

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:	2025/70/93546/E
Site Address:	Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN
Description:	Variation conditions 2 (plans), 13 (highway structures), 12 (road safety), 17 (landscape), 26 (levels) on previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works
Recommending Officer:	William Simcock

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: 22-Jun-2026

Application: 2025/93546

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

Proposal: Variation conditions 2 (plans), 12 (road safety), 13 (highway structures), 17 (landscape), 26 (levels) on previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works.

Site description

The application site is a plot of vacant land bounded by Healey Lane to the north-west, West Park Road to the south, the Healey Junior Infants and Nursery School to the north-east, and a single dwelling to the west (230 Healey Lane), situated on the junction of Healey Lane and West Park Road. It is largely overgrown with long grass, weeds and scrub; there are three rectangular areas of hardstanding near the Healey Lane frontage which can be seen clearly on aerial photographs from 2006 and previous years, but which are gradually being taken over by grass and other vegetation.

There is a downward slope from north to south and on the West Park Road boundary, where there is some banking and metal railings mark the boundary. Land also rises to meet the north-eastern boundary of the site. The land west of the site falls within the curtilage of a dwellinghouse, 228-230 Healey Lane, whose north-eastern outer wall forms the site boundary; this is at a lower level to the site, the change in levels being far more evident at the southern end of the site where a retaining wall separates the two plots. The northern boundary is marked by a stone wall with an access point near to its western end. The wider surroundings of the site are residential on all sides.

The site benefits from full planning permission for residential development, and according to the applicant, development commenced 04/08/25.

Description of Proposal

This application relates to previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works. It seeks variation of conditions 2 (plans), 13 (highway structures), 12 (road safety), 17 (landscape), 26 (levels) on the previous permission.

The existing conditions read:

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 LP1, 2, 20, 21, 22, 24, 27, 30 and 52 of the Kirklees Local Plan.

12. Prior to commencement of development, the following details associated with the proposed site access and estate streets, as shown on the preliminary site layout plan, ref. (557)2405-GWP-00-00-D-A-(PA)-0005 Rev. P17 Proposed Site Plan, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: 12a. Long Sections showing the vertical alignment of all estate streets; 12b. Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works. The details to be provided shall include a timeframe for the delivery of the works. Thereafter the site access and estate streets shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To achieve a satisfactory layout in the interests of the safe and convenient use of the highway in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of internal adoptable roads and junctions are agreed at an appropriate stage of the development process.

13. Before development commences, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction phase of the proposed development and thereafter retained as such.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of the internal adoptable roads and their relationship to drainage infrastructure are agreed at an appropriate stage of the development process.

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

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

17b. Species schedule, specification and planting plans, including layout, number,

density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species;

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

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

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

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

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

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

26. Finished floor levels of the dwellings hereby approved shall be in accordance with the details shown on the approved drawing Levels Strategy, 24106-DCE-XX-XX-D-C 155 Rev P04.

Reason: *For the avoidance of doubt, to ensure that the development harmonises with its surroundings, and in the interests of the amenity of existing and future residents, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan.*

The reason for this Section 73 given in the applicant's covering letter is that general adjustments to the overall arrangement have been made following technical design development at RIBA Stage 4 (technical design stage). This has resulted in modifications, highlighted below, to ensure compliance with relevant regulations and best practice:

- Internal road layout revised to suit highway sectional approval (visibility splays to central junction adjusted).
- Position of Block A moved to suit retaining wall engineering.
- Site levels and FFL have been adjusted to reduce landfill/cut, and to suit the as designed adopted highways and site drainage.
- Changes to boundary treatments to following the revised levels.
- Windows adjusted following building regulations Part O (overheating) assessment. First floor bedroom windows now with double opening sashes (for purge ventilation).

The following changes to layout are noted on the site plan:

- Block A would be 1.9m from north-eastern boundary (150mm further away than as approved), 7.4m from the highway boundary (500mm further away), and 9.1m from the internal estate road boundary (200mm closer).
- Block A is 500mm closer to Block B.

A landscaping scheme, reference 101 revision M, has been submitted, which replaces the earlier version, revision F, that formed part of the approved plans for the original application. The scheme has been slightly modified to ensure that it complies with the changes to layout described above, and to ensure that suitable visibility splays are maintained at the internal estate road junction. An area of shrub planting close near the site boundary has been replaced with species-rich grassland (this was also shown on the plan submitted and approved for discharge of condition application 2025/92683). The detailed planting plan has also been updated to fit the visibility splays, 201 revision H replacing revision C.

