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10th April 2026

APPLICATION TO DISCHARGE PRE-COMMENCEMENT CONDITION FOR REDEVELOPMENT AND CHANGE OF USE OF FORMER MILL SITE TO FORM 19 RESIDENTIAL UNITS

HINCHLIFFE MILL, WATER STREET, HOLMBRIDGE, HOLMFIRTH, HD9 2NX

LPA REF: 2021/90800

Dear Sir or Madam,

This application seeks to discharge Condition 35 on the above planning permission.

Condition 35 states:

Development to construct the superstructure of any of the new-build dwellings hereby approved shall not commence until a scheme detailing the construction specification and works programme for the provision of:

- a) Diversion of PROW HOL/95/10 to its new definitive position;*
- b) Surfacing and accessibility of PROW HOL/95/10; and*
- c) An independent Safety Audit covering all aspects of the work submitted under points (a) and (b).*

has been submitted to and approved in writing by the Local Planning Authority.

All of the works thereby approved shall be implemented before any part of the new-build development is first brought into use and the scheme shall be maintained throughout the lifetime of the development.

Reason: *To ensure that suitable, safe access is provided for the development in the interests of highway safety in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Plan and with LP21 and LP28 of the Kirklees Local Plan.*

Submission to discharge this condition:

- 1) PROW Proposed Layout Plan ref: 2501-PROW01B – Paragon Highways.
- 2) PROW Proposed Long Section ref: 2501-PROW02B – Paragon Highways.
- 3) The independent Safety Audit will be submitted at a later date, once the PROW line and form have been agreed with the PROW team / LPA, as commissioning this work now in the absence of a final agreed plan would potentially be abortive work.

Rationale for proposals

The committee report for the original planning application ref: 2021/90800 stated:

“10.20 - The Public Right of Way 95/10 would be re-aligned back to its original definitive legal position. KC PRow have confirmed that they have no objections to the indicative footpath design on the site plan subject to details being provided, via condition, relating to its treatment/surfacing, a scheme securing the safety of users as well as construction, management, implementation and retention of the renewed footpath. The site shall be linked to the PRow at the site's north east corner where a footpath link will connect from the private drive in front of plots.”

Following recent discussions and a site meeting with the PRow team, the rationale for the proposals are as follows.

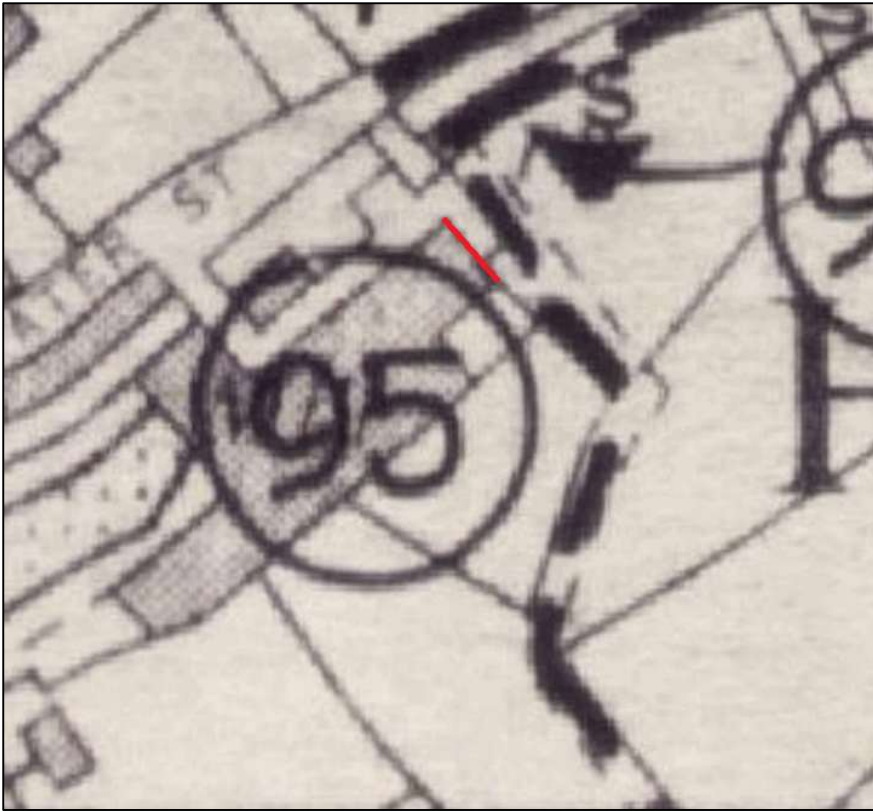
The plans align with the plans for the footpath supported by the PRow team as part of the original planning application ref: 2021/90800. The major benefit will be the elimination of the 'kink' around the site perimeter on the north-eastern side (as current on the ground now). The path will be restored back to the definitive line as per the official Kirklees Definitive Map record (see below).

