

**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:	2024/44/92552/W
Site Address:	land at, former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RQ
Description:	Discharge of details reserved by condition 5 (boundary treatments) of previous reserved matters approval 2018/93201 for residential development pursuant to outline permission 2018/93098
Recommending Officer:	Nick Hirst

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.

Victor Grayson

AUTHORISED OFFICER

Date: 26/01/2025

Application: 2024/44/92552/W

Site: land at, former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RQ

Proposal: Discharge of details reserved by condition 5 (boundary treatments) of previous reserved matters approval 2018/93201 for residential development pursuant to outline permission 2018/93098

Assessment

Condition 5 (boundary treatments)

5. Prior to any of the dwellings hereby permitted being occupied, details of all boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter retained for the lifetime of the development.

Reason: *In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.*

Condition 5 has previously been partly discharged via Discharge of Conditions application ref 2019/93955. At that time, the following was stated on the decision notice:

The details submitted on drawings 4166/208.1; 4166/208.2; 4166/208.3; 4166/208.5 and 4166/208.6 are considered acceptable and satisfactorily discharge this condition. Condition 5 will be discharged upon completion of the development in accordance with these details. Condition 5 stipulates that the approved and implemented boundary treatments shall be retained for the lifetime of the development.

The applicant has now applied to discharge the condition, stating that '*all of the boundary treatments for the site have now been completed so the condition can be formally discharged*'.

No formal evidence of all boundary treatments having been erected has been provided by the applicant. However, officers undertook a site visit to appraise the situation. The dwellings have been completed, and most are now occupied. In those areas inspected, officers were able to confirm that boundary treatments have been erected in accordance with the previously-approved details.

While not every area of the site was inspected, on the reasonable balance of probability officers are satisfied that compliance with condition 5 has been achieved. Accordingly, it is recommended that condition 5 be discharged, albeit with a note that the condition states that the implemented works must be '*thereafter retained for the lifetime of the development*'.

Recommendation: Approve discharge of condition.

Report Date: 24/01/2025.

Proposed Letter Text

Condition 5 (boundary treatments)

You have noted that condition 5 has previously been partly discharged (approval of the proposed boundary treatment's layout, design and specification) via the separate discharge of condition referenced 2019/93955. It is also stated that all the boundary treatments have since been erected, in accordance with the previously approved details.

No evidence has been provided to substantiated your claim. However, officers undertook a site visit in December 2024. Based on the visual inspection, officers are satisfied on the balance of probability that condition 5 has been complied with. Therefore, officers can confirm that condition 5 is hereby discharged.

Notwithstanding the above, you should note that condition 5 has an ongoing requirement (relating to the boundary treatments) which must be adhered to:

'...thereafter retained for the lifetime of the development'.