

**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>2023/44/93236/W</b>
Site Address:	Pentlands, New Mill Road, Holmfirth, HD9 7LN
Description:	Discharge of conditions 4 (internal estate road details), 5 (parking bay surfacing and drainage), 9 (temporary waste measures), 11 (surface water drainage details), 12 (overflow event scenario), 13 (separate drainage), 15 (temporary drainage measures), 22 (ecological enhancement plan) of previous permission 2020/91896 for demolition of existing dwelling and erection of 15 dwellings with associated access and external works
Recommending Officer:	William Simcock

**DECISION – Discharge of Conditions – Split Decision**

**I hereby authorise the split decision 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: 07-Mar-2024**

## Officer Report 2023/93236

### Pentlands, New Mill Road, Holmfirth HD9 7LN

**Proposal:** Discharge of conditions 4 (internal estate road details), 5 (parking bay surfacing and drainage), 9 (temporary waste measures), 11 (surface water drainage details), 12 (overflow event scenario), 13 (separate drainage), 15 (temporary drainage measures), 22 (ecological enhancement plan) of previous permission 2020/91896 for demolition of existing dwelling and erection of 15 dwellings with associated access and external works

#### Condition 4 (internal estate road details)

*4. No development shall take place until a scheme detailing the proposed internal adoptable estate roads, including the junction with New Mill Road and its visibility splays (2.4m x 70m northbound and southbound), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent phase 2 road safety audit covering all aspects of work. Before any building is brought into use (dwelling occupied) the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.*

**Reason:** *To ensure that safe and suitable access is available for the development in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and Policy LP21 of the Kirklees Local Plan.*

*This pre-commencement condition is necessary to ensure that the site's access/highway are designed and agreed to a safe standard prior to their construction and use by vehicular traffic/the public.*

The following has been submitted:

- S38 Construction Details drawing ref. P3052-11-01, P3052-02-02 (long sections) and P3052-03-01, 02, 03 (Layout, surfacing and kerbing layout, tracking and visibility).
- Stage 2 Safety Audit ref. RW-IG-23-4238-RSA3 by the Safety Forum, and designer's response.

KC Highways Development Management have informed the case officer that these proposals will require a separate formal Technical Approval by the Council's Highways Section 38 Team. The council's section 38 Engineer confirms that technical approval has been applied for, but not yet granted, for the proposed section 38 Agreement. This condition cannot therefore be discharged at the present time.

#### Condition 5 (parking bay surfacing and drainage)

*5. Prior to the first occupation of any dwelling hereby approved, details of the surfacing and drainage of the vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle parking spaces shall be surfaced and drained in accordance with the details approved before the dwelling to which they are associated is first occupied and retained as such thereafter.*

**Reason:** *In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and Policies LP21 and LP22 of the Kirklees Local Plan and Principles of the Housebuilders Design Guide SPD.*

The following has been submitted:

- Drawing EX200 which confirms that the private and visitor vehicle parking areas will be surfaced in Marshall's Piora permeable block paving, colour "harvest".
- Drawing P3052-07 which shows drainage channels in suitable locations to drain any excess run-off water from the parking spaces to the surface water drainage network.

The details shown are considered satisfactory and are hereby approved. Subject to the vehicle parking spaces being surfaced and drained in accordance with the details approved before the dwelling to which they are associated is first occupied, and retained as such thereafter, this condition will be complied with.

#### **Condition 9 (temporary waste measures)**

*9. Where any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works.*

**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, in accordance with Policies 5 and 11 of the Holme Valley Neighbourhood Development Plan and Policies LP21 and LP24 of the Kirklees Local Plan and Principles of the Housebuilders Design Guide SPD.*

This condition was referred to on the application form for this application, but no details have been submitted. The developer has subsequently confirmed that it is not his intention that any of the dwellings will become occupied prior to the completion of the development, so the need to provide temporary arrangements for the storage and collection of wastes from earlier-occupied

residential units, and management of waste collection points associated with them, does not apply. This is accepted by officers, and on the understanding that no dwelling will become occupied prior to the completion of the development, no further information is required to comply with this condition.