Changes to finished floor levels (condition 26) are indicated on the drawings are summarised in the table below:

Plot:	FFL as approved AOD	FFL as proposed AOD	Change (mm)
1	133.150	133.425	+300
2-3	133.000	133.200	+200
4-5	132.550	132.950	+400
6-7	132.300	132.950	+650
8-9	131.600	131.950	+350
10	131.600	131.950	+350
11	131.300	131.725	+425
12	131.000	131.500	+500
13-14	131.000	131.300	+300
15	131.200	131.200	unchanged
16	131.500	131.500	unchanged
17	131.950	131.950	unchanged

18	132.225	132.225	unchanged
19	132.600	132.600	unchanged

Officers note that the same number of parking spaces (private and visitor) would be provided and would be distributed throughout the site in the same way. Each property would also be provided with space to store three refuse containers, and there are no significant changes to their positioning or organisation within the site. The drawings also show a small change to the position and layout of one retaining wall near the south-eastern corner of the site. Since this is not a boundary wall it is not covered by the boundary treatments condition 24 and is considered to fall under the remit of condition 2. The sound attenuation scheme is only affected in so far as a different type of window is to be used for some plots. It is considered that the replacement of one type of window with another would not affect compliance with this condition provided that the glazing is of the same specifications as recommended in the noise report that is referenced in the condition. The proposals therefore do not represent a material change to the approved plans and specifications in so far as they relate to condition 22. To conclude this section, it is therefore considered that only the five conditions listed in the current description are materially affected by the changes proposed.

The above changes necessitate amendments to the approved plans table, via condition 2 (although condition 2's wording itself would not change), and to the wording of conditions 17 and 26.

Further to the above, details in respect of conditions 12 and 13 have been submitted, with the aim that these may be re-worded as prescriptive conditions, with details to address their original requirements submitted.

The applicant's intention is that the above conditions will either be re-worded as prescriptive conditions (where the condition is presently worded so as to require the submission of further details, as is the case with 12, 13, 17) or re-worded with updated reference numbers where the condition is already a prescriptive condition. The applicant has not provided any proposed wording for these conditions.

History of negotiations/amendments received

The original description of the application also included a proposal to amend condition 10 (temporary drainage). The applicant's agent subsequently confirmed by email that this was a clerical error and that there was no proposal to amend either the wording of the condition or the details that had been submitted and approved at discharge of condition stage. Consequently, the reference to condition 10 has been deleted from the description since it is not relevant.

The application form states that the following conditions "would be affected" although an application to vary them is not being sought. These are 22 (sound attenuation scheme), 24 (boundary treatments), 25 (provision of private and visitor parking spaces) and 27 (waste storage facilities).

The architect has confirmed that these are an indirect result of the changes to the base plan and do not result in any changes that are deemed to require a formal variation. They have therefore not been included in the description.

The following revisions were received:

- 27/02 – Revised biodiversity information submitted.
- 19/03 – Revised manholes schedule and sectional drawing submitted.
- 20/04 – Revised site plan, with finished floor levels corrected.
- 01/06 – Revised landscaping plan with additional root barrier.

None of the above were deemed significant enough changes to require a new period of publicity.

Relevant Planning History

Application site

2024/91760 – Full planning permission for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated works. Conditional full permission, subject to Section 106 Agreement.

2025/92463 – Discharge of details reserved by condition 15 (external materials) and 16 (retaining materials) on previous permission 2024/91760. Discharge of conditions approved.

2025/91429 – Discharge of details reserved by conditions 9 (drainage), 10 (temporary drainage), 12 (access), 13 (surface water structures) on previous permission 2024/91760. Discharge of conditions approved.

2025/92683 – Discharge of details reserved by conditions 17 (landscaping), 18 (solar array) and 21 (tree T10/bats) on previous permission 2024/91760. Discharge of conditions approved.

2025/91457 – Discharge of details reserved by conditions 11 (C(E)MP) and 14 (temporary waste collection) of previous permission 2024/91760. Discharge of conditions approved.

2025/91637 – Discharge of details reserved by conditions 3 (coal investigation), 5 (Phase II report), 6 (Remediation Strategy) and 7 (remediation implementation and unexpected contamination) of previous permission 2024/91760. Split decision (details in respect of all conditions were approved, but 6 and 7 could not be discharged as they contained ongoing obligations).

Surrounding area

There have been no recent applications in the surrounding area that are deemed relevant in the assessment of the present application.

Representations

The application has been advertised via site notices and the press as being Major development.

Final publicity expired: 19-Feb-2026

As a result of the above publicity, no representations have been received.

Local ward councillors

The site is in Batley West ward. The three local ward members are:

- Cllr Gwen Lowe
- Cllr Zahid Kahut
- Cllr Yusra Hussain

The ward members were notified as part of this application process (08/01/26). No comments were made as a result.

Following the May 2026 local elections, the ward members are now:

- Cllr Khuram Amjad
- Cllr Zahid Kahut
- Cllr Yusra Hussain

Officers have not notified the newly elected member. Such a course of action was not considered expedient given the degree of the changes represented by this application, and the lack of any public representations or member comments as a result of the initial round of publicity and consultation.

Consultation Responses

KC Highways Development Management – No objections.

KC Highway Structures – This condition can now be partially discharged pending the submission of a satisfactory “Construction Compliance Certificate” and “As Built” drawings upon the completion of the works.

KC Lead Local Flood Authority – Comments were not made on condition 10 since no information relevant to condition 10 had been supplied. No comments were made on other aspects of the proposed changes.

