

Representations

Two representations were received in response to the council's consultation. Regarding the comments made in relation to drainage and flood risk, these matters have been adequately addressed in the applicant's proposals. Subject to conditions and relevant provisions in the Section 106 Confirmatory Deed, the proposals are considered acceptable in relation to drainage and flood risk. Regarding the comments made in relation to levels, the information submitted by the applicant is considered to be sufficient, and the sections requested by a resident need not be provided by the applicant.

Section 106 agreement

The proposed development would cause impacts that require mitigation. Planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) in relation to the following matters need to be secured via an agreement under Section 106 of the Town and Country Planning Act 1990:

- Drainage (paragraphs 7.1 to 7.15 of the first schedule of the original Section 106 agreement)
- Biodiversity Net Gain (paragraphs 7.25 and 7.26 of the first schedule of the original Section 106 agreement)
- Public footpath (paragraph 7.27 of the first schedule of the original Section 106 agreement)

The required agreement can take the form of a Confirmatory Deed, as it would refer to obligations previously secured under another agreement (namely, the Section 106 agreement dated 17/07/2024 secured under the outline permission 2023/93503, the relevant paragraphs of which are referred to in the above list).

A draft (engrossment) version of the Section 106 Confirmatory Deed has been visible online since 27/06/2026. The agreement was subsequently completed on 15/07/2026. There are no differences between the draft (engrossment) version and the completed version of the Section 106 Confirmatory Deed. A redacted version of the completed Section 106 Confirmatory Deed of 15/07/2026 has been visible online since 16/07/2026. It is considered that the

council's publication of the Section 106 Confirmatory Deed (in its draft form, and then in its completed form) complies with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

No representations specific to the Section 106 Confirmatory Deed have been received.

Conditions

A list of draft conditions was emailed to the applicant's agent on 15/07/2026. On 17/07/2026 the applicant's agent confirmed that the conditions were agreed.

Many of the recommended conditions have been copied over from the outline permission for this site (2023/93503, as amended by the Section 73 approval 2025/91870), albeit with amendments where necessary (including in light of KC Highway Development Management's comments).

Other matters

Regarding archaeology, in accordance with the comments of the West Yorkshire Archaeology Advisory Service, it is recommended that the relevant condition imposed under application 2025/91870 be imposed in respect of the infrastructure and enabling works. The applicant's agent has agreed to this.

The proposed infrastructure and enabling works would have no significant adverse implications in relation to other planning considerations.

On 22/07/2027 the applicant's agent confirmed that the drawings and documents list below was correct.

Conclusion

The application site is allocated for residential development under site allocation HS18. Although the development proposed under this application would not itself deliver new homes, it would facilitate the residential development of the site. The proposed infrastructure and enabling works are therefore considered acceptable in principle.

The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, public rights of way and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at conditions stage.

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. The proposed development has been assessed against relevant policies in the

development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF).

Given the above assessment and having particular regard to the later delivery of homes that would be facilitated by the proposed development, approval of full planning permission is recommended, subject to conditions and planning obligations secured via a Section 106 Confirmatory Deed.

Application number: 2025/92541

Decision authorisation: Delegated powers

Officer recommendation: Approve subject to conditions and a Section 106 Confirmatory Deed

Conditions and reasons

Compliance conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

Development to be undertaken in accordance with

3. 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.

4. 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)

5. 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 the provision of on-site infrastructure including, but not limited to, highways and drainage. Should the implementation of other permissions (including for residential development) that may be granted overlap with the implementation of this permission, details of dwelling build-out phases and the provision of public open space shall also be included in the phasing plan. 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 5.

6. 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.

7. 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.

8. 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.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, 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.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 use/occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.

11. 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.

12. 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 Flood Risk Assessment referenced 1174-R001 rev 3 (considered under outline application 2023/93503), 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.

13. 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.

14. 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.

15. 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.

16. 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 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.

17. 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.

18. 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.

19. 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

20. 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.

21. 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 shown on drawing EE100008-301 rev P7 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.

