

Consultation Response from KC, Lead Local Flood Authority
2023/93236 Pentlands, New Mill Road, Holmfirth, HD9 7LN
Discharge conditions 4 (Internal Estate Road Details), 5 (Parking Bay Surfacing & Drainage), 9 (Temporary Waste Measures), 11 (Surface Water Drainage Details), 12 (Overflow Event Scenario), 13 (Separate Forms of Drainage Details), 15 (Temporary Drainage Measures), 22 (Ecological Enhancement Plan) on previous permission 2020/91896 for demolition of existing dwelling and erection of 15 dwellings with associated access and external works
Date Responded: 12th March 2024 Responding Officer: Paul Farndale Responding Ref:

Condition 11 – Drainage Details

Off-site works are now shown with longitudinal sections. The adjacent site has a temporary outfall and therefore the connection can be made.

Details of the tank design including invert and cover levels has been provided. However, this is contrary to what was discussed for planning application 2020/91896 which allowed approval subject to condition. At this point the application went forward with pre-cast concrete tank having been agreed. This principle has been reneged upon

At that time our consultation response said,

“Calculations and plans now suggest a pre-cast concrete attenuation tank is to be selected, although a note is still visible relating to 95% voids which relates to crate storage. We advise that attenuation details can be conditioned for the detailed design stage. Crate storage is deemed unsuitable for private housing estates in Kirklees due to difficulties in the LPA fulfilling its obligation to ensure adequate maintenance and management of SUDS”.

Kirklees Council will only accept the tank as designed if a technical approval letter from Yorkshire Water can be produced under section 104 of the Water Industry Act that will satisfy the LPA that their obligations to ensure maintenance and management of a structure for the lifetime of the site can be passed onto a recognised statutory undertaker. Such designs cannot be inspected and carry no guarantee on lifespans.

Should a technical approval letter be provided, we still have not received a maintenance and management plan for the period prior to when adoption can take place, which the LPA requires under its obligations under NPPF incorporated into a section 106 agreement. We require a maintenance plan as a handover of this asset which has been verified by the Principal Designer under CDM regulations 2015. This includes bespoke risk assessment and method statements culminating with an itinerary and schedule of tasks including access to and into infrastructure and a replacement interval.

As an additional note, the calculations provided are for a different sized tank than submitted on the plan. No allowance for void ratio has been included.

Unfortunately, this condition can NOT be discharged at this moment in time, and we feel this needs to be escalated to enforcement given the U-turn on advice associated with the grant of permission.

Condition 15 – Temporary Drainage

No additional information has been submitted. Our previous comments stand.

Unfortunately, this condition can NOT be discharged at this moment in time. Due to commencement of works on site we feel we must escalate the issue of adequate construction phase (temporary) drainage plans to our enforcement team.

