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Fraser Dann,
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Date: 25-Nov-2020
Our Ref: 2020/91468

Dear Sir

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of conditions 5 (Phasing Plan), 11 (Sewer Overflow), 13 (Foul Water Drainage), 14 (Discharge of Surface Water), 23 (Flood Risk) and 24 (Disposal of Surface Water) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)
Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Application Number: 2020/91468**

I write with reference to your application to discharge the conditions for the above development as submitted on 21-May-2020.

Summary Decision:

Conditions discharged subject to advice:

Condition 5 (whole site)
Condition 11 (whole site)
Condition 13 (Phases 1 and 2)
Condition 14 (Phase 1)
Condition 23 (Phase 1)
Condition 24 (Phase 1)

ADVICE:

Condition 5: Phasing



The development authorised by this permission shall not begin until a phasing plan for the whole of the application site has been submitted to and approved in writing by the Local planning Authority. The development shall be carried out and completed in accordance with timescales of each phased part of the development.

Reason: This is a pre-commencement condition to ensure the development of the site can be carried out within an approved phasing approach to avoid unnecessary delays, to enable the works continue and progress in accordance with guidance in the National Planning Policy Framework.

Condition 5 is discharged for the whole site subject to advice that to secure full compliance with Condition 5, the development shall be carried out and completed in accordance with the phasing plan 1856 PL 150E received 7th August 2020 which identifies 5 phases of development comprising:

- Phase 0 – Demolition (pursuant to the outline permission)
- Phase 1 – including access road, plateauing, remediation, servicing and drainage in accordance with 2020/91488 (Approved)
- Phase 2 – 2020/91807 (Pending)
- Phase 3 – Pending
- Phase 4 – Serviced Plot (Pending)

Condition 11: Sewer Access

No development shall commence until details of ensuring permanent access throughout all phases of the development to Moorend Combined Sewer Overflow and associated syphon sewer have been submitted to and approved by the Local Planning Authority. Furthermore no construction activity shall commence in the affected area (s) of the site until the approved works have been implemented and verified as complete to the Local Planning Authority.

Reason: This is a pre commencement condition, to ensure sufficient access for maintenance and repair work at all times is retained and to accord with Policy PLP24 of the Publication Draft Local Plan.

Condition 11 is discharged for the whole site subject to advice that to secure full compliance with the condition, the development across the whole site shall be carried out and completed in accordance with the following:

- Phasing plan 1856 PL 150E received 7th August 2020
- Email from the agent dated 11th August 2020 confirming that the YW Sewer Overflow is within the area of land to be retained by YW and hence will not be negatively impacted by the proposed development as access to the overflow will therefore be as existing through the YW compound.



Condition 13: Foul Water Drainage

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works, the point(s) of connection and appropriate phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: This is a pre commencement condition to ensure that no foul water discharges take place until proper provision has been made for their disposal. In the interests of achieving satisfactory and sustainable drainage of the site. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan, PLP 28 of the Publication Draft Local Plan and guidance in part 14 of the National Planning Policy Framework.

Condition 13 is discharged for Phases 1 and 2 subject to advice that to secure full compliance with the condition, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works in accordance with the following:

- Drainage calculations prepared by Curtins received 22nd May 2020;
- The agent response to Yorkshire Water dated 11th August 2020;
- Plan 065646-CUR-00-ZZ-DR-C-92002-P02 Drainage Masterplan phase 2 received 22nd May 2020;
- Developer confirmation as set out in the letter from Yorkshire Water dated 28th August 2020 of their intention to pump foul water at maximum rate of 3.5 (three point five) litres per second to the public combined sewer crossing the site.

Condition 14: Outfall

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding from the proposed development in accordance with Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP 28 of the Publication Draft Local Plan and part 14 of the National Planning Policy Framework

Condition 14 is discharged for Phase 1 subject to advice that to secure full compliance with Condition 14, the discharge of surface water from the application site shall take place in accordance with details contained within the following plans.

- Drainage Masterplan (ref: 065646 CUR 00 ZZ DR C 92001 P02) received 26th October 2020



- Drainage Masterplan Phase 2 (ref: 065646 CUR 00 ZZ DR C 92002 P02)
- S38 Drainage Layout Sheet 1 (ref: 065646 CUR ZZ ZZ DR C 95501 P05) received 26th October 2020
- S38 Drainage Layout Sheet 2 (ref: 065646 CUR ZZ ZZ DR C 95502 P05) received 26th October 2020
- S38 Manhole Schedules (ref: 065646 CUR ZZ ZZ DR C 95601 P03) received 26th October 2020
- S104 Drainage Layout North (ref: 065646 CUR 00 ZZ DR C 92501 P02) received 26th October 2020
- S104 Drainage Layout South (ref: 065646 CUR 00 ZZ DR C 92502 P02) received 26th October 2020
- S104 Long Sections Sheet 1 (ref: 065646 CUR 00 ZZ DR C 92601 P02) received 26th October 2020
- S104 Long Sections Sheet 2 (ref: 065646 CUR 00 ZZ DR C 92602 P02) received 26th October 2020
- S104 Long Sections Sheet 3 (ref: 065646 CUR 00 ZZ DR C 92603 P02) received 26th October 2020
- S104 Drainage Manhole Schedules Sheet 1 (ref: 065646 CUR 00 ZZ DR C 92701 P02) received 26th October 2020
- S104 Drainage Details Sheet 1 (ref: 065646 CUR 00 C ZZ DR 92801 P01) received 26th October 2020
- S104 Basin Details Sheet 1 065646 CUR 00 C ZZ DR 92811 P01

Condition 23: Residential Uncertainty

Detailed plans and particulars of the reserved matters for the first phase shall include 'Residual Uncertainty Assessment' in relation to flood risk to be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- a) Use latest Environment Agency Guidance that seeks to develop certainty from known inputs;*
- b) Validate REFH2 hydrograph or where demonstrated that this is not possible, increase Standard of Protection significantly to allow for the uncertainty posed by an invalidated hydrograph (the LLFA recommend the use of the 1 in 1000 year flood extent given the minimal change); and*
- c) Ensure that all areas of the site have a dry evacuation route that does not cross a Fluvial, Surface Water risk area or an area of flood routing.*

Reason: In order for officers to make an informed assessment and to ensure satisfactory drainage of the site is delivered, in accordance with the National Planning Policy Framework and Policies PLP28 and PLP 29 of the Publication Draft Local Plan.

