

# 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

<b>Reference No:</b>	2025/70/93520/W
<b>Site Address:</b>	Land Off, Burn Road, Birchencliffe, Huddersfield, HD3 3BT
<b>Description:</b>	Variation of conditions 6 (access and RSA) and 17 (highway layout access and RSA) on previous permission 2018/91838 for outline application for erection of residential development
<b>Recommending Officer:</b>	Katie Chew

#### **DECISION – Section 73 Variation of Condition – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Nick Hirst

***AUTHORISED OFFICER***

**Date:** 06-Mar-2026

## **Officer Report**

**Application:** 2025/93520

**Site:** Land off Burn Road, Birchencliffe, Huddersfield, HD3 3BT

**Proposal:** Variation of conditions 6 (access and RSA) and 17 (highway layout access and RSA) on previous permission 2018/91838 for outline application for erection of residential development.

## **Site Description**

The application site relates to an overgrown field that lies on the western side of Burn Road, Birchencliffe. The site slopes downwards from the northern and southern boundaries where it then forms a watercourse ditch that crosses the site from west to east and becomes culverted towards the east as it passes beneath Burn Road.

There are residential properties surrounding St Philips Church (Grade II Listed Building) which are situated broadly to the south and south-west of the site partly separated by mature trees and woodland that are also subject to Tree Preservation Orders. Additional dwellings are located to the north-west of the site, which also fall within Local Plan housing allocation HS35, these are all now built out.

West of the site is a Co-Operative Petrol Station and convenience store accessed from Halifax Road, separated by the aforementioned woodland. Birchencliffe Recreation Ground extends from the western boundary of the site towards Yew Tree Road and Halifax Road and is itself subject to a significant TPO which extends across the western boundary of the site. Early mature trees also extend along the watercourse banks, particularly across the eastern aspect of the site.

There are two fields to the north within the same Local Plan allocation (HS35) that gained Reserved Matters approval (western parcel of land) Ref: 2021/94363 on the 16/05/2024 for 17 dwellings, and (eastern parcel of land) Ref: 2021/91933 on the 16/05/2024 for 10 dwellings. Construction is yet to start on these parcels of land.

## **Description of Proposal**

The application seeks planning permission for variation of conditions 6 (access and RSA) and 17 (highway layout access and RSA) on previous permission 2018/91838 for outline application for erection of residential development.

As outlined within the submitted application forms, the proposed variation seeks changes to the wording and triggers of both Conditions 6 (access and the RSA) and 17 (highway layout access and RSA) previously approved on outline permission 2018/91838 as having 'pre-commencement' requirements

to exclude 'Plots 1 and 2' to allow works to commence on site. The conditions and proposed changes are outlined below.

Condition 6 (as approved 2018/91838):

*6. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Burn Road that is based on drawing number 2529 - 03 Rev B shall be submitted to and approved in writing by the Local Planning Authority before development commences. The design details shall include a Stage 1 Road Safety Audit and Designer's Response for the junction. The access shall be constructed in accordance with the approved details and retained thereafter.*

**Reason:** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

Condition 6 (as proposed to be amended):

*6. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Burn Road that is based on drawing number 2529 - 03 Rev B shall be submitted to and approved in writing by the Local Planning Authority before development commences with the exception of plots 8 & 9 substructure. The design details shall include a Stage 1 Road Safety Audit and Designer's Response for the junction. The access shall be constructed in accordance with the approved details and retained thereafter.*

**Reason:** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

Condition 17 (as approved 2018/91838):

*17. No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, 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 scheme shall be completed in accordance with the details so approved and retained thereafter.*

**Reason:** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

Condition 17 (as proposed to be amended):

*17. No development shall take place with the exception of plots 8 & 9 substructure until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, 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 scheme shall be completed in accordance with the details so approved and retained thereafter.*

**Reason:** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

The original outline application, ref. 2018/91838, was approved subject to a Section 106 agreement (dated 02/10/2019). This included various obligations, such as the provision of affordable housing and a suite of contributions. As part of the two Reserved Matters applications, ref. 2021/94719 (layout, appearance, and scale) & 2022/92780 (landscape), a S106 Deed of Variation was submitted that amended the 02/10/2019 agreement. That agreement was dated 25/01/2024 and followed a Viability Appraisal being submitted, considered, and accepted. As a result, the 2024 document, based on the more detailed Reserved Matters submission, fully replaced the 2019 version (as opposed to simply modifying / updating it). Section 12 of the 2024 agreement included a 'Future Permissions' clause which tied any future Section 73 applications into the agreement. Accordingly, a new Deed of Variation S106 agreement is not required to support this application.

**Officer note:** The original outline application included an indicative layout plan, referenced 2529-03. The plots in the north-east corner, adjacent to Burn Road and the new access, were denoted on this plan as plots 8 and 9. These plots are the subject of this application.

The detailed layout plans for the reserved matters submission re-numbered the plots, with the plots indicatively identified as 8 and 9 at outline stage being updated to plots 1 and 2 on the final approved layout plan (ref. 1354/P/001 Rev. V).

The outline plan was indicative and the layout it showed was materially different to that which was approved at reserved matters stage, with the plots in question moving location (and changing from the indicatively shown detached units to a semi-detached pair).