KC Waste Strategy – Comments were not provided since none of the submitted plans or information showed any changes relating specifically to waste collection.

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 this part of Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan

The site consists of land without designation within the Local Plan proposals map.

The land immediately adjacent (to the east) is urban green space.

Other designations and constraints applicable to this site are:

- Part of the site lie within a Coal Referral Area
- Lies within 250m of an historic landfill site.

The following Local Plan policies are considered relevant to this proposal

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees

Supplementary planning documents (SPDs)

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), 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.

- 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Drainage infrastructure within the public highway
- 6) Planning obligations
- 7) Review of conditions
- 8) Other matters
- 9) Representations
- 10) Conclusion

1 – Principle of development

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 S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight.

The proposed changes would not affect the previously established principle of development. There have been no changes to local or national policy, nor within the local environment, that would materially affect the assessment of this proposal.

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

The proposed changes would not affect the number of dwellings delivered, or housing mix. The changes to layout and finished floor levels are considered to be material, as are the submitted details for conditions 12 and 13 which if assessed as suitable for the purposes of the condition would result in these conditions being re-worded as prescriptive conditions. They will be assessed according to relevant national and local policies.

The following text from Paragraph 140 of the NPPF is relevant and will inform the decision:

“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

2 – Urban design and visual amenity

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Changes to finished floor levels

The modified scheme, as noted, would result in most plots having their floor levels set higher than they would have been on the scheme of floor levels approved as part of the original application. However, by virtue of the (on average) limited height increase proposed per plot, this would not however result in significant terracing of the site or the formation of retaining structures that are higher or of greater extent than those shown on the plans as already approved.

Of the plots that would lie adjacent to Healey Lane (1-3) and would have their floor levels raised compared to the levels shown on the approved scheme, finished floor level would still be below, or only marginally above, the level of the adjacent highway, and as such the dwellings would not be overly prominent in the street scene.

The greatest change sought is to plots 6 and 7, at a 600mm increase. As these units are well contained within the site, they have limited visible prominence from the wider area and, by virtue of the site's layout, would not appear unduly tall or overbearing compared to the other new dwellings.

Those dwellings that have their southern plot boundaries adjacent to West Park Road (Plots 8-12) would undergo a net increase in finished floor level as a result of the recent changes, but this would be a maximum of 500mm, and, since they would all have their closest elevation angled with respect to West Park Road and their visual impact concealed or at least softened by the line of mature trees, it is considered that they would not have an adverse visual impact from outside the site.

Other changes to plans

Changes to the design of the dwellings is limited to the window style and their means of opening. The window openings themselves would be the same position and have the dimensions as approved; the only change is an additional horizontal bar (transom). This change raised no concerns and is not considered significant in design terms.

The proposed kingpost retaining wall around the side and rear of Plot 6 (but within this property's curtilage, not on the boundary line) is slightly realigned and is also reduced in height. The plans do not indicate any other changes to boundary treatments.

The changes to the layout of the road, while evidently necessary for the Highway Authority's purposes, are limited in scope and impact from a planning perspective and raise no concerns.

The landscaping scheme submitted for this application is in most respects the same as that approved under application 2025/92683 for the discharge of condition 17. It has been slightly modified to accommodate the changes to layout detailed earlier in this report and to ensure the provision of acceptable visibility splays at the estate road junction. The other changes to the landscaping scheme are the specification that paving would be buff, a detail that was absent in earlier versions, and also by the addition of a root barrier between the two specimens of *Carpinus betulus* "Frans Fontaine" near the north-western corner of the site and the boundary with no. 230 Healey Lane. The latter change was made at the advice of the case officer in the interests of minimising the risk of future problems arising from root incursion into drains or foundations.

The landscape management and maintenance plan approved under discharge of condition application 2025/92683 (reference 4622 501) has not been included in the list of documents submitted with this application. However, the changes to the landscaping scheme itself have been relatively minor, and this approved document is still considered to be fit for purpose and can be referenced in the updated version of the condition. It is also recommended, for the avoidance of doubt, that the updated condition specify that the landscaping scheme be implemented in the first planting or sowing season following the development's substantial completion, since the plan does not specify a timetable for implementation.

It is considered that none of the changes result in a reduction in the quality of the landscaping scheme.

In conclusion, the development, as modified, would not result in the quality of the development being materially diminished. The development would enhance the townscape and be in keeping with the surrounding built form. As such, the proposal would accord with Policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Local Plan policy LP24 states that development proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Those dwellings that lie close to the curtilage boundary of an existing residential property (five plots, comprising Block F and Block G, and which are close to the boundary with 230 Healey Lane), would only have their finished floor levels increased by 300mm in the case of Plots 14-15, and would be unchanged in the case of Plots 16-18. The distance between new dwellings in Block F and Block G and the outer site boundary would be unchanged.

It is considered that there would be no material impact on existing third-party residential properties associated with light, outlook or privacy over and above that which would arise from the development as approved.

