

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR  
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	<b>2023/44/91632/W</b>
Site Address:	land south of, The Lodge and north of Church Lane, Linthwaite, Huddersfield
Description:	Discharge of conditions 16 (ventilation) and 30 (pedestrian routes) of previous permission 2021/91571 for erection of residential development for 125 dwellings
Recommending Officer:	Victor Grayson

**DECISION – Discharge 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.**

Majors Team

***AUTHORISED OFFICER***

**Date: 08-Apr-2025**

## **Second Officer Report**

**Discharge of conditions 16 (ventilation) and 30 (pedestrian routes) of previous permission 2021/91571 for erection of residential development for 125 dwellings**

### **The site**

The application site is largely developed (works to implement permission 2021/91571 (as amended) are nearing completion). The development's estate roads have been named Holmedale Court, Acorn Rise and Ryecroft Close.

Public footpath HUD/235/10 is referred to in the wording of condition 30. This footpath runs roughly north-south, over grass, along the eastern edge of the application site. It connects Church Lane / Felks Stile Road and Kinder Avenue. There is a bus stop at its southern end.

### **Relevant decisions to date**

2021/91571 – Planning permission granted 20/12/2021 for the erection of 125 dwellings.

2022/90565 – Split decision issued 17/04/2023, including refusal pursuant to conditions 16 (ventilation) and 30 (pedestrian connections).

Various other Discharge of Conditions and Non-Material Amendment applications have been considered in relation to this site.

### **Current application**

Under this current Discharge of Conditions application (2023/91632), an approval pursuant to condition 16 was issued on 18/09/2023.

This second officer report therefore relates only to condition 30.

### **Consultation**

KC Highways Development Management – The details provided by the applicant relating to the east-west footpath are now deemed suitable and this area of the site is to remain unadopted and be under the maintenance responsibility of the developer. For the pedestrian routes within the adoptable areas of the site, including the extended footway to the west of the site entrance and pedestrian crossing facilities over Church Lane, the Kirklees Section 38 team have issued a technical approval and the full Section 38 agreement is progressing through legal. With this we are now in a position where we can support the discharge of condition 30 of previous permission 3021/91571.

KC Highway Structures – Application does not relate to the structures condition.

The comments of KC Landscape and the council's Section 38 team are referred to below, where relevant, as are the earlier comments of KC Highways Development Management.

### **Condition 30 (pedestrian connections)**

Condition 30 reads as follows:

*30. Prior to the commencement of superstructure works, details of:*

- *the pedestrian connection between the site and The Lodge;*
- *the footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10; and*
- *other pedestrian connections between the site and public footpath public footpath HUD/235/10*

*shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, construction methods, any steps, any handrails, and boundary treatments and gates. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*

**Reason:** *In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the provision of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.*

Following several amendments made during the life of this application, the drawings now under consideration pursuant to condition 30 are:

*For the pedestrian connection between the site and The Lodge:*

- Proposed Footpath Setting Out 1 of 2 (drawing 911277 115 rev C5)
- Standard Details – Bollards (drawing HD/SD/12/01A)

*For the footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10:*

- Proposed Footpath Setting Out 1 of 2 (drawing 911277 115 rev C5)
- Proposed Footpath Setting Out 2 of 2 (drawing 911277 116 rev C7)
- Footpath Through Landscape Section Details (drawing BRO-AJP-ZZ-00-DR-C-1480 rev P03)

*For the other pedestrian connections between the site and public footpath HUD/235/10:*

- Proposed Footpath Setting Out 2 of 2 (drawing 911277 116 rev C7)

Condition 30 does not concern the pedestrian crossing over Church Lane. That matter is under consideration under condition 8 and Discharge of Condition application 2023/91431.

The details of each pedestrian connection are assessed in the following paragraphs.

*Pedestrian connection between the site and The Lodge:*

As noted on site on 06/04/2025, this pedestrian connection has already been created, although some works are yet to be completed. The path runs roughly north-south between The Lodge and Holmedale Court, with unit 46 (now 23 Holmedale Court) to the west and an electricity substation and an attenuation basin serving the development to the east. It is surfaced with tarmac, there are two bollards at its southern end, another bollard at a mid-point (approximately) along the path, a dropped kerb and drainage strip at its northern end (where it meets The Lodge), and low timber railings either side of the path. A landscaped strip separates the path from the side elevation of 23 Holmedale Court. A line of sight has been maintained along the full length of the path, so that pedestrians can see the continuation of their route before they decide to use it.

