KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2025/70/92933/E**
Site Address:	Land off, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Variation of condition 2 (plans) on previous permission 2024/91202 for erection of eight dwellings with associated access and external works
Recommending Officer:	Elenya Jackson

DECISION – VARIATION OF CONDITION APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Feb-2026

Officer report

THE SITE

The site relates to a plot of land to the rear of 119 – 129 Marsh Lane which is accessible off Marsh Lane, adjacent to nos.127 and 129.

The site previously has permission for 8 dwellings on site for which works have commenced on site.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for Variation of condition 2 (plans) on previous permission 2024/91202 for erection of eight dwellings with associated access and external works.

Condition 2 of 2024/91202 states the following:

The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
***Reason**: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.*

The applicant has submitted this application to amend the appearance of the dwellings previously approved.

The approved plans submitted as part of 2024/91202 have individual plans for the dwellings types.

Changes to the proposal would be minimal and the alterations include the following:

Plot 1

- Addition of a canopy to front elevation
- Addition of window on southern elevation to serve bathroom
- Removal of window at ground floor level on eastern elevation
- Changing internal configuration
- Altering ground floor side door to northern elevation
- Alteration to solar panel layout

Plot 2

- Addition of solar panels
- Removal of double door on side elevation
- Splitting rooflights on single storey projection to be on each side
- Changing windows on rear elevation to a double door
- Removal of side facing window on northern elevation
- Removal of gable end on porch to have a lean-to roof

Plot 3

- Adding solar panels to front
- Double doors added to rear elevation
- Alterations to roof light location
- Alteration to window and door placement on side elevation
- Removal of canopy on front of dwelling and replacement with lean-to projection

Plot 7

- Removal of anthracite cladding on gable end and replacement with stone
- Front canopy amended to a wood finish
- Alteration to solar panel layout

Plot 8

- Removal of anthracite cladding
- Reduction in glazing on gable end and change of glazing design
- Elongation of Juliet balcony
- Removal of window in north elevation
- Relocation of door from single storey projection to be on main dwelling
- Addition of two first floor windows on eastern elevation (these were approved on the floor plans of the previous application but missed off of the floor plans).
- Reduction in number of solar panels and reposition on the roof plane

The size, scale, site layout and massing of the dwellings would be largely the same as that for which permission has been granted.

PLANNING HISTORY

2025/91094: Discharge of details reserved by conditions 5 (foul, surface water and land drainage scheme), 6 (assessment of the effects of storm events), 7 (surface water drainage scheme), 9 (details of the junction and associated highway works), 11 (proposed internal adoptable estate roads scheme), 12 (construction traffic schedule) and 13 (survey of the highway on Marsh Lane) of previous permission 2024/91202 for erection of eight dwellings with associated access and external works.

This application has been determined with a letter dated 17th October 2025 discharging conditions 5, 6, 9 and 11. Within a letter dated 17th June 2025 condition 7 and 12 were discharged and condition no.13 was partially discharged.

2024/91202: Erection of eight dwellings with associated access and external works. Conditional full approval

This is the consent for which the variation is sought and is referred to as the original consent within this report.

2017/94299 Outline application for erection of 3 detached dwellings. Conditional Outline Permission.

2017/90272 Outline application for erection of residential development (2 dwellings). Conditional Outline Permission.

2000/93239 Outline application for erection of 2 dwellings. Refused.

99/91477 Erection of 4 no. Detached houses with garages. Conditional full permission.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been published on the Council's website, and by neighbour notification letter.

The expiry date of the publicity period was 29th January 2026.

No representations were received.

CONSULTATIONS

No consultations were required.

ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

In the consideration of this original application the following policies were considered relevant:

Kirklees Local Plan (2019):

LP1 – Achieving sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and Effective Use of Land and Buildings
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP33 – Trees
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment

Legislation:

• The Town & Country Planning Act 1990 (as amended).

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

ASSESSMENT

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. The principle of the development the subject of this application was established by consent 2024/91202. As such, it is considered that the principle of development remains established by the way of the previous application.

The 2024/91202 consent required the development to commence within 3 years of the date of the decision. Officers have attended the site and understand this application has commenced works on site.

The assessment will deal with the merits of the proposed variations only.

The determining issues are assessed as follows:-

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

In terms of visual amenity, the external alterations are not considered to have a significant impact on the character and appearance of the street scene. The alterations to the dwellings are considered marginal as they are largely altering fenestration design. The proposal would remove the anthracite cladding from the scheme which would further integrate the dwellings within the context of the site.

