

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:	2025/44/92725/W
Site Address:	adj 67, Chapel Gate, Scholes, Holmfirth, HD9 1SX
Description:	Discharge of details reserved by conditions 7 (CMP), 8 (CEMP), 9 (road condition survey), 14 (invasive non-native species protocol), 15 (footway spec), 17 (road drainage structures), 18 (surface water spec), 19 (exceedance event), 20 (temp drainage) on previous permission 2022/92406 for erection of 10 affordable dwellings with access from Chapelgate and associated works including resident play zone
Recommending Officer:	Ellie Thornhill

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: 23-Apr-2026

Reference: 2025/92725

Site address: Land Adj, 67, Chapelgate, Scholes, Holmfirth, HD9 1SX

Description: Discharge of details reserved by conditions 7 (CMP), 8 (CEMP), 9 (road condition survey), 14 (invasive non-native species protocol), 15 (footway spec), 17 (road drainage structures), 18 (full drainage details), 19 (exceedance event), 20 (temp drainage) on previous permission 2022/92406 for erection of 10 affordable dwellings with access from Chapelgate and associated works including resident play zone

Overview

An interim decision letter for this application was issued 07-Apr-2026, with the following position:

Details approved

7 (CMP), 8 (CEMP), 9 (road condition survey), 18 (full drainage details), 19 (exceedance event), 20 (temp drainage)

Details refused

14 (invasive non-native species protocol), 15 (footway spec), 17 (road drainage structures).

The letter continued:

Regarding conditions 15 and 17, the LPA are unable to issue a decision on these matters currently pending a response from consultees. Regarding condition 14, the submitted details raise concerns. See the below for more details, including the allowance of additional time to response to the concerns presented.

This assessment relates to condition 17 only. Conditions 14 and 15 remain unable to be approved, with discussions ongoing. These conditions will be formally assessed as part of a subsequent report.

Condition 17: Road drainage structures

17. Prior to development commencing, a scheme including location details and cross sectional information together with the proposed design and construction details for all new surface water attenuation pipes / manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and thereafter retained.

Reason: *To ensure that suitable and safe means of access is available for the development. This pre-commencement condition is necessary to*

ensure adequate assessment and implementation may take place at the appropriate stage of the development process.

In support of condition 17, the following documents have been submitted:

- Drainage Strategy (reference: 22055-DCE-XX-XX-D-C-100 rev C04)
- Manhole Schedule (reference: 22055-DCE-XX-XX-D-C-120 rev C03)
- Drainage Construction Details (reference: 22055-DCE-XX-XX-D-C-125 rev C03)
- Flow Control Detail (reference: 22055-DCE-XX-XX-D-C-130 rev C04)

Consultation Response

KC Highway Structures – Response received 03/10/25:

I would like to advise that condition 17 (road drainage structures) can not be discharged pending the satisfactory conclusion of the technical approval of the design of oversize manholes located in the highway or influence zone of highway loading, for which a fee of £371.00 (Cat 0 Structures) will be applicable.

Assessment

Following their initial comments, KC Highway Structures have continued to engage with the applicant (resulting in the above revision versions of the submitted plans). K.C. Structures have now confirmed, via email dated 21/04/2026, that the documents/plans identified above are acceptable for the discharge of the pre-commencement element of condition 17. Officers also concur with this decision.

However, as the condition has an ongoing requirement, it cannot currently be discharged in full at this stage. A note of the ongoing requirement is recommended to be included in the decision notice.

Seperatly, K.C. Structures have requested that that a “Construction Compliance Certificate” together with “As Built” drawings be provided – this goes beyond the scope of the condition, being required for the separate Approval in Principal process, and cannot be required by planning. However, a note of their requirement can be included on the decision notice and is recommended.

Recommendation: Approve.

Dated: 23/04/2026.

Recommended Decision Notice Text

Overview

An interim decision letter for this application was issued 07-Apr-2026, with the following position:

Details approved

7 (CMP), 8 (CEMP), 9 (road condition survey), 18 (full drainage details), 19 (exceedance event), 20 (temp drainage)

Details refused

14 (invasive non-native species protocol), 15 (footway spec), 17 (road drainage structures).

This letter relates to condition 17 only. Conditions 14 and 15 remain unable to be approved, at the time of issue, with discussions ongoing. These conditions will be formally addressed as part of a subsequent decision notice.

Condition 17: Road drainage structures

Pursuant to condition 17, you have submitted:

- Drainage Strategy (reference: 22055-DCE-XX-XX-D-C-100 rev C04)
- Manhole Schedule (reference: 22055-DCE-XX-XX-D-C-120 rev C03)
- Drainage Construction Details (reference: 22055-DCE-XX-XX-D-C-125 rev C03)
- Flow Control Detail (reference: 22055-DCE-XX-XX-D-C-130 rev C04)

The information submitted pursuant to condition 17 is considered acceptable to discharge the pre-commencement element of the condition and is hereby approved.

However, please be aware that condition 17 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved scheme shall be implemented in accordance with the approved details and thereafter retained.

Furthermore, you are advised of K.C. Structure's requirement (associated with the separate Approval in Principle process) that a "Construction Compliance Certificate" together with "As Built" drawings is required for their purposes. Once available, these should be submitted to:

Highways.Structures@kirklees.gov.uk