

**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:	2025/44/92683/E
Site Address:	Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN
Description:	Discharge of details reserved by conditions 17 (landscaping), 18 (solar array) and 21 (tree T10/bats) on previous permission 2024/91760 for erection of 19 dwellinghouses with associated car parking, landscaping and boundary treatment and other associated works
Recommending Officer:	William Simcock

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: 09-Mar-2026

Officer Report

Reference: 2025/92683

Site: Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN

Proposal: This application seeks discharge of details reserved by conditions 17 (landscaping), 18 (solar array) and 21 (tree T10/bats) on previous permission 2024/91760 for erection of 19 dwellinghouses with associated car parking, landscaping and boundary treatment and other associated works at Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN.

Assessment

Condition 17 (landscaping)

17. Notwithstanding the submitted details, prior to work commencing on the superstructure of any dwelling, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

17a. Details of existing and proposed levels, and regrading, and detailed landscape layout including, where applicable, maintenance of adequate visibility at new or existing junctions and private accesses;

17b. Species schedule, specification and planting plans, including layout, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species;

17c. Landscape Maintenance & Management Plan (LMMP) required with details of initial aftercare and long-term maintenance and management plan including details of the management company and a management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees and should also include any SuDS features, and existing trees and vegetation retained on site;

17d. Details of monitoring and remedial measures, including replacement of any trees, shrubs, hedge or planting that fails or becomes diseased within the first five years from completion;

17e. Details (including samples, if requested), of paving and other hard surface materials and boundary treatments, including means of enclosure to public open spaces.

17f. Notwithstanding the details on the submitted landscaping plan 101 Revision F, the Proposed Native Shrub Mix in the area between Plot 15 and the site boundary is not approved. The final approved scheme shall show a wildflower mix or other low-growing plants in this area.

All landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: *In the interests of local ecological value, visual and residential amenity and highway safety, to accord with Policies LP24, LP30, LP32, and LP33 of the Kirklees Local Plan, chapters 12 and 15 of the National Planning Policy Framework, and to ensure the provision and establishment of an acceptable finalised landscape scheme in broad accordance with the overall plan and schedule submitted with the application.*

The following has been submitted:

- Landscape Layout, reference 101 Rev L, submitted 20/02/2026
- Planting plan, reference 201-202 (sheets 1-2) Rev E, submitted 27/01/2026
- Landscape Management Plan, reference 4622 501, submitted 24/09/2025

All the above are prepared by TPM Landscape.

Compliance with (a)-(f) will be assessed under individual subheadings below:

17a. Details of existing and proposed levels, and regrading, and detailed landscape layout including, where applicable, maintenance of adequate visibility at new or existing junctions and private accesses;

The Landscape Layout shows finished floor, driveway and road levels. Whilst it does not explicitly show regrading (i.e. changes from existing or pre-development ground levels) the plans submitted for the original application contained details of existing ground levels so officers are able to determine where ground levels have been raised or lowered and if so, by how much. Since the site does not have steep gradients, substantial terracing and retaining works are not required except near the boundaries of the site. Details of the materials to be used in the facing of retaining walls are the subject of another condition for which approval is being sought in a separate application.

The overall landscape layout accords with what was approved under the original application. The plan demonstrates that visibility is maintained at new and existing junctions.

17b. Species schedule, specification and planting plans, including layout, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species;

A full planting plan has been supplied including the number, layout, size and species of trees and shrubs to be planted. This is similar to the detailed

landscape scheme supplied with the original planning documents, with the substitution of two species, *Carex morrowii* and *Hebe rakaiensis*. These are not classed as invasive species and are therefore acceptable.

Updates in the latest version of the plans, made on the advice of KC Landscape, are the removal of *Prunus lusitanica* and the substitution of non-thorny species in the hedgerow along the existing site frontage, and the addition of root barriers where appropriate.

For the grassland it is proposed "Proposed Species Rich Grassland for POS To be WFG20 Eco Species Rich Lawn, supplied by Germinal or similar approved. To be 80:20 mix of grasses & native wildflowers."

17c. Landscape Maintenance & Management Plan (LMMP) required with details of initial aftercare and long-term maintenance and management plan including details of the management company and a management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees and should also include any SuDS features, and existing trees and vegetation retained on site;

The management report provides 12-month schedules, which are to be applied to 5-year guidance and actions. These cover the necessary maintenance tasks set out in the condition. The setting up of a management company already forms part of the completed S106 agreement and is therefore effectively controlled. The presence of the attenuation tank being close to some of the proposed trees is acknowledged and a root barrier is included in the appropriate place.