Overall, in terms of wider amenity, the design would still be in keeping to the surrounding built form in which predominantly consists of detached stone dwellings. In addition, the site is tucked away to the rear of properties fronting onto marsh lane, it would not be widely visible from public vantage points with the exception of plot one of the development. Nonetheless, the design, bulk and massing has been considered acceptable for this location and this doesn't considerably differ from previous approved plans.

It is therefore considered that approving these details and varying these conditions would not cause detrimental harm to the visual amenities of the locality and that the variations are in compliance with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings" and "…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 198 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Whilst there is alterations to the glazing, this is not considered to cause any further additional impact than that already approved. Any first floor side facing windows relate to non habitable rooms and are therefore considered acceptable.

With regards to any overbearing or overshadowing they layout of the site is not going to change as such, there would be no increased overbearing and overshadowing from the bulk and massing than that approved..

As such, the proposal would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 of the National Planning Policy Framework.

Procedural matters

Prior to the receipt of this application, there has been a discharge of conditions application on site of which some of the conditions have been satisfied. Therefore, the following paragraphs outline which conditions require amending to reflect details received and agreed with the local planning authority.

~~1. The development hereby permitted shall be begun within three years of the date of this permission.~~
~~**Reason**: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.~~

Officer response: Works have commenced on site; however, the applicant has failed to provide a biodiversity net gain plan prior to the commencement of works on site. It is noted that other pre commencement conditions have been addressed. As such it is concluded the time limit condition would not be required to be included upon any grant of permission.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision

notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

Officer response: The application which this report relates to is for condition 2 and no alterations are considered necessary on the basis the plans list is updated to reflect the amended scheme.

3. The front and side elevations of the dwellings hereby permitted shall be finished in stone and the roofing materials shall be slate, in accordance with the submitted plans and Design and Access Statement. The approved materials shall be thereafter retained.
Reason: To ensure the proposal is in keeping with the existing development in the vicinity, in the interest of visual amenity in accordance with LP24 and Principle 2 of the Housebuilders Design Guide SPD.

Officer response: This condition is still considered necessary as worded.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Officer response: The development has not been completed on site and this condition must therefore remain.

5. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate/s with

the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been 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 part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 5 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

6. The development shall not commence until 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), has been submitted to and approved in writing by the Local Planning Authority. No part 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: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 6 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-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: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 7 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

8. The dwellings shall not be occupied until the approved vehicle parking areas have been surfaced, marked out into bays and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

Officer response: This condition is recommended to remain as worded.

9. No development shall take place until details of the junction and associated highway works, between the proposed site access and Marsh Lane have been approved in writing by the Local Planning Authority. No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.
Reason: To ensure that suitable access is available for the development, in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 9 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

10. Before development commences, any obstruction shall be set back to the rear of the approved visibility splays as demonstrated on the approved plan '24010/VIS/001- REV D' and shall be tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: To ensure adequate visibility in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: This condition is recommended to remain as worded.

11. Notwithstanding the details shown on the approved plan 'ODS_23/666-REV J', the development shall not be occupied until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The development shall be completed in accordance with the approved plans and retained thereafter.
Reason: To ensure that suitable access is available for the development in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 11 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

12. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure that harm is not caused to the highway during construction in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority to discharge condition 12 which have been considered acceptable. This condition will therefore require rephrasing to reflect the agreed scheme.

13. The development shall not commence until a survey of the existing condition of the highway on Marsh Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into
use.
Reason: In the interests of highway safety and to ensure the maintenance of the highway in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Officer response: Details have previously been submitted to the local planning authority of the purpose of condition 13 which have been discharged in part. This condition is recommended to be rephrased to reflect this.

The following informative note is recommended to be included:

NOTE: Development may not be begun unless:

(a) a biodiversity gain plan has been submitted to the planning authority; and
(a) The planning authority has approved the plan.

<u>The biodiversity gain plan must include:</u>

(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;
(a) the pre-development biodiversity value of the onsite habitat;
(b) the post-development biodiversity value of the onsite habitat;
(c) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
(d) any biodiversity credits purchased for the development; and
(e) any such other matters as the Secretary of State may by regulations specify.

Officer response:
Officers have undertaken a site visit and note that works have commenced on site; no details of a Biodiversity Net Gain Plan have been submitted to The Local Planning Authority for approval. Notwithstanding this point it is considered the LPA is able to determine this application in this case.

