

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:	2026/70/91436/E
Site Address:	Fearnley Street/Fall Lane/Brooks Yard, Westtown, Dewsbury
Description:	Variation of condition 1 (limited period deadline date) on previous permission 2024/90513 for construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed
Recommending Officer:	Liz Chippendale

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: 27-Jul-2026

Application: 2026/91436

Site: Fearnley Street/Fall Lane/Brooks Yard, Westtown, Dewsbury

Proposal: Variation of condition 1 (limited period deadline date) on previous permission 2024/90513 for construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed

Site Description

The application site comprises land to the north of Fall Lane at Dewsbury, and adjacent to a terrace of four residential properties known as 'Brooks Yard'. The land within the application red line boundary is part of a wider area of open space which is unallocated in the Kirklees Plan and in the ownership of Kirklees Council.

This land is traversed by Fearnley Street; a narrow road with a stone setted surface which provides service access to the Shepherds Boy public house, as well as access to an informal parking area for the residents of Brooks Yard. The existing properties at Brooks Yard have to their frontage a short stone setted access road, which is accessed via Fall Lane. To the rear of the properties is an amenity space enclosed by a retaining wall which provides rear pedestrian access.

The end property to the east of the terrace (Number 24) has an existing area of off-street parking. The wider site comprises a mix of residential properties to the west off Fall Lane, and industrial properties to the south of the railway line.

Description of Proposal

A variation is sought to condition 1 (timeframe) of planning permission ref. 2024/90513, which currently reads:

1. *This permission hereby granted shall expire on 20 June 2026. On expiry of this period the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme shall include:*
 - a) *Details of existing and proposed levels including cross sections through all regrading works and sloping grassed*

areas (final finished gradients to not exceed 12% or maximum of 1 in 8 to facilitate mowing/maintenance)

b) Detailed specification for full landscape reinstatement, top soiling (including top soil depths) and grass seed mix

c) The timescale for the implementation and completion of the works to reinstate the area of open space.

d) Maintenance for 12 months post reinstatement to ensure establishment of the grass sward.

The scheme of works shall not be implemented until the Local Planning Authority has given its written approval and the works comprising the approved scheme shall be completed within a period of six months from the date the approved use expires. Thereafter the 12 months post reinstatement period shall be implemented in accordance with the approved details.

Reason: *The proposal is for a temporary access road, parking and staircase in association with the Transpennine Route Upgrade, and to ensure the site is restored to its original condition to an acceptable standard in the interests of amenity, highway safety and biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan.*

The proposal requests an alteration to the wording of the condition to vary the end date to 20 June 2027. There are no other amendments sought to the permission. The proposed amended condition (with the modified section underlined) would read as follows:

This permission hereby granted shall expire on 20 June 2027. On expiry of this period the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme shall include:

a) Details of existing and proposed levels including cross sections through all regrading works and sloping grassed areas (final finished gradients to not exceed 12% or maximum of 1 in 8 to facilitate mowing/maintenance)

b) Detailed specification for full landscape reinstatement, top soiling (including top soil depths) and grass seed mix

c) The timescale for the implementation and completion of the works to reinstate the area of open space.

d) Maintenance for 12 months post reinstatement to ensure establishment of the grass sward.

The scheme of works shall not be implemented until the Local Planning Authority has given its written approval and the works comprising the approved scheme shall be completed within a period of six months from the date the approved use expires. Thereafter the 12 months post

reinstatement period shall be implemented in accordance with the approved details.

Reason: *The proposal is for a temporary access road, parking and staircase in association with the Transpennine Route Upgrade, and to ensure the site is restored to its original condition to an acceptable standard in the interests of amenity, highway safety and biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan.*

The applicant has submitted the following reasons for the proposed extension of the use of the temporary access road and residents parking:

- *Due to programme issues in terms of a delay in the anticipated programme for gaining approval under planning, works had to be re-sequenced with part of the Brooks Yard retaining Wall being completed, installation of sheet piles, further works to Brooks Yard retaining wall before Yorkshire Water works commenced.*
- *There were various issues and delays associated with the Yorkshire Water Diversion works, which saw the completion of these works and the Road Closure in the Area move from June 2025 to October 2025. This in turn, had a knock-on effect on the works needed to be carried out beyond Yorkshire Water's works.*
- *Requirement for s.61 (control of noise) – upon eventual completion of the YW diversion works in Thornhill Road at the end of October 2025, a s.61 consent was required for the planned works; The Approval of which had a fixed timeline. Approval of the s.61 was received in February 2026.*
- *Utility Diversion Works - the project had agreed that there would be no simultaneous closures of Calder Road and Thornhill Road/Fall Lane. Due to the programme changes the next stage of works coincided with a closure at Calder Road. Daytime lane closures at Thornhill Road/Fall Lane were therefore not possible as per our Project Commitment, certain Utility Diversion Works also needed to be carried out at night due to the location of the works and for safety reasons. The s.61 agreement needed to be adjusted to reflect these arrangements. This delay also meant that the Utility asset owners who needed to carry out the diversion works no longer had availability at the adjusted times following the re-issue of the s.61 agreement. The utility diversion works also have fixed notification periods for disconnecting and reconnecting services.*
- *The delays to the above works (some of which are still ongoing) meant that there is a knock-on effect to future works associated with the installation of the new bridge deck (railway bridge over Thornhill Road). This includes the Probing and Grouting to each Pile Position, the Piling mat construction followed by the Piling, Abutment Construction, Deck Installation etc. Notwithstanding, the Brooks Yard Wall Construction still needs to be completed, followed by another Phase of Highway works that cannot occur until post Bridge Deck Installation.*