The distance between Blocks A and B has been reduced but it is considered that the reduction is not such as would give rise to a material reduction in privacy or loss of private amenity space for either set of dwellings. The changes in the positioning of Block A within the site are also considered not to have a material impact upon the amenities of future residents of these three dwellings.

In conclusion, it is considered that the quality of the development as regards residential amenity issues would not be diminished. As such, the development would accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety, including the Variation of Condition 12.

In their consultation response dated 30/03/2026, K.C. Highways have stated:

Kirklees s38 team have confirmed that they have received long sections and they are acceptable for adoption under a s38 agreement and so part a. of condition 12 can now be discharged. The stage 1 Road Safety Audit was signed off by the Overseeing Organisation on 18/03/25 and so part b. of condition 12 can be discharged if this has not already been authorised.

With this we would not wish to oppose the variation of condition 12.

No material changes have been made to parking or servicing arrangements, and it is considered that none of the proposed changes to the development would negatively impact upon the safety or convenience of future residents or other highway users.

Considering K.C. Highways' comments, and confirmation that the technical details are acceptable and adhere to the original requirements of condition 12,

officers consider it acceptable to vary the condition. It is recommended that condition 12 be reworded as a prescriptive condition, as requested by the applicant. The following wording is recommended:

12. The site access and estate streets shall be implemented in accordance with the approved details shown on drawings reference 24106-DCE-XX-XX-D-C-138 P08, 24106-DCE-XX-XX-D-C-160 P03 and 24106-DCE-XX-XX-D-C-191 P02, prior to the occupation of the dwellings hereby approved, and shall thereafter be retained as such, unless otherwise agreed in writing by the Local Planning Authority via an application for the approval of details reserved by condition.

Reason: *To achieve a satisfactory layout in the interests of the safe and convenient use of the highway in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.*

5 – Condition 13 and drainage infrastructure within the public highway

The following documents have submitted which are relevant to condition 13:

- Section 104 Manhole Schedule, reference 24106-DCE-XX-XX-D-C-120 P06
- A drawing titled 24106-DCE-XX-XX-D-C-158 showing sections through proposed attenuation tanks and private retaining walls.

KC Highways Structures have viewed the submitted documents and have confirmed that these fulfil the initial requirements of the condition. They have advised however that the condition can only be considered fully discharged upon submission of a satisfactory “Construction Compliance Certificate” and “As Built” drawings upon the completion of the works. The submission of these documents does not form part of the condition and whilst it is a requirement of K.C. Structure’s Approval in Principal process, it does not form part of the planning process. However, the developer should be reminded of the above requirements in the form of a note on the decision notice.

Since the details submitted with this application are acceptable for planning purposes, however, it is recommended that the condition can be worded as a prescriptive condition requiring the relevant works to be carried out in accordance with the approved details. The following condition and note wording is recommended:

13. The approved scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint, as shown on drawings 24106-DCE-XX-XX-D-C-120 P06 and 24106-DCE-XX-XX-D-C-158, shall be implemented prior to the occupation of the hereby approved development and thereafter shall be retained as such.

Reason: *In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.*

Note: *Pursuant to condition 13*

Following implementation of the works required by condition 13, you are reminded to submit the “Construction Compliance Certificate” and “As Built” documentation to K.C. Structures, at Highways.Structures@kirklees.gov.uk

6 – Planning obligations

The issuing of an approval under a Section 73 application will result in a new planning permission. In many cases, this means that a Deed of Variation must be entered into to ensure that obligations pertaining to any Section 106 Agreement entered into for the original application will remain valid.

Part 12 of the Section 106 Agreement contains the following text:

12.1. In the event that an application is made pursuant to Section 73 or Section 73B or Section 96A of the 1990 Act for an amendment to the Planning Permission and planning permission is granted by the Council in respect of that application then:

12.1.1. references to “Application”, “Planning Permission” and “Development” in this Deed shall thereafter be deemed to include and the application made pursuant to Sections 73 or 73B or Section 96A, the new planning permission granted pursuant to Section 73 or 73B of the 1990 Act and the development permitted by that permission or as changed pursuant to Section 96A respectively; 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 1990 Act unless required to do so by the Council.

The original Section 106 Agreement will remain binding on any new permission issued and, since no variations to the terms of the Section 106 Agreement are required, a Deed of Variation will not need to be entered into in this instance.

7 – Review of conditions

S73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously applied conditions attached to the previous permission ref: 2024/91760 and to update, revise, add to or delete redundant conditions as part of the assessment of the current application. Those conditions would normally be re-applied in any subsequent approval of a S73

application, as the effect of the S73 approval is the issue of a fresh grant of permission.

It is recommended that the original conditions should be reimposed, modified or deleted as set out below:

1. Three years to implement permission

To be removed as development has commenced

1. Development in accordance with plans and specifications

To remain as existing, but the plans table to be updated to refer to new drawings

2. Submission of intrusive mining site investigation

Reimpose

3. Submission of coal remediation statement

Reimpose

4. Supplementary Phase 2 intrusive contamination report

To be removed, as the condition no longer serves a purpose, since approval was granted by discharge of condition application 2025/91637 and the condition contains no ongoing obligations.