Considering these circumstances, following engagement with the applicant, it is considered appropriate to hereafter refer to the plots which are subject to this application as 'plots 1 and 2', to reflect the more detailed and accurate plans approved at reserved matters stage, over the indicative outline one.

## **History of negotiations/amendments received**

No amendments have been sought during the planning application process.

### **Relevant Planning History (including enforcement history)**

2025/93297 – Variation of condition 3 (highway structures) on previous permission 2021/94719 for reserved matters application (for layout, appearance and scale) pursuant to outline permission 2018/91838 for erection of a residential development formed of 25 dwellings. Approved 04/02/2025.

2025/92269 – Discharge of details reserved by conditions 7 (Phase II Intrusive Site Investigation Report), 8 (Remediation Strategy), 11 (WSI) on previous permission 2018/91838 for outline application for erection of residential development. Approved 22/12/2025.

2025/91681 – Discharge of details reserved by conditions 3 (highway structural details), 5 (retaining wall materials), 12 (CEMP) on previous permission 2021/94719 for reserved matters application (for layout, appearance & scale) pursuant to outline permission 2018/91838 for erection of a residential development formed of 25 dwellings. Split decision 03/02/2026.

2022/92780 – Reserved matters application relating to landscaping pursuant to outline permission 2018/91838 for erection of residential development formed of 25 dwellings. Approved 07/02/2024.

2022/92744 – Discharge of conditions 6 (access design), 13 (temporary drainage), 14 (drainage scheme), 15 (discharge rate), 17 (internal estate roads), 19 (footway design), 20 (noise), 22 (Construction Environmental Management Plan – Biodiversity), 23 (construction traffic) and 25 (dust suppression) of previous outline permission 2018/91838 for erection of residential development. Split decision 03/02/2026.

2021/94719 – Reserved Matters application (for layout, appearance & scale) pursuant to outline permission 2018/91838 for erection of a residential development formed of 25 dwellings. Approved 07/02/2024.

2021/94706 – Discharge of conditions 5 (ground levels), 7 (site investigation), 11 (archaeological investigation), 12 (drainage), 16 (sewer easement) and 24 (electric vehicle charging) of previous outline permission 2018/91838 for erection of residential development. Refused 07/02/2022.

2018/91838 – Outline application for erection of residential development. Approved 11/10/2019.

### **Consultation Responses**

**KC Highways Development Management** – No objection, subject to informative notes being included on the decision notice.

## **Parish/Town Council**

N/A.

## **Local Ward Members**

The site is within Lindley ward, where members are:

- Councillor Ashleigh Robinson
- Councillor Cahal Burke
- Councillor Anthony Smith

All the above ward Councillors have been notified of this application however; no formal comments have been received.

## **Representations**

This application has been advertised as a Major Development which affects the setting of a Listed Building, via site notices, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

The end of public comments was 06/02/2025. In total 2 public comments have been received. The following is a summary of the comments made:

- Cumulatively (when taking into consideration adjacent developments to be built), there will be a significant impact on traffic flows in the area which are already challenging. The speed at which traffic flows on this road and the corners/poor visibility will lead to collisions. There is already significant congestion on and around Halifax Road and additional residents will worsen this problem even further.
- Concerns over the lack of sunlight/natural light to adjacent dwellings which overlook the site.
- The introduction of residential properties to the site would create light pollution from the windows, security and street lighting, which would adversely affect the amenity of adjacent residential properties.
- The loss of yet another field to housing would further diminish what makes this area distinctive, contrary to policies requiring development to respect and enhance local character.
- The development would result in the permanent loss of wildlife habitat. Any assessment should consider whether adequate ecological surveys have been conducted and whether the loss of this habitat can be justified against environmental protection policies.
- The development would also impact on existing trees.
- The construction phase would generate significant noise, disturbance, and disruption to existing residents over an extended period.

- Beyond construction, the occupation of new dwellings would introduce permanent residential activity, vehicle movements, and domestic noise to what is currently a tranquil setting adjoining open countryside.
- Previous developments have left Burn Road damaged with cracks and potholes that remain unrepaired, demonstrating that infrastructure impacts are not being adequately addressed or mitigated.
- The intensification of traffic movements from additional dwellings would increase the frequency of conflicts between vehicles, heighten the risk of collisions and damage to vehicles, create highway safety concerns particularly for pedestrians and cyclists, exacerbate existing parking and passing issues.

**Officer note:** The above concerns are noted; however, they are not considered germane to this Section 73 submission, being outside the scope of the matters sought to be varied. Therefore, these concerns will not be assessed within this officer report as the principle of development, as well as highway safety, residential amenity, and ecology and trees have already been established by previous outline and reserved matters permissions 2018/91838, 2022/92780 & 2021/94719, and the proposed variation to the triggers of Conditions 6 & 17 would not impact on these elements of the previously approved scheme.

### **Planning Policy Background**

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

The application site forms part of a Housing Allocation in the Local Plan, referenced as HS35. The site is also located within a Bat Alert Area. It is also important to note that inland water runs directly through the centre of the site from east to west, and there are Grade II Listed Buildings located to the south.

