

# 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

|                              |                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference No:</b>         | 2024/44/92806/W                                                                                                                                                                                                                                                                                                                                       |
| <b>Site Address:</b>         | Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW                                                                                                                                                                                                                                                                                          |
| <b>Description:</b>          | Discharge of details reserved by conditions 20 (surface water discharge), 21 (flood routeing) and 31 (grass-crete and batter maintenance) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank) |
| <b>Recommending Officer:</b> | Katie Chew                                                                                                                                                                                                                                                                                                                                            |

#### DECISION – Discharge of Condition – 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.

Nick Hirst

***AUTHORISED OFFICER***

**Date: 20-Nov-2025**

## Officer Report

**Application:** 2024/92806

**Application Site:** Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

**Proposal:** Discharge of details reserved by conditions 20 (surface water discharge), 21 (flood routeing) and 31 (grass-crete and batter maintenance) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank).

### Assessment:

#### Condition 20 (Surface Water Discharge)

*20. Prior to above ground works commencing, a scheme restricting the rate of surface water discharge from the site to a maximum of 10.0 litres per second to Fenay Beck, along with the design of the surface water attenuation tank and associated infrastructure, shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 30% allowance for climate change. This shall be demonstrated through a simulation of this event using an M5\_60 design parameter equal to 19. The scheme shall include plans for the outfall and a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter, or until such time as the system is formally adopted by a statutory undertaker.*

**Reason:** *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*

The applicant has submitted the following documents pursuant to Condition 20:

- Drainage, Drawing No. 22/491/500/001 Rev K, received 17/07/2025.
- Long Sections Sheet 1 of 2, Drawing No. 22/491/500/002 Rev E, received 17/07/2025.
- Long Sections Sheet 2 of 2, Drawing No. 22/491/500/003 Rev G, received 17/07/2025.
- Manhole Schedules & Demarcation Chamber Schedules, Drawing No. 22/491/500/004 Rev C, received 17/07/2025.
- Flow Control Manhole Manhole S19, Drawing No. 22/491/500/005 Rev B, received 14/11/2024.

- Drainage Standard Details, Drawing No. 22/491/500/006 Rev B, received 10/10/2025.
- Exceedance Flow Routes, Drawing No. 22/491/500/007, Rev E, received 10/10/2025.
- Impermeable Area Plan, Drawing No. 22/491/500/009 Rev G, received 10/10/2025.
- Outfall Headwall Details Headwall1 HW1, Drawing No. 22/491/500/010 Rev F, received 17/07/2025.
- Manhole F19 Detail, Drawing No. 22/491/500/012, received 10/10/2025.
- Gully Catchment Plan, Drawing No. 22/491/500/013 Rev C, received 10/10/2025.
- S18 Catchpit Manhole Detail, Drawing No. 22/491/500/014, received 10/10/2025.
- KEYTEC 295 – Polyethylene Coated Woven Polyethylene Datasheet, received 14/11/2024.
- Polystorm-R Modular Cell datasheet P1 – Issue 5 – June 2018, received 14/11/2024.
- KEYTEC 295 - Polyethylene Coated Woven Polyethylene datasheet, received 14/11/2024.
- An 8 step guide to a total Polystorm system Issue 04, dated November 2018, received 10/10/2025.
- SWSv7 – 2025 – Surcharged Outfall and Cellular Storage, received 10/10/2025.
- Technical Approval Certificate Rev A, authored by icoso Water, dated 09/01/2025, received 26/03/2025.

This condition has been reviewed by both KC Lead Local Flood Authority (LLFA) and Yorkshire Water who have provided the following responses in their consultations dated 25/10/2024, 07/02/2025, 17/04/2025 & 29/10/2025 (KC LLFA), and 13/11/2024 & 08/04/2025 (Yorkshire Water):

KC LLFA comments received 25/10/2024:

*Details of a Carlow Tank and a Crate Storage alternative has been submitted. It is therefore not clear what is being promoted here. A surface water drainage layout plan will also be required as will a coloured impermeable area plan showing which areas of hardstanding are contributing to specific receiving legs of sewer. This must correspond with the design and simulation model. A maintenance and management plan for the selected attenuation design is also required. This must be specific to the site and include access to and into the tank*