5. Submission of remediation strategy

To be removed, as the condition no longer serves a purpose, since approval was granted by discharge of condition application 2025/91637 and the condition contains no ongoing obligations.

6. Implementation of remediation strategy

Reimpose, but wording to refer to remediation strategy approved charge of condition application 2025/91637.

7. Submission of verification report

Reimpose

8. Submission of detailed drainage scheme

Reimpose

9. Submission of temporary drainage scheme

Reimpose

10. Submission of Construction Environmental Management Plan

Reimpose

11. Details of site access and estate streets to be submitted

Change to prescriptive condition, for the reasons set out in this assessment.

12. Details of drainage infrastructure within the highway footprint to be submitted

Change to prescriptive condition, for the reasons set out in this assessment.

13. Details of temporary waste collection to be submitted

Reimpose

14. Submission of scheme of materials

Reimpose

15. Submission of details of retaining walls materials

Reimpose

16. Amended landscaping and landscape management scheme

Change to prescriptive condition

17. Details of solar array to be submitted

Reimpose

18. Recommendations in EIA to be followed

Reimpose

19. Arboricultural method statement to be followed

Reimpose

20. Further bat survey of T10.

Tree 10 has been removed (see discharge of condition application 2025/92683) and therefore the condition requires updating. For the sake of clarity, it is recommended this condition be changed to a prescriptive condition, with the effect that a scheme of bat boxes must be provided in accordance with details already submitted and approved.

21. Sound attenuation scheme to be implemented

Reimpose

22. Details of acoustic barrier to be submitted

Reimpose

23. Boundary treatment scheme to be implemented

Plan references to be updated

24. Car parking spaces to be provided

Plan references to be updated

25. FFLs to be as approved

Plan references to be updated

26. Waste storage facilities to be provided as approved

Plan references to be updated

27. Cycle storage facilities to be provided as approved

Reimpose

28. Plot 15 to have non-opening OG windows in side

Reimpose

29. No further windows to be formed in side of Plot 15

Reimpose

30. EV Charge Points

Reimpose

The applicant has confirmed by email (20/05) that they accept the list of draft conditions, as modified.

8 – Other matters

The proposed variation is not considered to impact upon any other material planning considerations such as land contamination and potential instability arising from historic coal mining which remain as previously addressed within the parent application (ref 2024/91760) and any subsequent discharge of

condition applications. These are addressed via conditions attached to the previous application (as reviewed in section 7 above).

Drainage

Amended drawings showing flood exceedance routes drainage layout have been supplied. It is understood that the principal purpose of these is to incorporate the increased finished floor levels. The plans however show no significant changes either to the direction and routing of surface water run-off nor to the overall drainage strategy and layout, which will still involve discharge to public sewer via an attenuation tank, whose location within the site remains unchanged. It is therefore considered that the proposals do not represent a material change to the means of drainage of the site as approved under condition 9.

Biodiversity

An amended BNG Metric, PEA and feasibility study have been submitted. These do not relate specifically to any of the conditions being applied for. They recalculate the post-intervention value of the site as 0.8 habitat units and 0.2 hedgerow units (this had been previously calculated as 0.69 habitat units and 0.52 hedgerow units). The main reason for the change in post-intervention habitat units is a recalculation of the value of the urban tree typology.

This change is considered unobjectionable from the point of view of national and local policies on biodiversity as set out in Policy LP30 and Chapter 15 of the NPPF. It is considered that the developer has taken reasonable steps to ensure that the on-site biodiversity of the site is enhanced as far as is reasonably practicable (through landscaping using native species and the installation of habitat boxes).

Notwithstanding the above, the developer will still be obliged to submit a Biodiversity Gain Plan, as mandated by the standard condition, which must demonstrate that a minimum 10% gain is achieved on or off site, with any deficit in on-site provision being compensated for by the purchase of biodiversity credits or by other means.

9 – Representations

As a result of the above publicity, no representations have been received.

10 – Conclusion

This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of conditions 2, 13, 12, 17 and 26 as indicated.

The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the

Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development as varied would not result in the quality of the development being materially diminished or impact negatively on any planning policy objectives. It is therefore considered to be sustainable development and is recommended for approval.

Recommendation: Grant variation of conditions

Report Dated: 05/06/2026

Decision Authorisation: Delegated Powers
Application Number: 2025/93546
Officer Recommendation: Grant variation of conditions

Conditions and Reasons

Note: The applicant is advised that the below conditions were imposed by planning permission 2024/91760. They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2024/91760 corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not be necessary.

1. Removed as development has commenced.

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 LP1, 2, 20, 21, 22, 24, 27, 30 and 52 of the Kirklees Local Plan.