Condition 23 is discharged for Phase 1 subject to advice that to secure full compliance with the condition, the first phase of the Reserved Matters (approved in accordance with 2020/91488) shall be implemented in accordance with the following documents and plans:



- Flood Zone Extents Unit 1 North (ref: 065646 CUR 00 ZZ DR C 04953 P01) received 6th November
- Unit 1 Flood Extents (ref: 065646 CUR 00 ZZ DR C 04904 P01) received 19th November 2020
- 1D Hydraulic River Model Summary Report received 26th October 2020
- Email from Curtins dated 10th November 2020
- North Compensation attenuation (ref: 065646-CUR-00-ZZ-DR-C-04905-P01) received 13th November 2020
- Flood Compensation Strategy (ref: 065646-CUR-ZZ-ZZ-CO-C-002 received 13th November 2020
- Flood Outline Model received 12th October 2020
- Email from Curtins dated 12th October 2020

Advisory Note pursuant to Condition 23:

It is recommended that the 300mm pipe is subject to a monthly inspection or after each heavy rain event to ensure that it is kept clear of debris. Whilst the above details are satisfactory for the purposes of discharging Condition 23, should the applicant wish to install a twin 300mm pipe or a larger diameter pipe, there would be no objection from the Council to that additional provision.

Condition 24: Disposal of Surface Water

Detailed plans and particulars of the reserved matters for the first phase pursuant to Conditions nos. 1, 2 and 5 above shall include a scheme to dispose of surface water from the development. This scheme shall:

- a) Restrict discharge from the development to a combined discharge rate of 50.2l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the Local Planning Authority;*
- b) Adhere to the principles as set out in the drainage strategy from Curtins reference 65646-FRA-SB Rev 4;*
- c) Provide attenuation on site for the 1 in 100 year plus climate change event;*
- d) Using known flood levels perform simulations to ascertain the risk associated with a blocked outfall and provide compensatory storage and high level overflow within the drainage systems to manage this;*
- e) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable. Justification for alternatives should be by means of a viability assessment; and*
- f) Provide details of the adoption and maintenance of all surface water features on site.*

The resultant drainage information shall inform the layout of the site and shall include appropriate stand-off distances between drainage infrastructure and buildings within the site and appropriate measures for flood risk management. None of the buildings within any phase shall be occupied until the approved drainage scheme, the flow restriction and



attenuation works has been provided on the site to serve the development for each agreed phasing of the development to which the buildings relate and thereafter retained.

Reason: In this instance it is necessary that the layout of the site be interdependent with the existing and proposed drainage infrastructure. A comprehensive layout taking its form following investigation and consideration of on-site drainage systems and their relationship to adjoining off-site drainage networks shall be submitted to demonstrate that the site can be satisfactorily drained and to mitigate flood risk. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan, PLP 28 of the Publication Draft Local Plan and part 14 of the National Planning Policy Framework.

Condition 24 is discharged for Phase 1 subject to advice that to secure full compliance with the condition, the first phase of the Reserved Matters (approved in accordance with 2020/91488) shall be implemented in accordance with the following documents and plans:

- Drainage Masterplan (ref: 065646 CUR 00 ZZ DR C 92001 P02) received 26th October 2020
- Drainage Masterplan Phase 2 (ref: 065646 CUR 00 ZZ DR C 92002 P02)
- S38 Drainage Layout Sheet 1 (ref: 065646 CUR ZZ ZZ DR C 95501 P05) received 26th October 2020
- S38 Drainage Layout Sheet 2 (ref: 065646 CUR ZZ ZZ DR C 95502 P05) received 26th October 2020
- S38 Manhole Schedules (ref: 065646 CUR ZZ ZZ DR C 95601 P03) received 26th October 2020
- S104 Drainage Layout North (ref: 065646 CUR 00 ZZ DR C 92501 P02) received 26th October 2020
- S104 Drainage Layout South (ref: 065646 CUR 00 ZZ DR C 92502 P02) received 26th October 2020
- S104 Long Sections Sheet 1 (ref: 065646 CUR 00 ZZ DR C 92601 P02) received 26th October 2020
- S104 Long Sections Sheet 2 (ref: 065646 CUR 00 ZZ DR C 92602 P02) received 26th October 2020
- S104 Long Sections Sheet 3 (ref: 065646 CUR 00 ZZ DR C 92603 P02) received 26th October 2020
- S104 Drainage Manhole Schedules Sheet 1 (ref: 065646 CUR 00 ZZ DR C 92701 P02) received 26th October 2020
- S104 Drainage Details Sheet 1 (ref: 065646 CUR 00 C ZZ DR 92801 P01) received 26th October 2020
- S104 Basin Details Sheet 1 065646 CUR 00 C ZZ DR 92811 P01

Yours faithfully

Pp Kate Mansell

Mathias Franklin
Head of Planning and Development