#### Kirklees Local Plan (LP)

Relevant Local Plan Policies to the proposed development 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
- **LP11** – Housing Mix and Affordable Housing
- **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
- **LP30** – Biodiversity and Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and Enhancing the Water Environment
- **LP35** – Historic Environment
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP49** – Educational and Health Care Needs
- **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

##### *Supplementary Planning Documents*

- Kirklees Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

##### *Guidance Documents*

- First Homes Position Statement (2021)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

##### *Supplementary Planning Documents*

- Housebuilders Design Guide SPD (2019)
- Highway Design Guide SPD (2021)
- Open Space SPD (2021)

#### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), and the Planning Practice Guidance Suite (PPGS), 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. Most specifically in this instance, the below chapters are of most relevance:

- **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 materials

#### *Other relevant national guidance and documents*

- MHCLG: National Design Guide (2021)
- DCLG: Technical Housing Standards – nationally described space standard (2015, updated 2016)

#### 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## Assessment

This application is made under Section 73 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, Section 73 enables the varying of a condition's wording. The effect of a granted Section 73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. The time limit for development to commence cannot be extended through a Section 73 application.

The starting point for a Section 73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In terms of local context, there have been no significant changes in the environment (including built and natural) which would impact on the assessment of the application.

In light of the above, consideration must be given to the specific changes proposed and their interaction with adopted planning policy.

The principle of development on the site has already been established by outline planning application 2018/91838 to which this application relates, approved 11/10/2019. Reserved Matters applications were also approved on 07/02/2024 under application refs: 2022/92780 & 2021/94719.

### Implications of the proposed variation of Condition 6 (Access and RSA) and 17 (Highway Layout Access and RSA)

Conditions 6 & 17, as originally imposed, required the submission of a detailed design for the construction of the approved point of access onto Burn Road, a scheme detailing the proposed internal adoptable estate roads, alongside a Stage 1 Road Safety Audit and Designer's Response for the junction.

This application is seeking to change the wording and triggers of both Conditions 6 (access and the RSA) and 17 (highway layout access and RSA) previously approved on outline permission 2018/91838 to exclude 'Plots 1 and 2' to allow (limited) works to commence on site. The applicant has stated that the works they intend to carry out on site would not affect the internal estate road, and that a "temporary" works would be set up, which will include stoning up around Plots 8 & 9, and utilising the existing site access. Banksman will be used in very isolated times for plant to enter the site and then leave once the foundations to plots 8 & 9 have been excavated. They go on to state that the existing Access Road achieves the same sight lines as the approved layout and will only be used as a temporary access with banksman as required.

Also, in terms of the Road Safety Audit, this was submitted and agreed as part of the Reserved Matters Approval (Ref: 2021/94719).

Given the nature of the changes proposed, which seek to simply amend the triggers originally imposed for the submission of details relating to highways, these changes would bear no impact on the scheme as a whole. Therefore, there are no concerns in respect of visual or residential amenity as outlined within the other matters section of this report.

Nevertheless, KC Highways Development Management (HDM) officers have been consulted on the application and note that KC HDM are of the view that the proposed rewording of the conditions, whilst not ideal, will not unduly jeopardise the provision of an acceptable access and internal road layout being achieved and therefore have no objection to the rewording of the conditions. If Planning approve the reworded conditions the Applicant needs to be made aware that they must make urgent contact with the Section 38 Team to initiate the Section 38 process and gain technical approval of the access and layout. This is to be included as an informative in the decision notice, should permission be granted.

Considering the above, and giving due regard to the comments on the plot identification, it is recommended that conditions 6 and 17 be amended as follows:

*6. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Burn Road that is based on drawing number 1354/P/001 rev. V, approved under reserved matters application 2021/94719, shall be submitted to and approved in writing by the Local Planning Authority before development commences, excluding works associated with the substructure of plots 1 and 2 (as identified on drawing number 1354/P/001 rev. V). The design details shall include a Stage 1 Road Safety Audit and Designer's Response for the junction. The access shall be constructed in accordance with the approved details and retained thereafter.*

**Reason:** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition (excluding plots 1 and 2) to ensure that highway matters are addressed at an appropriate stage.*

*17. No development shall take place, excluding works associated with the substructure of plots 1 & 2, as identified upon drawing number 1354/P/001 rev. V, approved under reserved matters application 2021/94719, until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, 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 scheme shall be completed in accordance with the details so approved and retained thereafter.*

***Reason:*** *To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

### *Pre-commencement Conditions*

In terms of pre-commencement conditions, these have all now been discharged or are to be varied (as applied for under this application) to allow works to commence on site. However, it is reiterated that should planning permission be granted, and Conditions 6 and 17 be amended to exclude Plots 1 and 2, Conditions 6 and 17 are still pre-commencement conditions in so far as the outstanding plots to be constructed, and therefore these details will need to be discharged prior to development commencing outside of the substructures of Plots 1 and 2.

### *Other Matters*

The proposed variation is not considered to impact upon any other material planning considerations such as visual amenity, residential amenity, drainage, landscape, ecology, trees, historic environment, housing mix & density.

### *Summary*

The proposed alteration to conditions 6 & 17 would have no significant adverse implications in relation to other planning considerations and any conditions imposed regarding these matters to make the development acceptable will be repeated (if required) as part of this application.

