

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:	2025/44/90451/E
Site Address:	land adj, 36, Oxford Road, Dewsbury, WF13 4LL
Description:	Discharge of details reserved by conditions 4 (validation report) and 13 (site access details) of previous permission 2023/92712 for erection of 40 bed care home and 12 independent supported living units (use class C2) with associated works including the formation of car park and service access
Recommending Officer:	Nick Hirst

DECISION – Discharge of Condition – Split Decision

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

Jillian Rann

AUTHORISED OFFICER

Date: 15-May-2026

Application: 2025/44/90451/E

Site: land adj, 36, Oxford Road, Dewsbury, WF13 4LL

Proposal: Discharge of details reserved by conditions 4 (validation report) and 13 (site access details) of previous permission 2023/92712 for erection of 40 bed care home and 12 independent supported living units (use class C2) with associated works including the formation of car park and service access

Assessment

Condition 4 (validation report)

4. Following completion of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy) a Validation Report shall be submitted to the Local Planning Authority. No phase of the site shall be brought into use until such time as the remediation measures have been completed for the phase in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in phases, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority alongside the final phases' Validation Report.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.*

The following documents have been submitted pursuant to condition 4:

- Report titled. GEOSHIELD Retrospective Verification Report, reference GEO104995 Report Number 002.
- Report titled. GeoShield Verification Report 1, reference GEO104995

As set out within the condition, it first requires that there be an approved Remediation Strategy and that that strategy's measures are implemented. Condition 3 of the original permission requires that a remediation strategy be submitted and approved. At the time of writing, there is no approved remediation strategy.

The applicant submitted Discharge of Condition application ref. 2024/92081 which sought to discharge condition 3 however, in the letter dated 14/05/2026 (of application 2024/92081), the submitted details have been rejected.

In the absence of an approved remediation strategy, and condition 3 not having been discharged, the submitted details cannot be reasonably assessed nor considered to be acceptable. It is therefore recommended that they be refused.

Condition 13 (site access details)

13. Prior to above ground works commencing, notwithstanding the information shown on drawing 0717 Rev. P03, full details of the permanent site access works from both Oxford Road and Reservoir Street shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. The development shall not be brought into use until the approved works have been fully implemented.

Reason: *In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.*

The following details have been submitted pursuant to condition 13:

- Documents titled. Road Safety Audit: Stage 1/2, ref. MAL/FFCHRSA1.2Rev0
- Plan ref. LE-161 CCS 01 XX DR S 0120 Rev. P03
- Plan ref. LE-161 CCS 01 XX DR S 0121 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0122 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0124 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0125 Rev. P02
- Plan ref. 8240104/6201

The submitted details have been reviewed by K.C. Highways, who in their comments dated 23/04/2025 state:

The applicants have provided acceptable details including a Road Safety Audit and Highways Development Management have therefore no objection to the discharge of this condition.

Officers concur with this assessment and recommend that the details be approved, with a note of the condition's ongoing requirement to be included on the decision notice.

Summary

The details submitted pursuant to condition 4 cannot be supported.

It is recommended that the applicant be given a reasonable period of time to submit further details pursuant to condition 4 as part of this application. The

following was stated as part of 2024/92081, where condition 3 (for the remediation strategy), was considered:

It is recommended that the applicant be given a period of two months to submit further details relating to condition 3 as part of this application, after which a fresh Discharge of Condition application will be required.

A period of six months, on the basis of two months to adhere to the requirements of 2024/92081, two months for the LPA to assess any new details, followed by two months to submit a validation report, is deemed reasonable.

The details for condition 13 are acceptable and are recommended to be approved.

Recommendation: Split decision, with additional time to address condition 4.

Report Dated: 14/05/2026

Proposed Letter Text

Condition 4 (validation report)

You have submitted the following pursuant to condition 4:

- Report titled. GEOSHIELD Retrospective Verification Report, reference GEO104995 Report Number 002.
- Report titled. GeoShield Verification Report 1, reference GEO104995

Condition 4 and the submitted details cannot be reasonably assessed prior to the formal discharge of condition 3. This is because condition 4 requires adherence to a remediation strategy that has been previously approved pursuant to condition 3. At the time of writing, no details pursuant to condition 3 have been approved.

For the avoidance of doubt, condition 4 is not hereby discharged.

Further details pursuant to condition 4 may be submitted as part of this discharge of condition application within six months of the date of this letter. After this period, a fresh Discharge of Condition application will be required.

Condition 13 (site access details)

You have submitted the following details pursuant to condition 13:

- Documents titled. Road Safety Audit: Stage 1/2, ref. MAL/FFCHRSA1.2Rev0

- Plan ref. LE-161 CCS 01 XX DR S 0120 Rev. P03
- Plan ref. LE-161 CCS 01 XX DR S 0121 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0122 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0124 Rev. P02
- Plan ref. LE-161 CCS 01 XX DR S 0125 Rev. P02
- Plan ref. 8240104/6201

I can confirm that the submitted details are acceptable and are hereby approved, subject to the condition's ongoing requirement being adhered to. This is as follows:

The development shall not be brought into use until the approved works have been fully implemented.