

# 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

|                              |                                                                                                                                                                                                                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference No:</b>         | 2024/44/90750/W                                                                                                                                                                                                                                                                                           |
| <b>Site Address:</b>         | Penistone Road/, Rowley Lane, Fenay Bridge,<br>Huddersfield, HD8 0JS                                                                                                                                                                                                                                      |
| <b>Description:</b>          | Discharge conditions 27 (Rowley Lane junction arrangements), 28 (Rowley Lane footway), 29 (Rowley Lane / Penistone Road junction improvements) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units) |
| <b>Recommending Officer:</b> | Katie Chew                                                                                                                                                                                                                                                                                                |

#### 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.

Nick Hirst

***AUTHORISED OFFICER***

**Date: 27-Nov-2025**

## Officer Report

**Application:** 2024/90750

**Application Site:** Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

**Proposal:** Discharge conditions 27 (Rowley Lane junction arrangements), 28 (Rowley Lane footway), 29 (Rowley Lane / Penistone Road junction improvements) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units).

## Assessment

Conditions 27 (Rowley Lane Junction Arrangements), 28 (Rowley Lane Footway), and 29 (Rowley Lane / Penistone Road Junction Improvements)

*27. Prior to development commencing, notwithstanding the submitted information, details of the hereby approved junction onto Rowley Lane and associated highway works, as shown on plan ref. 11340/001 Rev. B, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*

**Reason:** *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

*28. Prior to development commencing, notwithstanding the submitted details, a scheme detailing the provision of a 2.0m wide footway to the Rowley Lane frontage of the development site, construction specification, surfacing, drainage white lining, kerbing, relocation of existing infrastructure (e.g., telegraph pole and street lighting columns), traffic regulation orders and associated highway works together with an independent safety audit covering all aspects of work shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.*

**Reason:** *To support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

*29. Prior to development commencing, notwithstanding the submitted information, a detailed scheme for the improvement to the junction of Rowley Lane / Penistone Road, as shown on plan ref. 11340/001 Rev. B, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*

**Reason:** *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

In support of Conditions 27, 28 and 29 the following documents have been submitted:

- Section 278 – General Arrangement Plan, Drawing No. E23/8060/023\_01F, received 18/11/2025.
- Section 278 – Kerbing Plan, Drawing No. E23/8060/023\_02F, received 18/11/2025.
- Section 278 – Surfacing Plan, Drawing No. E23/8060/023\_03F, received 18/11/2025.
- Section 278 – Road Marking & Signage Plan, Drawing No. E23/8060/023\_04F, received 18/11/2025.
- Section 278 – Proposed Junction Levels, Drawing No. E23/8060/023\_05C, received 18/11/2025.
- Section 278 – Cross Sections, Drawing No. E23/8060/023\_06G, received 18/11/2025.
- Section 278 – Road Construction Details, Drawing No. E23/8060/023\_07C, received 18/11/2025.
- Section 278 – Vehicle Tracking Plan, Drawing No. E23/8060/023\_08D, received 18/11/2025.
- Section 278 – Site Clearance Plan, Drawing No. E23/8060/023\_09, received 18/11/2025.
- Section 104 Agreement Plan, Drawing No. E23/8060/024K, received 26/11/2025.
- Vehicle Tracking Plan, Drawing No. E23/8060/034\_01C, received 19/11/2025.

This condition has been reviewed by KC Highways who have confirmed (via email dated 26/11/2025) that the above information is acceptable and that a technical approval (s278) has now been provided for these works.

Considering the above, officers recommend that the details of Conditions 27, 28 and 29 are approved. However, please note that Conditions 27, 28 and 29 all have ongoing requirements which must be adhered to, to ensure ongoing compliance with the conditions:

Condition 27:

*Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*

Condition 28:

*The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.*

Condition 29:

*Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*

A note of the above is recommended to be included on the decision notice.

**Recommendation:** Approve details.

**Report Dated:** 26/11/2025.

**Recommended Decision Notice Text**

Conditions 27 (Rowley Lane Junction Arrangements), 28 (Rowley Lane Footway) & 29 (Rowley Lane / Penistone Road Junction Improvements)

Pursuant to Conditions 27, 28 and 29 you have submitted:

- Section 278 – General Arrangement Plan, Drawing No. E23/8060/023\_01F, received 18/11/2025.
- Section 278 – Kerbing Plan, Drawing No. E23/8060/023\_02F, received 18/11/2025.
- Section 278 – Surfacing Plan, Drawing No. E23/8060/023\_03F, received 18/11/2025.
- Section 278 – Road Marking & Signage Plan, Drawing No. E23/8060/023\_04F, received 18/11/2025.
- Section 278 – Proposed Junction Levels, Drawing No. E23/8060/023\_05C, received 18/11/2025.
- Section 278 – Cross Sections, Drawing No. E23/8060/023\_06G, received 18/11/2025.
- Section 278 – Road Construction Details, Drawing No. E23/8060/023\_07C, received 18/11/2025.

- Section 278 – Vehicle Tracking Plan, Drawing No. E23/8060/023\_08D, received 18/11/2025.
- Section 278 – Site Clearance Plan, Drawing No. E23/8060/023\_09, received 18/11/2025.
- Section 104 Agreement Plan, Drawing No. E23/8060/024K, received 26/11/2025.
- Vehicle Tracking Plan, Drawing No. E23/8060/034\_01C, received 19/11/2025.

The submitted details are acceptable for the initial requirements of Conditions 27, 28 and 29, and are hereby approved. However, Conditions 27, 28 and 29 each have an ongoing requirement which must be adhered to, to ensure ongoing compliance. These are:

Condition 27:

*Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*

Condition 28:

*The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.*

Condition 29:

*Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.*