*We advise the planning officer not to accept crate storage on residential applications given the lack of guarantees on lifespan and difficulty if not impossibility to survey to installed tank. The LPA has an obligation to ensure the effective maintenance and management of SUDS features.*

*Only if a statutory undertaker (Yorkshire Water or a NAV equivalent) produced a technical approval letter under section 104 Water Industry Act 1991, to agree to adopt such a system would we advise to proceed.*

*We understand works have started on site and this tank is installed with a private pipe installed under the adopted highway.*

*This should be escalated to our planning enforcement team.*

***We do not recommend that this condition be discharged at this moment in time.***

Following receipt of the above comments, the applicant sought to submit amended plans which included, but are not limited to, a revised drainage layout, long sections, manhole schedules, impermeable area plan, and headwall and outfall details, LLFA reviewed this additional information and provided the below comments, received 07/02/2025:

*It is apparent that crate storage, Polyform R, is used on this site. Details of a Carlow tank are still present in submitted documents and should be removed.*

*Details should be supplied from the manufacturer as to loading restrictions in a field with only 600mm of cover to the soffit of the crate. Weight of vehicles are likely to be that of a grass cutter and potential agricultural vehicles.*

*A 600mm private pipe is shown cross existing public highway. We understand works have started on site and this tank is installed with a private pipe installed under the adopted highway. This should be escalated to our planning enforcement team.*

*Longitudinal sections show a 600mm pipe entering at soffit level and a 600mm pipe exiting at invert level. It is not clear therefore how this tank can be adequately cleaned as part of an acceptable maintenance plan. A technical approval letter from Yorkshire Water or a NAV equivalent is required therefore under section 104 of the Water Industry Act 1991, to demonstrate that a statutory undertaker would be happy to adopt this design.*

*Kirklees LLFA advise against the use of crate storage due to problematic maintenance regimes. However, the LPA authority will consider them with an appropriate management plan.*

*Clarification of the outfall details are required. 150mm above existing typical water level is required. There is reference to only 30mm above ditch level. Connection should be to a watercourse. A safety grille is mentioned where a flap valve should be provided. We are concerned given the level above bed level, that this valve could be shut more often*

*than is desirable. A separate submerged outfall simulation is required. An addition spill inspection chamber prior to the outfall may be required.*

*The simulation model provided does not reflect the design of the drainage for this application. This included a difference in total contributing areas and significant differences for contributing areas to individual legs. The attenuation refers to pond or tank and should be updated to crate storage with correct void ratio.*

*No maintenance and management plan has been provided.*

***We do NOT recommend that this condition is discharged at this moment in time.***

Following receipt of the above comments, the applicant sought to submit amended plans which included, but are not limited to, a revised drainage layout, revised impermeable area plan, management company plan, Technical Approval Certificate, and Outfall and Cellular storage LLFA reviewed this additional information and provided the below comments, received 17/04/2025:

*We recognise that submerged outfall has been included in the simulation.*

*An M5\_60 figure of 19 has been used as per condition.*

*A spill chamber has been included immediately upstream from the outfall.*

*A 104 Technical Approval letter from a NAV has been included following our question of connection and outlet levels to the Polystorm R Tank.*

*It is noted that the Polystorm R tank should be at a minimum depth of 0.5m*

*However, there are multiple discrepancies between the measured hard standing area noted on an impermeable area drawing and those listed in the hydraulic design model.*

*In addition to the above, the impermeable area drawing is erroneous. As an example, around the green shaded area for road network and plots 17 and 18. Both the key and the hydraulic model show no hardstanding contributing to 1.005 (S6 to S7). However, the drawing showing private drainage layout clearly shows the majority of the plot's area draining to this very leg. Both plots are coloured green, but part is connected to 1.004 (S5-S6) and the roads of the same colour drain to 3 different legs of sewer not 1.*

*A clear check of all drainage should be made before resubmitting new impermeable area plans with key and update hydraulic modelling.*

