

**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:	2024/44/92508/E
Site Address:	Land adj, Inkerman Court, Barnsley Road, Denby Dale, Huddersfield, HD8 8XA
Description:	Discharge of details reserved by condition 22 (boundary treatments – units 9-12 only) of previous approval (ref: 2023/90066) of variation of conditions 2 (plans) and 6 (highway layout) of previous permission 2019/91836 for erection of 34 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.

Nick Hirst

AUTHORISED OFFICER

Date: 03-Apr-2025

Application: 2024/44/92508/E

Site: Land adj, Inkerman Court, Barnsley Road, Denby Dale, Huddersfield, HD8 8XA

Proposal: Discharge of details reserved by condition 22 (boundary treatments – units 9-12 only) of previous approval (ref: 2023/90066) of variation of conditions 2 (plans) and 6 (highway layout) of previous permission 2019/91836 for erection of 34 dwellings

Site Description

This application relates to part of a wider site that is 1.02 hectares in size and is located on the north side of Barnsley Road, Denby Dale. It is allocated for residential development in the Local Plan (site allocation: HS141).

Works on site are well progressed.

Development Description

This Discharge of Conditions application originally sought approval of details reserved by condition 22 (boundary treatments) of the previous “drop-in” permission 2023/92871 for the erection of 6 dwellings. However, that condition does not require or allow for submissions and approval – when recommending approval of application 2023/92871 officers deliberately worded the conditions to facilitate approvals via previously-imposed conditions, so as not increase the submission burden on the applicant.

On 28/03/2025 the applicant agreed to the development description being amended to refer to condition 22 of permission 2023/90066 and to units 9 to 12 only.

Of note, there is currently another Discharge of Conditions application (2022/93962) being assessed by the council in relation to condition 22 of permission 2023/90066. Details of boundary treatments for the rest of the site (i.e., for all units other than 9 to 12, and for the highway retaining wall to Barnsley Road) can be considered under that application.

Consultation

No consultation necessary.

This Discharge of Conditions application was not subject to public consultation, however comments from one member of the public were received, stating that proposals should reflect true site conditions, raising concerns regarding maintenance and inspections, stating that a full co-ordinated design (of walls across the site) is needed, questioning the use of the word “assumed” in drawings, and raising concerns regarding a lack of information regarding drainage.

Relevant Planning History

2019/91836 – Planning permission granted 06/10/2021 for erection of 34 dwellings.

2023/90066 – Variation of conditions 2 (plans) and 6 (highway layout) of previous permission 2019/91836 for erection of 34 dwellings approved 25/05/2023 – variations to allow deletion of right-turn pocket and footway build-out.

2022/90955, 2023/92772 and 2023/92838 – Non-Material Amendments approved to house types etc.

2023/92871 – Permission granted 28/06/2024 for erection of 6 dwellings (drop-in application).

Numerous Discharge of Conditions applications have been (or are being) considered for the wider site.

Condition 22 (boundary treatments – units 9-12 only)

Condition 22 reads as follows:

22. Prior to the commencement of superstructure works, notwithstanding what is shown in the enclosures plan (ref: 1903-SI-04 rev C) hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing to be submitted pursuant to conditions 15 and 16 and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter. Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.

Assessment

The applicant proposes the following boundary treatments for units 9 to 12:

- A Gravitas retaining wall to the rear of units 9 to 12, adjacent to Ash Well Beck. Sections included in the submitted Geoman document show a 20-degree slope to the wall, and a maximum height of 3.36m. The surface of the wall would consist of stacked geotextile bags filled with sand and soil, and vegetation would be allowed to grow over this surface. The bags would be secured using interlocking plates. A 1.1m fence is proposed above this wall.

- A retaining wall of coursed stone between the rear gardens of units 9 and 10, with a 1.8m timber fence above.
- Retaining walls of coursed stone between the rear terraces (finished with Indian stone flags) and the turfed rear gardens of units 9 to 12.
- Short lengths of retaining walls of coursed stone to the east of unit 9 (including where that unit shares a boundary with an electricity substation).
- 1.8m timber fences between the rear gardens of units 10, 11 and 12.
- 1.2m high vertical railings to steps on the east side of unit 9.
- A knee rail between the parking spaces of unit 12 and the development's public open space.
- 1.8m timber gates to the sides of units 9 to 12.