3. No development shall commence until:

3a. further intrusive site investigations have been carried out within the site, as recommended by Patrick Parsons (Section 9.1 / 10.0 of the Phase 2 Geoenvironmental Appraisal) in order to conclusively discount the presence of recorded mine entry (CA shaft ref: 422423-005), and;

3b. any remediation works and/or mitigation measures to address land instability arising from this feature, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan, to illustrate the exact location and grid co-ordinates of the mine entry (if found within the site) and the zone of influence of this feature.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the site is safe for occupation having regard to coal mining legacy and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that

any possible instability arising from coal mining legacy is addressed before groundworks begin.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the site is safe for occupation having regard to coal mining legacy and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Removed since approval was granted by discharge of condition application 2025/91637 which contained no ongoing obligation.

6. Removed since approval was granted by discharge of condition application 2025/91637 which contained no ongoing obligation.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under discharge of condition application 2025/91637. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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. 196 and 197 of the National Planning Policy Framework.

9. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed 3.5 l/s discharge rate 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 ensure that a safe and sustainable system of drainage is put in place to serve the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This information is required pre-commencement to ensure that satisfactory drainage infrastructure can be installed at an appropriate stage in the development process.

10. 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 a higher discharge rate is approved by the Local Planning Authority.

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 that the development process does not give rise to flood risk or pollution of the water environment and to accord with the aims of

Policies LP27 and 28 of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable temporary drainage arrangements are in place before groundworks commence.

11. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a. Any phasing of development and timetable of all works;
- b. Hours of works;
- c. Details of construction access arrangements;
- d. Construction vehicle sizes and routes;
- e. Numbers and times of construction vehicle movements;
- f. Locations of HGV waiting areas and details of their management;
- g. Parking for construction workers;
- h. Loading and unloading of plant and materials;
- i. Storage of plant and materials;
- j. Signage;
- k. Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- l. Street sweeping;
- m. Measures to control and monitor the emission of dust and dirt during construction;
- n. Site waste management, including details of recycling/disposing of waste resulting from construction works;
- o. Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- p. Artificial lighting used in connection with all construction-related activities and security of the construction site;
- q. Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- r. Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and
- s. Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to

highway safety, and to prevent or minimise amenity are devised and agreed at an appropriate stage of the development process.

12. The site access and estate streets shall be implemented in accordance with the approved details shown on drawings reference 24106-DCE-XX-XX-D-C-138 P08, 24106-DCE-XX-XX-D-C-160 P03 and 24106-DCE-XX-XX-D-C-191 P02, prior to the occupation of the dwellings hereby approved, and shall thereafter be retained as such, unless otherwise agreed in writing by the Local Planning Authority via an application for the approval of details reserved by condition.

Reason: To achieve a satisfactory layout in the interests of the safe and convenient use of the highway in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

13. The approved scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint as shown on drawings 24106-DCE-XX-XX-D-C-120 P06 and 24106-DCE-XX-XX-D-C-158 shall be implemented prior to the occupation of the hereby approved development and thereafter shall be retained as such.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

14. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction shall be submitted to and approved by the Local Planning Authority. The approved arrangements shall be implemented throughout the construction period.

Reason: To ensure safe and satisfactory provision for the storage and collection of wastes during the development process in the interests of visual amenity and highway safety, and to accord with the aims of Local Plan Policy LP24 part d(vi) of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highway safety are agreed before development commences.

15. Prior to the construction of any dwellings above foundation level, samples of all external materials and finishes to be used shall be submitted for the inspection of and approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to preserve and enhance the character of the townscape and to accord with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Prior to construction work commencing on any new retaining walls within the site, details shall be submitted to and approved in writing by the Local Planning Authority of the facing materials for the retaining walls. All retaining

walls within the site shall be constructed using the approved materials before any new dwelling is occupied, and thereafter retained as such.

Reason: In the interests of visual amenity, to preserve and enhance the character of the townscape and to accord with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. The landscaping scheme as shown within the approved layout reference 4622 101 Revision N and planting plan reference 4622 201-202 Revision G shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations, including the installation of tree root barriers where shown on plan 4622 101 Revision N, within the first planting season following the substantial completion of development. All approved landscaping shall be retained thereafter in accordance with the approved details and long-term maintenance, monitoring and remedial arrangements as set out within the management and maintenance plan reference 4622 501 approved under discharge of condition application 2025/92683.

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

18. Before development above foundation level commences, details shall be submitted to and approved in writing by the Local Planning Authority of a solar array to be installed on the roofs of the new dwellings and/or any other on-site renewable energy generation. The approved solar array or other measures shall be installed before the dwelling to which they relate is first brought into use and thereafter retained as such.

Reason: To ensure that the development contributes to reducing carbon emissions in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

19. All of the recommendations in Section 6.6 of the Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Feasibility Report P062 V03 shall be followed throughout the development process.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework. This information is required pre-commencement to ensure that biodiversity is safeguarded at all stages in the construction process.

20. The development shall be carried out in full accordance with the recommendations of the approved Arboricultural Method Statement at all times.

Reason: To ensure that mature trees are not harmed during construction and that their long-term health and viability are protected in accordance with the aims of Policy LP33 of the Kirklees Local Plan.