*The time of entry for a fully designed model should not included 8-12 and 12-16 minutes. This may be relevant if only the tank was in a provision design an no upstream sewers. Kirklees will accept 0-4 minutes from roads and 4-8 from properties. In all likelihood, for a fully designed system with points of entry close to each leg, time of entry will be low.*

*A half drain time will need to be calculated for revised simulation to test for compliance. Errors are indicated on the current simulation.*

*The maintenance plan for the surface water system appears to be an installation plan only. How to minimise the risk of silt build up within a system should be addressed. The replacement period for Polystorm R would be 25 years unless a BBA certificate promotes a longer lifespan, as housing is deemed to last over 100 years, replacement periods have to be built in as routine camera inspections are impossible for this product and the membrane seal. This needs to be included should final adoption not take place.*

*We are happy that maintenance plans for a management company can cease upon adoption.*

*The tank and flow control manhole and flap valve should be included in any maintenance plan which should be bespoke to the site. We do however promote the CIRIA guide for SUDS as a starting point when examining typical maintenance advice for crate storage. A flow control, if removed for maintenance should have the neoprene seal replaces. All pipes and manholes will need inspecting and cleaning. We expect to see an itinerary and schedule of all tasks. The 600mm pipe under the existing highway should be highlighted due to specific issues for our section 38 team.*

*A revised headwall drawing has not been submitted.*

***We do NOT recommend that this condition be discharged at this moment in time.***

Following receipt of the above comments, the applicant sought to submit amended plans which included, but are not limited to, revised headwall and outfall details, revised impermeable area plan, revised exceedance flow route, revised management company plan, attenuation management plan, gully catchment plan, drainage standard details, and revised long sections. LLFA reviewed this additional information and provided the below comments, received 29/10/2025:

*Further to our comments of 17<sup>th</sup> April 2025 and subsequent submissions for drainage. I can confirm that various discrepancies between drainage layout plans, hardstanding contributing areas and simulation modelling, have been ironed out.*

*Outfall details have been received and are accepted.*

*An updated attenuation management plan has been submitted that is accepted.*

***We can recommend that this condition be DISCHARGED.***

Further to the above, KC Yorkshire Water also provided comments on the application, received 13/11/2024:

**Waste Water**

*Yorkshire Water objects to the discharge of condition 20. The submitted drawing, Exceedance Flow Routes 22/491/500/007 (revision C) dated 22/02/2024 prepared by Bryan G Hall is unacceptable. Clear plans are required which should show the off-site connections for both foul and surface water drainage and should be clearly labelled accordingly.*

Following receipt of the above comments, the applicant sought to submit revised drainage layout and flow exceedance routes plans, of which KC Yorkshire Water provided further comments on, received 08/04/2025:

*Yorkshire Water has no objection to discharge condition 20.*

*Yorkshire Water has no objection to:*

- i) The proposed separate systems of drainage on-site and off-site*
- i) The proposed amount of domestic foul water to be discharged to the 225 mm diameter public combined water sewer crossing the site.*
- ii) The proposed amount of curtilage surface water to be discharged to the watercourse crossing the site at a restricted rate of 10 (ten) litres/second.*
- iii) The proposed points of discharge of foul and surface water.*

*submitted on drawing, Drainage 22-491 22/491/500/001 (revision H) dated 03/03/2025 prepared by Bryan G Hall.*

*The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Code for Adoption*

*- a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.*

Officers concur with the above assessment made by KC LLFA and Yorkshire Water and recommend that the details submitted are approved. However, Condition 20 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*There shall be no piped discharge of surface water from the development and no phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter, or until such time as the system is formally adopted by a statutory undertaker.*

#### Condition 21 (Flood Routeing)

*21. Prior to above ground works commencing, an assessment of the effects of 1 in 100- year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. This shall include mitigation works within plots where avoiding flood routing within curtilage is not reasonably practicable. No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.*

**Reason:** *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*

In support of Condition 21 the following documents have been submitted:

- Exceedance Flow Routes, Drawing No. 22/491/500/007 Rev E, received 10/10/2025.