The submitted drawings indicate that an access off the path (to the east) is to be created to enable basin maintenance, that the bollards are cast iron and are the “Manchester” model by Broxap, and that “No Vehicular Access” signs are to be provided at each end of path (and that this signage would comply with Traffic Signs Regulations 2016).

In early 2024, following the opening of the path (but before a temporary concrete block and subsequent bollards were installed), complaints were received regarding drivers using the pedestrian connection to cut through between The Lodge and Holmedale Court. This pedestrian connection was never intended to take vehicular through-traffic. The relevant statutory undertaker will need to be able to access the electricity substation, however this does not mean a through-route (for vehicles) is needed, as the substation can be accessed from the northern (The Lodge) end of the pedestrian connection, where an appropriate dropped kerb has been provided. The subsequently-installed bollards and timber railings, and the proposed signage, will ensure this path is not misused by drivers in the future.

It is understood that this path is to be adopted by the council as Local Highway Authority. Details of the construction and surfacing of the path have been secured as part of Section 38 discussions. The installed bollards are among the models preferred by the council’s Section 38 team.

Based on what has been provided between The Lodge and Holmedale Court so far (namely, an accessible, functioning, legible, sufficiently safe, attractive

and useful pedestrian connection), and on what is shown on the two submitted drawings, it is recommended that an approval be issued.

*Footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10:*

As noted on site on 06/04/2025, parts of these pedestrian connections have already been created, although some works are yet to be completed.

An east-west footpath runs through the development's main open space, parallel to Church Lane, and is to connect the estate road's footway (at the site entrance on Church Lane) to public footpath HUD/235/10. This path is needed given Church Lane / Felks Stile Road lacks a footway, and given site allocation HS129's requirement for "a pedestrian footway... across the site frontage". The east-west path was in fact proposed and accepted as an alternative (and a compromise on the council's part) to the road-level footway that was required. The path must be capable of providing what a footway would normally be expected to provide.

It is also noted that this east-west path would form part of a highly beneficial, relatively level, traffic-free route between Crosland Hill Road and Church Lane (and a wider east-west walking-to-school route between the Tom Lane / Blackmoorfoot Road / Dryclough Road junction and Colne Valley High School / Ardron Junior and Infant School, if appropriate provision is also secured at the Black Cat (HS23) site and across the intervening field).

The east-west path has been constructed, and a timber gate has been installed at its east end.

The submitted drawings provide sufficient detail of the construction of this path, and respond to earlier officer advice. The drawings illustrate a timber-edged 2m wide path, surfaced with stone chippings (6mm to 10mm in size) held in place by a Bodpave product. On the uphill side of the path, a drainage channel (with a perforated pipe beneath) is shown. No railing is proposed along this path. New stone walling is proposed either side of the gate at the east end of this path.

The design and construction of this path was the subject of extensive discussions between officers (including KC Landscape and KC Highways Development Management officers) and the applicant team. Drainage concerns had been raised by officers – discussions had noted experiences elsewhere in the borough, where gravel paths have proved to be problematic (gravel being washed away by surface water, edges of paths eroding, grass and weeds growing over the surface etc). Officers also suggested that bound resin surfaces (such as those laid in recent years along the towpath of the Huddersfield Narrow Canal, which for some stretches include recycled rubber in their composition) would be preferable. However, the design the applicant has instead proposed is considered acceptable – the inclusion of a form of a French drain (with a perforated pipe beneath) on the uphill side of the path would reduce surface water flows across the path, and this – together with the

use of a Bodpave product – would help to limit the risk of the chippings being washed away.

The chippings used in the east-west path are of a buff stone appropriate for this location. This surface material, and the design and materials used in the gate at the east end of the path, are considered acceptable in visual amenity terms. It is also noted that soft landscaping has recently been provided along the path, and this would further help limit the path's visual impact in longer views.

Beneath the path's surface, an appropriate MOT type 3 sub base is proposed.

Timber edging is considered acceptable for the path. Tanalised timber has been referred to by the applicant in discussions.

Gradients along the east-west path vary due to the site's topography. The applicant's submission refers to gradients typically being between 1:12 and 1:35. Although 1:12 would be steeper than what would normally be considered acceptable (no steeper than 1:20 is the preference), based on site observations it appears the path's steeper parts are short in length.

