

**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:	2021/44/94721/E
Site Address:	Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY
Description:	Discharge of condition 4 (floor/ground levels) of previous reserved matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings
Recommending Officer:	Victor Grayson

DECISION – Discharge of condition – approved.

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

Kate Mansell

AUTHORISED OFFICER

Date: 11-May-2022

Officer Report

Discharge of condition 4 (floor/ground levels and drainage) of previous reserved matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings

Decisions to date

2017/92233 – Outline planning permission granted 21/03/2018 for up to 34 dwellings.

2019/91638 – Reserved Matters approved 13/05/2020 for 27 dwellings.

2019/91879 and 2021/93876 – Applications to discharge outline conditions.

2019/92206 – Variation of condition 16 (drainage) of outline permission ref: 2017/92233. Granted 11/08/2021.

2021/91276 – Split decision pursuant to conditions 11 (waste storage and collection), 12 (temporary waste collection), 17 (construction access), 20 (biodiversity construction environmental management plan), 21 (part - retaining walls), 22 (drainage beneath highway) and 24 (invasive species) of previous reserved matters approval 2019/91638.

2021/94539 – Approval issued pursuant to condition 2 (materials) of previous reserved matters approval 2019/91638.

Consultation

The comments of the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) are referred to below.

Kirkburton Parish Council did not comment on the application.

Condition 4

Condition 4 reads as follows:

4. No above ground works shall take place until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved details and no dwelling shall be occupied until the works relating to that property have been completed. These shall be retained for the lifetime of the development.

Reason: *To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent*

land/property, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The applicant has submitted the following drawings:

- External works layout – 1305/11/08 rev M
- Section 38 layout – 1305/11/02.01 rev M
- Private drainage layout – 1305/11/05 rev K
- Section 104 layout – 1305/11/03 rev U
- Longitudinal sections – 1305/11/06.01 rev N
- Offsite longitudinal sections – 1305/11/06.02 rev K

In comments dated 26/01/2022, the LLFA stated:

The only comments regarding finished floor levels at reserved matters stage came from the Environment Agency. The LLFA requested no additional conditions at reserved matters stage. No further comment.

In comments dated 09/03/2022 the EA stated:

We did not request condition 4 and under normal circumstances would not comment on the information submitted to discharge it. The condition we requested is included on the decision notice as condition 23.

Condition 4 was, in fact, applied to ensure the development would be in character with its surroundings and to avoid adverse impacts to adjacent land/property, with reference to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. Condition 4 was not applied for drainage and flood risk reasons.

The submitted drawings, particularly the external works layout (drawing 1305/11/08 rev M) confirm that the finished floor levels of the proposed dwellings would not differ significantly to the surrounding ground levels, or to the existing levels of adjacent properties. It is therefore considered that the proposed levels would not result in adverse amenity or other impacts, and the submitted details can be approved.

Condition 4 will be discharged once the development has been completed in accordance with the details hereby approved. Condition 4 also includes an ongoing requirement for the approved levels to thereafter be maintained for the lifetime of the development.

The EA additionally offered advice in respect of condition 23. It is recommended that the applicant be referred to this advice.

Recommendation

Approve details pursuant to condition 4. Note that discharge is subject to implementation.

Decision Notice Text

Condition 4 – Information set out in the following drawings is considered acceptable for the purpose of condition 4:

- External works layout – 1305/11/08 rev M
- Section 38 layout – 1305/11/02.01 rev M
- Private drainage layout – 1305/11/05 rev K
- Section 104 layout – 1305/11/03 rev U
- Longitudinal sections – 1305/11/06.01 rev N
- Offsite longitudinal sections – 1305/11/06.02 rev K

Condition 4 will be discharged once the development has been completed in accordance with the details hereby approved. Condition 4 also includes an ongoing requirement for the approved levels to thereafter be maintained for the lifetime of the development.

The Environment Agency have additionally provided advice in respect of levels and condition 23 of the previous reserved matters approval 2019/91638. It is recommended that you refer to this advice (letter dated 09/03/2022).

Report Dated: 11/05/2022