

**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:	2024/44/92862/E
Site Address:	Land at, Abbey Road, Shepley, Huddersfield, HD8 8DY
Description:	Discharge of details reserved by conditions 3 (perimeter boundary treatment), 10 (cycle parking) and 14 (highways specification) of previous Reserved Matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings
Recommending Officer:	Victor Grayson

DECISION – Discharge of Condition – Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nicholas Hirst

AUTHORISED OFFICER

Date: 11-Sep-2025

Officer Report

Discharge of details reserved by conditions 3 (perimeter boundary treatment), 10 (cycle parking) and 14 (highways specification) of previous Reserved Matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings

Approval sought

The applicant seeks approval of details pursuant to conditions 3, 10 and 14 of the Reserved Matters approval 2019/91638, rather than the same conditions of the subsequent Section 73 approval 2022/92828. However, conditions 3, 10 and 14 have the same wording in both approvals (except for a numbering error in condition 3, which was corrected in the later approval).

The applicant has also applied for approval of details pursuant to condition 9 of the Reserved Matters approval 2019/91638. The applicant's application form indicates that condition 9 relates to "soil validation", however this is incorrect – condition 9 actually relates to the surfacing and drainage of parking spaces.

It appears that the applicant actually seeks an approval pursuant to condition 9 of the outline permission (2017/92233, as varied by 2019/92206), which is a condition requiring the submission of a validation report, and which has not been discharged to date. However, conditions of outline and Reserved Matters approvals require separate Discharge of Conditions applications, and for this development a further Discharge of Condition application (relating to outline condition 9) would need to be submitted.

Although no determination pursuant to outline condition 9 will be made under this current Discharge of Conditions application, it is recommended that the applicant be referred to the comments of KC Environmental Health dated 28/10/2024, as these comments relate to the validation information that has been submitted. The comments of KC Environmental Health would need to be addressed in the further Discharge of Condition application that would need to be submitted.

Permissions and variations to date

2017/92233 – Outline planning permission granted 21/03/2018 for up to 34 dwellings.

2019/91638 – Reserved Matters approved 13/05/2020 for 27 dwellings.

2019/92206 – Variation of condition 16 (drainage) of outline permission ref: 2017/92233. Granted 11/08/2021.

2022/92828 – Variation of condition 1 (plans) of Reserved Matters approval 2019/91638. Granted 16/03/2023.

2022/90245 – Planning permission granted 12/12/2023 for erection of external substation and boundary treatment.

Various applications seeking discharge of outline and reserved matters conditions have been considered by the council.

Consultation

No response was received from Kirkburton Parish Council.

Condition 3 (perimeter boundary treatment)

Condition 3 of Reserved Matters approval 2019/91638 reads as follows:

3. Prior to the occupation of the first dwelling house within the development, details of the proposed boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority to include the following:

(i) An assessment of the works required to repair/replace the existing stone perimeter wall;

(i) Details of the proposed height, materials and method for ensuring a continuous stone boundary wall or details of a suitable alternative replacement to stone.

(ii) In the event of an alternative replacement to stone in accordance with (i), details of its proposed height, materials and justification for using a material other than stone;

(iii) A timescale for the implementation of the boundary treatment.

The scheme shall be carried out in accordance with the approved details and completed prior to the occupation of the final dwelling house within the development or an alternative timescale as agreed by (iv) above.

Reason: *In the interests of highway safety, the visual amenity and character of the surrounding area and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.*

Condition 3 of the subsequent Section 73 approval 2022/92828 has the same wording, but corrects the numbering error in the earlier version above.

Of note, condition 3 concerns “details of the proposed boundary treatment to the site” (i.e., the perimeter of the site), whereas condition 13 (of 2019/91638 and 2022/92828) requires the implementation of the other boundary treatment details shown on the Site Plan (drawing 00-103 rev Q) and the Detailed General Arrangement and Planting Plan (drawing RFM-XX-00-DR-L-0003 rev PL06) previously submitted.

For this current Discharge of Conditions application, the applicant has submitted a drawing titled “Western Boundary and Plot 27 Wall Proposals” (drawing 00-111 rev B) pursuant to condition 3. This drawing had already been submitted and approved under application 2022/90245. It shows boundary treatments to the site’s western boundary and around the side of plot 27 (now 31 Tailors Green). It does not show boundary treatments for the rest of the site’s perimeter.

The applicant has also submitted a Proposed Site Plan (drawing 00-103 rev CC). This includes some details of boundary treatments, however the applicant did not request that it be formally considered pursuant to condition 3, and in any case it does not include information regarding boundary treatments proposed for all parts of the site’s perimeter.

The applicant has not submitted an assessment of the works required to repair/replace the site’s existing stone perimeter wall, or a timescale for the implementation of the boundary treatment. This information is specifically required by condition 3.

Regarding perimeter boundary treatments, the delegated report (dated 13/05/2020) for application 2019/91638 noted the need to “ensure that the existing boundary wall is repaired and retained” (this was in response to representations made regarding the wall opposite 176 and 178 Penistone Road, and regarding the site’s boundary wall along Abbey Road North).

Of note, details of the part of the site’s perimeter wall (along the western edge of the site, to Stretch Gate) have been approved under permission 2022/90245. However, as noted in the council’s decision notice of 12/12/2023, part of that wall had been built higher than shown in the drawings approved under that permission. That decision notice also confirmed that the materials used in the wall are acceptable. For the avoidance of doubt, given that an approval (2022/90245) has been issued for the boundary along the western edge of the site (to Stretch Gate), it is not considered necessary for boundary treatment details to be submitted pursuant to condition 3 for that part of the site.