The path has been routed so it maintains a distance of at least 5m away from the existing overhead electricity lines that cross the site.

A continuous railing is not required along the east-west path. Such a railing would risk appearing obtrusive in any case.

The proposed gate at the east end of the path is considered acceptable. On 09/05/2024 and 03/06/2024 the applicant confirmed that this would be self-closing (which is considered necessary, to keep out livestock from the adjacent field), and on 06/04/2025 it was noted that the gate was sprung. The gate appears to be of a width and design that would enable people with certain disabilities to use it.

Branching from this east-west footpath would be a second path, leading downhill to the turning head between units 94 and 95 (now 64 and 62 Acorn Rise). As of 06/04/2025, work on the steps at the turning head had commenced.

This secondary path would be mown grass, and would not have a constructed surface. On 06/10/2023 the applicant confirmed that the land either side of the path would be slightly banked in order to define the route. The path's typical gradient would be 1:12 along its eastern section, and 1:20 along its western section.

The 24 steps illustrated at the north end of this secondary path would consist of 150mm risers and 300mm treads with 1.5m landings every six steps.

This secondary path would be steeper in places than preferred. These gradients, and the inclusion of steps at its north end, would limit the secondary path's accessibility to people with certain disabilities and/or limited mobility.

There are also concerns that the proposed mown path could become muddy, and that this could also result in the steps becoming slippery.

While these concerns must be noted, so to must the constraints of the site. The site's challenging topography prevents 1:20 gradients and step-free access being provided along the entirety of the secondary path (without visually obtrusive excavation/retention and additional lengths of switchback paths). An alternative, more accessible route is available along the footways of the development's estate roads. Other grassed public footpaths in the area do not appear to have been worn (to the extent that bare earth is revealed) and have not become unacceptably muddy.

The east-west path and the secondary path would not be adopted by the Local Highway Authority. On 10/04/2024 the applicant confirmed that maintenance of the development's public open space and the paths through it would remain the responsibility of Yorkshire Housing.

In summary regarding the east-west path and secondary path, although there are shortcomings in what has been constructed to date (and in what is proposed), given the acceptable aspects of the provision (regarding design, drainage, accessibility, management and other planning considerations), given the site's constraints which prevent certain concerns being fully addressed, and given the wording and requirements of condition 30, it is recommended that the relevant submitted details be approved.

*Other pedestrian connection between the site and public footpath HUD/235/10:*

Of note, there is only one such "other" connection between the site and public footpath HUD/235/10 – this is at the terminus of Acorn Rise (between units 92 and 93, which are now 57 and 66 Acorn Rise), where a gate (similar to that further uphill, at the east end of the east-west path) has been installed, and where a tarmac surface has been laid. These provide step-free access to the public footpath to the east.

This simple pedestrian connection is suitably accessible and legible, and raises no aesthetic concerns. It meets the relevant requirements of condition 30.

It is understood that a strip of land at the terminus of Acorn Rise is to be adopted by the Local Highway Authority. The most recent highway adoption drawing appears to relate to different land to that which now provides the pedestrian connection, however this is not a planning concern.

## **Summary**

The applicant's proposals have sufficiently addressed the reason for refusal (insufficient detail) relevant to application 2022/90565.

Some of the pedestrian connections under construction / proposed by the applicant have shortcomings. However, on balance, the provision is considered

acceptable. Neighbourhood connections and walkability would be sufficiently improved by the development.

### **Recommendation**

Approve details pursuant to condition 30 with advice regarding the further requirements of the condition.

**Report Dated:** 07/04/2025

### **Recommended Decision Notice Text**

**Condition 30 (pedestrian connections)** – You have submitted the following documents pursuant to condition 30:

*For the pedestrian connection between the site and The Lodge:*

- Proposed Footpath Setting Out 1 of 2 (drawing 911277 115 rev C5)
- Standard Details – Bollards (drawing HD/SD/12/01A)

*For the footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10:*

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*For the other pedestrian connections between the site and public footpath HUD/235/10:*

- Proposed Footpath Setting Out 2 of 2 (drawing 911277 116 rev C7)

Details set out in the above drawings are considered acceptable for the purpose of condition 30, and are hereby approved. However, please be reminded of the further requirements of condition 30, which state:

*The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*