21. All bat roost features shown on drawing 101 Revision M shall be installed before any dwelling is first occupied and shall be thereafter retained.

Reason: To ensure that any loss of semi-natural habitat arising from tree loss is compensated for, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

22. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

23. Before the development is brought into use, notwithstanding the details set out in the submitted boundary treatments plan and the requirements of condition 20, details of an acoustic barrier to the outer boundaries of residential garden plots as recommended in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02, shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

1. A plan showing the location of the barrier
1. The minimum height of the barrier relative to the adjacent ground level
2. The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

No dwelling whose curtilage shares a boundary with the proposed acoustic barrier shall be occupied until the construction of the acoustic barrier has been completed in accordance with the approved details, and the barrier shall be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

24. The scheme of boundary treatments (other than the acoustic barrier referred to above) as shown on the approved Boundary Treatment Plan and Elevations ref 2405-GWP-00-00-D-A-(00)-0025_ C06 and (557)2405-GWP-00-00-D-A-(PA)-0026 P07 shall be implemented in full before any dwelling to which they relate is first occupied, and shall thereafter be retained as such.

Reason: To ensure that existing and future occupiers have adequate protection from crime and the fear of crime, to ensure that the privacy of existing and future occupiers is protected, and to accord with the aims of

Policy LP24(b) of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

25. All private and visitor parking spaces as shown on drawing 2405-GWP-00-00-D-A-(00)-0005 Revision C10 shall be provided and laid out with a hardened and drained surface before the dwelling to which they relate is first occupied (or in the case of the visitor spaces, before any dwelling is first occupied) and thereafter retained free of all obstructions to their use by vehicles.

Reason: To ensure that satisfactory parking provision is provided at all times in the interests of highway safety and the efficient servicing of the site, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

26. Finished floor levels of the dwellings hereby approved shall be in accordance with the details shown on the approved drawing Levels Strategy, reference 24106-DCE-XX-XX-D-C-155 P07.

Reason: For the avoidance of doubt, to ensure that the development harmonises with its surroundings, and in the interests of the amenity of existing and future residents, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan.

27. The facilities for the storage of wastes arising from the development shall be provided in the locations shown on the approved site plan 2405-GWP-00-00-D-A-(00)-0005 Revision C10 in accordance with the details shown on the boundary treatment elevations drawing (557)2405-GWP-00-00-D-A-(PA)-0026 P07 before any dwelling to which it relates is first occupied, and these shall thereafter be retained free from obstructions to their use for the storage of waste containers.

Reason: In the interests of visual amenity and to ensure the provision of satisfactory facilities for the separation, storage and disposal of wastes, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

28. The secure cycle storage facilities shown on the approved site plan and supporting details shall be provided and made available for use prior to the first occupation of the dwelling to which it relates, in accordance with the details shown on the plan, and thereafter retained as such.

Reason: To comply with the Council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, 24 and 47 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

29. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), all windows in the side elevation of the dwelling on Plot 15 shall be non-opening and shall be fitted

with obscure glazing to give a grade 5 degree of obscurity before the dwelling is first occupied. Windows of this type shall thereafter be retained.

Reason: To ensure that the development does not give rise to harm to the amenities of future or existing residents arising from loss of privacy and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

30. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no windows other than those shown on the approved plans shall be formed within the side elevation of the dwelling on Plot 15 at ground floor level at any time.

Reason: To ensure that the development does not give rise to harm to the amenities of future or existing residents arising from loss of privacy and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

31. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings 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. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

Note: Mandatory Net Gain Condition

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

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

The biodiversity gain plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- a) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify

Notes – drainage infrastructure within the public highway

All new storm water attenuation tanks/pipes/culverts with internal diameter/spans

exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

See: <https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/pdf/highways-structural-procedures.pdf>

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Preliminary street design details – Informative

The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

Note: Pursuant to condition 13

Following implementation of the works required by condition 13, you are reminded to submit the “Construction Compliance Certificate” and “As Built” documentation to K.C. Structures, at Highways.Structures@kirklees.gov.uk.

Note: construction times

Noisy construction related activities should not take place outside the hours of –

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

With no noisy activities on Sundays or Public Holidays. Institute of Air Quality Management document “Guidance on the assessment of dust from demolition

and construction” Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

NOTE – Works within the highway

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: 0800 7318765) 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.