For these reasons, the development is considered acceptable from a highway safety perspective, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

### Planning Obligations

If approved, this application would result in a new planning permission being issued. However, it has been noted that the proposed amendments would not alter any of the previously agreed contributions, and as outlined previously, Reserved Matters application 2022/92780 for Reserved matters application relating to landscaping pursuant to outline permission 2018/91838 for erection of residential development formed of 25 dwellings, included a S106 agreement, which included the following clause:

*12.1 In the event that an application is made pursuant to Section 73 of the 1990 Act for an amendment to the Planning Permission and a planning permission is granted in respect of that application then:*

*12.1.1 references to "Planning Permission" in this Deed shall thereafter be deemed to include both the Planning*

*Permission and the new planning permission granted pursuant to Section 73 of the Act; and*

*12.1.2 this Deed shall apply to and remain in full force in respect of both the Planning Permission and that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the Act unless required to do so by the Council.*

For this reason and given that the planning obligations will remain unchanged as part of this application, a deed of variation/further legal agreement is not considered necessary in this case.

### Review of Conditions

As this is an application under S73 of TCPA 1990 it would, in effect, be a new permission. Planning practice guidance (The Use of Conditions) confirms that the original planning permission would continue to exist whatever the outcome of the application under section 73 and that the conditions imposed on the original permission still have effect unless they have been discharged.

The PPG also confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The 26 conditions applied to the previous application (2018/91838) should therefore be repeated unless they are no longer required.

While the submitted application form states that works have not yet commenced on site, the applicant has provided evidence<sup>1</sup> during the application that works to the foundations of 1 and 2 have now commenced. All pre-commencement conditions, excluding 6 and 17, had been discharged at that time. Given the proposed variation, to exclude plots 1 and 2 from the pre-commencement condition, and officer's conclusion it is acceptable, officers are satisfied that, while conditions 6 and 17 were not formally satisfied, as originally imposed, at the time of works commencing, they do not go to the heart of the application. Therefore, them not being satisfied at the time of decision is not considered to indicate that the commencement was unlawful. This being the case, it is recommended that condition 4 (time limit) no longer serves a purpose and may be removed.

In addition, the original conditions have been reviewed and updated to reflect previous discharge of condition applications and reserved matters applications (2022/92780 & 2021/94719), which have been approved at the site.

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<sup>1</sup> This includes photos showing works and emails discussing them which pre-date the expiration of the permission and commentary from K.C. Building Control staff who undertook site visits.

No further conditions are required.

### Conclusion

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 proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:** Grant Variation of Condition

**Report Dated:** 09/02/2026

**Decision Authorisation:** Delegated Powers  
**Application Number:** 2025/93520  
**Officer Recommendation:** Approve.

### Conditions and Reasons

1. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.
1. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.
2. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.
3. Removed – Development has commenced on site.
4. Removed – dealt with under Reserved Matters application Ref: 2021/94719.
5. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Burn Road that is based on drawing number 1354/P/001 rev. V, approved under reserved matters application 2021/94719, shall be submitted to and approved in writing by the Local Planning Authority before development commences, excluding works associated with the substructure of plots 1 and 2 (as identified on drawing number 1354/P/001 rev. V). The design details shall include a Stage 1 Road Safety Audit and Designer's Response for the junction. The access shall be constructed in accordance with the approved details and retained thereafter.  
**Reason:** To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition (excluding plots 1 and 2) to ensure that highway matters are addressed at an appropriate stage.
6. Removed – discharged under application ref: 2025/92269, 22/12/2025.
7. Removed – discharged under application ref: 2025/92269, 22/12/2025.
8. Remediation of the site shall be carried out and completed in accordance with Remediation Strategy, authored by JNP Group Consulting Engineers, Ref: S12616-JNP-XX-XX-RP-G-1002 Rev P02, dated March 2025, received 15/10/2025, approved under application 2025/92269, granted 22/12/2025 (to satisfy/discharge condition no. 8 (Remediation Strategy) imposed on previous permission 2018/91838, granted 11/10/2019). 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 2 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 remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

9. 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 part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

**Reason:** To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

10. Development shall be carried out strictly in accordance with the Geophysical Survey Project Design, authored by WYAS Archaeological Services, Ref: W3W: scope.tried.rally, dated September 2021, received 12/08/2025, approved under application 2025/92269, granted 22/12/2025 (to satisfy/discharge condition no. 11 (Written Scheme of Investigation) imposed on previous permission 2018/91838, granted 11/10/2019). For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The development shall be carried out in accordance with the approved WSI.

**Reason:** To protect the historic environment and to accord with Policy LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

11. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.

