

**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:	2025/44/93096/W
Site Address:	Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU
Description:	Discharge of details reserved by condition 18 (highway condition survey) of previous permission 2025/90105 for variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking), 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work
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: 11-Dec-2025

Officer Report

Application: 2025/44/93096/W

Site: Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU

Proposal: Discharge of details reserved by condition 18 (highway condition survey) of previous permission 2025/90105 for variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work

Planning history

2022/91735 – Outline planning permission (with access and layout) for the erection of 80 dwellings and associated works. Concerned northern part of HS3 site. Approved 10/11/2023.

2025/90105 – Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work. Approved 29/08/2025.

2025/92242 – Reserved Matters application (including consideration of appearance, scale and landscaping) for the erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735, and the discharge of outline conditions 6, 7, 8, and 9. Approved 11/11/2025.

Consultation

On 11/12/2025, KC Highways Development Management commented as follows:

Further to submission of Highway condition survey (ref LTP/25/6650-issue 1) dated 04/11/2025, the information contained within is acceptable and condition 18 on previous permission 2022/91735 can be discharged from a highways perspective accordingly.

Kirkburton Parish Council – No comment.

Condition 18 (highway condition survey)

Condition 18 reads as follows:

18. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning

Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

Reason: *As traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, and to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.*

This pre-commencement condition is necessary given the need to undertake a baseline assessment.

The applicant has submitted a Highway Condition Survey (Local Transport Projects, LTP/25/6650, issue 1, 04/11/2025) pursuant to condition 18. This details a survey of the highway undertaken along the entire length of Hermitage Park, and parts of Rowley Lane either side of the junction with Hermitage Park. Photographs are provided at Appendix 2 of the document. Minor and significant defects are noted.

In comments dated 11/12/2025, KC Highways Development Management advised that the survey was acceptable.

Given the above assessment, it is recommended that an approval pursuant to condition 18 be issued, subject to a reminder of condition 18's further requirements, which are:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

For the avoidance of doubt, the further (post-completion) condition survey required by condition 18 will need to be submitted under a new Discharge of Conditions application, for which a further application fee would be payable.

Recommendation: Approve details pursuant to condition 18 (highway condition survey).

Report Dated: 11/12/2025

Recommended Decision Notice Text

Condition 18 (highway condition survey)

You have submitted a Highway Condition Survey (Local Transport Projects, LTP/25/6650, issue 1, 04/11/2025) pursuant to condition 18. The survey detailed therein meets the first requirement of condition 18, and the document is hereby approved.

Please be reminded of condition 18's further requirements, which are:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

For the avoidance of doubt, the further (post-completion) condition survey required by condition 18 will need to be submitted under a new Discharge of Conditions application, for which a further application fee would be payable.