CONCLUSION & RECOMMENDATION

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approved**

Decision Authorisation: Delegated Powers

Application Number: 2025/92933

Officer Recommendation: Variation of Conditions Approved

Conditions

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. The front and side elevations of the dwellings hereby permitted shall be finished in stone and the roofing materials shall be slate, in accordance with the Design and Access Statement submitted as part of application 2024/91202. The approved materials shall be thereafter retained.
Reason: To ensure the proposal is in keeping with the existing development in the vicinity, in the interest of visual amenity in accordance with LP24 and Principle 2 of the Housebuilders Design Guide SPD.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably

competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

4. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 5 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No part of the development shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 6 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No part 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: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 7 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th June 2025. 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: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. The dwellings shall not be occupied until the approved vehicle parking areas have been surfaced, marked out into bays and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

8. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 9 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.
Reason: To ensure that suitable access is available for the development, in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. Before development commences, any obstruction shall be set back to the rear of the approved visibility splays as demonstrated on the approved plan '24010/VIS/001- REV D' submitted as part of application 2024/91202 and shall be tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: To ensure adequate visibility in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 11 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. The approved sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audit covering all aspects of work shall be retained for the lifetime of the development.
Reason: To ensure that suitable access is available for the development in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan.

11. All works shall commence on site for the duration of the development in line with the approved Construction Management Plan ' Construction Environmental Management Plan (CEMP)– Version 1, Rev 0, Dated 17.04.25 submitted as part of application 2025/91094 and discharged by letter dated 17th June 2025. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure that harm is not caused to the highway during construction in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

12. Prior to the occupation of any building, a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into
use.
Reason: In the interests of highway safety and to ensure the maintenance of the highway in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority.

NOTE: If new sewers are to be included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), the applicant should contact Yorkshire Water's Developer Services Team (telephone 03451 208 482, email:

technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption to be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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 such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

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: 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:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- 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.

Plans and specifications schedule:-

Plan and details submitted as part of application 2025/92933	Reference	Version	Date Received
Plot 2 Setting Out	2-(20)002revB		20 October 2025
Plot 2 Proposed Elevations	2-(30)001revB		20 October 2025
Plot 3 Proposed elevations	3-(30)001revB		20 October 2025
Plot 3 Setting Out	3-(20)002revB		20 October 2025
Plot 1 setting out	1-(20)002revA		20 October 2025
Plot 1 proposed Elevations	1-(30)001revA		20 October 2025
Plot 7 Elevations	7-(30)001revA		20 October 2025
Plot 7 setting out	7-(20)002revC		20 October 2025
Plot 8 Proposed Elevations	8-(30)001revB		20 October 2025
Plot 8 Proposed Setting Out	8-(20)002revB		20 October 2025
Plan and details submitted as part of application 2024/91202	**Reference**	**Version**	**Date Received**
Location Plan	(EX)001	A	29/04/2024
Existing Site Plan	(EX)002	B	17/07/2024
Proposed Site Plan	(20)008	J	16/10/2024

	Site Access Arrangements	24010/ACC/001	D	27/09/2024
	Swept Path Analysis	24010/SPA/001	E	27/09/2024
	Visibility Assessment	24010/VIS/001	D	27/09/2024
	Proposed Site Sections	(35)001	C	16/10/2024
	Plot 4 & 5 GA	(20)004	B	16/10/2024
	Plot 6 GA	(20)005	B	16/10/2024
	Preliminary Ecological Appraisal			05/06/2024
	Design and Access			05/06/2024
	Transport Statement	AT/24010/TS/1		28/08/2024
	Response to Representation			16/07/2024
	Tree Survey	240114c		06/09/2024
	Arboriultural Impact Assessment	240114c AIA		06/09/2024
	Arboricultural Method Statement	240114c MS		06/09/2024
	Road Safety Audit: Stage 1	MAL/MLSRSA1Rev0		16/10/2024
	Designer's response to stage one safety audit			16/10/2024
	Biodiversity Metric			16/10/2024
	Biodiversity Net Gain Assessment		3	16/10/2024
	Details submitted as part of application 2025/91094			

Drainage layout	B26074-JNP-XX-XX-DR-C-2001,	P04	18/06/2025
Construction details	B26074-JNP-XX-XX-DR-C-3111 (2 of 3)	P02	18/06/2025
Drainage Statement	B26074-JNP-XX-XX-RP-C-1002	P02	18/06/2025
Supporting email			27/05/2025
Supporting Letter	Drainage across 3rd party land		24/06/2025
Technical note	B26074-JNP-XX-XX-TN-G-1001	P02	26/7/2025
Flood routing plan,	B26074-JNP-XX-XX-DR-C-2007	P01	18/06/2025
Junction and Highway wrks	B26074-JNP-XX-XX-DR-C-2005-P04		17/10/2025
Proposed Site Plan (20)008		H	16/06/2025
Construction Environmental Management Plan (CEMP)–	Version one	0	22/04/2025
Defect survey report	B26074-JNP-XX-XX-RP-C-1003	P01	1/05/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted; however, officers advised the agent that they have currently failed to provide a biodiversity habitat plans and are therefore in breach of the Environment Act.