12. Temporary surface water drainage for the construction phase shall be carried out in accordance with the following plans:

- Burn Road Construction Environmental Management Plan, dated 05/03/2025, received 25/03/2025.
- Drainage Layout, Drawing No. 1298-900, Rev P6, received 01/08/2025.
- Temporary Drainage Works – Phase I (Site Clearance), received 24/03/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 13 (Temporary Drainage) imposed on previous permission 2018/91838, granted 11/10/2019). 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 ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

13. Development shall be carried out strictly in accordance with the following plans:

- 100% Blockage Comparison, Drawing No. SHF.1935.001.HY.D.001.A, received 23/03/2023.
- Hydraulic Modelling Exercise Technical Note, ref: SHF.1935.001.HY.R.003.A authored by enzygo, dated November 2021, received 15/08/2022.
- Hydraulic Modelling Exercise Technical Note, ref: SHF.1935.001.HY.R.004.A authored by enzygo, dated 08/07/2022, received 23/03/2023.
- Post Development Areas, Drawing No. 1298-701, Rev P5, received 15/10/2025.
- Overland Flood Routes and Emergency Access and Egress Routes, Drawing No. 1298-702 Rev P5, received 01/08/2025.
- Drainage Layout, Drawing No. 1298-900 Rev P6, received 01/08/2025.
- Section 104 Drainage Layout, Drawing no. 1298-901, Rev P2, received 01/08/2025.
- Drainage Maintenance Plan, Ref: Version 1 – 1-7-25, received 11/07/2025.
- Long Sections Sheet 1 of 3, Drawing No. 1298-905 Rev P1, received 28/05/2025.
- Long Sections Sheet 2 of 3, Drawing No. 1298-906 Rev P1, received 15/10/2025.

- Long Sections Sheet 3 of 3, Drawing No. 1298-907 Rev P1, received 15/10/2025.
- S104 Manhole Details Sheet 1 of 2, Drawing No. 1298-908 Rev P1, received 28/05/2025.
- S104 Manhole Details Sheet 2 of 2, Drawing No. 1298-909 Rev P1, received 28/05/2025.
- S104 Control Manhole Details, Drawing No. 1298-910 Rev P1, received 28/05/2025.
- Surface Water Outfall Details, Drawing No. 1298-911 Rev P1, received 28/05/2025.
- Proposed Highway Retaining Wall, Drawing No. H-01, Rev C, received 28/05/2025.
- Proposed Retaining Wall Sections, Drawing No. H-02, Rev B, received 28/05/2025.
- Surface Water Drainage Plots 1 to 13, Rev D, authored by Micro Drainage, dated 30/01/2024, received 28/05/2025.
- Surface Water Drainage Plots 14 to 25, Rev D, authored by Micro Drainage, dated 30/01/2024, received 28/05/2025.
- LR22E -1 3000 Headwall GMS LBO Cranked Grating, Working Platform & Access Hatch Kee Klamp handrail, Ladder & Gate, Drawing No. ALT-220725-204-01 A, received 01/08/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 14 (Drainage Scheme) imposed on previous permission 2018/91838, granted 11/10/2019). None of the dwellings 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 to which the dwellings relate. The drainage scheme so approved shall thereafter be retained.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. Development shall be carried out strictly in accordance with the following plans:

- 100% Blockage Comparison, Drawing No. SHF.1935.001.HY.D.001.A, received 23/03/2023.
- Hydraulic Modelling Exercise Technical Note, ref: SHF.1935.001.HY.R.003.A authored by enzygo, dated November 2021, received 15/08/2022.
- Hydraulic Modelling Exercise Technical Note, ref: SHF.1935.001.HY.R.004.A authored by enzygo, dated 08/07/2022, received 23/03/2023.
- Post Development Areas, Drawing No. 1298-701, Rev P5, received 15/10/2025.

- Overland Flood Routes and Emergency Access and Egress Routes, Drawing No. 1298-702 Rev P5, received 01/08/2025.
- Drainage Layout, Drawing No. 1298-900 Rev P6, received 01/08/2025.
- Section 104 Drainage Layout, Drawing no. 1298-901, Rev P2, received 01/08/2025.
- Drainage Maintenance Plan, Ref: Version 1 – 1-7-25, received 11/07/2025.
- Long Sections Sheet 1 of 3, Drawing No. 1298-905 Rev P1, received 28/05/2025.
- Long Sections Sheet 2 of 3, Drawing No. 1298-906 Rev P1, received 15/10/2025.
- Long Sections Sheet 3 of 3, Drawing No. 1298-907 Rev P1, received 15/10/2025.
- S104 Manhole Details Sheet 1 of 2, Drawing No. 1298-908 Rev P1, received 28/05/2025.
- S104 Manhole Details Sheet 2 of 2, Drawing No. 1298-909 Rev P1, received 28/05/2025.
- S104 Control Manhole Details, Drawing No. 1298-910 Rev P1, received 28/05/2025.
- Surface Water Outfall Details, Drawing No. 1298-911 Rev P1, received 28/05/2025.
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- Surface Water Drainage Plots 1 to 13, Rev D, authored by Micro Drainage, dated 30/01/2024, received 28/05/2025.
- Surface Water Drainage Plots 14 to 25, Rev D, authored by Micro Drainage, dated 30/01/2024, received 28/05/2025.
- LR22E -1 3000 Headwall GMS LBO Cranked Grating, Working Platform & Access Hatch Kee Klamp handrail, Ladder & Gate, Drawing No. ALT-220725-204-01 A, received 01/08/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 15 (Discharge Rate) imposed on previous permission 2018/91838, granted 11/10/2019). There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. No building or other obstruction including landscape features shall be located over or within:

- a) 5 metres either side of the centre line of the 825mm combined public sewer i.e. a protected strip width of 10 metres that crosses the site;
- a) 4 metres either side of the centre line of each of the 750mm diameter storm water overflows i.e. a protected strip width of 8 metres per sewer that cross the site;
- b) 4 metres either side of the centre line of each of the 525mm diameter combined public sewers i.e. a protected strip width of 8 metres per sewer that cross the site; and
- c) 3 metres either side of the centre line of the 225mm combined public sewer i.e. a protected strip width of 6 metres that crosses the site.

