

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:	2025/44/91211/E
Site Address:	east of, Mill Lane, and Heaton Grange, Hanging Heaton, Batley, WF17 6EN
Description:	Discharge of details reserved by conditions 6 (road specification), 7 (retaining walls), 8 (highway structures), 10 (noise assessment report), 17 (drainage strategy), 18 (surface water discharge), and 19 (storm events) on outline permission 2020/93777 for erection of residential development
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.

Nick Hirst

AUTHORISED OFFICER

Date: 03-Jul-2026

Officer Report

Application: 2025/91211

Application Site: East of, Mill Lane, and Heaton Grange, Hanging Heaton, Batley, WF17 6EN

Proposal: Discharge of details reserved by Conditions 6. (road spec) 7. (retaining walls) 8. (new surface water) 10. (noise assessment report) 17. (drainage) 18. (surface water discharge) & 19 (storm events) of outline permission 2020/93777 for erection of residential development.

Assessment:

Condition 6 (Road Spec)

6/. No development shall take place until a scheme detailing the proposed internal adoptable estate roads 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 safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development in accordance with the Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.*

The applicant has submitted the following plans pursuant to condition 6:

- 24004-LE-00-ZZ-DR-D-0005 rev. P02
- 24004-LE-00-ZZ-DR-D-0006 rev. P02
- 24004-LE-00-ZZ-DR-D-0010 rev. P02
- 24004-LE-00-ZZ-DR-D-0017 rev. P01
- 24004-LE-00-ZZ-DR-D-0018 rev. P01

This condition has been reviewed by KC Highways who have provided the following response in their consultation dated 14/05/2026:

We have not had a section 38 application, so we are unsighted on this... Based on what I have alluded to above, we would not be able to support discharge of the condition, and we would encourage the developer to make a section 38 application in order that we can commence a detailed engineering assessment of the highway proposals.

The condition specifically requires a 'scheme detailing the proposed internal adoptable estate roads'. Furthermore, it specifies that the following is required:

The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work.

While some of those details have been submitted, various parts have not (including street lighting, signing, treatment of sight lines, Road Safety Audit). Failure to deliver a highway to an appropriate standard / specification raises concerns over highway safety and efficiency, and the amenity of future occupiers.

Furthermore, the lack of a Section 38 agreement indicates that the road may not be adopted. This raises concern over management arrangements and responsibility and details of waste collection, as K.C. Waste Services do not typically access private land.

Considering this, the concerns raised by K.C. Highways and the lack of a formal Technical Approval, officers recommend that this condition cannot be discharged at this time.

Condition 7 (Retaining Walls)

7/. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls and building retaining walls adjacent to the existing / proposed highway including any modification to the existing retaining wall on Mill Lane shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of superstructure works and thereafter retained during the life of the development.

Reason: *To ensure that any new retaining structures or alterations to existing structures do not compromise the stability of the highway in accordance with the Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that loadbearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.*

In support of Condition 7 the following documents have been submitted:

- Proposed Levels GA, Drawing No. 24004-LE-00-ZZ-DR-D-0005, Rev P02, received 02/05/2025.
- Proposed External Works, Drawing No. 24004-LE-00-ZZ-DR-D-0006, Rev P02, received 02/05/2025.
- Proposed Highway Construction Details, Drawing No. 24004-LE-00-ZZ-DR-D-0010, Rev P02, received 02/05/2025.
- Site Sections Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0017, Rev P01, received 02/05/2025.
- Site Sections, Drawing No. 24004-LE-00-ZZ-DR-D-0018, Rev P01, received 02/05/2025.

This condition has been reviewed by KC Structures who have provided the following response in their consultation dated 13/05/2026.

When I was first consulted by Mark Berry (DC) in connection with the above development, I was advised that the development would not be offered for adoption...Notwithstanding this, we provided advice in relation to the technical approval requirement for various earth retaining structures (i.e. embankments) at this site but following the receipt of some X-sectional details and my subsequent response..., we have not received any further information. In view of this Condition 7 cannot be discharged pending the satisfactory resolution of these outstanding issues'

The submitted information is lacking and fails to address the specific requirements of condition 7. In the absence of such information, it cannot be demonstrated the proposal would not cause harm to the stability of the highway

Officers concur the advice from K.C. Structures and recommend that this condition cannot be discharged at this time.

Condition 8 (New Surface Water)

8/. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of superstructure works and thereafter retained throughout the lifespan of the development.

