

**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:	2024/44/90236/W
Site Address:	adjacent, Britannia Road, Golcar, Huddersfield, HD3 4QB
Description:	Discharge of conditions 11 (ecology design strategy), 12 (external facing materials) and 14 (boundary treatments) of previous permission 2021/92062 for erection of 9 dwellings and associated works
Recommending Officer:	Nick Hirst

DECISION – Discharge of Condition – Split Decision

I hereby authorise the Split Decision 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: 26-Nov-2025

Second Officer Report

Application: 2024/90236

Application Site: Land adjacent, Britannia Road, Golcar, Huddersfield, HD3 4QB

Proposal: Discharge of conditions 11 (ecology design strategy), 12 (external facing materials) and 14 (boundary treatments) of previous permission 2021/92062 for erection of 9 dwellings and associated works.

Overview

An interim decision notice pursuant to this DOC application was issued 20/09/2024, with the following position:

- Discharged and/or details approved: 11
- Details not approved: 12 & 14

This assessment relates to the outstanding conditions only.

Assessment

Condition 12 (external facing materials)

12. Prior to their use, details of all the external facing materials to be used on the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: *In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

In support of Condition 12 the following documents have been submitted:

- Discharge of Conditions – APPENDIX L (materials – stone detailing and roof), received 03/03/2025.
- Discharge of Conditions – APPENDIX J (materials – stonework), received 05/07/2024.

It is acknowledged that KC Conservation & Design have objected to the use of artificial material, insisting upon the use of natural stone, natural grey/blue slates and timber doors and windows, due to nearby listed buildings and concerns over their setting. However, the use of artificial materials and the impact upon the historic environment was considered, and on balance, accepted at application stage as being reasonable. The following is extracted from the previous Officer's report:

The proposed use of artificial stone and concrete tiles is, on balance, acceptable. Natural stone and slate roofing are common on Britannia Road and are considered higher quality, more attractive, materials than artificial alternatives. However, artificial stone and concrete tiles are evident elsewhere on the road in close proximity, notably the 48 dwellings approved via 2010/93214. The site is not within a Conservation Area and, while adjacent to listed heritage assets (considered further below) officers conclude objection to artificial material use would be unreasonable. However, this is subject to suitably high-quality artificial products being used, with a condition recommended for material samples to be provided and approved.

Therefore, whilst KC Conservation & Design's views are noted, they are not shared by Officer's who, as noted above, consider the use of appropriate artificial materials to be acceptable.

Planning Officers consider the proposed artificial materials in respect of roof tiles (Sandtoft – Weinerberger, Calderdale edge dark grey) and walling (Marshalls, Cromwell Rustic Weathered) to be acceptable and of a suitably high quality. It would appropriately reflect and respect the appearance of the predominant natural material in the area, which are notably aged and weathered. Therefore, it would neither prejudice the visual amenity of the area, nor materially harm the setting of the nearby listed buildings. There would not be a concern in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Further to the above, stone sills, heads & quoins are to be provided by Elegant Stone in either Type 1 or Type QB1C, in the colour bath. These are considered to be acceptable. Stone door surrounds are also to be provided to match the same style as the heads, sills & quoins, will also come be by Elegant Stone in the colour bath. Again, these are considered to be acceptable.

Notwithstanding the above, the applicant's submission is somewhat unclear. The applicant states that the walling material would be 'weathered' but then states 'colours: Weathered, Brown. Yorkstone (buff)'. Officers consider the use of Officers consider the use of Cromwell Rustic Weathered to be acceptable and may approve the details based on this. However, it is recommended that the Council's decision should clarify exactly what is being approved and confirm that the Brown or Yorkshire (buff) versions of the Cromwell product are not approved. Furthermore, in the interests of precision, the reference to "or similar" (in the description of the proposed material) is not accepted.

Condition 14 (boundary treatments)

14. Prior to the occupation of the hereby approved dwellings, a scheme detailing the boundary treatment and treatment of retaining walls (i.e., facing material) throughout the site shall be submitted to, and approved in writing by, the Local Planning Authority. The front boundary wall, adjacent to Britannia Road, shall not exceed 1.0m in height. The

dwellings shall not be occupied 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 and residential amenity, in the interest of preserving the heritage value of adjacent heritage assets, and in the interest of ensuring appropriate vehicle sightlines, in accordance with Policies LP21, LP24, and LP35 of the Kirklees Local Plan.*

In support of Condition 14 the following documents have been submitted:

- Proposed Site Plan & Boundary Elevations, Drawing No. 100, received 29/01/2024.
- Proposed Site Sections, Drawing No. 101, received 29/01/2024.
- Boundary Treatment Details, Drawing No. 102, Rev A, received 03/03/2025.
- Eastern Boundary Analysis options, Drawing No. 105, received 03/03/2025.
- 04 Boundary Treatment – Adjacent Northern Track, received 05/07/2024.