If the required stand-off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area the approved works have been undertaken. (In order to allow sufficient access for maintenance and repair work at all times).

**Reason:** To protect existing drainage infrastructure in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. No development shall take place, excluding works associated with the substructure of plots 1 & 2, as identified upon drawing number 1354/P/001 rev. V, approved under reserved matters application 2021/94719, until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, 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 scheme shall be completed in accordance with the details so approved and retained thereafter.

**Reason:** To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

17. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.

18. Construction details for the 2-metre-wide footway to the site frontage pursuant to Condition 18 shall be submitted to and approved in writing

by the Local Planning Authority before the footway is installed. The footway shall be provided in accordance with the approved details before any dwelling on the site is first occupied and shall thereafter be retained.

**Reason:** In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan.

19. Development shall be carried out strictly in accordance with Noise Impact Assessment, Ref: J003824-5593-TD-01, approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 20 (Noise) imposed on previous permission 2018/91838, granted 11/10/2019). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** In the interests of amenity of the occupiers of the development and to accord with the requirements of Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

20. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.

21. Development shall be carried out strictly in accordance with the following plans:

- Burn Road Construction Environmental Management Plan, dated 05/03/2025, received 25/03/2025.
- CEMP General (Rev B), received 15/10/2025.
- Contractors Site Setup Plan, Rev C, received 03/12/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 22 (Construction Environmental Management Plan (Biodiversity)) imposed on previous permission 2018/91838, granted 11/10/2019). The approved CEMP shall be adhered to and implemented throughout the construction period.

**Reason:** To ensure impacts to biodiversity as a result of construction activities are avoided or minimised. This is to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

22. Development shall be carried out strictly in accordance with the following plans:

- Burn Road Construction Environmental Management Plan, dated 05/03/2025, received 25/03/2025.
- CEMP General (Rev B), received 15/10/2025.

- Contractors Site Setup Plan, Rev C, received 03/12/2025.
- Transport route to site for deliveries, received 15/08/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 23 (Construction Traffic) imposed on previous permission 2018/91838, granted 11/10/2019). All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

23. Development shall be carried out strictly in accordance with the following plans:

- Burn Road Construction Environmental Management Plan, dated 05/03/2025, received 25/03/2025.
- CEMP General (Rev B), received 15/10/2025.
- Contractors Site Setup Plan, Rev C, received 03/12/2025.

All approved under application reference 2022/92744, granted 03/02/2026 (to satisfy/discharge condition no. 25 (Dust Suppression) imposed on previous permission 2018/91838, granted 11/10/2019). All construction arrangements shall be carried out in accordance with the approved dust suppression scheme.

**Reason:** In the interests of amenity and to accord with Policy LP24 of the Kirklees Local Plan.

24. Details of a scheme for the provision of electric vehicle recharging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The recharging points so approved shall be provided before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

**Reason:** To accord with Policy LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

25. Removed – dealt with under Reserved Matters applications Ref: 2022/92780 & 2021/94719.

**Note pursuant to conditions 6 and 17**

These applications have been varied through Section 73 application reference 2025/93520.

The original outline application included an indicative layout plan, referenced 2529-03. The plots in the north-east corner, adjacent to Burn Road and the new access, were denoted on that plan as plots 8 and 9. Those plots are the subject of Section 73 app 2025/93520.

The detailed layout plans for the reserved matters submission re-numbered the plots, with the plots indicatively identified as 8 and 9 at outline stage being updated to plots 1 and 2 on the final approved layout plan (ref. 1354/P/001 Rev. V).

The outline plan was indicative and the layout it showed was materially different to that which was approved at reserved matters stage, with the plots in question moving location (and changing from the indicatively shown detached units to a semi-detached pair).

Considering these circumstances, following engagement with the applicant, it was concluded most appropriate refer to the plots which are subject to this application as 'plots 1 and 2', to reflect the more detailed and accurate plans approved at reserved matters stage, over the indicative outline one.

**NOTE:** The proximity of an existing combined sewer overflow to the site may mean a loss of amenity for future residents. In order to minimise the risk of odour, noise and nuisance, water industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing combined sewer overflow. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

**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 13.00 hours 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.