The online version of the Kirklees PROW map is incorrect we believe. We have cross referenced the Definitive Map against the OS Map from 1963 (after the diversion), and the path is tight to the site perimeter boundary on both. Furthermore, the definitive PRow map record does not line up as closely with the footbridge to the north, as suggested by the online (purple line) PROW plan – see below. Notwithstanding this, even if there was disagreement over this matter, any slight alignment issues with the proposals versus the definitive map record, would not inconvenience users, particularly when balanced against the benefits provided by proposed works.

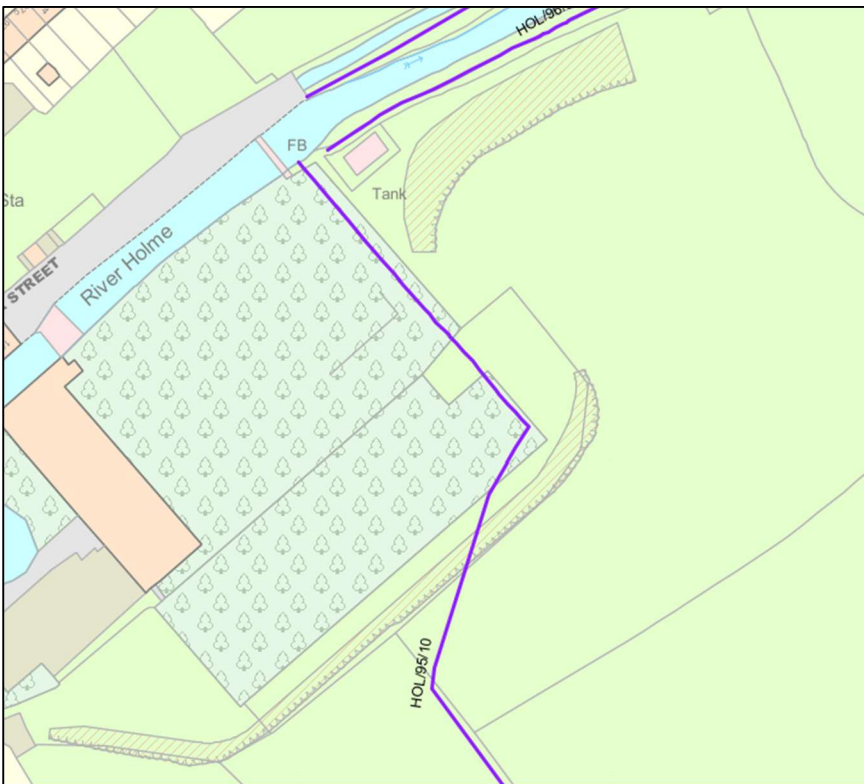
Finally, whilst the path did originally go through the middle of the site as can be seen on older maps dating back 100+ years – see 1852 map below (but stayed on the mill side of the river instead of crossing it as it does now), it was legally diverted at some point in the C20th and as such, the applicant does not see any merit in diverging from the current legal definitive line along the north-east boundary. Moreover, the proposed solution would continue to provide an aesthetically pleasing rural path, as opposed to diverting the path through what will be a built-up / urban development environment.