17d. Details of monitoring and remedial measures, including replacement of any trees, shrubs, hedge or planting that fails or becomes diseased within the first five years from completion; Covered in the above sections.

The management report includes detailed proposals for monitoring and replacement of trees, shrubs and hedgerow plants.

17e. Details (including samples, if requested), of paving and other hard surface materials and boundary treatments, including means of enclose to public open spaces.

A general schedule of hard surface materials (block paving, tarmac, etc) is shown on the Landscape Layout. More detail is shown in the documents accompanying application 2025/92463 for discharge of conditions 15-16, as follows:

- Paving and other hard surfacing materials shown on 557.2405.001.RT.jm P02 (materials schedule).

- Boundary treatments were shown on original submitted plans for 2024/91760 and in addition were covered by conditions 23 (details of acoustic barrier) and 24 (implementation of acoustic barrier and all other boundary treatments shown on the approved plans). No changes to boundary treatments have been shown on the latest plans submitted for this application and no further details are required.

The submitted details are acceptable.

17f. Notwithstanding the details on the submitted landscaping plan 101 Revision F, the Proposed Native Shrub Mix in the area between Plot 15 and the site boundary is not approved. The final approved scheme shall show a wildflower mix or other low-growing plants in this area.

This area has been, as required by the condition, changed to be wildflower mix without shrubs.

KC Landscape were consulted on the proposal and initially raised the following concerns about the landscaping scheme:

- The inclusion of potentially invasive species;
- The use of thorny species in the roadside hedge;
- The lack of clearly indicated root barriers.

These matters have been addressed in the latest version of the landscaping scheme and KC Landscape confirm, via consultation response dated 18/02/2026, that they have no objection to the discharge of condition.

It is recommended that the submitted details are approved. The initial requirements of the condition are considered to have been complied with.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 18 (renewable energy generation)

18. Before development above foundation level commences, details shall be submitted to and approved in writing by the Local Planning Authority of a solar array to be installed on the roofs of the new dwellings and/or any other on-site renewable energy generation. The approved solar array or other measures shall be installed before the dwelling to which they relate is first brought into use and thereafter retained as such.
Reason: *To ensure that the development contributes to reducing carbon emissions in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

A drawing, reference 2405-GWP-00-00-D-A-(90)-0005 by CWPA Chartered Architects has been submitted. This shows a solar array installed on each dwelling (eight no. per dwelling, all on either the south-western, south-eastern

or east-south-eastern elevation) and also an air source heat pump to be installed to the rear of each dwelling.

The details submitted are considered acceptable and it is recommended that they be approved. The installation of the solar array and ASHPs before the dwelling to which they relate is first brought into use will ensure compliance with the initial requirements of the condition.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 21 (removal of tree T10)

*21. Notwithstanding the details within the submitted Arboricultural Method Statement, tree T10 shall not be removed until an aerial assessment to determine its potential and status for roosting bats has been undertaken by a competent person and the results submitted to and approved in writing by the Local Planning Authority. Should the assessment determine the tree as maintaining PRF-I status, the tree shall not be removed until details of compensatory provision of one or more artificial bat roost features and a Precautionary Working Method Statement for all works have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in full accordance with the Precautionary Working Method Statement and the compensatory bat roost feature(s), if applicable, shall be installed before any new dwelling is occupied and thereafter retained. **Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species, to ensure that any harm to habitats is compensated for, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.*

The following has been submitted:

- An explanatory note on the application form stating that the T10 tree was removed by the previous developer.
- A photograph purportedly showing the stump of the tree, submitted 24/09/2025.
- An updated Arboricultural Report by JCA Ltd, reference 22019/AJB, undated except for the year (2025). In the appendix, Tree Descriptions and Recommendations, the entry for tree T10 says: "This tree could not be located and is presumed to have been removed," submitted 20/11/2025
- An updated Tree Constraints Plan, submitted 20/11/2025.
- Details of a tree-mounted bat box (Schwegler 2F), submitted 20/02/2026.

- Landscape scheme, reference 101 Revision M, submitted 06/03/2026.
- Information about how the bat boxes are to be installed, submitted 20/02/2026.

The Arboricultural Report submitted with the original application stated that T10, a semi-mature Whitebeam, was dead, but that the stem was still standing. The condition was imposed on the basis of recommendations within the Preliminary Ecological Assessment which advised that T10 would require an aerial assessment to determine its potential and status for roosting bats.