Until these works are complete the Temporary Road and parking area for the residents of Brooks Yard is needed.

Relevant Planning History

Application Site

2022/93853	Discharge of condition 3 (Stages of Development) of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022. Spilt Decision issued 14 February 2023.
2022/93858	Discharge of conditions 4, 5, 6, 8,10 and 19 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022. Spilt Decision Issued 6 April 2023 2022/93945 - Discharge of conditions 5, 6, 10 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 2 of the Development. Spilt Decision Issued 31 July 2023
2023/91305	Discharge of conditions 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan) and 10 (Contaminated Land) of deemed planning permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 3 of the Development. Spilt Decision Issued 26 July 2023
2023/91812	Discharge of conditions 5, 6, 7, 10, 12 and 16 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 4 of the Development. Spilt Decision Issued 16 August 2023
2023/92357	Discharge conditions 5, 6, 10, 13 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 5 of the Development. Pending Decision 2023/91990 - Discharge conditions 5, 6, 7, 10, 17, 18 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown

(Dewsbury) Improvements Order 2022, Stage 6 of the Development. Split Decision issued 16.05.2024

- | | |
|------------|--|
| 2024/90513 | Construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed. Conditional full permission issued 20.06.2026. |
| 2024/92043 | Discharge of condition 6 (temporary access road) on previous permission 2024/90513 for Construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed. Withdrawn. |
| 2024/92224 | Discharge of condition 7 (import of material) of previous permission 2024/90523 for Construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed. Withdrawn. |
| 2024/93162 | Non material amendment to previous permission 2024/90523 for Construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed. NMA granted decision issued 19 December 2024. |
| 2025/90411 | Discharge of condition reserved by condition 5 (temporary access road) on previous permission 2024/90513 for Construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed. Approved 3 April 2025. |

History of Negotiations

Officers contacted the applicant to submit details of the reasons for the requirement of the extension of time for the temporary permission. The applicant submitted this detail via email which was considered acceptable and assisted officers in the assessment of the application.

Representations

Final publicity date expired: 10/07/2026

The application has been advertised as a minor development via site notice. This is in line with the Council's adopted Statement of Community Involvement.

No representations were received in response to the consultation.

Planning Policy

Kirklees Local Plan (KLP)

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

The site is unallocated within the Kirklees Local Plan.

The following policies are deemed most relevant to this application:

- LP1 – Presumption In favour of sustainable development
- LP 2 – Place Shaping
- LP 20 – Sustainable travel
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 32 – Landscape
- LP 33 – Trees
- LP 52 – Protection and improvement of environmental quality

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

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.

- Chapter 2 – Achieving sustainable development.
- Chapter 4 – Decision making
- Chapter 9 – Promoting sustainable transport.
- Chapter 12 – Achieving well-designed and beautiful places.
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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.

As part of the original application, the applicants proposed some measures to reduce energy demand and limit the consumption of carbon during the construction works. There were no specific measures to utilise renewable or low carbon energy sources, however the proposal is a temporary measure to support the delivery of the TRU Scheme which will provide wider sustainability benefits from the electrification of this section of the railway. It is noted the TRU Scheme has the potential to be Net Zero Carbon by 2050 and taking these proposed benefits into account, the details are considered to be acceptable.

Consultation Responses

No consultations were considered necessary for this application proposal as the only matter proposed for amendment is the permission expiry date.

Assessment

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

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. The original planning permission was approved under application 2024/90513 for construction of temporary access road to provide vehicle access to temporary parking area for residents of Brooks Yard for the duration of the works to upgrade the adjacent Transpennine railway, along with removal of temporary access road and reinstatement of grassed area once railway works are completed therefore, the principle of development remains established by way of this permission.

Consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In this case, there are considered to be no local or national policy changes that would affect the proposal. The Local Plan (2019) remains the local development plan. It is noted that the NPPF has been through revision(s), however, the changes in the latest version are considered to have no direct

impact on the proposal. Regarding the local context, no new works or approvals in the area would impact on how the proposal is assessed.

Variation of Condition 1 (timeframe)

Impact on Highway safety

Policy LP21 of the Kirklees Local Plan states new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Highways Development Management previously considered the approved development as acceptable in principle, subject to conditions for the submission of details of the vertical alignment of the access road, junction visibility splays and a stage 1 Road Safety Audit (RSA) with designer's response under condition 5 of the original permission. A discharge of condition application was approved for this detail on 03/04/2025.

There are no proposed alterations to the design of the access road or parking area, with the only matter for consideration the proposed extension to the time of use of the access road and parking area by an additional 12 months. This would not contradict or undermine the RSA process previously undertaken. The proposal would not have a detrimental impact on highway safety and would accord with Policy LP21 of the Kirklees Local Plan

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers.

When assessing the original planning permission, Kirklees Environmental Health officers noted that there was a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the scheme. To mitigate this, a condition restricting the times when noisy construction activities (including deliveries) are permitted was added to the permission.

This condition would be retained under a new permission and is considered to remain an effective method to address the original concern. As such, the proposal will accord with policy LP24 of the Kirklees Local Plan.

Impact on Visual amenity/Landscape

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout and details of all development

respects and enhances the character of the townscape, heritage assets and landscape.

The principle of a temporary access road, parking area and staircase was considered to be acceptable to deliver the benefits of the TRU whilst mitigating the impact to residents during those works.

The land is the ultimate responsibility of, and managed and maintained by Kirklees Council Grounds Maintenance Team and therefore needs to be reinstated to a good approved standard and any regrading or slopes, or temporary grass seeding or planting specifications agree and approved prior to implementation. As there is no proposed alterations to the approved plans, the requirements under condition 1 for the submission of landscape details remains in place. Officers are confident that the proposed additional 12-month period would not impact on this submission of details 6 months prior to its expiration.

Impact on ecology

Following consultation for the original application, the Council's ecologist assessed the proposal and raised no objections, subject to the inclusion of a condition that vegetation works should be undertaken outside of the period 1st March to 31st August to avoid impacts to nesting birds. This condition would be retained within a new permission.

There is considered to be no additional or materially different impact upon local ecology via the desired extension to the temporary end date of 12 months.

Regarding net gain, the original application was included within the small sites exemption which would still apply. However, it is advised that wider TRU Scheme is subject to a planning condition of the Deemed Planning Consent to secure a net gain of 10% across the whole scheme, although officers note this does not apply to this standalone application.

Other matters

The desired variation of condition is not considered to have any direct or material impact on other planning considerations.

Summary

The condition in question continues to serve a necessary function, for the reasons set out in the original report. However, given the operational matters raised by the applicant (as set out within the Description of Proposal section), the need to vary the end date is acknowledged. The impacts of this have been considered, and found to be acceptable.

Therefore, the proposed variation is considered acceptable and is recommended that condition 1 be varied as proposed, to:

1. This permission hereby granted shall expire on 20 June 2027. On expiry of this period the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme shall include:

a) Details of existing and proposed levels including cross sections through all regrading works and sloping grassed areas (final finished gradients to not exceed 12% or maximum of 1 in 8 to facilitate mowing/maintenance)

b) Detailed specification for full landscape reinstatement, top soiling (including top soil depths) and grass seed mix

c) The timescale for the implementation and completion of the works to reinstate the area of open space.

d) Maintenance for 12 months post reinstatement to ensure establishment of the grass sward.

The scheme of works shall not be implemented until the Local Planning Authority has given its written approval and the works comprising the approved scheme shall be completed within a period of six months from the date the approved use expires. Thereafter the 12 months post reinstatement period shall be implemented in accordance with the approved details.

Reason: *The proposal is for a temporary access road, parking and staircase in association with the Transpennine Route Upgrade, and to ensure the site is restored to its original condition to an acceptable standard in the interests of amenity, highway safety and biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan.*

Previous conditions and obligations

As this is an application under S73 of TCPA 1990 it will in effect be a new permission. The Planning Practice Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

All conditions remain pertinent and are to be retained with minor amendments as set out below. There are currently two discharge of condition applications (listed under planning history section of the report) under consideration, however these are yet to be determined.

Application 2024/90513 was granted with 8 conditions. The following is a list of the conditions:

1. Development permission to be limited until 30 June 2026. Within 6 months prior to the expiration of the decision, a scheme of works to be submitted for the restoration of the site

The condition wording will be amended for the permission to expire on 30 June 2027. All other text within the condition will remain unamended.