The submitted plans do not match those approved at application stage, the implementation of which would be contrary to Condition 2 (development to be implemented in accordance with the submitted plans). The principal change is the replacement of the majority of retaining walls with batters in the rear gardens of plots. Several options are also provided in respect of boundary treatments. Considering this, it would not be appropriate to fully assess or consider these plans, nor could they be supported.

Notwithstanding the above, certain elements of the boundary treatments align with those approved and commentary may be offered.

The front boundary wall would have a coping stone, with an overall height of 975mm. the wall would have recesses for bin presentation, in an accessible yet unobtrusive location. No details have been provided in respect of the materials to be used within the construction of this front boundary wall, however, it is recommended that this be done in Cromwell Rustic Weathered reconstituted stone, to match the new dwellings (as considered above).

In terms of the side/rear boundary treatments KC Conservation & Design colleagues have objected to originally submitted Drawing No. 101 which shows solely a 1.8m timber fence between dwellings, stating:

We are unsupportive of the amount of proposed vertical feather board timber fencing. We accept the use of the fencing for internal boundary divisions between the plots; however, the boundary treatment of the outer site boundary should be reconsidered, making use of natural treatments or stone/dry stone boundary walls.

Officers share these concerns and additionally note that a lane runs along the site's side boundary, and a PROW runs along the rear of the site, thus making any new boundary treatment here highly visible from public vantage points.

Following receipt of the above, the applicant has submitted further details on the side/rear boundary treatments, which are shown on drawing no. 105, with 5 options shown.

- Option 1 – shows how the street scene elevation would look if the stone wall was stepped to reflect the planning approved drawing. With high stone walls and some timber fencing.
- Option 2 – shows how the street scene elevation could look if the stone wall had more steps to closer reflect the wall height shown on the planning approved drawing, this includes fencing above, creating a wall which is over 2.5m in height.
- Option 3 – shows how the street elevation could look if the stone had more steps to closer reflect the wall height shown on the planning approved drawing, but with a pitched timber fence to limit the overall fence height to 1.8m.
- Option 4 – shows a timber fence 1.8m high with planting to the front to soften the appearance of the timber fencing.
- Option 5 – Shows a lower timber fence (1.1m high) with planting to the front to soften the appearance of the timber fencing. This is the developers preferred option.

Taking the above options into consideration, officers would agree with the applicant in regard to options 1, 2 and 4 being inappropriate. Officers would also consider option 5 to be inappropriate as it would not provide the security or privacy required in this location. Officers therefore consider option 4 to be the most appropriate, although this is not considered to be as aesthetic as we would like, but on balance this is deemed to be acceptable and provide suitable amenity and security for future occupiers.

Whilst the majority of the retaining walls have now been removed and replaced for sloped batters, a small portion of retaining walls are proposed within the side/rear gardens of Plots 1 & 9. The materials for the retaining walls are shown to be decorative mimic stone concrete blocks in grey. Whilst it is acknowledged that these retaining walls would only be visible from inside Plots 1 & 9, and not from public vantage points, Officers would wish to see materials which are buff/weathered in colour to match stonework used within the dwellings, and front and side boundary treatments.

The submitted details cannot be supported, as they are predicated on incorrect plans and raise aesthetic concerns. Furthermore, the same concerns (regarding clarity of what material is proposed, as per the commentary

regarding Condition 12) apply in relation to the proposed front/side boundary walls.

Officers recommend that the details be refused.

Recommendation: Split decision.

Report Dated: 19/11/2025.

Recommended Decision Notice Text

Overview

An interim decision notice pursuant to this DOC application was issued 20/09/2024, with the following position:

- Discharged and/or details approved: 11.
- Details not approved: 12 & 14.

This letter relates to the conditions which have not previously had their details approved.

Condition 12 (external facing materials)

Pursuant to Condition 12, you have submitted:

- Discharge of Conditions – APPENDIX L (materials – stone detailing and roof), received 03/03/2025.
- Discharge of Conditions – APPENDIX J (materials – stonework), received 05/07/2024.

The submitted information in relation to stone sills, heads & quoins, stone door surrounds and roof tiles is considered acceptable.

Further to the above, Officers confirm that the use of 'Cromwell Rustic Weathered reconstituted stone by Marshalls' is acceptable. However, for the avoidance of doubt, this approval does not extend to the Cromwell Rustic 'brown' or 'Yorkshire (buff)' colour variants. Please also note that the 'or similar' element of the above description is not hereby approved.

