

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

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

Reference No:	2025/44/92556/W
Site Address:	Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF
Description:	Discharge of details reserved by condition 26 (ventilation scheme for plot 250) on previous permission 2019/93550 for erection of 250 dwellings
Recommending Officer:	Jillian Rann

DECISION – Discharge 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: 27-Nov-2025

Officer Report

Application: 2025/92556

Application Site: Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF

Proposal: Discharge of details reserved by condition 26 (ventilation scheme for plot 250) on previous permission 2019/93550 for erection of 250 dwellings.

Relevant Planning History

2019/93550 – Erection of 250 dwellings. Permitted 19/04/2021.

2022/91189 – Non-Material Amendment to previous permission 2019/93550 for erection of 250 dwellings. (*This related to changes to numerous house types, including the ‘Sherwood’ house type, which is proposed on Plot 250*). Approved 10/05/2022.

2023/92307 – Non-material amendment to previous permission 2019/93550 for erection of 250 dwellings – addition of solar panels and changes to house types. Approved 20/10/2023.

Assessment

Condition 26 (Ventilation scheme for Plot 250)

Condition 26 of the original planning permission (2019/93550) states that:

“A ventilation scheme for plot 250 shall be submitted to and approved in writing by the Local Planning Authority before works to construct that plot commence. The ventilation Scheme shall show how the habitable rooms of plot 250 shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of this dwelling and retained thereafter.

Reason: *In the interests of the residential amenity of the occupiers of Plot 250 because this dwelling has the potential to be affected by road traffic noise when windows are open. This is to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.”*

The applicant has submitted the following documents, pursuant to Condition 10:

- Drawing pack – Front page titled ‘PLOT 250 ONLY NETHERTON: The Sherwood Detached’, front page Indexation Sheet drawing ref: Sh250_Det_R21G 001 Rev 06d (Rev d dated 23.10.2025);
- Zehnder LPID100 fan specification document, received 09/10/2025;

- Part O Compliance Checklist: Sherwood – plot 250, produced by JSP Sustainability Ltd, dated 09/09/2025;
- Full SAP Calculation Printout: Sherwood CV Plot 250, Elmhurst Energy, dated 22/04/2023.

The submitted details propose the installation of a fan to the first floor front bedroom of Plot 250, by way of alternative ventilation.

The proposals have been discussed with Environmental Health Officers (EHOs) on multiple occasions.

The EHO has confirmed that the fan proposed to the first floor front bedroom of Plot 250 is acceptable.

The EHO has also confirmed that mechanical ventilation is not required to the first floor rear bedrooms of Plot 250. It is understood that this is on the basis that these windows are on the rear elevation, which faces away from, and is further from, the road to the front of the site which is the source of the potential road traffic noise.

Queries have been raised in discussions with EHOs raised as to whether mechanical ventilation would also be required to the ground floor front living room of Plot 250. This was raised with the applicant. In response, the applicant has provided an email including a response from their Noise Consultant, which sets out why they consider that mechanical ventilation is not required to Plot 250's ground floor front living room, although trickle ventilation will be provided. This further correspondence from the applicant has been discussed with the EHOs, who have advised that, based on the professional opinions from the applicant's noise consultant in that correspondence sent by the applicant, they have no objection to the discharge of the condition.

In the light of the above, it is considered that the proposals are acceptable, and it is recommended that the submitted details are approved for the purposes of Condition 26.

However, the condition has the following ongoing requirement, which must be complied with to ensure ongoing compliance with the condition:

“All works which form part of the approved scheme shall be completed prior to occupation of this dwelling and retained thereafter”.

Although it is recommended that the submitted details are approved, it is also recommended that the applicant is reminded of this ongoing requirement of Condition 26.

As the submitted drawings include other information in addition to details relating to the matters covered by Condition 26, it is recommended that the decision is worded to make it clear that the submitted information is considered acceptable insofar as it relates to the requirements of Condition 26.

It is understood that matters relating to ventilation and preventing overheating are matters that would also require separate assessment under the Building Regulations. A note is recommended as part of the decision, drawing this requirement to the applicant's attention.

Recommendation: Approve details pursuant to Condition 26.

Report Dated: 27/11/2025.

Recommended Decision Notice Text

Condition 26 (Ventilation scheme for Plot 250)

You have submitted the following details pursuant to Condition 26:

- Drawing pack – Front page titled 'PLOT 250 ONLY NETHERTON: The Sherwood Detached', front page Indexation Sheet drawing ref: Sh250_Det_R21G 001 Rev 06d (Rev d dated 23.10.2025);
- Zehnder LPID100 fan specification document, received 09/10/2025;

Insofar as it relates to the requirements of Condition 26, the information set out in these documents is considered to be acceptable for the initial requirements of Condition 26 and is hereby approved.

However, please also be aware of the following further requirement of condition 26, which must be complied with in order to fully comply with the condition and ensure ongoing compliance:

“All works which form part of the approved scheme shall be completed prior to occupation of this dwelling and retained thereafter.”

You are also advised that separate approval may also be required under the Building Regulations with regard to matters of ventilation and preventing overheating.