2. Development completed in full accordance with the plans and specifications schedule

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

3. Time limits on construction related noise

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

4. Means of access to and from the site shall be in accordance with the preliminary access design as shown on the approved plan Drawing No.7722 30 Rev P0 and delivered prior to closure of the Books Yard/Fall Lane access and thereafter retained and maintained until completion of the Transpennine Route Upgrade works in this area as granted by the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 which require severance of the existing residents access

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

5. Prior to commencement, the submission of details of the vertical alignment of the access road, junction visibility splays and a Stage 1 RSA and Designer's response

This condition will be amended to reflect the submission and approval of the detail under DOC application ref. 2025/90411.

6. The reporting of any unexpected land contamination

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

7. Restriction of the importation of materials to site

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

8. Vegetation clearance works should be undertaken outside the period 1st March to 31st August

This condition will remain as originally worded, as it continues to serve a necessary and reasonable function.

Representations

No representations were received.

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

Recommendation: Approve Variation of Condition 2.

Report Dated: 24/07/2026

Application Number: 2025/91604

Decision Authorisation: Delegated Powers

Officer Recommendation: Approve Variation of Condition

Conditions and Reasons

1. This permission hereby granted shall expire on 30 June 2027. On expiry of this period the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme shall include:

- a) Details of existing and proposed levels including cross sections through all regrading works and sloping grassed areas (final finished gradients to not exceed 12% or maximum of 1 in 8 to facilitate mowing/maintenance)
- b) Detailed specification for full landscape reinstatement, top soiling (including top soil depths) and grass seed mix
- c) The timescale for the implementation and completion of the works to reinstate the area of open space.
- d) Maintenance for 12 months post reinstatement to ensure establishment of the grass sward

The scheme of works shall not be implemented until the Local Planning Authority has given its written approval and the works comprising the approved scheme shall be completed within a period of six months from the date the approved use expires. Thereafter the 12 months post reinstatement period shall be implemented in accordance with the approved details.

Reason: The proposal is for a temporary access road, parking and staircase in association with the Transpennine Route Upgrade, and to ensure the site is restored to its original condition to an acceptable standard in the interests of amenity, highway safety and biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan.

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: To ensure the satisfactory appearance of the development on completion and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP28, LP30, LP32P, LP33, LP52 and LP53 of the Kirklees Local Plan, as well as Chapters 2, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. No construction related noise shall be audible beyond the site boundary outside the hours of:

- Monday to Friday: 0730 to 1830 hours
- Saturdays: 0800 to 1300 hours

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

4. Means of access to and from the site shall be in accordance with the preliminary access design as shown on the approved plan Drawing No.7722 30 Rev P0 and delivered prior to closure of the Books Yard/Fall Lane access and thereafter retained and maintained until completion of the Transpennine Route Upgrade works in this area as granted by the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 which require severance of the existing residents access, or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety and amenity and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

5. The development hereby approved shall be carried out in accordance with the Stage 1 Safety Audit 002-01, Road Safety Audit Designers response, Visibility splays 161464-001 and Temporary haul road – long section 161464-001 approved under Discharge of condition application reference 2025/90411 approved on 03/04/2025 and shall thereafter the access road shall be implemented in accordance with the approved details and thereafter retained and maintained until completion of the Transpennine Route Upgrade works in this area as granted by the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 which require severance of the existing residents access, or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

6. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved

Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing by the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. In order to avoid impacts to nesting birds, vegetation clearance works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Reason: To protect nesting and breeding birds during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es). This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The discharge of the above condition does not constitute Technical Approval of the access road under Section 38 or 278 (or other relevant

section) of the Highways Act 1980, or other appropriate legislation, for which separate approval is required from the Local Highway Authority.

NOTE - All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: 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.

Plan Type	Reference	Version	Date received
Email dated 18.06.2026 from Network Rail – Reasons for proposed extension of temporary use	-	-	18.06.2026
Details pursuant to discharge of condition application 2025/90411			
Stage 1 Road Safety Audit dated January 2025	002	01	17.01.2025
Stage 1 Road Safety Audit Response report dated January 2025	-	-	17.01.2025
Visibility splays	161464	001	17.01.2025

Temporary haul road – Long section	161464	001	17.01.2025
Details pursuant to Non material amendment 2024/93162			
Temporary access road and services protection design	7722-26	C4	06.11.2024
Details pursuant to planning permission 2024/90513			
Location plan	151667-TSA-00-TRU-REP-W-EN-001479	P01	07.03.2024
Temporary Access Road and Services Protections Design	7722-26	C0	07.03.2024
Location and design of Haki staircase	7722-30	P0	07.03.2024
Planning supporting statement	151667-TSA-00-TRU-REP-W-EN-001472		07.03.2024
Climate Change statement	-	-	07.03.2024

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.

Officers considered that the details as originally submitted were acceptable.

Report Dated: 24/07/2026