### **Condition 11 (surface water drainage details)**

*11. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, agreed discharge rates, plans and longitudinal sections, hydraulic calculations, and existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development and retained thereafter.*

**Reason:** *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well being and to accord with Policy LP28 of the Kirklees Local Plan, the National Planning Policy Framework (Para 167) and Principles of the Housebuilders Design Guide SPD.*

*This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring which could impact the dwelling houses hereby approved and the wider environment.*

### **Condition 12 (overflow event scenario)**

*12. The development shall not commence until an assessment of the effects of 1 in 100 year storm events (with an additional allowance for climate change), blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.*

**Reason:** *To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policy LP28 of the Kirklees Local Plan, the National Planning Policy Framework (Para 167) and Principles of the Housebuilders Design Guide SPD.*

*This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring which could impact the dwelling houses hereby approved and the wider environment.*

### **Condition 13 (separate drainage)**

*13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum foul water discharge shall not*

*exceed 4.75 (four point seven five) litres per second for the entire site, to the public combined sewer network. The details of the system are to include any balancing works and off-site works and shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The drainage works shall be completed in accordance with the approved details prior to the dwellings first being occupied.*

**Reason:** *In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan, the National Planning Policy Framework (Para 167) and Principles of the Housebuilders Design Guide SPD.*

*This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring which could impact the dwelling houses hereby approved and the wider environment.*

### **Condition 15 (temporary drainage measures)**

*15. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.*

**Reason:** *To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan, the National Planning Policy Framework (Para 167) and Principles of the Housebuilders Design Guide SPD. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring which could impact the dwelling houses hereby approved and the wider environment.*

Regarding conditions 11, 12, 13 and 15, the following drawings showing layouts and technical details were submitted:

P3052-07

P3052-08

P3052-10-01

P3052-11-01

P3052-17

P3052-10-02

P3052-18 (01-Nov-2023)

In response to the initially submitted details, the Lead Local Flood Authority (LLFA) raised several concerns, including regarding a lack of clarity on flow control numbers, lack of detail concerning tank design, and absence of a maintenance plan, and also stated that no connection to watercourse on the Midlothian site can be allowed until such a time that the adjacent building site has completed its connection to the open watercourse to the northwest of site.

Additional and amended drawings were submitted (15/02/2024) including attenuation tank details. Yorkshire Water confirm they now have no objections in respect of condition 11. The views of the (LLFA) in respect of the updated plans and details in respect of conditions 11-13 and 15 have been sought, and are awaited. These conditions cannot be discharged at the present time.

### **Condition 22 (ecological enhancement plan)**

*22. Development shall not commence until a fully detailed hard and soft landscaping plan, having regard to the Ecological Enhancement Plan (EDS-1220-07), has been submitted to and formally approved by the Local Planning Authority. The submitted scheme shall detail the following:*

- *tree/shrub planting alongside the indication of all existing trees and hedgerows on and adjoining the site alongside details of any to be retained, together with measures for their protection in the course of the development;*
- *the phasing of the landscaping and planting;*
- *the retention of existing stone walls forming boundaries to the site.*

*The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.*

**Reason:** *To ensure that there is a well laid out scheme of hard and soft landscape in the interests of amenity and biodiversity and to accord with Policy 13 of the Holme Valley Neighbourhood Plan and Policy LP30 of the Kirklees Local Plan.*

*This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

Regarding the requirement for details of “tree/shrub planting alongside the indication of all existing trees and hedgerows on and adjoining the site alongside details of any to be retained, together with measures for their protection in the course of the development”, the following has been submitted:

- Planting plan, 0297-PP-01, which also confirms that planting will commence in the first planting season (mid Nov-mid March) after substantial completion of the site.
- Hard landscaping plan, EX200.

Plan 0297-PP-01 provides sufficient detail to ensure that there will be provisions for protected and notable species, post development and that the planting scheme is as ecologically valuable as possible, given its location within the curtilage of residential development.

Regarding the requirement for details of “the phasing of the landscaping and planting”, the developer has confirmed by email that his intention is to complete the development in a single phase, so that there will be only one phase of implementation of the planting plan.