Reason: *To ensure that any new retaining structures within the new highway for drainage purposes do not compromise the stability and safe operation of the highway in accordance with the Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.*

In support of Condition 8 the following documents have been submitted:

- Proposed Drainage GA, Drawing No. 24004-LE-00-ZZ-DR-D-0100, Rev P01, received 02/05/2025.
- Proposed Catchment Areas, Drawing No. 24004-LE-00-ZZ-DR-D-0102, Rev P01, received 02/05/2025.
- Proposed Drainage Details Sheet 1, Drawing No. 24004-LE-00-ZZ-DR-D-0110, Rev P01, received 02/05/2025.
- Proposed Drainage Details Sheet 2, Drawing No. 24004-LE-00-ZZ-DR-D-0111, Rev P01, received 02/05/2025.
- Proposed Hydrobrake Control Manhole Detail, Drawing No. 24004-LE-00-ZZ-DR-D-0112, Rev P01, received 02/05/2025.

- Drainage Access & Maintenance Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0151, Rev P01, received 02/05/2025.
- Drainage Strategy, Doc No. 24004-LE-ZZ-05-RP-D-0001, Rev P01-S2, authored by Lynas Engineers, dated 26/06/2024, received 02/05/2025.

This condition has been reviewed by KC Highway Structures who have provided the following response in their consultation dated 13/05/2025.

...the technical approval of oversize manholes in the highway (condition 8) would only come under my remit if the proposed highways are to be adopted.

As outlined within an email from the applicant's agent dated 20/06/2026, the road is not to be offered for adoption and therefore the above condition is no longer relevant and does not need to be discharged. However, it is recommended that the applicant be made aware that should circumstances change and the road is to be adopted, a fresh discharge of condition application would need to be submitted to discharge Condition 8.

Condition 10 (Noise Assessment Report)

10/. Before construction work commences, a further noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- *Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.*
- *The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded*
- *The ventilation Scheme must demonstrate how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.*
- *Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved at these plots.*

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: *To ensure the amenity of future residents in accordance with the principles set out within Policy LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any construction works being erected which could otherwise prevent satisfactory noise attenuation being installed.*

In support of Condition 10 the following document has been submitted:

- Noise Impact Assessment, authored by Apex, Ref: 11457.1 Rev A, dated 07/02/2025, received 02/05/2025.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 30/06/2025.

The applicant has submitted a Noise Impact Assessment authored by apex dated 07 February 2025 Ref 11457.1 Rev A. Section 2 identifies the site along with the neighbouring sources of noise as road traffic, rail traffic and the industrial site as shown in figure 2.

A 24hr background noise survey was conducted on 09 January 2025 from two measurement positions as shown in figure 2 and a summary of the findings is given in table 4. Comment is made that the most significant noise sources affecting the proposed development during both daytime and night-time periods were passing trains on the railway to the west of the proposed site along with road traffic associated with Mill Lane to the west. Plant noise was also identified and a BS4142 assessment has been undertaken as shown in table 5 which determines a low impact.

Section 6 looks at the external amenity areas, modelling the impact and determining 2.3m high barriers are required to plots 5-13 in order to meet with the external requirements of BS8233. The location of the barriers is shown in figures 1 and 7 with a specification for the material and construction given in para 6.4. The requirement of the condition is ‘...provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved at these plots’ and the report acknowledges that the mitigation measures will not meet with this lower requirement with comment made in para 6.5 that due to the elevation of the railway line, reducing the noise levels is not feasible. Whilst it fails to meet with the requirements of the condition, i.e. the lower level, it does meet with the upper requirement and this is accepted.

In order to meet with the internal requirements of BS8233, table 1 specifies the glazing and ventilation requirements as reflected in the colour coded plan in figure 1. Table 8 summarises the calculated worst-

case internal noise levels which meet with both daytime and night time requirements.

Recommendations

The findings of the submitted report are accepted. However, we recommend the condition is not discharged until all mitigation measures within the Noise Impact Assessment authored by apex dated 07 February 2025 Ref 11457.1 Rev A are implemented and retained thereafter.