The proposed Gravitass retaining wall would provide a vegetated, sloped edge to the development where it meets Ash Well Beck, which is part of the Kirklees Wildlife Habitat Network. This boundary treatment is considered to be far superior (in visual amenity and ecological terms) to the vertical masonry retaining walls that have been erected at other sites. On 17/10/2024 the applicant submitted an image of such a wall construction along the A629 at Salterhebble, where the establishment of vegetation on the slope appears to have been successful.

The other proposed boundary treatments are typical of residential developments in this part of Kirklees. The taller boundary treatments would be confined to the rear gardens of units 9 to 12 (which are to be at a lower level than the footway of Barnsley Road), and would have a limited visual impact. Boundary treatments to the front of units 9 to 12 would be limited in height and extent, therefore there would be no significant visual impact on the street scene. The proposed materials of the boundary treatments are considered acceptable given the site's context. It is recommended that the 1.2m high vertical railings be painted black or dark grey.

Condition 22 requires the boundary treatment details to correspond with measures relating to flood routing to be submitted pursuant to conditions 15 and 16. An approval pursuant to those conditions was issued on 28/04/2023 under application 2022/90554. A flood routing plan (drawing E18/7371/019 rev E) approved under that application does not suggest the rear gardens of units 9 to 12 would form a key route for overland flows, and in any case the timber fences now proposed between the rear gardens of units 10, 11 and 12 would not be impenetrable barriers to surface water in a flood event.

Condition 22 also requires boundary treatments to allow for the movement of hedgehogs, and it is noted that hedgehogs are present in the area. This requirement has not been addressed in the applicant's submission, therefore it is recommended that the approval of details pursuant to condition 22 (for units 9 to 12) be subject to hedgehog holes being provided in the timber fencing.

Some of the proposed boundary treatments enclose land where a TPO-protected tree (05/22/t4) has been felled by a contractor without authorisation. An approval issued pursuant to condition 22 would not (and could not)

retrospectively authorise this felling. KC Trees are aware of the unauthorised felling, and have advised the applicant as to what mitigation is required. An approval of the boundary treatments proposed in this part of the site would not prevent that mitigation being implemented.

The comments made by a member of the public are noted, however condition 22 does not require the submission of information regarding maintenance and inspections or drainage. Regarding the concern that proposals should reflect true site conditions and that the word “assumed” has been used in drawings, it is considered that the proposals for the Gravitax retaining wall (including the drawings included in the Geoman document, which were drawn with reference to known site conditions) are sufficiently informed and detailed. The same drawings also illustrate how the Gravitax wall would butt into other walls, and overall the designs of the proposed boundary treatments are well co-ordinated.

It is recommended that the applicant be reminded of the further requirements of condition 22, which state:

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

It is also considered appropriate to inform the applicant that boundary treatments for the rest of the site (i.e., for all units other than 9 to 12, and for the highway retaining wall along Barnsley Road) will be considered under another Discharge of Conditions application (2022/93962) that is awaiting determination.

Recommendation

- Approve details pursuant to condition 22 for units 9 to 12 only, subject to hedgehog holes being provided in the timber fencing, and the 1.2m high vertical railings being painted black or dark grey.
- Remind the applicant of the further requirements of condition 22.
- Inform the applicant that boundary treatments for the rest of the site (i.e., for all units other than 9 to 12, and for the highway retaining wall along Barnsley Road) will be considered under another Discharge of Conditions application (2022/93962) that is awaiting determination.

Report Dated: 28/03/2025

Recommended Decision Notice Text

Condition 22 (boundary treatments – units 9-12 only)

You have submitted a drawing titled “DENBY DALE – SITE PLAN – W – FULL” (rev R17), an External Works Plan (drawing E18/7371/021 rev R) and a document titled “Flex MSE Retaining Walls” (Geoman, 24-5532-F1, rev B, 30/08/2024). The boundary treatment details set out in those documents are considered acceptable for the purpose of condition 22 (in relation to units 9 to 12 only), and are hereby approved, subject to:

- Hedgehog holes being provided in the timber fencing; and
- The 1.2m high vertical railings being painted black or dark grey.

Please be reminded of the further requirements of condition 22, which state:

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

Boundary treatments for the rest of the site (i.e., for all units other than 9 to 12, and for the highway retaining wall along Barnsley Road) will be considered under another Discharge of Conditions application (2022/93962) that is awaiting determination.