Plan Type	Reference	Version	Date Received
Received via original planning permission 2024/91760			
Site Location Plan	(557)2405-GWP-00-00-D-A-(PA) 0001	P02	21/06/24
Topographical Survey	(557)2405-GWP-00-00-D-A-(PA) 0002	P02	21/06/24
Existing Site Sections	(557)2405-GWP-00-00-D-A-(PA) 0004	04	21/06/24
Proposed Materiality (3D visualisation)	(557)2405-GWP-00-00-D-A-(PA) 0006	P03	19/08/24
Proposed House – 2b3p	(557)2405-GWP-00-00-D-A-(PA) 0010	P03	21/06/24
Proposed House – 3b4p	(557)2405-GWP-00-00-D-A-(PA) 0011	P02	21/06/24
Proposed House – 3b4p (turned)	(557)2405-GWP-00-00-D-A-(PA) 0012	P03	21/06/24
Proposed boundary treatment elevations	(557)2405-GWP-00-00-D-A-(PA) 0026	P07	11/02/25
Proposed bike store	(557)2405-GWP-00-00-D-A-(PA)-002	P02	21/06/24

Plan Type	Reference	Version	Date Received
Flood Risk Assessment	24106	P01	21/06/24
Noise Impact Assessment	J004896-7802-DH-02		21/06/24
Air Quality Impact Assessment	7921r1		21/06/24
Arboricultural Report	22019/AJB		21/06/24
Arboricultural Method Statement	22019-A/AJB		21/06/24
Highways Technical Statement	24036	P01	22/10/24
Geoenvironmental appraisal			13/09/24
Coal Mining Risk Assessment	H17075CMRA		13/09/24
Phase 1 Contaminated Land Report	H17075DTS		21/06/24
Phase 2 Contaminated Land Report	H17075		21/06/24
Hazardous Gas Risk Assessment	ACV/JR/H17075GRA/2018.07.27		21/06/24
Rotary Boreholes Log	H17075		21/06/24
Trial Pit Log	H17075		21/06/24
Proposed lighting layout	WECE / HEALEY LANE /E / 001		21/06/24
Energy & sustainability Statement	Watt	A	21/06/24
Adoptable highway plan	(557)2405-GWP-00-00-D-A-(SK)-0012		06/12/24
Received via Section 73 application, reference 2025/93546			
Proposed Site Plan	2405-GWP-00-00-D-A-(00)-0005_Proposed Site Plan	C10	20/04/26
Waste Management Strategy	2405-GWP-00-00-D-A-(00)-0007_Waste Management Strategy	C04	23/12/25
Proposed Site Sections	2405-GWP-00-00-D-A-(00)-0009_Proposed Site Sections	C03	23/12/25
Block A Architectural Drawings	2405-GWP-00-00-D-A-(00)-0015_Block A Architectural Drawings	C07	23/12/25

Plan Type	Reference	Version	Date Received
Block B Architectural Drawings	2405-GWP-00-00-D-A-(00)-0016_Block B Architectural Drawings-C06	C06	23/12/25
Block C Architectural Drawings	2405-GWP-00-00-D-A-(00)-0017_Block C Architectural Drawings-C07	C07	23/12/25
Block D Architectural Drawings	2405-GWP-00-00-D-A-(00)-0018_Block D Architectural Drawings-C06	C06	23/12/25
Block E Architectural Drawings	2405-GWP-00-00-D-A-(00)-0019_Block E Architectural Drawings-C06	C06	23/12/25
Block F Architectural Drawings	2405-GWP-00-00-D-A-(00)-0020_Block F Architectural Drawings - C05	C05	23/12/25
Block G Architectural Drawings	2405-GWP-00-00-D-A-(00)-0021_Block G Architectural Drawings C07	C07	23/12/25
Block H Architectural Drawings	2405-GWP-00-00-D-A-(00)-0022_Block H Architectural Drawings	C07	23/12/25
Proposed boundary treatments	2405-GWP-00-00-D-A-(00)-0025_Proposed Boundary Treatments	C06	23/12/25
Arboricultural Report	22019/AJB		23/12/25
Landscape layout	4622 101	N	01/06/26
Planting plan 1 of 2	4622 201	G	23/12/25
Planting plan 2 of 2	4622 202	G	23/12/25
Drainage Strategy	4106-DCE-XX-XX-D-C-100	P05	23/12/25
Proposed Impermeable Areas	24106-DCE-XX-XX-D-C-103	P05	23/12/25
Flood Exceedance Route	24106-DCE-XX-XX-D-C-129	P08	23/12/25
Highways Section 38 plan	24106-DCE-XX-XX-D-C-138	P08	23/12/25

Plan Type	Reference	Version	Date Received
Highway Longitudinal Sections	24106-DCE-XX-XX-D-C-160	P03	23/12/25
Levels Strategy	24106-DCE-XX-XX-D-C-155	P07	23/12/25
Visibility Splays	24106-DCE-XX-XX-D-C-191	P02	23/12/25
Plan of managed landscaped areas	(557)2405-GWP-00-00-D-A-(SK)-0013		23/12/25
Biodiversity net gain calculation tool			27/01/26
Preliminary ecological assessment and feasibility report	P062	04	27/01/26
Biodiversity net gain assessment	A6599		27/01/26
Structures adjacent highways	24106-DCE-XX-XX-D-C-158	P02	19/03/26
S104 manhole schedules	24106-DCE-XX-XX-D-C-120	P06	19/03/26
Drawing issue sheet			10/02/25
Civils issue sheet			10/02/25

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer engaged with the applicant to obtain clarification of the description and the nature of the changes being applied for, but no significant revisions to the plans were considered necessary.