Based on the above, KC ENVH advise that the submitted details are acceptable to discharge Condition 10. Officers concur with this assessment and recommend that the details be approved. However, it is noted that Condition 10 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Condition 17 (Drainage), 18 (Surface Water Discharge), and 19 (Storm Events)

17/. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, masterplan design, an assessment of Sustainable drainage including attenuation, water quality and amenity potential, outfalls, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) 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: *In the interest of satisfactory and sustainable drainage as required by the principles set out within Policy LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to minimise the risk of flooding.*

18/. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.0 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volume in excess of that generated by the critical 1 in 30 year storm event, up to and including the critical 1 in 100 year storm event shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the

approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: *In the interest of satisfactory and sustainable drainage as required by the principles set out within Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to minimise the risk of flooding.*

19/. 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, exceedance events and blockage scenarios 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. The scheme shall avoid property and curtilage, utilising the road network and open space for exceedance routing. 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. The approved scheme shall be retained thereafter throughout the lifetime of the development.

Reason: *In the interest of satisfactory and sustainable drainage as required by the principles set out within Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to minimise the risk of flooding.*

In support of Conditions 17, 18 and 19 the following documents have been submitted:

- Proposed Levels GA, Drawing No. 24004-LE-00-ZZ-DR-D-0005, Rev P02, received 02/05/2025.
- Proposed Drainage GA, Drawing No. 24004-LE-00-ZZ-DR-D-0100, Rev P01, received 02/05/2025.
- Drainage Access & Maintenance Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0151, Rev P01, received 02/05/2025.
- Drainage Strategy, Doc No. 24004-LE-ZZ-05-RP-D-0001, Rev P01-S2, authored by Lynas Engineers, dated 26/06/2024, received 02/05/2025.

The submitted details have been reviewed and accepted by KC Lead Local Flood Authority (LLFA) and Yorkshire Water. Their assessment of the submitted documents is outlined below.

LLFA comments dated 02/06/2025:

Condition 17:

The proposed drainage as detailed on the Proposed Drainage GA drawing is generally acceptable to the LLFA; it is suggested, however that the silt trap MH upstream of the attenuation tank should be MH S10 rather than S14 (or both) as stated in the Drainage Strategy and detailed on the Typical Attenuation Tank Details drawing as this MH will be more easily accessible during desilting operations.

*Also, this MH should be clearly noted on the Proposed Drainage GA as a silt trap MH to ensure the Contractor installs the correct type. These suggested changes should be incorporated into the Construction drawings and the drawing does not need to be re-submitted to the LLFA. Therefore, the LLFA confirms that Condition 17 **can** be discharged.*

Condition 18:

*The condition requires a maximum surface water discharge rate of 3.0l/s, and the developer is proposing a lower figure. Therefore, the LLFA confirms that Condition 18 **can** be discharged.*

Condition 19:

*The overland flow routes indicated on the Proposed Rain on Grid drawing shows floodwater draining towards the track alongside the warehouse to the north-east of the site which is deemed acceptable. Therefore, the LLFA confirms that Condition 19 **can** be discharged.*

NOTE: Condition 20 (Temporary Drainage during the Construction Phase) remains to be discharged.

Yorkshire Water comments dated 29/05/2025:

Waste Water

Yorkshire Water has no objection to the discharge of conditions 17, 18 and 19.

Yorkshire Water has no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site*
- 2) The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 2.5 (two point five) litres/second*
- 3) The proposed points of discharge of foul and surface water to the respective public 225mm diameter foul sewer and the public 450mm diameter surface water sewer crossing the site submitted on drawing 24004-LE-00-ZZ-DR-D-0100 (revision P01) dated 26/06/2024 that has been prepared by Lynas Engineers.*

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Officers support the above assessments and recommend that the details be approved. In terms of the LLFA's advisory comments on condition 17, these are to be noted on the decision notice, for the applicant's consideration.

Notwithstanding the above, conditions 17, 18 and 19 all have ongoing requirements and therefore cannot be fully discharged at this time. A note setting out the ongoing requirements is recommended to be included on the decision notice.

Recommendation: Approve details.

Report Dated: 03/07/2026.

Recommended Decision Notice Text

Condition 6 (Road Spec)

You have submitted the following plans pursuant to condition 6:

- 24004-LE-00-ZZ-DR-D-0005 rev. P02
- 24004-LE-00-ZZ-DR-D-0006 rev. P02
- 24004-LE-00-ZZ-DR-D-0010 rev. P02
- 24004-LE-00-ZZ-DR-D-0017 rev. P01
- 24004-LE-00-ZZ-DR-D-0018 rev. P01

The submitted details do not include all specified requirements of condition 6, nor has formal Technical Approval by the Council's Section 38 Team been granted. Considering this, the submitted details fail to meet the requirements of condition 6 and cannot be approved.

