

**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:** 2020/44/93924/E

**Site Address:** 81, Huddersfield Road, Skelmanthorpe, Huddersfield,  
HD8 9AR

**Description:** Discharge condition 8 (drainage) on previous  
permission 2020/90171 for demolition of existing  
dwelling and garage and erection of four dwellings

**Recommending Officer:** Katie Wilson

**DECISION – DISCHARGE OF CONDITION 8 APPROVED**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Paul Dowd

***AUTHORISED OFFICER***

**Date: 12-Aug-2021**

## 2020/93924- Officer Report

This discharge of condition application is pursuant to planning permission 2020/90171 for Demolition of existing dwelling and garage and erection of four dwellings.

The application seeks to discharge the following condition:

8. A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

### Assessment – Condition 8 (drainage)

Since the initial submission was refused, further discussions have taken place between the applicant and the Council's Lead Local Flood Authority officers, which centred around surface water attenuation solutions.

The applicant states that when the use of soakaways was first examined, it was concluded that this was not possible for the proposed development. Their proposal would utilise the same existing connection as the house, which has been demolished. The proposed attenuation would remain private, un-adopted and future maintenance would be the responsibility of the new home purchasers.

The LLFA officers accepted that soakaways are not viable and raised no objections to a discharge of 2l/s if the system with this restriction can be managed with a flow control device with a 75mm or greater orifice. They advised against the diversion shown as it will be to a public sewer transferred under the Private Sewer Transfer Regulations 2011 and permission will be required from Yorkshire Water, and they went onto details several other points that would need to be considered.

More discussions took place between the applicant and the LLFA. As a result the LLFA pointed out the limitations and difficulties of crate storage for maintenance and inspection, in comparison with other systems. For major applications the LPA have refused crate storage on other residential developments, and for commercial sites it is discouraged. However, where there is single ownership and any flood risk rests with that owner, this should be taken into account.

For minor applications there is no obligation on the LPA to ensure maintenance and management of such systems. However, if the application were approved the LLFA would advise a defined maintenance and management plan to be conditioned, as opposed to a S106 agreement.

When installations are handed over to others for use and management the LLFA would expect, under CDM regs, that a principal designer would ensure a defined procedure accompanied that process. It would also place it in the public domain and allow planning enforcement officers some powers if required, if the system failed due to lack of maintenance or replacement in a timely fashion.

This application seeks to discharge a condition and, as such, further conditions are not possible, but a note could be added.

As such, the result of these negotiations is sufficient to discharge condition 8 of planning approval 2020/90171.

### **Recommendation: discharge condition 8**

#### **Decision text**

#### **Condition 8 (drainage):**

Further negotiations have taken place between the agent and the Lead Local Flood Authority officers. As a result there are now sufficient grounds to discharge condition 8 of planning approval 2020/90171.

**Note:** The applicant / developer may wish to consider setting up a defined maintenance and management plan for the drainage scheme in accordance with Construction (design and maintenance) regulations when the installations are handed over to others for use and management.

**Report Dated:**

11.08.2021
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## 2020/93924- Officer Report

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The application seeks to discharge the following condition:

8. A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

### Assessment – Condition 8 (drainage)

The applicant has submitted a drainage layout and external works levels drawing (ref: 4040/100 rev 4) together with drawing of typical drainage (ref: 4040/102 rev 2) and Phase II geo environmental site assessment by Met Consultancy Group ref: P20-00120.

The Council's flood management and drainage officers, as lead local flood authority, have assessed the information. They object to the proposal on the following grounds:

The use of soakaways should be examined in the first instance in accordance with the surface water hierarchy of disposal. Soakaways need to be positioned 5 metres away from all buildings and each other. It is not clear whether the layout can accommodate such a design if the test results prove favourable. This has not been done.

There is no evidence of a local watercourse that is reasonably practicable to connect to in the vicinity of the site.

An investigation as to where the current property drains to should be submitted. If this is a connection to the nearby public combined sewer located

in Reservoir View, and soakaways not work, then a surface water connection will have a maximum discharge of 3l/s using a 75mm minimum orifice in a vortex flow control device in line with Kirklees Planning Policy guidance. We do not recommend the use of storage crates for attenuation on housing sites due to their guaranteed longevity (if BBA accredited) is likely to be far shorter than the lifespan of the buildings, they can't easily be cleared or inspected. The Statutory Undertaker Yorkshire Water currently refuses to adopt them for the above reasons. As a result, risk and disruption would be imposed where alternative could avoid the same risk.

As such this condition cannot be discharge at this time.

The Phase II Geo technical report has been assessed by the Council's environmental health team and based on the information provided, they do not consider there to be any significant contaminated land issues with this development.

**Recommendation: refuse DoC**

**Decision text**

**Condition 8 (drainage):**

You have submitted a drainage layout and external works levels drawing (ref: 4040/100 rev 4) together with drawing of typical drainage (ref: 4040/102 rev 2) and Phase II geo environmental site assessment by Met Consultancy Group ref: P20-00120.

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The Phase II Geo technical report has been assessed by the Council's environmental health team and based on the information provided, they do not consider there to be any significant contaminated land issues with this development.

In view of the above comments condition 8 cannot be discharged at this time.

However, if you wanted to submit further information under this application then these details should be submitted within 4 weeks of the date of this letter and will then be assessed by the LLFA.

**Report Dated:** 15.01.2021