**NOTE:** The applicant should be aware that the internal street layout will need to be 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](mailto: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: Highways Guidance Note - Section 38 Agreements for Highway Adoptions ([kirklees.gov.uk](http://kirklees.gov.uk))

Any future applications for adoption under S37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under S37 have been constructed to an adoptable standard in accordance with Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk)

Until such time that the S38 (or S37) 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': Highways Adoption (publishing.service.gov.uk)

#### Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Site Layout	1354/Ex/001	-	22/12/2025
<i>Approved under app ref: 2025/93297</i>			
Application Form	-	-	01/12/2025
Topographical Survey	CTES Surveying	A	01/12/2025
Full structural assessment of the existing Yorkshire Water sewer located within the proposed highway footprint and/or influence zone of highway loading	Burn Rd 290125	-	19/06/2025
Full structural dilapidation survey of the existing retaining wall on Burn Road	P&A 4872-22/DJO	-	19/06/2025
<i>Approved under app ref: 2025/91681</i>			
Structural Inspection – Highway Boundary Wall	4872-22/DJO	-	19/06/2025
S38 Highway Layout	1298-902	P1	19/06/2025
S38 Highway Contour	1298-903	P1	19/06/2025

Plan			
Long Sections Sheet 1 of 3	1298-905	P1	19/06/2025
Long Sections Sheet 2 of 3	1298-906	P1	19/06/2025
Long Sections Sheet 3 of 3	1298-907	P1	19/06/2025
Inspection Report	-	-	19/06/2025
Topographical Survey	-	A	19/06/2025
Overflow Chamber Sketch	-	-	19/06/2025
Proposed Retaining Wall	H-01	C	19/06/2025
Proposed Retaining Wall Sections	H-02	B	19/06/2025
Site Setup Plan	-	C	05/11/2025
Email 15/10/2025 confirming no artificial lighting is to be used – Supporting Information	-	-	15/10/2025
Annotated Ariel Photograph showing the site and wider highway network – Supporting Information	-	-	19/06/2025
Construction Environmental Management Plan – Supporting Information	-	B	19/06/2025
<i>Approved under app ref: 2025/92269</i>			
Geophysical Survey Project Design – Supporting Information	W3W: scope.tried.rally	-	12/08/2025
Phase I Geo-environmental Report and Phase II Geo-environmental – Supporting Information	S12616-JNP-XX-XX-RP-G-1001 P02	P02	15/10/2025
Remediation Strategy – Supporting Information	S12616-JNP-XX-XX-RP-G-1002 P02	P02	15/10/2025
<i>Approved under app ref: 2022/92780</i>			
Proposed Site Layout – Roof Plan	1354/P/002	P	11/01/2024
Proposed Site Layout (POS)	1354/P/004	-	08/12/2023
Tree Protection Plan	6724.01	C	17/05/2023

Landscape Proposal	6724.03	G	10/11/2023
Arboricultural Impact Assessment and Method Statement – Supporting Information	MG/6724/AIA&AMS/REV D/JUL23	D	05/01/2024
Ecological Design Strategy – Supporting Information	RHE.3307	B	10/11/2023
Email from Wiggett Construction in relation to Bat Survey and Tree Retention – Supporting Information	-	-	23/10/2023
Biodiversity Metric Calculator – Supporting Information	-	-	23/10/2023
Biodiversity Impact Assessment – Supporting Information	QUO-89349-L0B7C3	A	23/10/2023
<i>Approved under app ref: 2021/94719</i>			
Post Development Areas	1298-701	P3	05/01/2024
Overland Flood Routes and Emergency Access and Egress Routes	1298-702	P3	05/01/2024
Drainage Layout	1298-900	P3	05/01/2024
Existing Cross Sections	1304/Ex-02	-	17/08/2022
Proposed Site Layout Plan (Trees)	1354/P/001	V	30/01/2024
Proposed Floor Plans – House Type B	1354/P/102	-	17/08/2022
Proposed Floor Plans – House Type D	1354/P/103	A	06/04/2023
Proposed Floor Plans – House Type D1	1354/P/104	A	06/04/2023
Proposed Floor Plans – House Type D2	1354/P/105	A	06/04/2023
Proposed Floor Plans – House Type F	1354/P/107	-	17/08/2022
Proposed Floor Plans – House Type G	1354/P/108	C	19/06/2023
Proposed Floor Plans – Apartment Type H	1354/P/109	-	19/06/2023
Proposed Floor Plans (Elevations) – House Type B	1354/P/202	A	11/10/2023

Proposed Floor Plans (Elevations) – House Type D	1354/P/203	A	11/10/2023
Proposed Floor Plans (Elevations) – House Type D1	1354/P/204	A	11/10/2023
Proposed Floor Plans (Elevations) - House Type D2	1354/P/205	A	11/10/2023
Proposed Floor Plans – House Type F	1354/P/207	A	11/10/2023
Proposed Elevations – House Type G	1354/P/208	D	11/10/2023
Proposed Elevations – Apartment Type H	1354/P/209	A	11/10/2023
Proposed Cross Sections	1354/P/301	C	19/06/2023
Proposed Street Elevations	1354/P/302	D	19/06/2023
Tree Survey and Root Protection Area	6724.01	B	13/01/2023
Tree Protection Plan	6724.01	D	05/01/2024
Swept Path Analysis – Kirklees Refuse Vehicle	24030-HYD-XX-XX-DR-TP-0001	P01	10/10/2022
Swept Path Analysis – 7.5Tonne Panel Van	24030-HYD-XX-XX-DR-TP-0002	P01	10/10/2022
Visibility Splays	24030-HYD-XX-XX-DR-TP-0003	P01	10/10/2022
Forward Visibility	24030-HYD-XX-XX-DR-TP-0004	P01	10/10/2022
Plot 10 – Refuse Collection	24030-HYD-XX-XX-DR-TP-0006	P01	10/10/2022
Swept Path Analysis: Medium Sized Car	24030-HYD-XX-XX-DR-TP-1001	P02	15/06/2023
Swept Path Analysis: Large Refuse Vehicle (4 AXLE)	24030-HYD-XX-XX-DR-TP-1002	P02	15/06/2023
Swept Path Analysis: Pumping Appliance (7.9M Fire Tender)	24030-HYD-XX-XX-DR-TP-1003	P02	15/06/2023
Swept Path Analysis: 7.5T Panel Van	24030-HYD-XX-XX-DR-TP-1004	P01	11/05/2023
100% Blockage Comparison	SHF.1935.001.HY.D.0001.A	-	23/03/2023
Topographical Survey	-	-	05/01/2024

