

Planning Services
Kirklees Council
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By Planning Portal Only**Date:** 5 November 2024**Our ref:** 62129/03/CD/KJ/32841955v1

Dear Ellie,

Application to Discharge Conditions 11, 12, 13, 14 and 28 of Planning Permission 2021/62/92528/E at Land off Bankwood Way, Birstall Retail Park

On behalf of our client, Lidl GB Limited ("Lidl"), we are pleased to provide details to address the requirements of planning conditions 11, 12, 13, 14 and 28 pursuant to planning permission 2021/62/92528/E at Land off Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT.

Application Submission

The application has been submitted via the Planning Portal (reference: PP-13491258) and comprises this covering letter and the following documents:

- Completed application form;
- Site Layout Foul Sewer & Surface Water Layout (24062-SDS-00-SL-DR-C-3021 Rev T4) (latest drainage proposals submitted with the section 73 application);
- Birstall Network Simulations;
- Services Drainage Report;
- Outline Surface Management Plan (24185-SDS-XX-RP-C-0002-01);
- SuDS Maintenance Plan (24185-SDS-XX-RP-C-0003-01);
- Birstall Network Layout Plan.

Plus Flood Risk Assessment and accompanying plans approved under ref. 2021/62/92528/E:

- a 09-148-DOC001C Lidl Bankwood Way Birstall Flood Risk Assessment - 02-07-2021;
- b 09-148-501B Detailed Drainage Design; and
- c 09-148-505B Flood Exceedance Plan.

Application Context

On 21 November 2023, detailed planning permission was granted for the “*Erection of retail development, associated parking, servicing areas and landscaping*” (ref: 2021/62/92528/E).

Following the grant of planning permission, it was established that there were a number of discrepancies in the decision notice to plan and document references listed in conditions and the plans schedule. These discrepancies were where the decision notice referred to earlier versions of plans or documents, which were subsequently updated to reflect consultee comments. A non-material amendment application was approved on 29 April 2024 to amend the decision notice and correct the plan references (ref: 2024/NMA/90400/E).

A S73 application was submitted in May 2024 to make minor amendments (ref: 2024/91591), principally to bring the approved scheme in line with Lidl’s latest specification and extend the red line boundary from 1.53 ha to approximately 1.57 ha to align the red line boundary with the title plan. The S73 application is due to be determined in November 2024.

Lidl is keen to address pre-commencement matters now and are therefore seeking to discharge the relevant conditions in relation to permission ref: 2021/62/92528/E. Should these conditions be approved prior to determination of the Section 73 application, the revised conditions could then be included within the decision notice for the Section 73 to ensure that this is the most up to date application for the site.

Condition 11 – Surface Water

Condition 11 states:

“Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage shall not be passed through any interceptor.”

The accompanying Foul Sewer & Surface Water Layout (24062-SDS-00-SL-DR-C-3021 Rev T4) confirms that a petrol interceptor will be provided to the east of the car park to ensure that surface water from vehicle parking and hard standing areas passes through an oil/petrol interceptor. This will connect to a surface water attenuation tank approximately 1m deep.

The SuDS Maintenance Plan recommends that petrol interceptors are regularly maintained and cleaned two to four times annually. This frequency of maintenance shall increase upon circumstances of increased site use. During maintenance, the tanks of the interceptor will be emptied and cleaned, removing all debris and standing oil/petrol. Condition 11 can therefore be fully discharged.

Condition 12 – Scheme for Foul, Surface Water and Land Drainage

Condition 12 requires a scheme detailing foul, surface water and land drainage (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations, and phasing of drainage provision.

The Flood Risk Assessment with Detailed Drainage Strategy confirms that the existing foul water system is understood to have comprised of underground pipes and discharged into the public sewer on the north side of the site in Bankwood Way. It is proposed to discharge to the same public sewers for the new development.