The developer's agent has provided by email (06/03/2026) an explanation as to why the original survey reported T10 as a dead but standing tree. The Arboriculturalist who did the original survey (June 2024) has informed them that there was heavy vegetation on site at the time of the inspection and that their survey incorrectly recorded T10 as standing, and has since confirmed that the tree was removed before the survey, which is reflected in the updated Arboricultural Report and Tree Constraints Plan.

The developer has not been able to provide any further information on when the tree was removed, or by whom. It is not possible to determine retrospectively whether the tree had PRF-1 status for roosting bats.

It is noted however that the latest version of the landscaping scheme, reference 101 Rev L, shows the provision of 17 no. bat boxes within the proposed development, 12 wall-mounted, five attached to retained trees, of which two are in T9 and T11 respectively, adjacent to the former T10. Details of a suitable bat box and confirmation that they will be installed between 3m and 4m above ground have been provided. The proposed five bat boxes attached to the retained trees only represents an increase of one compared to the Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Feasibility Report submitted with the original application, and which are also shown on the first version of the landscaping plan submitted for this discharge of condition application. However, the conditions attached to the original application did not specify that any bat boxes must be provided. KC Ecology have confirmed that the proposed mitigation measures (specifically adding a bat box to T11) are sufficient to compensate for the "worst case" scenario of a bat roost having been present in the tree before it was removed. It is considered on balance that the purpose of the condition (to ensure that any harm to habitats is compensated for) is fulfilled.

It is therefore considered that the information provided is acceptable and it is recommended that the details are approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

The developer should also be reminded that if the tree contained a bat roost at

the time it was removed, and a licence from Natural England was not obtained, this action would have been in breach of the Wildlife and Countryside Act, and the approval of details in respect of this condition does not amount to confirmation that an offence has not been committed.

Recommendation: Approve details

Report Dated: 20/02/2025

Proposed Letter Text

Condition 17 (landscaping)

The following has been submitted:

- Landscape Layout, reference 101 Rev L, submitted 20/02/2026
- Planting plan, reference 201-202 (sheets 1-2) Rev E, submitted 27/01/2026
- Landscape Management Plan, reference 4622 501, submitted 24/09/2025

All of the above are prepared by TPM Landscape.

It is considered that the proposed details are sufficient for the purposes of condition 17 and are hereby approved.

Notwithstanding the above, you are reminded that condition 17 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

All landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Condition 18 (renewable energy generation)

A drawing, reference 2405-GWP-00-00-D-A-(90)-0005 by CWPA Chartered Architects has been submitted. This shows a solar array installed on each dwelling (eight no. per dwelling, all on either the south-western, south-eastern or east-south-eastern elevation) and also an air source heat pump to be installed to the rear of each dwelling.

The details submitted are considered acceptable for the purposes of condition 18 and are hereby approved.

Notwithstanding the above, the condition has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

The approved solar array or other measures shall be installed before the dwelling to which they relate is first brought into use and thereafter retained as such.

Condition 21 (removal of T10)

The following has been submitted:

- An explanatory note on the application form stating that the T10 tree was removed by the previous developer.
- A photograph purportedly showing the stump of the tree, submitted 24/09/2025.
- An updated Arboricultural Report by JCA Ltd, reference 22019/AJB, undated except for the year (2025). In the appendix, Tree Descriptions and Recommendations, the entry for tree T10 says: "This tree could not be located and is presumed to have been removed," submitted 20/11/2025
- An updated Tree Constraints Plan, submitted 20/11/2025.
- Details of a tree-mounted bat box (Schwegler 2F), submitted 20/02/2026.
- Landscape scheme, reference 101 Revision M, submitted 06/03/2026.
- Information about how the bat box is to be installed, submitted 20/02/2026.

Given it has been removed, it is no longer possible to ascertain whether T10 had bat roost potential, but it is considered that the provision of one additional bat box on T11, as shown on plan 101 revision M, in addition to the bat box proposed for T9 that was shown on earlier versions of the plan, would adequately compensate for any potential bat roosting sites that may have been lost.

Whilst the wording of the condition has not been fully complied with, it is considered that the information provided in respect of additional bat box provision is acceptable for the purposes of condition 21 and is hereby approved.

Notwithstanding the above, you are reminded that the condition has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

“. . . the compensatory bat roost feature(s), if applicable, shall be installed before any new dwelling is occupied and thereafter retained”.

Further to the above, you are advised that if tree T10 contained a bat roost at the time it was removed, and a licence from Natural England was not obtained, this action would have been in breach of the Wildlife and Countryside Act. The approval of details in respect of this condition does not amount to confirmation that an offence has not been committed.