



JohnsonMowat

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Our ref.
Your ref.

23 July 2026

Dear Sir/ Madam,

**SECTION 96A NON-MATERIAL AMENDMENT – AMENDMENT TO CONDITION 17 OF APPLICATION
REFERENCE 2023/62/91212/W**

LAND OFF BANKFIELD DRIVE, HOLMBRIDGE, HOLMFIRTH

ERECTION OF 21 DWELLINGS WITH ACCESS FROM LAITHE AVENUE

Please be aware that we have today submitted a Section 96A application via the Planning Portal (reference: PP-15105711) for the non-material amendment of application reference 2023/62/91212/W. This S96A application seeks an amendment to the trigger point of condition 17. This application is submitted on behalf of Orion Homes.

Condition 17 begins as follows (extract):

17. Prior to the commencement of development, the design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to the proposed adoptable highway or existing highway (including proposed modifications to the existing highway retaining wall adjacent to Dobb Top Road) shall be submitted to and approved in writing by the Local Planning Authority..."

The Council will be aware of the efforts by Orion Homes to discharge condition 17 through application reference 2026/91614.

In a recent meeting, held on the 9th July 2026, relating to planning consent 2023/62/91212/W it was confirmed by Kirklees Council Officers that the intention of condition 17 was solely in relation to the retaining wall works at Dobb Top Road. It is noted that Dobb Top Road is specifically referenced in the condition as written.

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Whilst work remains ongoing in relation to the technical details of that retaining wall, it is requested that the Council allow the trigger of the condition to be revised to “prior to the commencement of works relating to Plots 20 and 21”.

Dobb Top Road is located to the north of the site. No vehicular access connection is required from Dobb Top Road. All vehicular access is provided from Laithe Avenue in the south of the site and the build programme works from the south of the site to the north.

Thereby the design and construction of any retaining walls at Dobb Top Road will have no impact on the early phases of the construction, indeed requirement for any engineering on retaining walls in the north of the site only being triggered as development commences on the northern most plots, plots 21 and 22 as shown on the approved Proposed Site Layout (drawing no. 2021.01.003 Rev X).

As per the discussion of the meeting, it is therefore requested that condition 17 is amended to read as follows (written in full):

17. Prior to the commencement of any development on Plots 20 and 21, as shown on Proposed Site Layout (drawing no. 2021.01.003 Rev X), the design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, cross sections, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works (including in relation to the existing highway retaining wall adjacent to Dobb Top Road in light of the proposed attenuation tank location) and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings of the development hereby approved are first occupied and shall be retained during the life of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

It remains that the condition would secure the details relating to the relevant Dobb Top Road highways are submitted and agreed at the appropriate stage of development process, prior to the point at which construction would have a direct impact.

I trust that you have all the necessary information to determine this application at your earliest convenience. If there is anything further, please do not hesitate to get in touch.

Yours faithfully,

Becky Richmond
Joint Managing Director