This condition has been reviewed by KC LLFA who have provided the following response in their consultation dated 25/10/2024:

*Sufficient information has been supplied to provide an acceptable flood routing scheme.*

Throughout the planning process, the applicant sought to submit a revised Exceedance Flow Routes (Rev E), to reflect a new site layout and therefore KC LLFA were re-consulted and confirmed in their comments dated 03/11/2025 that the revisions were acceptable.

Officers concur with the above assessment made by KC LLFA and recommend that the details submitted are approved. However, Condition 21 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.*

Condition 31 (Grass-crete and batter maintenance)

*31. Prior to works associated with the re-grading for the attenuation tank maintenance access track, details of the proposed grass-crete surfacing and a management and maintenance of the grass batter, for a minimum of five years, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the access track shall be constructed in accordance with the approved grass-crete surfacing and the details contained letter dated the 3rd of May 2023 from Dudleys Structural and Civil Consultants, and thereafter managed and maintained in accordance with the approved details.*

**Reason:** *To ensure an appropriate finish and natural appearance to the engineering works, to protect the openness of the Green Belt, in accordance with Paragraph 150 of the National Planning Policy Framework.*

In support of Condition 31 the following documents have been submitted:

- Grasscrete Design Guide, authored by Grass Concrete, received 14/11/2024.
- Grasscrete Design Guide, authored by Grass Concrete, received 14/11/2024.
- Landscape Management Plan, received 09/10/2025.
- Management Company Plan, Drawing No. Z078-011-MCP, received 26/03/2025.
- Attenuation Tank Drawing, Drawing No. Z078, received 22/01/2025.
- Drainage Consultants Ltd – Method Statement/Health & Safety Plan, received 18/11/2025.
- Drainage Consultants Ltd – Risk Assessment, received 18/11/2025.
- Grasscrete Landscape Management Plan, received 18/11/2025.
- Detailed Plot Landscape Plan (Sheet 1 of 3), Drawing No. H22-0016\_006D, received 18/07/2025.
- Detailed Plot Landscape Plan (Sheet 2 of 3), Drawing No. H22-0016\_007D, received 18/07/2025.
- Detailed Plot Landscape Plan (Sheet 3 of 3), Drawing No. H22-0016\_008D, received 18/07/2025.

- Operations & Maintenance Manual for Polypipe Storm Water Attenuation System Installation Works, authored by Key Tech Installation Services, received 26/03/2025.
- Operations & Maintenance Manual for Polypipe Storm Water Attenuation System Installation Works, received 26/03/2025.
- Attenuation Management Plan, authored by Trustgreen, dated June 2025 R1, received 09/10/2025.

Details of the proposed grass-crete surfacing is outlined within the submitted Attenuation Tank Drawing and Grasscrete design guide. The drawing shows the layers of permeable non-woven geotextile, sub-base and Naylor metropave HGV systems.

Further to the above, the applicant has confirmed via email on 25/03/2025 that the batter is to be installed no greater than 1:3 so within general design guide tolerance and not a gradient that would be classed as overly steep or requiring additional maintenance. The batter is covered under the (public) management company (shown on the Management Company Plan, dwg no. Z078-011-MCP). Given the above, the proposed works are considered to provide an appropriate finish and natural appearance to the engineering works and are considered acceptable.

The submitted Landscape Management Plan outlines the maintenance objectives and management requirements for the grass crete and batters found within the site. The Landscape Management Plan also provides a short-mown amenity grass maintenance schedule which identifies the maintenance operation, purpose, timing and year that it will be undertaken. The table indicates maintenance of 11+ years, and a note below the table states:

*The above maintenance strategy will be continued from Year 11 onwards, in perpetuity for the lifespan of the development.*

The above details are therefore considered to be acceptable and therefore officers recommend that the details submitted are approved. However, please be aware that Condition 31 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*Thereafter the access track shall be constructed in accordance with the approved grass-crete surfacing and the details contained letter dated the 3rd of May 2023 from Dudleys Structural and Civil Consultants, and thereafter managed and maintained in accordance with the approved details.*

**Recommendation:** Approve details.

**Report Dated:** 18/11/2025.

## **Recommended Decision Notice Text**

### **Condition 20 (Surface Water Discharge)**

Pursuant to Condition 20, you have submitted:

- Drainage, Drawing No. 22/491/500/001 Rev K, received 17/07/2025.
- Long Sections Sheet 1 of 2, Drawing No. 22/491/500/002 Rev E, received 17/07/2025.
- Long Sections Sheet 2 of 2, Drawing No. 22/491/500/003 Rev G, received 17/07/2025.
- Manhole Schedules & Demarcation Chamber Schedules, Drawing No. 22/491/500/004 Rev C, received 17/07/2025.
- Flow Control Manhole S19, Drawing No. 22/491/500/005 Rev B, received 14/11/2024.
- Drainage Standard Details, Drawing No. 22/491/500/006 Rev B, received 10/10/2025.
- Exceedance Flow Routes, Drawing No. 22/491/500/007, Rev E, received 10/10/2025.
- Impermeable Area Plan, Drawing No. 22/491/500/009 Rev G, received 10/10/2025.
- Outfall Headwall Details Headwall1 HW1, Drawing No. 22/491/500/010 Rev F, received 17/07/2025.
- Manhole F19 Detail, Drawing No. 22/491/500/012, received 10/10/2025.
- Gully Catchment Plan, Drawing No. 22/491/500/013 Rev C, received 10/10/2025.
- S18 Catchpit Manhole Detail, Drawing No. 22/491/500/014, received 10/10/2025.
- KEYTEC 295 – Polyethylene Coated Woven Polyethylene Datasheet, received 14/11/2024.
- Polystorm-R Modular Cell datasheet P1 – Issue 5 – June 2018, received 14/11/2024.
- KEYTEC 295 - Polyethylene Coated Woven Polyethylene datasheet, received 14/11/2024.
- An 8 step guide to a total Polystorm system Issue 04, dated November 2018, received 10/10/2025.
- SWSv7 – 2025 – Surcharged Outfall and Cellular Storage, received 10/10/2025.
- Technical Approval Certificate Rev A, authored by icoso Water, dated 09/01/2025, received 26/03/2025.

The submitted details are acceptable for the initial requirements of Condition 20 and are hereby approved. However, Condition 20 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

*There shall be no piped discharge of surface water from the development and no phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter, or until such time as the system is formally adopted by a statutory undertaker.*

#### Condition 21 (Flood Routeing)

Pursuant to Condition 21, you have submitted:

- Exceedance Flow Routes, Drawing No. 22/491/500/007 Rev E, received 10/10/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 25 and are hereby approved. However, it is noted that Condition 21 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.*

#### Condition 31 (Grass-crete and batter maintenance)

Pursuant to Condition 31, you have submitted:

- Grasscrete Design Guide, authored by Grass Concrete, received 14/11/2024.
- Landscape Management Plan, received 09/10/2025.
- Management Company Plan, Drawing No. Z078-011-MCP, received 26/03/2025.
- Attenuation Tank Drawing, Drawing No. Z078, received 22/01/2025.
- Drainage Consultants Ltd – Method Statement/Health & Safety Plan, received 18/11/2025.
- Drainage Consultants Ltd – Risk Assessment, received 18/11/2025.
- Grasscrete Landscape Management Plan, received 18/11/2025.
- Detailed Plot Landscape Plan (Sheet 1 of 3), Drawing No. H22-0016\_006D, received 18/07/2025.
- Detailed Plot Landscape Plan (Sheet 2 of 3), Drawing No. H22-0016\_007D, received 18/07/2025.
- Detailed Plot Landscape Plan (Sheet 3 of 3), Drawing No. H22-0016\_008D, received 18/07/2025.
- Operations & Maintenance Manual for Polypipe Storm Water Attenuation System Installation Works, authored by Key Tech Installation Services, received 26/03/2025.

- Operations & Maintenance Manual for Polypipe Storm Water Attenuation System Installation Works, received 26/03/2025.
- Attenuation Management Plan, authored by Trustgreen, dated June 2025 R1, received 09/10/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 31 and are hereby approved. However, Condition 31 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*Thereafter the access track shall be constructed in accordance with the approved grass-crete surfacing and the details contained letter dated the 3rd of May 2023 from Dudleys Structural and Civil Consultants, and thereafter managed and maintained in accordance with the approved details.*