Please note that Condition 12 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with Condition 12:

The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Condition 14 (boundary treatments)

Pursuant to Condition 14, you have submitted:

- Proposed Site Plan & Boundary Elevations, Drawing No. 100, received 29/01/2024.
- Proposed Site Sections, Drawing No. 101, received 29/01/2024.
- Boundary Treatment Details, Drawing No. 102, Rev A, received 03/03/2025.
- Eastern Boundary Analysis options, Drawing No. 105, received 03/03/2025.
- 04 Boundary Treatment – Adjacent Northern Track, received 05/07/2024.

The submitted plans do not accord with the plans approved pursuant to the parent application, ref: 2021/92062, and therefore cannot be accepted for consideration. This includes, but is not limited to, the changes to the retaining arrangements within the rear gardens. Such changes would require an amendment to the original application. For details on amending a planning permission, please see:

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

Of the options shown on Drawing No. 105, Officers consider Option 4 to be the most appropriate, although this is not considered to be as aesthetic as we would like, but on balance this is deemed to be acceptable and provide suitable amenity and security for future occupiers.

The proposed front stone wall is considered acceptable, again subject to the commentary regarding the specific material as set out above in relation to Condition 12. Regardless, given these details are submitted as part of unacceptable plans, these details cannot be approved.

Application: 2024/44/90236/W

Site: adjacent, Britannia Road, Golcar, Huddersfield, HD3 4QB

Proposal: Discharge of conditions 11 (ecology design strategy), 12 (external facing materials) and 14 (boundary treatments) of previous permission 2021/92062 for erection of 9 dwellings and associated works

Assessment

Condition 11 (ecology design strategy)

11. Prior to above ground works commencing, an Ecological Design Strategy (EDS) addressing the ecological enhancement of the site shall be submitted to, and approved in writing by, the Local Planning Authority.

The EDS shall include, but not be limited to: a) Purpose and conservation objectives for the proposed works.

a) Review of site potential and constraints.

b) Detailed design(s) and/or working method(s) to achieve stated objectives.

c) Extent and location/area of proposed works on appropriate scale maps and plans.

d) Type and source of materials to be used where appropriate, e.g., native species of local provenance.

e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

f) Persons responsible for implementing the works.

g) Details of initial aftercare and long-term maintenance.

h) Details for monitoring and remedial measures.

i) Details for disposal of any wastes arising from works.

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: *To ensure a scheme that provides a net biodiversity gain, safeguards and enhances the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

The submitted details have been reviewed and accepted by KC Ecology, as set out in their consultation response dated 23/02/2024. Officers accept this assessment and recommend that the details be approved.

The condition has an ongoing requirement which prevents full discharge at this time. A note setting out this ongoing requirement is recommended to be included in the decision notice.

Condition 12 (external facing materials)

12. Prior to their use, details of all the external facing materials to be used on the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: *In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

The applicant has submitted a document dedicated to condition 12. This states:

- Proposed stonework – Cromwell Rustic Weathered reconstituted stone by Marshalls or similar. Colours: Weathered, Brown, Yorkstone (buff).

The condition relates to 'all' external facing materials. Per the materials on the approved elevations of the dwellings, no information regarding the ashlar stone or roofing material has been provided, and this remains outstanding. A note

stipulating this is recommended on any decision notice. This does not, however, prevent officers from assessing the proposed reconstituted stone.

KC Conservation and Design have objected to the use of an artificial material, insisting upon the use of natural stone and timber doors and windows, due to nearby listed buildings and concerns over their setting. However, the use of artificial materials and the impact upon the historic environment was considered and, on balance, accepted at application stage as being reasonable. The following is extracted from the previous officer's report:

The proposed use of artificial stone and concrete tiles is, on balance, acceptable. Natural stone and slate roofing are common on Britannia Road and are considered higher quality, more attractive, materials than artificial alternatives. However, artificial stone and concrete tiles are evident elsewhere on the road in close proximity, notably the 48 dwellings approved via 2010/93214. The site is not within a Conservation Area and, while adjacent to listed heritage assets (considered further below) officers conclude objection to artificial material use would be unreasonable. However, this is subject to suitably high-quality artificial products being used, with a condition recommended for material samples to be provided and approved.

Therefore, while KC Conservation and Design's are noted, they are not shared by officers who, as noted above, consider the use of appropriate artificial materials to be acceptable.

Planning officers consider the proposed artificial material to be acceptable and of a suitably high quality. It would appropriately reflect and respect the appearance of the predominant natural material in the area, which are notably aged and weathered. Therefore, it would neither prejudice the visual amenity of the area, nor materially harm the setting of the nearby listed buildings. There would not be a concern in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notwithstanding the above, the applicant's submission is somewhat unclear. The applicant states that the material colour would be 'weathered' but then states 'Colours: Weathered, Brown, Yorkstone (buff)'. Officers consider the use of Cromwell Rustic Weathered to be acceptable and may approve the details based on this. However, it is recommended that the council's decision should clarify exactly what is being approved, and confirm that the Brown or Yorkshire (buff) versions of the Cromwell product are not approved. Furthermore, in the interests of precision, the reference to "or similar" (in the description of the proposed material) is not accepted.

