

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:	2025/44/90689/W
Site Address:	Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Description:	Discharge of details reserved by conditions 16 (temp drainage), 25 (retaining walls), 26 (surface water attenuation pipes), 31 (road network) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units)
Recommending Officer:	Katie Chew

DECISION – Discharge of Condition – 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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 30-Sep-2025

Officer Report

Application: 2025/90689

Application Site: Penistone Road / Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Proposal: Discharge of details reserved by conditions 16 (temp drainage), 25 (retaining walls), 26 (surface water attenuation pipes), 31 (road network) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units).

Assessment:

Condition 16 (Temp Drainage)

16. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.*
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*
- the scheme shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage runoff will be 100 %. The maximum allowable offsite discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority.*

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 prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigations are considered and implemented at the appropriate stage.*

The applicant has submitted the following documents pursuant to Condition 16:

- Temporary Drainage Strategy, authored by Homes by Honey, received 08/08/2025.

This condition has been reviewed by KC Lead Local Flood Authority (LLFA) who have provided the following response in their consultation dated 11/04/2025:

This condition primarily related to how the site copes with run off during the construction phase and retains a 60 minute-2 year storm on site and prevents off site flooding and pollution. This plan should fit in with the construction phases. However, there will need to be a clear distinction of how pollution prevention is done before and after mains drainage is installed.

Following receipt of the above comments, the applicant sought to submit a Temporary Drainage Strategy, of which KC LLFA confirmed in their response dated 07/09/2025, that they accept the submitted Temporary Drainage Strategy, and recommend that this condition be discharged.

Officers concur with this assessment and recommend that the details be approved. However, Condition 16 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

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.

Condition 25 (Retaining Walls) and Condition 26 (Surface Water Attenuation)

25. Prior to development commencing, a scheme detailing the location and crosssectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: *To ensure that suitable and safe means of access is available for the development.*

26. Prior to development commencing, a scheme detailing the location and crosssectional information together with the proposed design and construction details for all new surface water attenuation pipes/manholes located within the proposed highway footprint for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: *To ensure that suitable and safe means of access is available for the development.*

In support of Conditions 25 and 26 the following documents have been submitted:

- Main Road & Sewer Plan, Drawing No. E23/8060/004C, received 13/03/2025.
- Section 104 Agreement Plan, Drawing No. E23/8060/024A, received 13/03/2025.
- Site Sections – A-A to D-D, Drawing No. E23/8060/043_01A, received 13/03/2025.
- Site Sections – E-E to F-F, Drawing No. E23/8060/043_02A, received xxx.
- Site Sections – G-G to H-H, Drawing No. E23/8060/043_03A, received 13/03/2025.
- 2.0m Dp. Modular Water Retaining Tank Proposal Drawing, Drawing No. STS3889, Rev 0, received 13/03/2025.
- Designers Response to Stage 1 RSA, authored by Haigh Huddleston & Associates, dated 06/12/2024, received 13/03/2025.

This condition has been reviewed by KC Highway Structures who have provided the following response in their consultation dated 20/03/2025:

I would like to advise that conditions 25 (retaining walls) and 26 (attenuation system) cannot be discharged pending the approval of the necessary details, as stated below;

1) Submission of suitable of external works drawing for the whole site with appropriate keys for the relevant proposed retaining walls/embankments adjacent to the highway, adoptable highways and the confirmation of location and status of the road labelled “Future Development Road” as well as specifying the lateral dimensions between the proposed structures and adjoining Road on the submitted sectional details to ascertain whether these retaining structures will be liable to a formal technical approval via submission of AIPs.

2) Suitably scaled and fully dimension X-sectional detail between the attenuation tank and the adjoining highway adjacent to plot 48 to ascertain whether the design of attenuation tank wall will be liable to a formal technical approval via submission of an AIP.

3) Provision of a manhole schedule for the surface water attenuation system in order to progress the technical approval process for the oversize manholes at this site. This is subject to the payment of £360.00 increasing to £375.00 from 1st April 2025.

Officers concur with the above assessment and therefore are unable to discharge Conditions 25 & 26 at this time, as the submitted details do not meet all of the requirements of the condition, and therefore Conditions 25 & 26 must

remain. However, should further information be received within 21 days of this letter this would be considered and assessed under this application.

Condition 31 (Road Network)

31. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Reason: *Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.*

In support of Condition 31 the following documents have been submitted:

- Photo Record of Site Visit, Job No. 167, received 08/08/2025.
- Delap Survey, Drawing No. 102, received 08/08/2025.

This condition has been reviewed by KC Highways Development Management who have provided the following response in their consultation dated 26/09/2025:

Further to submission of dilapidation survey and location plan of photos, the information submitted is considered acceptable therefore condition 31 can be discharged accordingly.

Officers concur with this assessment and recommend that the details be approved. However, Condition 31 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately

made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.

Recommendation: Split decision.

Report Dated: 26/09/2025.

Recommended Decision Notice Text

Condition 16 (Temp Drainage)

Pursuant to Condition 16, you have submitted:

- Temporary Drainage Strategy, authored by Homes by Honey, received 08/08/2025.

The submitted information is considered to be sufficient for the initial requirements of Condition 16. However, be aware that Condition 16 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

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.

Condition 25 (Retaining Walls) & 26 (Surface Water Attenuation)

Pursuant to Conditions 25 & 26, you have submitted:

- Main Road & Sewer Plan, Drawing No. E23/8060/004C, received 13/03/2025.
- Section 104 Agreement Plan, Drawing No. E23/8060/024A, received 13/03/2025.
- Site Sections – A-A to D-D, Drawing No. E23/8060/043_01A, received 13/03/2025.
- Site Sections – E-E to F-F, Drawing No. E23/8060/043_02A, received xxx.
- Site Sections – G-G to H-H, Drawing No. E23/8060/043_03A, received 13/03/2025.
- 2.0m Dp. Modular Water Retaining Tank Proposal Drawing, Drawing No. STS3889, Rev 0, received 13/03/2025.
- Designers Response to Stage 1 RSA, authored by Haigh Huddleston & Associates, dated 06/12/2024, received 13/03/2025

The submitted information does not meet all of the requirements of Conditions 25 & 26 and therefore these conditions cannot be discharged at this time. However, should further information be received within 21 days of this letter this would be considered and assessed under this application.

Condition 31 (Road Network)

Pursuant to Condition 31, you have submitted:

- Photo Record of Site Visit, Job No. 167, received 08/08/2025.
- Delap Survey, Drawing No. 102, received 08/08/2025.

However, be aware that Condition 31 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.