

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:	2023/44/90812/W
Site Address:	Land at Hart Street, Newsome, Huddersfield, HD4 6LS
Description:	Discharge of conditions 9 (surface water drainage) and 10 (foul drainage) of previous outline permission 2016/91479 for erection of 22 dwellings
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 12-Aug-2024

Application: 2023/44/90812/W

Site: Land at Hart Street, Newsome, Huddersfield, HD4 6LS

Proposal: Discharge of conditions 9 (surface water drainage) and 10 (foul drainage) of previous outline permission 2016/91479 for erection of 22 dwellings

Assessment

Condition 9 (surface water drainage) and condition 10 (foul drainage)

9) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;*
- ii) include a timetable for its implementation; and,*
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

10) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Note: No condition reasons were provided on the appeal decision.

The submitted details have been reviewed by the Lead Local Flood Authority and Yorkshire Water.

In their consultation response dated 21/03/2024 Yorkshire Water confirmed no objection to the details submitted pursuant to either condition.

The LLFA offered no objection to the details pursuant to condition 10. Regarding condition 9, the LLFA provided their initial consultee response 04/04/2023. While many elements of the details were acceptable, including the assessment of point of surface water discharge, the LLFA raised various concerns. These were summarised as:

- Object to the use of crate storage due to inadequate short- and long-term management and maintenance details.
- Insufficient details provided regarding the re-routing of the watercourse initially leading into the site.
- No evidence to justify the proposed discharge rate of 20l/s to the combined sewer.
- No details of the timeframe for delivery.

This feedback was provided to the applicant, who responded with further information that was then reviewed by the LLFA. This led to their second consultee response 14/08/2024. This is summarised as:

- The LLFA accepted details regarding the short-term management and maintenance over the crate storage, however concerns remained over the system's long-term management and maintenance. While it was put forward by the applicant that the system was intended to be adopted (thereby securing Yorkshire Water as a responsible party for long-term management), no evidence that such an outcome was guaranteed was provided.
- Justification and evidence were provided relating to the re-routing of the water course and a 20l/s discharge rate, along with evidence of agreement from Yorkshire Water, which the LLFA accepted.
- No timetable for the implementation of the drainage system was provided.

Since then, the applicant has provided a Section 104 Technical Approval agreement demonstrating Yorkshire Water's acceptance of the system and intention to adopt the crate storage system. This adequately demonstrates the long-term management and maintenance is secured. However, the applicant again failed to provide a timetable for the implementation.

The applicant was again advised of the outstanding issue. A final email setting out the timeframe for delivery of the drainage works was received 09/08/2024. This sets out the following:

- The attenuation tank is to be installed September 2024.
- The tank and wider system are to become operational January 2025.
- The tank and system to be handed over to Yorkshire Water January 2025.

This timeframe is acceptable, and thus all matters required by the condition have been satisfactorily addressed. Therefore, the submitted details may now be approved.

Both conditions 9 and 10 have ongoing requirement which prevent full discharge at this time. It is recommended that a note outlining the ongoing requirements be included in the decision notice.

Recommendation: Approve details

Report Dated: 12/08/2024.

Proposed Letter Text

Condition 9 (surface water drainage) and condition 10 (foul drainage)

You have submitted the following details pursuant to conditions 9 and 10:

- Document titled: ACO StormBrixx - Stormwater attenuation and infiltration range, Specification and technical data
- Document titled: ACO StormBrixx HD, Maintenance and Inspection Manual
- Document titled: ACO StormBrixx SD, HD900 and HD, Data Sheet
- Document titled: Newsome Ponds - Drainage Asset Maintenance Schedule
- Plan ref: 23768~a StormBrixx Typical Access
- Plan ref: 24.21001-ACE-00-XX-DR-C-0161 Rev. C6
- Plan ref: 24.21001-ACE-00-XX-DR-C-0165
- Plan ref: 24.21001-ACE-00-XX-DR-C-0166 Rev. P1
- Plan ref: 24.21001-ACE-00-XX-DR-C-0201 Rev. C2
- Plan ref: 24.21001-ACE-00-XX-DR-C-2001 Rev. C8
- Plan ref: 24.21001-ACE-00-XX-DR-C-2005 Rev. C4
- Plan ref: 24.21001-ACE-00-XX-DR-C-2020 Rev. C5
- Plan ref: 24.21001-ACE-00-XX-DR-C-2025 Rev. C3
- Plan ref: 24.21001-ACE-00-XX-DR-C-2030 Rev. C3
- Plan ref: 24.21001-ACE-00-XX-DR-C-2031 Rev. C4
- Plan ref: 24.21001-ACE-00-XX-DR-C-2035 Rev. C3
- Plan ref: 24.21001-ACE-00-XX-DR-C-2080 Rev. C9
- Plan ref: 24.21001-ACE-00-XX-DR-C-2081 Rev. C2
- Plan ref: 24.21001-ACE-00-XX-DR-C-2084 Rev. C2
- Plan ref: 24.21001-ACE-00-XX-DR-C-2085 Rev. C1
- Plan ref: 24.21001-ACE-00-XX-DR-C-2098 Rev. P3
- Plan ref: 24.21001-ACE-00-XX-DR-C-2099 Rev. P1
- Plan ref: 24.21001-ACE-00-XX-DR-C-2115 Rev. C4
- Plan ref: 24.21001-ACE-00-XX-DR-C-2165 Rev. C3
- Plan ref: 24.21001-ACE-00-XX-DR-C-2190 Rev. C4

- Plan ref: H-3-264-822 (Access Configurations)
- Plan ref: H-3-264-822 (General Arrangement)

Furthermore, in the email dated 09/08/2024 the following timeframe for implementation has been confirmed:

- The attenuation tank is to be installed September 2024.
- The tank and wider system are to become operational January 2025.
- The tank and system to be handed over to Yorkshire Water January 2025.

I can confirm that the submitted details, comprising the plans and documents listed, as well as the above timeframe, are acceptable for the initial purposes of both conditions 9 and 10.

Notwithstanding the above, be aware that each condition has an ongoing requirement which must be adhered to, to ensure ongoing compliance. These ongoing requirements are set out fully within the condition wording but may be summarised as requiring the hereby approved drainage works to be implemented and made ready for use prior to the occupation of any of the dwellings.