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:	**2025/44/91094/E**
Site Address:	127, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Discharge of details reserved by conditions 5 (foul, surface water and land drainage scheme), 6 (assessment of the effects of storm events), 7 (surface water drainage scheme), 9 (details of the junction and associated highway works), 11 (proposed internal adoptable estate roads scheme), 12 (construction traffic schedule) and 13 (survey of the highway on Marsh Lane) of previous permission 2024/91202 for erection of eight dwellings with associated access and external works
Recommending Officer:	Nina Sayers

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECSION

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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-Jun-2025

Officer Report

Reference – 2025/91094

Site address – 127, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Proposal – Discharge of details reserved by conditions 5 (foul, surface water and land drainage scheme), 6 (assessment of the effects of storm events), 7 (surface water drainage scheme), 9 (details of the junction and associated highway works), 11 (proposed internal adoptable estate roads scheme), 12 (construction traffic schedule) and 13 (survey of the highway on Marsh Lane) of previous permission 2024/91202 for erection of eight dwellings with associated access and external works

Assessment

Condition 5 – Drainage

The details submitted to discharge Condition 5 are still under review. A letter will be issued in due course.

Condition 6 – Drainage

The details submitted to discharge Condition 6 are still under review. A letter will be issued in due course.

Condition 7 – Drainage

"7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been 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 strategy 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 run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.*

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 reduce the risk of flooding to the proposed development in accordance with

LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development."

In support of the discharge of Condition 7 the following has been submitted:

- B26074-JNP-XX-XX-RP-C-1002, Drainage Statement, Rev P01 dated 16/04/2025.

A plan for managing surface water during the construction phase is provided in Appendix F of the submitted Drainage Statement. The Lead Local Flood Authority (LLFA) have been consulted on the submitted information and comment that the plan contained in Appendix F of the Drainage Statement is acceptable to the LLFA and therefore they recommend Condition 7 can be discharged.

This submitted information is therefore sufficient for the discharge of condition 7. The development shall be carried out in accordance with the details. Condition 7 can be discharged.

Condition 9 – Junction and Highway Works

The details submitted to discharge Condition 9 are still under review. A letter will be issued in due course.

Condition 11

The details submitted to discharge Condition 11 are still under review. A letter will be issued in due course.

Condition 12 - CEMP

"12. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction. Reason: To ensure that harm is not caused to the highway during construction in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development."

In support of the discharge of condition 12, the applicant has submitted:

- Construction Environmental Management Plan (CEMP)– Version 1, Rev 0, Dated 17.04.25

The submitted CEMP confirms the primary route for all traffic to the site will be via Marsh Lane, turning into the site through the approved access and egress from the highway. Construction times, other than for exceptional work and safety, will be between Monday to Friday – 07:00 to 18:30, Saturdays – 07:00 to 13:00, and no noisy activities on Sundays & Bank Holidays. This information is considered acceptable from a Highway Safety perspective; however the applicant is however reminded that under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

The CEMP goes on to outline "deliveries are to be outside of the hours of 8:20-9:20 and 14:45-15:45" to avoid school drop off/pick up times. A power washer will be used to wash off any mud from the vehicle's wheels, with excess mud / slurry being collected and disposed of. In situations where weather conditions mean mud run off is inevitable, the main contractor will arrange for street cleaning to be carried out. This will be monitored daily and cleaned when required. Adequate parking will be provided for contractors and visitors in the designated area in the compound to avoid any offsite parking.

KC Highways have been consulted on the discharge of condition 12 and raised no objection to the discharge of condition 12.

The submitted details are considered sufficient for the purposes of discharging condition 12 and therefore condition 12 can be discharged at this time. The applicant is reminded of the further stipulation of condition 12 which requires all construction arrangements to be carried out in accordance with the approved schedule throughout the period of construction.

Condition 13 – Highway Survey

"13. The development shall not commence until a survey of the existing condition of the highway on Marsh Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use. Reason: In the interests of highway safety and to ensure the maintenance of the highway in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development."

In support of the discharge of Condition 13, the applicant has submitted:

- Defect Survey Report (ref B26074-JNP-XX-XX-RP-C-1003 P01) dated April 2025

The submitted Defect Survey Report has been completed by JNP group who carried out a visual, nonintrusive, survey of the roads, pavements and surrounding area, in the vicinity of the predeveloped site on Marsh Lane in Shepley. The roads and footpaths in the vicinity of the proposed site were considered to be generally in good condition with the majority of defects being to kerbs and spalling to asphalt. A schedule of condition / inspection report details the defects.

The report concludes the schedule should be retained as a record and on completion of the works the subject site should then be re-inspected, and any defects/damage not noted in the original Schedule (which can be proven to be because of the proposed works) should be made good at the expense of Halstead Homes. The submitted details are considered sufficient for the purposes of the first part of condition 13 which requires *a survey of the existing condition of the highway on Marsh Lane* to be submitted to, and approved by the Local Planning Authority.

The applicant is reminded of the further stipulation of condition 13 which states "Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority."

The details submitted are sufficient to discharge the first part of condition 13. The condition must however remain until a condition survey is provided, and approved, upon completion. Condition 13 can therefore be partially discharged.

Recommendation: Split decision

Report Dated: 16/06/2025

Proposed Letter Text

<u>Condition 5 – Drainage</u>

Condition 5 is still under review and cannot be discharged at this time. Further review and letter will be issued in due course.

<u>Condition 6 – Drainage</u>

Condition 6 is still under review and cannot be discharged at this time. Further review and letter will be issued in due course.

<u>Condition 7 – Drainage</u>

In support of the discharge of condition 7 the following has been submitted:

- B26074-JNP-XX-XX-RP-C-1002, Drainage Statement, Rev P01 dated 16/04/2025.

A plan for managing surface water during the construction phase is provided in Appendix F of the submitted Drainage Statement. The LLFA have been consulted on the submitted information and comment that the plan contained in Appendix F of the Drainage Statement is acceptable to the LLFA and therefore they recommend Condition 7 can be discharged.

This submitted information is therefore sufficient for the discharge of condition 7. Condition 7 can be discharged at this time. The applicant is reminded of the further stipulation of condition 7 which requires the temporary works to 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 9 – Junction and Highway Works

Condition 9 is still under review and cannot be discharged at this time. Further review and letter will be issued in due course.

Condition 11

Condition 11 is still under review and cannot be discharged at this time. Further review and letter will be issued in due course.

Condition 12 - CEMP

In support of the discharge of condition 12, the applicant has submitted:

- Construction Environmental Management Plan (CEMP)– Version 1, Rev 0, Dated 17.04.25

The details outlined within the submitted CEMP are considered sufficient for the purposes of discharging condition 12 and KC Highways Development Management have no objection to the discharge of condition 12. Condition 12 can therefore be discharged at this time. The applicant is reminded of the further stipulation of condition 12 which requires all construction arrangements to be carried out in accordance with the approved schedule throughout the period of construction.

Condition 13 – Highway Survey

In support of the discharge of condition 13, the applicant has submitted:

- Defect Survey Report (ref B26074-JNP-XX-XX-RP-C-1003 P01) dated April 2025

The submitted details are considered sufficient for the purposes of the first part of condition 13 which requires *a survey of the existing condition of the highway on Marsh Lane* to be submitted to, and approved by the Local Planning Authority.

The applicant is reminded of the further stipulation of condition 13 which states "Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority."

The details submitted are sufficient to discharge the first part of condition 13. The condition must however remain until a condition survey is provided, and approved, upon completion. Condition 13 can therefore be partially discharged.