

HOLME PLANNING

Partnership

Ms Kerri Simpson
Deputy Team Leader – Development Management
Place Directorate
Kirklees Council
PO Box 1720
Huddersfield
HD1 9EL

7th July 2026

Dear Kerri,

**Re: Discharge of Planning Conditions – Consent Reference 2025/62/91961/E
Adj to 315 Wakefield Road, Lepton**

I write in relation to the aforementioned consent issued by Kirklees Council on 26th January 2026 for the demolition of existing buildings and the erection of a detached dwelling.

It is noted from a review of the decision notice, that there are a number of conditions that require formal discharge in advance of works commencing on site or occupation of the premises. This submission seeks to address the conditions as follows:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

The provisions of condition 1 are noted and will be complied with once the relevant conditions have been discharged, such that works can commence on site.

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,

LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9,11, 12, 13,14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

Condition 2 is noted and will be complied with.

3. The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment (ref RE/315WRL/Rev B) and Arboricultural Method Statement (ref: TRE/315WRL/Rev B), prepared by Mulberry, dated 27th November 2025, unless otherwise agreed in writing by the Local Planning Authority.

All approved tree protection measures shall be installed prior to the commencement of any works on site (including site clearance, demolition, groundworks or delivery of materials) and shall be retained and maintained for the duration of construction.

Reason: To ensure the protection and long-term health of the mature trees adjacent to the site, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Condition 3 is noted and will be complied with.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes AA, A, B,C,D,E,F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and so as to preserve the openness of the Green Belt and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

The provisions of Condition 4 have been noted.

5. The development hereby approved shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

The provisions of Condition 5 have been noted and will be complied with in advance of occupation; albeit we note that there is no requirement for formal discharge.

6. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities*
- b) Identification of "biodiversity protection zones"*
- c) Pollution Prevention Plan for the watercourse (using good practice guidance such as CIRIA C532)*
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)*
- e) The location and timing of sensitive works to avoid harm to biodiversity features.*
- f) The times during construction when specialist ecologists need to be present on site to oversee works.*
- g) Responsible persons and lines of communication.*
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- i) Use of protective fences, exclusion barriers and warning signs. The CEMP must also include the following specific plans / documents: Precautionary Working Method Statements for birds, hedgehogs, badgers, reptiles, and amphibians.*

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

This discharge of condition application includes the required CEMP to address the provisions of condition 6 in full. We are therefore seeking formal and complete discharge of condition 6.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, 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.

This discharge of condition application is supported with a detailed intrusive site investigation report which addresses the provisions of condition 7 in full and confirms that there is no presence of

contaminants on site. We are therefore seeking formal and complete discharge of condition 7 within this application.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, 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.

This discharge of condition application is supported with a detailed intrusive site investigation report which addresses the provisions of condition 8, and confirms that there is no requirement for further work or on site remediation. We are therefore seeking formal confirmation that no further work is required in relation to condition 8 and that it can be discharged in full.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate time, 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.

As set out above, the Phase 2 detailed site investigation report confirms that there is no remediation requirements to protect end users or to protect controlled waters, we are therefore of the understanding that there is no requirement for detailed discharge of condition 9, but would appreciate written confirmation of the same as part of this application.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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: This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate time, 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.

As set out above, the Phase 2 detailed site investigation report confirms that there is no remediation requirements to protect end users or to protect controlled waters, we are therefore of the understanding that there is no requirement for detailed discharge of condition 10, but would appreciate written confirmation of the same as part of this application.

11. 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 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.

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 2024.

As set out above, the Phase 2 detailed site investigation report confirms that there is no remediation requirements to protect end users or to protect controlled waters, we are therefore of the understanding that there is no requirement for detailed discharge of condition 11, but would appreciate written confirmation of the same as part of this application.

12. No above ground development shall commence until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, 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.

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

Reason: This is a pre-commencement condition to ensure the legacy of past coal mining activity is adequately investigated and mitigated, in the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

The provisions of Condition 12 are noted and have been addressed in full within the as submitted detailed site investigation report. Our understanding is that the application is supported with sufficient detail to justify the discharge of condition 12 part a), and to a degree which confirms that below ground works can commence to implement the original consent with remediation options presented to secure the structural integrity of the site. Condition 12 part b) we understand will need to be discharged once works on site associated with structural remediation have been completed and confirmed to the local authority.

13. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework 2024.

The provisions of Condition 13 are noted and this discharge of condition application is supported with a schedule and sample images of all of the proposed materials of construction for local authority sign off, alongside plan reference 24_821 120. We look forward to confirmation of the complete discharge of condition 13 at officers' earliest convenience.

14. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

The provisions of condition 14 are noted and details of external lighting have been included within this application as part of the schedule of build materials. We understand that sufficient detail has therefore been provided to secure the discharge of condition 14 in full.

15. No development above ground level shall take place until a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and noise generated by the neighbouring commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall: ① Determine the existing noise climate ② Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development ③ Detail the proposed

attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

A detailed Noise Assessment has been submitted with this discharge of condition application which addresses the requirements of condition 15. We are therefore looking forward to receiving confirmation that condition 15 has been addressed and can be discharged in full.

16. 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: In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

The provisions of condition 16 are noted and the verification report to confirm works have addressed the coal mining risk detailed in the Phase 2 geotechnical report will be submitted for sign off in due course within a future discharge of condition application.

17. Prior to the first occupation of the development hereby approved, a scheme detailing the boundary treatment of the all the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework 2024.

The provisions of condition 17 are noted and have been addressed within drawing reference 24_821_121 as included within this application. The boundary details set out in plan reference 24_821_121 are sufficient to secure the discharge of condition 17 in full.

18. Prior to the first occupation of the development, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to safeguard visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

The provisions of condition 18 are noted and have been addressed within drawing reference 24_821_120 as included within this application. The hard and soft landscape details set out in plan reference 24_821_120 are deemed to be sufficient to secure the discharge of condition 18 in full.

19. Prior to the first occupation of the development, details of refuse and recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of bin storage areas and the method of refuse presentation for collection. The approved arrangements shall be implemented in full prior to first occupation and thereafter retained for the lifetime of the development.

Reason: To ensure satisfactory refuse storage and collection arrangements are provided in the interests of visual amenity, residential amenity and highway safety, in accordance with Policies LP24 and LP21 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapters 9 and 12 of the National Planning Policy Framework.

The provisions of condition 19 are noted and have been addressed within drawing reference 24_821_120, which shows the location of the proposed bin store, with the details of the design and use of materials for the bin storage itself also shown in plan reference 24_821_121. Bins will obviously be stored in the structure to be located to the south of the as approved building, with bins being taken to the end of the driveway for collection when required. Bins will be retained within the site boundary awaiting collection to avoid potential conflict on the right of way and adjoining footpaths, with sufficient space still available for the movement of vehicles on and off site. The refuse storage and collection details set out within this application are sufficient to secure the discharge of condition 19 in full.

20. Prior to the first occupation of the dwelling hereby approved, one integrated bat box placed on the southern elevation of the dwelling and placed a minimum of 3m off the ground and 3 bird nesting features, shall be installed within the fabric of the building. The nesting features shall be retained thereafter.

Reason: To ensure the development delivers measurable biodiversity enhancements on site, in the interests of biodiversity and ecological connectivity, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The provisions of condition 20 have been noted, and whilst formal discharge is not required, details of the location of the required bat box and bird nesting features have also been shown on plan reference 24_181 120 for completeness. We would therefore kindly request that condition 20 be discharged for the avoidance of doubt.

We therefore trust that the above and attached documents and plans address the requirements of the various conditions attached to the original approval that require discharge. However, should the council require any additional details or amendments either in advance of validation of this discharge of condition application, or during the determination process, please do not hesitate to contact us. Otherwise, we look forward to hearing from you shortly hopefully with confirmation that you are the officer appointed to deal with this discharge of condition application, and your earliest written confirmation that the provisions of the relevant conditions attached to consent 2025/62/91961 can be discharged as necessary, such that works can commence on site.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'R. Booth'.

Rebecca Booth
BSc (Hons) MSc (Dist) MCIM
Managing Director