

**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:	2025/44/90502/E
Site Address:	Land east of, Abbey Road North, Shepley, Huddersfield, HD8 8FG
Description:	Discharge of details reserved by condition 17 (watercourse) of previous permission 2024/90991 for variation conditions 2 (plans) and 28 (materials) of previous permission 2020/93358 for erection of 52 dwellings
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: 17-Apr-2025

Officer Report

Application: 2025/44/90502/E

Site: Land east of, Abbey Road North, Shepley, Huddersfield, HD8 8FG

Proposal: Discharge of details reserved by condition 17 (watercourse) of previous permission 2024/90991 for variation conditions 2 (plans) and 28 (materials) of previous permission 2020/93358 for erection of 52 dwellings

Decisions to date

Phase 2:

2020/93358 – Planning permission granted 05/10/2021 for the erection of 52 dwellings.

2024/90991 – Variation of conditions 2 (plans) and 28 (materials) of previous permission 2020/93358 for erection of 52 dwellings – revisions to layout, house types, unit size mix and external materials. Approved 17/12/2024.

Phase 1a (includes a part of phase 2's area):

2021/94470 – Planning permission granted 02/09/2022 for the erection of 10 dwellings (modified proposal).

Consultation

The comments of the Lead Local Flood Authority are referred to below, where relevant.

The Environment Agency did not need to be consulted on the application.

Condition 17 (watercourse)

Condition 17 reads as follows:

17. Development shall not commence until a scheme detailing the piping of the watercourse at the point(s) of access or within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.

Reason: *To ensure that the development does not increase flood risk elsewhere, to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

Note

An application to discharge condition 17 was previously submitted (ref: 2022/91881, which is yet to be determined). The applicant's covering letter of 21/02/2025 asks for condition 17 to no longer be considered under that earlier Discharge of Conditions application, and for condition 17 to instead be considered under this new application.

Of note, the drawings submitted with this new Discharge of Conditions application appropriately show 12 dwellings in the southeast part of the site, and not the seven dwellings that are currently proposed under application 2024/90947.

Assessment

The applicant has submitted the following pursuant to condition 17:

- External Works Plan – Phase 2 – 1 of 2 (drawing E17/7465/521_02 rev F)
- Main Road and Sewer Plan – Phase 2 (drawing E17/7465/504 rev N)
- Operation and Maintenance Itinerary – Watercourse Diversion

An existing watercourse runs through the phase 2 site (approximately southwest to northeast), leaving the site at its northern edge where it meets The Knowle.

The approved development includes three points where new vehicular accesses are to be built over the watercourse. This means three new culverts will need to be provided within the application site, between which two open sections of watercourse are to be retained.

The submitted documents illustrate an appropriate scheme that details the proposed culverting of the watercourse. Details of pipe sizes and gradients are included. A suitably detailed maintenance and management regime for the watercourse has also been submitted – this includes annual inspections, as well as jet vac clearance of the watercourse.

In comments dated 21/03/2025, the Lead Local Flood Authority advised that the submitted details were acceptable.

Recommendation

Approve details pursuant to condition 17. Remind applicant of the further requirements of condition 17.

Report Dated: 17/04/2025

Decision Notice Text

Condition 17 (watercourse) – You have submitted the following pursuant to condition 17:

- External Works Plan – Phase 2 – 1 of 2 (drawing E17/7465/521_02 rev F)
- Main Road and Sewer Plan – Phase 2 (drawing E17/7465/504 rev N)
- Operation and Maintenance Itinerary – Watercourse Diversion

The details set out in the above documents are considered acceptable for the purpose of condition 17, and are hereby approved. However, please be reminded that the following further requirements of condition 17 will need to be complied with, in order to fully discharge the condition:

No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.