

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:	2026/44/92208/W
Site Address:	Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU
Description:	Discharge of details reserved by condition 33 (refuse collection) and 41 (access gate) of previous permission 2025/90105 for variation of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated works
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: 27-Aug-2026

Officer Report

Discharge of details reserved by condition 33 (refuse collection) and 41 (access gate) of previous permission 2025/90105 for variation of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated works

Note

On 27/08/2026, the applicant agreed the above description (that refers to the conditions of the Section 73 approval 2025/90105).

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.

National Planning Policy Framework

A revised National Planning Policy Framework was published on 17/08/2026. The policies set out therein have been considered under this Discharge of Conditions application.

Pre-application advice

In relation to condition 33, pre-application advice was provided by email by the case officer on 30/06/2026, and by KC Waste Strategy on 07/07/2026.

In relation to condition 41, at a meeting held on 24/03/2026, the case officer advised the applicant to submit details of a lockable, vandal-resistant gate, and to confirm that emergency services/maintenance crews would be given key/code.

Consultation

The comments of KC Waste Strategy are included in the commentary below, where relevant.

Condition 33 (refuse collection)

Condition 33 reads as follows:

33. Prior to the occupation of any dwellings within a given phase pursuant to the details approved via condition 14, details of temporary arrangements for the storage and collection of waste from the dwellings and details of temporary arrangements for the management of waste collection points within the phase shall be submitted to and approved in writing by the Local Planning Authority. The temporary arrangements so approved shall be implemented prior to first occupation of units within the phase and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: *To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.*

The applicant has submitted a Temporary Refuse Collection drawing (811176 TRC-01) pursuant to condition 33. This shows the site divided into five phases, and temporary bin collection points are annotated for the first four phases. The drawing also states:

During the early stages, the temporary collection point will be located adjacent to the adopted highway where required (Hermitage Park).

Temporary collection points will only serve occupied dwellings and will be located outside fenced-off construction areas.

Refuse collection vehicles will not enter active construction areas.

Suitable turning facilities will be provided to allow vehicles to enter and leave in a forward gear.

Temporary collection points will be relocated as construction progresses.

In comments dated 26/08/2026, KC Waste Strategy advised that, on the basis of the submitted information, the Waste Collection Authority could agree to the discharge of condition 33.

Given the above assessment, it is recommended that an approval pursuant to condition 33 be issued, subject to the applicant being reminded of the further requirements of the condition, which state:

The temporary arrangements so approved shall be implemented prior to first occupation of units within the phase and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Condition 41 (access gate)

Condition 41 reads as follows:

41. Prior to the occupation of any of the hereby approved dwellings, details of the method of preventing motorised vehicles using the "Maintenance Access / Potential Emergency Access" (adjacent to the pumping station), as shown on plan ref 22:5611:01 rev V, to access adjacent land shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a physical barrier which prevents unauthorised motorised vehicles and details of how it would be secured and openable by emergency services and maintenance workers only. Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.

Reason: *In the interest of highway safety and the safety of pedestrians, in accordance with Policy LP21 of the Kirklees Local Plan.*

The applicant has submitted a Maintenance Access / Emergency Access Gate drawing (811176) pursuant to condition 41. This shows a timber gate (3m wide, 1.2m high), and includes an annotation stating:

Gate to be kept locked at all times, with access provided to emergency services and maintenance personnel via a shared access code.

The concern (that informed the council's decision to impose condition 41) related to the risk of the vehicular traffic of future development to the south (on the remainder of allocated site HS3, and on allocated site HS2) accessing the local highway network via Hermitage Park. Only the traffic of the 80 dwellings being developed at the application site should be able to use Hermitage Park in this way, and the hammerhead road terminus adjacent to the pumping station (and to the rear of plot 53) should not become a through-route for vehicular traffic.

A future pedestrian connection would not be prohibited by the proposals. Various drawings submitted by the applicant (under this and other applications) annotate a "future pedestrian route" to the rear (southwest) of plots 53 to 57.

The proposed timber gate is considered acceptable in visual amenity terms, and would complement the adjacent boundary treatments (1.2m post and rail fencing) currently proposed around the hammerhead under Discharge of Conditions application 2025/93549.

Given the above assessment, it is recommended that an approval pursuant to condition 41 be issued, subject to the applicant being reminded of the further requirement of the condition, which states:

Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.

Recommendation

Approve details submitted pursuant to conditions 33 (refuse collection) and 41 (access gate), subject to advice.

Report Dated: 27/08/2026

Decision Notice Text

Condition 33 (refuse collection)

You have submitted a Temporary Refuse Collection drawing (811176 TRC-01) pursuant to condition 33. Details set out therein are acceptable for the purpose of condition 33, and are hereby approved. Please be reminded of the further requirements of the condition, which state:

The temporary arrangements so approved shall be implemented prior to first occupation of units within the phase and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Condition 41 (access gate)

You have submitted a Maintenance Access / Emergency Access Gate drawing (811176) pursuant to condition 41. Details set out therein are acceptable for the purpose of condition 41, and are hereby approved. Please be reminded of the further requirements of the condition, which state:

Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.