22. 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.

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

301 rev P7 and 23046/GA/01, full details of the permanent site access works and the road marking improvements at the Roslyn Avenue / Henry Frederick Avenue junction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works.

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.

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.

24. Prior to above ground works commencing, notwithstanding the information shown on the submitted plans and information including drawing EE100008-301 rev P7, 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.

NOTE: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

- a) A biodiversity gain plan has been submitted to the local planning authority; and
- b) The local planning authority has approved the plan.

The biodiversity gain plan must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) Any such other matters as the Secretary of State may by regulations specify.

NOTE: Under the Wildlife and Countryside Act 1981 it is an offence to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests. In addition, certain species are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Therefore, the removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Section 38 Agreement: 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>

NOTE: Highways (General): The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the highway works. This process will involve entering into Section 38 / 278 agreements of the Highways Act 1980 or other appropriate agreements to

enable delivery of the highway works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without the required permission(s) is an offence that could lead to prosecution.

NOTE: Highways (Structures): All new storm water attenuation tanks/pipes/culverts with internal diameter / spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures. Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice

- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300

With no working Sundays or Public Holidays In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Public footpath HUD/228/10 runs through the application site and must not be interfered with or obstructed, prior to, during or after development works. The council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public Rights of Way team can be contacted by email: publicrightsofway@kirklees.gov.uk

NOTE: The responsibility of securing a safe development rests with the developer and land owner.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Notwithstanding what is shown or described in some of the drawings and documents listed below, no residential accommodation, and no locations or designs of dwellings, are hereby approved under this application. For the avoidance of doubt, this application relates solely to the infrastructure and enabling development as described above.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Location Plan	02		28/04/2026
Cut and Fill Model	EE100008-104	P01	09/09/2025
Proposed Highways Plan	EE100008-301	Rev P7	06/06/2026
Highways Area Plan	EE100008-306	Rev P3	06/06/2026
Proposed Drainage Scheme Plan	EE100008-300	Rev P6	06/06/2026
Proposed Levels Plan Sheet 01	EE100008-302	Rev P6	06/06/2026
Proposed Levels Plan Sheet 02	EE100008-203	Rev P5	06/06/2026
Proposed Levels Plan Sheet 03	EE100008-304	Rev P6	06/06/2026
Retaining Wall Details	EE100008-226	Rev P01	23/12/2025
Highway Construction Details	652-286		09/09/2025

Plan/document type	Reference	Version	Date received
Adoptable Drainage Details Sheet 1	652-001		09/09/2025
Adoptable Drainage Details Sheet 2	652-002		09/09/2025
Adoptable Drainage Details Sheet 3	652-003		09/09/2025
Longitudinal Sections	EE100008-215	Rev P01	28/04/2026
Longitudinal Sections	EE100008-216	Rev P6	28/04/2026
Junction Visibility Splays 20mph Requirements	25041/IN/01	Rev C	28/01/2026
Forward Visibility Splay 20mph Requirements	25041/IN/02	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
Off-Site Improvements Roslyn Avenue / Henry Frederik Avenue	23046/GA/01		22/07/2026
Ecological Impact Assessment	SLR, 424.065545.00001, 19/12/2025	Rev 3	19/12/2025
Biodiversity Metric	SLR, 19/12/2025	Rev 3	29/01/2026
Confidential Badger Survey Report	SLR, 424.065545.00001, 23/10/2025	Version 2	04/11/2025
Flood Risk Assessment and Drainage Strategy Report	Elston, EE100008, 22/07/2025	Rev B	09/09/2025
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
Stage 1 Road Safety Audit	Sanderson, 400187, 24/03/2026	Issue 2	27/03/2026
GG119 Road Safety Audit Response Report	Elston, 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
Written Scheme of Investigation for an Archaeological Watching Brief	West Yorkshire Archaeological Services, February 2025	2.0 Final	09/09/2025
Geoenvironmental Appraisal	Lithos, 5080/1, July 2024		29/09/2025

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.