

**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:	2024/44/91827/E
Site Address:	Land Adjacent, 82, Healey Lane, Healey, Batley, WF17 7ST
Description:	Discharge of details reserved by condition 7 (drainage) of previous permission 2019/93761 for erection of two semi-detached dwellings
Recommending Officer:	Nicole Helliwell

DECISION – Discharge Condition 7 - Approved

**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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 27-Aug-2024

Officer Report

Reference No. 2024/44/91827/E

Site Address: Land Adjacent, 82, Healey Lane, Healey, Batley, WF17 7ST

Proposal: Discharge of details reserved by condition 7 (drainage) of previous permission 2019/93761 for erection of two semi-detached dwellings

Assessment

Condition 7 – Drainage

7. Notwithstanding the details in the submitted application form a scheme detailing surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwellings commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: *In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

Assessment of Condition 7

The applicant has submitted a site plan (dated 3rd July 2024) in support of condition 7.

The Planning Practice Guideline sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
1. to a surface water body;
2. to a surface water sewer, highway drain, or another drainage system;
3. to a combined sewer.

Under Policy LP28 of the Kirklees Local Plan, there is a requirement that all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate. As such, the decision on whether to use mains connection or a soakaway is generally left to the developer's own discretion subject to the remit of Building Control.

The site is not within a flood risk zone or a critical drainage area. It is considered that as the proposal is for two dwellings, the evidence submitted is sufficient to demonstrate that the proposed drainage methods are suitable for this site.

In conclusion, it is considered that the proposed drainage arrangements would, in these circumstances, be acceptable for the site and for this development, and can be approved.

Decision Notice Text

Condition 7 – Drainage

The following has been submitted:

- Site Plan (dated 3rd July 2024)

In conclusion, it is considered that the proposed drainage arrangements would, in the circumstances, be acceptable for the site and for this development, and can be approved. Subject to the drainage arrangements being implemented before the dwelling is first occupied and thereafter retained, the condition will be complied with.