For this current Discharge of Conditions application, the applicant has not submitted the information required by condition 3. It has therefore not been demonstrated that highway safety, visual amenity and the character of the surrounding area would be maintained, and an approval cannot be issued pursuant to condition 3.

Condition 10 (cycle parking)

Condition 10 of Reserved Matters approval 2019/91638 reads as follows:

10. No dwelling shall be occupied, until details showing the provision of bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the local planning authority and

these facilities have been provided and made available for use prior to first occupation and retained throughout the lifetime of the development.

Reason: *To comply with the Council's sustainability objectives by promoting modes of sustainable travel in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and chapter 9 of the National Planning Policy Framework.*

Condition 10 of the subsequent Section 73 approval 2022/92828 has the same wording.

The applicant has submitted a Proposed Site Plan (drawing 00-103 rev CC) pursuant to condition 10. This includes an annotation stating:

Plots 06, 09-10, 14-27 all have internal or external garages with sufficient space for the storage of cycles.

Plots 01-05, 07-08 and 11-13 have a 2m x 1m secure external cycle shed as indicated on plan.

The provision of space for cycle parking within integral or external garages is considered acceptable.

For the dwellings that would not have garages, sheds are indeed illustrated within plots 01, 02, 03, 04, 05, 07 and 08. However, no sheds are shown for plots 11, 12 or 13. Furthermore, no other details (such as elevations or product sheets) of the sheds have been provided. It has therefore not been demonstrated that adequate cycle parking (that would be conveniently-located, suitably-sized, covered and secure) would be provided for all dwellings.

As insufficient information has been submitted, an approval pursuant to condition 10 cannot be issued.

Condition 14 (highways specification)

Condition 14 of Reserved Matters approval 2019/91638 reads as follows:

14. No dwelling shall be occupied until the works associated with widening the existing access road and provision of the adjacent footway leading to the site hereby approved shall be laid out, hard surfaced sealed and drained in accordance with a specification submitted to and approved in writing by the local planning authority.

Reason: *In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.*

Condition 14 of the subsequent Section 73 approval 2022/92828 has the same wording.

The applicant has submitted a Section 38 Layout (drawing 1305/11/02.01 rev N) pursuant to condition 14. While this provides a plan view of the proposed highway works (including locations of gullies etc), it does not provide a full specification (including sections, full details of drainage features and surface materials etc).

It has therefore not been demonstrated that highway safety and safe pedestrian access to and from the site would be provided and maintained.

As insufficient information has been submitted, an approval pursuant to condition 14 cannot be issued.

Recommendation

Refusal.

Decision Notice Text

Condition 3 (perimeter boundary treatment) – You have submitted a drawing titled “Western Boundary and Plot 27 Wall Proposals” (drawing 00-111 rev B) pursuant to condition 3. This drawing (which had already been submitted and approved under application 2022/90245 in relation to the site’s western boundary and around the side of plot 27 (now 31 Tailors Green)) does not show boundary treatments for the rest of the site’s perimeter. Furthermore, you have not submitted an assessment of the works required to repair/replace the site’s existing stone perimeter wall, or a timescale for the implementation of the boundary treatment. This information is specifically required by condition 3.

It has not been demonstrated that highway safety, visual amenity and the character of the surrounding area would be maintained. As insufficient information has been submitted, an approval pursuant to condition 3 cannot be issued.

Condition 10 (cycle parking) – You have submitted a Proposed Site Plan (drawing 00-103 rev CC) pursuant to condition 10. The proposed provision of space for cycle parking within integral or external garages is considered acceptable. For the dwellings that would not have garages, sheds are illustrated within plots 01, 02, 03, 04, 05, 07 and 08. However, no sheds are shown for plots 11, 12 or 13. Furthermore, no other details (such as elevations or product sheets) of the sheds have been provided.

It has not been demonstrated that adequate cycle parking (that would be conveniently-located, suitably-sized, covered and secure) would be provided for all dwellings. As insufficient information has been submitted, an approval pursuant to condition 10 cannot be issued.

Condition 14 (highways specification) – You have submitted a Section 38 Layout (drawing 1305/11/02.01 rev N) pursuant to condition 14. While this provides a plan view of the proposed highway works (including locations of gullies etc), it does not provide a full specification (including sections, full details of drainage features and surface materials etc).

It has not been demonstrated that highway safety and safe pedestrian access to and from the site would be provided and maintained. As insufficient information has been submitted, an approval pursuant to condition 14 cannot be issued.

Note regarding site validation

You have also applied for approval of details pursuant to condition 9 of the Reserved Matters approval 2019/91638. Your application form indicates that condition 9 relates to “soil validation”, however this is incorrect – condition 9 actually relates to the surfacing and drainage of parking spaces.

It appears that you actually seek an approval pursuant to condition 9 of the outline permission (2017/92233, as varied by 2019/92206), which is a condition requiring the submission of a validation report, and which has not been discharged to date. However, conditions of outline and Reserved Matters approvals require separate Discharge of Conditions applications, and a further Discharge of Condition application (relating to outline condition 9) would need to be submitted.

Although no determination pursuant to outline condition 9 has been made under this current Discharge of Conditions application, it is recommended that you refer to the comments of KC Environmental Health dated 28/10/2024, as these comments relate to the validation information that has been submitted. See: [https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2024/92862&file_referen ce=1063947](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2024/92862&file_reference=1063947) The comments of KC Environmental Health would need to be addressed in the further Discharge of Condition application that would need to be submitted.

Report Dated:

11/09/2025