Condition 14 (boundary treatments)

14. Prior to the occupation of the hereby approved dwellings, a scheme detailing the boundary treatment and treatment of retaining walls (i.e., facing material) throughout the site shall be submitted to, and approved in writing by, the Local Planning Authority. The front boundary wall,

adjacent to Britannia Road, shall not exceed 1.0m in height. The dwellings shall not be occupied 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 and residential amenity, in the interest of preserving the heritage value of adjacent heritage assets, and in the interest of ensuring appropriate vehicle sightlines, in accordance with Policies LP21, LP24, and LP35 of the Kirklees Local Plan.*

The submitted site plans do not match those approved at application stage, the implementation of which would be contrary to condition 2 (development to be implemented in accordance with submitted plans). The principal change is the replacement of the retaining walls with batters within the rear gardens. Considering this, it would not be appropriate to fully assess or consider these plans, nor could they be supported.

Notwithstanding the above, certain elements of the boundary treatments align with those approved and commentary may be offered.

The front boundary wall has been confirmed to be Cromwell Rustic Weathered reconstituted stone, to match the new dwellings (as considered above). It would have a coping stone with an overall height of 975mm. The wall would have recesses for bin presentation, in an accessible yet unobtrusive location. This is acceptable.

The side / rear boundary treatment is proposed as 1.8m high timber fencing with concrete gravel boards. KC Conservation and Design colleagues have objected, stating:

We are unsupportive of the amount of proposed vertical featherboard timber fencing. We accept the use of the fencing for internal boundary divisions between the plots, however, the boundary treatment of the outer site boundary should be reconsidered, making use of natural treatments or stone/ dry stone boundary walls.

Officers share these concerns, and additionally note that a lane runs along the site's side boundary, and a PROW runs along the site's rear, thus making any new boundary treatment here highly visible from public vantagepoints.

The applicant will need to propose a more appropriate boundary treatment that strikes an appropriate balance between privacy and security considerations, and aesthetic concerns.

The gravel boards are intended to provide flood routing around the site. The Lead Local Flood Authority have raised concern over the long-term maintenance of gravel boards and have advocated for a solid masonry dwarf wall. While officers note this concern, given that the gravel boards would achieve the objective of ensuring appropriate flood routing, the issue of long-term maintenance would not be unduly burdensome and would be the responsibility of the land owner to address.

As the approved plans' retaining walls have been removed, for sloped batters, no retaining wall facing materials have been provided.

The submitted details cannot be supported, as they are predicated on incorrect plans and raise aesthetic concerns. Furthermore, the same concerns (regarding clarity of what material is proposed, as per the commentary regarding condition 12) apply in relation to the proposed front boundary wall.

Officers recommend the details be refused.

Recommendation: Issue split decision.

Report Dated: 19/09/2024.

Proposed Letter Text

Condition 11 (ecology design strategy)

You have submitted the Ecological Design Strategy referenced ER-7362-01 pursuant to condition 11.

I can confirm that the submitted details are acceptable for the initial requirement of condition 11, and are hereby approved. However, be aware that condition 11 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Condition 12 (external facing materials)

You have submitted the document titled 'Discharge of Conditions – Condition 12' pursuant to condition 12. This sets out the proposed facing material as:

- Proposed stonework – Cromwell Rustic Weathered reconstituted stone by Marshalls or similar. Colours: Weathered, Brown, Yorkstone (buff).

No details of the proposed roofing materials or ashlar stone have been provided. Prior to their use, details of these materials must be approved pursuant to condition 12.

Officers confirm that the use of 'Cromwell Rustic Weathered reconstituted stone by Marshalls' is acceptable. For the avoidance of doubt, this approval does not extend to the Cromwell Rustic 'brown' or 'Yorkstone (buff)' colour variants. Please also note that the "or similar" element of the above description is not hereby approved.

Please note that condition 12 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with condition 12 (in so far as it relates to the facing stone):

The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Condition 14 (boundary treatments)

You have submitted the following plans pursuant to condition 14:

- Plan ref: 100
- Plan ref: 102

The submitted plans do not accord with the plans approved pursuant to the parent application, ref: 2021/92062, and therefore cannot be accepted for consideration. This includes, but is not limited to, changes to the retaining arrangements within the rear gardens. Such changes would require an amendment to the original application. For details on amending a planning permission, please see:

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

The proposed 1.8m high timber fencing is considered inappropriate in this location, and is not hereby approved.

The proposed front stone wall is considered acceptable, subject to the commentary regarding the specific material as set out above in relation to condition 12. Regardless, given these details are submitted as part of unacceptable plans, these details cannot be approved.