Regarding the requirement for details of “the retention of existing stone walls forming boundaries to the site”, the developer has confirmed in a subsequent email that the only boundary wall is that fronting the highway, which is to be retained in full except in as far as is necessary for access works.

Subject to the implementation of the approved scheme in accordance with the approved phasing and it being maintained for a period of five years (with replacement of specimens where necessary as detailed in the condition), this condition will be complied with.

## **Recommendation**

Split decision:

- approve details submitted pursuant to conditions 5, 9 and 22;
- no approval can be issued at this stage regarding conditions 4, 11, 12, 13 and 15.

## **Decision notice text**

### Condition 4 (internal estate road details)

The following has been submitted:

- S38 Construction Details drawing ref. P3052-11-01, P3052-02-02 (long sections) and P3052-03-01, 02, 03 (Layout, surfacing and kerbing layout, tracking and visibility).
- Stage 2 Safety Audit ref. RW-IG-23-4238-RSA3 by the Safety Forum, and designer’s response.

KC Highways Development Management have advised that these proposals will require a separate formal Technical Approval by the Council’s Highways Section 38 Team. The council’s section 38 Engineer confirms that technical approval has been applied for, but not yet granted, for the proposed section 38 Agreement. This condition cannot therefore be discharged at the present time.

### Condition 5 (parking bay surfacing and drainage)

The following has been submitted:

- Drawing EX200 which confirms that the private and visitor vehicle parking areas will be surfaced in Marshall's Piora permeable block paving, colour "harvest".
- Drawing P3052-07 which shows drainage channels in suitable locations to drain any excess run-off water from the parking spaces to the surface water drainage network.

The details shown are considered satisfactory and are hereby approved. Subject to the vehicle parking spaces being surfaced and drained in accordance with the details approved before the dwelling to which they are associated is first occupied, and retained as such thereafter, this condition will be complied with.

#### Condition 9 (temporary waste measures)

This condition was referred to on the application form for this application, but no details have been submitted. You have subsequently confirmed that no dwellings will become occupied prior to the completion of the development, so the need to provide temporary arrangements for the storage and collection of wastes from earlier-occupied residential units, and management of waste collection points associated with them, does not apply. This is accepted by officers, and on the understanding that no dwelling will become occupied prior to the completion of the development, no further information is required to comply with this condition.

#### Conditions 11 (surface water drainage details), 12 (overflow event scenario), 13 (separate drainage) and 15 (temporary drainage measures)

The following drawings showing layouts and technical details were submitted: P3052-07, P3052-08, P3052-10-01, P3052-11-01, P3052-17, P3052-10-02, P3052-18 (01-Nov-2023).

The Lead Local Flood Authority (LLFA) have raised several concerns, including regarding a lack of clarity on flow control numbers, lack of detail concerning tank design, and absence of a maintenance plan, and also stated that no connection to watercourse on the Midlothian site can be allowed until such a time that the adjacent building site has completed its connection to the open watercourse to the northwest of site.

In response, additional and amended drawings were submitted (15/02/2024). The views of the LLFA in respect of the updated plans and details in respect of conditions 11-13 and 15 have been sought, and are awaited. These conditions cannot be discharged at the present time.

#### Condition 22 (ecological enhancement plan)

The following has been submitted:

- Planting plan, 0297-PP-01, which also confirms that planting will commence in the first planting season (mid Nov-mid March) after substantial completion of the site.
- Hard landscaping plan, EX200.

Plan 0297-PP-01 provides sufficient detail to ensure that there will be provisions for protected and notable species, post development and that the planting scheme is as ecologically valuable as possible, given its location within the curtilage of residential development.

You have confirmed by email that the development will be completed in a single phase, so that there will be only one phase of implementation of the planting plan, and in a subsequent email you have confirmed that the only boundary wall is that fronting the highway, which is to be retained in full except in as far as is necessary for access works.

Subject to the implementation of the approved scheme in accordance with the approved phasing and it being maintained for a period of five years (with replacement of specimens where necessary as detailed in the condition), this condition will be complied with.