Appendix B Proposed Highway Retaining Wall	H-01	-	10/10/2022
Construction Environmental Management Plan – Supporting Information	-	-	05/01/2024
Gas Monitoring Data – Supporting Information	B22335	-	05/01/2024
QED Service Report – Supporting Information	-	-	05/01/2024
QED Certificate of Calibration – Supporting Information	G503626_2/25764	-	05/01/2024
Noise Impact Assessment – Supporting Information	J003824-5593-TD-01	01	05/01/2024
Hydraulic Modelling Report – Supporting Information	SHF.1935.001.HY.R.002.A	-	05/01/2024
Grimescar Dike – Burn Road, Huddersfield – Hydraulic Modelling Exercise	SHF.1935.001.HY.R.003.A	-	13/02/2023
Grimescar Dike – Burn Road, Huddersfield – Hydraulic Modelling Exercise – Supporting Information	SHF.1935.001.HY.R.004.A	-	23/03/2023
External Materials Statement – Supporting Information	1354/EMS	-	30/03/2022
Viability Assessment – Supporting Information	-	-	05/01/2024
Viability Assessment Review - Supporting Information	S:\_Client Projects\2209 Land at Burn Road, Birchencliffe_Kirklees Council\_Reports\221130 Land off Burn Road, Birchencliffe_VA Review_v1.0.docx	V1.0	30/11/2022
Final Viability Assessment with Appendices – Supporting Information	-	-	05/01/2024
Viability Assessment – Supporting Information	-	-	31/08/2022

Viability Appraisal – Market Sale Appraisal	-	-	11/10/2022
Viability Appraisal Clarification Questions – Supporting Information	220906 Land at Burn Road_Clarification Questions v1	-	04/10/2022
Updated Appraisal for Phase 1 – Supporting Information	230320 Burns Road, Birchencliffe, v2 MS	-	22/03/2023
Updated Viability Summary for Phase 1 – Supporting Information	230320 Burns Road, Birchencliffe v2 PC	-	22/03/2023
Viability Appraisal Abnormal Costs Statement – Supporting Information	-	-	04/10/2022
Viability Appraisal Budget Costs	-	-	04/10/2022
Viability Appraisal Submission - Calculations	-	-	06/10/2022
Burn Rd – Viability Assessment - WCL Construction Base Cost supporting information – Supporting Information	-	-	06/10/2022
Viability Appraisal – Policy Compliant Appraisal – Supporting Information	-	-	11/10/2022
Aspinall Verdi Rebuttal to Revised Viability Submission – Supporting Information	230511 Land at Burn Road Birchencliffe – Rebuttal Letter	v1	11/05/2023
Applicants Response to Viability Assessment – Supporting Information	Dated 20 <sup>th</sup> February 2023	-	20/02/2023
1354-23m Vis Splay Layout – Supporting Information	-	-	04/05/2023
Appendix D - Structural Calculations for: Highway Retaining Wall at Burn Road, Birchencliffe, Huddersfield –	4872-22	1	10/10/2022

Supporting Information			
Transport Route to Site for Deliveries – Supporting Information	-	-	05/01/2024
Stage 1 Road Safety Audit – Supporting Information	MCA.HYD.025	1.0	06/04/2023
Appendix A Technical Approval Schedule (TAS) – Supporting Information	-	-	10/10/2022
Micro Drainage SW Calculations for Plots 1 to 13 – Supporting Information	1298	D	30/01/2024
Micro Drainage SW Calculations for Plots 14 to 25 – Supporting Information	1298	D	30/01/2024
Extended Phase 1 Habitat Survey – Supporting Information	-	-	17/08/2022
Tree Survey Report – Supporting Information	PD/6724/TSR/REV C/JAN23	C	31/01/2023
Biodiversity Impact Assessment Calculations – Supporting Information	-	-	05/01/2024
<i>Approved under app ref: 2018/91838</i>			
Preliminary Ecological Appraisal – Supporting Information	BG18.172	-	10/10/2019
Flood Risk Assessment – Supporting Information	B22335 FRA	-	06/06/2018
Ecological Impact Assessment – Supporting Information	BG18.172	-	06/06/2018
Phase 1 Geoenvironmental Study – Supporting Information	B22335 Ph1 GEO v1-v4	-	06/06/2018
Planning, Design & Access Statement – Supporting Information	2529	-	06/06/2018
Highway Statement –	1483	First	06/06/2018

Supporting Information		Issue	
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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 preapplication 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 the proposals were deemed to be acceptable as submitted.