

**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:         | <b>2022/44/90752/W</b>                                                                                                                                                                                              |
| Site Address:         | Land at Hart Street, Newsome, Huddersfield, HD4 6LS                                                                                                                                                                 |
| Description:          | Discharge of condition 3 (surface water drainage in highway) of previous Reserved Matters consent 2021/91638 pursuant to outline permission 2016/91479 (appeal APP/Z4718/W/17/3173711) for erection of 22 dwellings |
| Recommending Officer: | Nick Hirst                                                                                                                                                                                                          |

**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.

*Victor Grayson*

**AUTHORISED OFFICER**

**Date: 12/09/2024**

**Application:** 2022/44/90752/W

**Site:** Land at Hart Street, Newsome, Huddersfield, HD4 6LS

**Proposal:** Discharge of condition 3 (surface water drainage in highway) of previous Reserved Matters consent 2021/91638 pursuant to outline permission 2016/91479 (appeal APP/Z4718/W/17/3173711) for erection of 22 dwellings

## **Assessment**

### Condition 3 (surface water drainage in highway)

*3. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the proposed development and thereafter retained.*

**Reason:** *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

Section 38 technical approval has been issued by the Highway Authority for the proposed development's road. Furthermore, the proposals have been assessed by the Highway Authority's structures team (assessing the submitted details relating to pipes, manholes and other potential underground structures) who have confirmed no objection.

The Lead Local Flood Authority (LLFA) have raised concerns over the design of the attenuation tank. However, this is sited outside of the proposed highway footprint and therefore falls outside the remit of this condition, which the LLFA acknowledges. This matter pertains to another condition, which has since been raised and resolved under a separate Discharge of Condition application.

Officers consider the submitted details to be acceptable. However, the condition has an ongoing requirement which prevents the full discharge at this stage. It is recommended that a note detailing this be included in the decision notice.

**Recommendation:** Approve details.

**Report Dated:** 06/09/2024.

## **Proposed Letter Text**

### Condition 3 (surface water drainage in highway)

You have submitted the following documents pursuant to condition 3:

- 24.21001-ACE-00-XX-DR-C-0161 rev. C6
- 24.21001-ACE-00-XX-DR-C-2081 rev. C2
- 24.21001-ACE-00-XX-DR-C-1030 rev. C3
- 24.21001-ACE-00-XX-DR-C-2080 rev. C8
- 24.21001-ACE-00-XX-DR-C-2030 rev. C3

The details set out in the above-listed documents are considered acceptable for the purpose of condition 3, and are hereby approved.

Notwithstanding this, be aware that condition 3 has the following ongoing requirement which must be adhered to, to ensure continued compliance:

*The approved scheme shall be implemented prior to the occupation of the proposed development and thereafter retained.*

Furthermore, once the approved scheme is completed, you are required to submit a Construction Compliance Certificate and 'as-built' drawings to KC Highways (Structures), at the following email address:

[Highways.Structures@kirklees.gov.uk](mailto:Highways.Structures@kirklees.gov.uk)