The proposals would also improve this current stretch of path by:

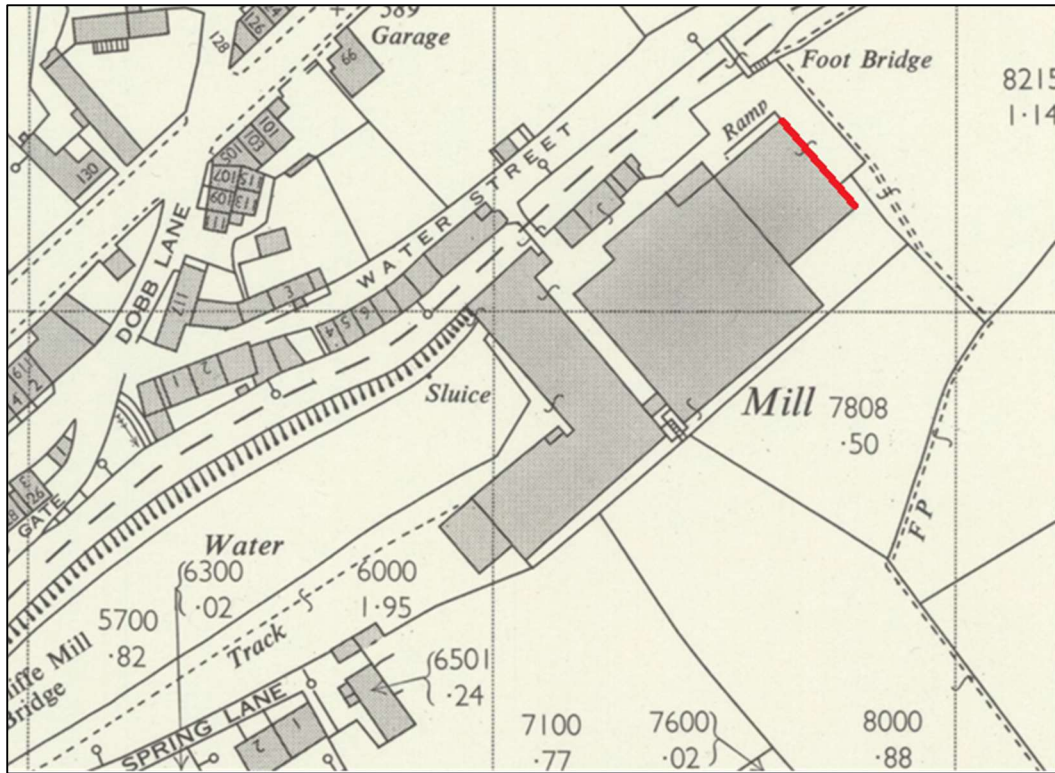
- (a) straightening the line along the north-eastern boundary of the site;
- (b) addressing gradient issues by keeping gradients within 1 in 12 and introducing steps on steeper sections (as agreed at the recent site meeting); and
- (c) improving the surfacing of the path, which is currently boggy in places.



Kirkles Council Definitive PRoW Map Extract



Kirkles Council online PRoW records



1963 OS Map (reproduced on licence)



1852 OS Map (reproduced on licence)

Whilst confirmation has been sought regarding the definitive width of the path, this is not yet been confirmed by the council. The proposals are for the newly surfaced / aligned path to be 1.2 metres in width, which is considered to be consistent with the width of the path where it joins the river bank and footbridge.

Finally, the proposals do not propose any new retaining walls in relation to Condition 20 of the planning permission.

We hope that this information is sufficient to discharge the above pre-commencement condition. However, please contact us if you have any questions or comments.

Yours faithfully,

Nick Willock MRTPI MRICS

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