

**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:         | <b>2025/44/90133/W</b>                                                                                                             |
| Site Address:         | rear of, 31, Broad Lane, Upperthong, Holmfirth, HD9 3JS                                                                            |
| Description:          | Discharge of details reserved by condition 4 (provision of footpath) on previous permission 2020/94067 for erection of 4 dwellings |
| Recommending Officer: | Joshua Merriman                                                                                                                    |

**DECISION – Discharge of Condition 4 - Approved**

**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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 31-Mar-2025**

## **DISCHARGE OF CONDITIONS**

**Reference No.** 2025/90133

**Site Address:** rear of, 31, Broad Lane, Upperthong, Holmfirth, HD9 3JS.

**Proposal:** Discharge of details reserved by condition 4 (provision of footpath) on previous permission 2020/94067 for erection of 4 dwellings.

The merits of the application have previously been assessed under reference 2020/94067 and permission granted for the erection of 4 dwellings.

The applicant is now seeking to discharge Condition 4 (provision of footpath) of this permission.

### **Condition 4 (Provision of Footpath)**

4. Prior to the occupation of the dwellings hereby approved, full details for the provision of a footway along the boundary with Broad Lane as shown on Dwg. No. 1673 01\_01 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved dwellings shall not be occupied until the works have been implemented in accordance with the Local Planning Authority's approval and have been certified as complete by or on behalf of the Local Planning Authority. The footpath shall be retained thereafter.

**Reason:** To connect existing footpaths on Broad Lane, where currently pedestrians are required to walk on the carriageway, in the interest of highway safety and efficiency and to comply with Policies LP21 and LP33 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

### **Assessment of Condition 4**

The following has been submitted:

- Application Form
- Proposed Site/Block Layout (1673 01\_02 R02 Footpath Details)

The details provided offer information regarding the location of the proposed footpath to the rear of Broad Lane, and the proposed relocation of the existing BT pole.

Following a formal consultation with KC Highways the following comments were received:

*The applicants have provided plan number 1673 01\_02 R01 showing Kirklees standard details and the footway layout as required by the 2020/94067 permission and these details are therefore considered acceptable.*

*Google images and the plans attached to the 2020/94067 permission however show a telegraph pole along Broad Lane to the frontage of the site up against a low fence. This is not shown on the plans submitted with this discharge of condition application.*

*Can the applicants be asked to confirm their proposals for the telegraph pole which based on the plans submitted with the 2020/94067 permission would be at the start of the proposed kerb radii which is not acceptable. As the telegraph pole been re-sited.*

Subsequent to this consultation response, additional plans were submitted by the applicant detailing the proposals for the telegraph pole. These plans were forwarded to KC Highways, and an informal consultation was conducted, determining that KC Highways no longer had any objections to the scheme and supported the discharge of condition 4 on previous permission 2020/94067.

It is therefore concluded that the scheme submitted for the discharge of Condition 4 is acceptable, in accordance with Policies LP21 and LP33 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

## **DECISION LETTER TEXT**

### **Condition 4:**

The following has been submitted –

- Application Form
- Proposed Site/Block Layout (1673 01\_02 R02 Footpath Details)

It is considered that the evidence submitted is sufficient to support the discharge of condition 4.