Condition 7 (Retaining Walls)

Pursuant to Condition 7, you have submitted:

- Proposed Levels GA, Drawing No. 24004-LE-00-ZZ-DR-D-0005, Rev P02, received 02/05/2025.
- Proposed External Works, Drawing No. 24004-LE-00-ZZ-DR-D-0006, Rev P02, received 02/05/2025.
- Proposed Highway Construction Details, Drawing No. 24004-LE-00-ZZ-DR-D-0010, Rev P02, received 02/05/2025.
- Site Sections Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0017, Rev P01, received 02/05/2025.
- Site Sections, Drawing No. 24004-LE-00-ZZ-DR-D-0018, Rev P01, received 02/05/2025.

The submitted details fail to meet the requirements of condition 7 and are insufficient to discharge the condition. Condition 7 cannot be discharged

pending the submission of appropriate plans and the satisfactory resolution of outstanding Highway Structures concerns.

Condition 8 (New Surface Water)

Pursuant to Condition 8, you have submitted:

- Proposed Drainage GA, Drawing No. 24004-LE-00-ZZ-DR-D-0100, Rev P01, received 02/05/2025.
- Proposed Catchment Areas, Drawing No. 24004-LE-00-ZZ-DR-D-0102, Rev P01, received 02/05/2025.
- Proposed Drainage Details Sheet 1, Drawing No. 24004-LE-00-ZZ-DR-D-0110, Rev P01, received 02/05/2025.
- Proposed Drainage Details Sheet 2, Drawing No. 24004-LE-00-ZZ-DR-D-0111, Rev P01, received 02/05/2025.
- Proposed Hydrobrake Control Manhole Detail, Drawing No. 24004-LE-00-ZZ-DR-D-0112, Rev P01, received 02/05/2025.
- Drainage Access & Maintenance Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0151, Rev P01, received 02/05/2025.
- Drainage Strategy, Doc No. 24004-LE-ZZ-05-RP-D-0001, Rev P01-S2, authored by Lynas Engineers, dated 26/06/2024, received 02/05/2025.

As the road is not to be offered for adoption condition 8 is no longer relevant and does not need to be discharged.

However, please be aware that should circumstances change and the road is to be adopted, a fresh discharge of condition application would need to be submitted to discharge Condition 8.

Condition 10 (Noise Assessment Report)

Pursuant to Condition 10, you have submitted:

- Noise Impact Assessment, authored by Apex, Ref: 11457.1 Rev A, dated 07/02/2025, received 02/05/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 10 and is hereby approved. However, Condition 10 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Condition 17 (Drainage), 18 (Surface Water Discharge) and 19 (Storm Events)

Pursuant to Conditions 17, 18 and 19 you have submitted:

- Proposed Levels GA, Drawing No. 24004-LE-00-ZZ-DR-D-0005, Rev P02, received 02/05/2025.

- Proposed Drainage GA, Drawing No. 24004-LE-00-ZZ-DR-D-0100, Rev P01, received 02/05/2025.
- Drainage Access & Maintenance Plan, Drawing No. 24004-LE-00-ZZ-DR-D-0151, Rev P01, received 02/05/2025.
- Drainage Strategy, Doc No. 24004-LE-ZZ-05-RP-D-0001, Rev P01-S2, authored by Lynas Engineers, dated 26/06/2024, received 02/05/2025.

The submitted information is considered to be sufficient for the initial requirements of Conditions 17, 18 and 19. However, pursuant to condition 17, please note the following advisory comments from the Lead Local Flood Authority, which should be incorporated into the plans:

- *the silt trap MH upstream of the attenuation tank should be MH S10 rather than S14 (or both) as stated in the Drainage Strategy and detailed on the Typical Attenuation Tank Details drawing as this MH will be more easily accessible during desilting operations.*
- *Also, this MH should be clearly noted on the Proposed Drainage GA as a silt trap MH to ensure the Contractor installs the correct type.*

Furthermore, notwithstanding the above, please be aware that each of these conditions have an ongoing requirement, listed below, which must be adhered to, to ensure ongoing compliance with the conditions:

Condition 17

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.

Condition 18

There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Condition 19

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. The approved scheme shall be retained thereafter throughout the lifetime of the development.