The surface water system is understood to have comprised of underground pipes and discharged into either the public sewer on the north side of the site in Bankwood Way or the culvert that runs across the site. No evidence of attenuation has been found on site. It is proposed to discharge to the culvert crossing the site for the new development, if this is found to be unsuitable then a connection will be made to the existing public sewer in Bankwood Way. The proposed surface water drainage system will include on site attenuation and interceptor, prior to connecting into the flow control manhole.

The 24185-SDS-00-SL-DR-C-3021 T4 (Site layout foul sewer and surface water layout) shows the drainage scheme and agreed discharge rates, which is in accordance with the original Flood Risk Assessment.

It is proposed to install a new foul water system for the proposed new Lidl store and retail store. The foul drainage will comprise underground piped drainage and will discharge into the public sewer on Bankwood Way. The detailed drainage scheme, drawing numbers 09-148-501 and 502 indicates the proposed layout approved under application ref. 2021/62/92528/E. In addition, the Site Layout Foul Sewer & Surface Water Layout (24062-SDS-00-SL-DR-C-3021 Rev T3) shows the latest proposed layout of the drainage proposals.

The drainage layout shows an underground cellular storage tank, and the hydraulic figures demonstrate that attenuation will be provided to a 1 in 100 + 30% % climate change rainfall event. The SuDS Maintenance Plan summarises the maintenance methods for each SuDS feature. Condition 12 can therefore be discharged.

Condition 14 – Temporary Surface Water Drainage

Condition 14 states:

“Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

phasing of the development and phasing of temporary drainage provision.

methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year.

It should be assumed that once the site has been stripped the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for

that phase have been completed. The approved temporary drainage scheme shall be retained until the permanent surface water drainage system, as approved under Condition 12, is in place.”

The Outline Surface Management Plan outlines the proposed procedures and operations to be utilised during construction to protect water quality. This sets out the measures that will be adopted to prevent silt, debris and contaminants entering existing drainage systems.

Two methods will be employed in the management of construction surface water runoff. The first method involves ‘keeping clean water clean’ by avoiding disturbance to natural drainage features, minimising any works in or around artificial drainage features, and diverting clean surface water flow around excavations, construction areas and temporary storage areas. The second method involves collecting any drainage waters from works areas within the site that might carry silt or sediment, and nutrients, and to route them towards settlement tanks prior to controlled discharge, to be agreed with the Local Authority, to the existing surface water network/ watercourses. There shall be no direct discharge to surface waters.

A Construction Drainage Control System will be put in place so that all silt laden water will be diverted to temporary settlement storage tanks prior to discharge. This discharge, and the associated pollution control measures, will be subject to the approval of the Local Authority.

A plan showing the location of the attenuation storage and supporting calculations are provided which are based on the critical 1 in 2-year with an allowance of 30% due to climate change. The volume is based on a catchment area of 12,390m² and a runoff coefficient of 1.0. The proposed pond size will consist of 29m x 28m x 0.5m deep which will provide a storage volume of 406m³ and therefore considered as adequate. The approved temporary drainage scheme will be retained until the permanent surface water drainage system, as approved under Condition 12, is in place. Condition 14 can therefore be discharged.

Condition 28 – Public Water Main

Condition 28 states:

“No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public water main (if retained) i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.”

Based upon the information provided the standoff from the water main will only be 2m and the minimum standoff from any permanent structure for a 150mm diameter water main is 3m. However, we have been in further discussions with Yorkshire Water, and they are currently looking into whether the main can be abandoned as it no longer appears to supply any customers. If this is the case, then Yorkshire Water can carry out a disconnection at grid reference 423794 427467. If it is found that the main still supplies customers, then the main would require diverting. A formal response from Yorkshire Water will be provided shortly.

Summary

I trust you have sufficient information to validate this application, and to fully discharge conditions 11, 12, 13, 14 and 28 at Land at Bankwood Way, Birstall. In the meantime, should you wish to discuss the application, or require further information, please contact me on the number above.

Yours sincerely

Lucy Sime

Senior Planner

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