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:	2026/44/90337/E
Site Address:	Co Op Academy Smithies Moor, Leeds Old Road, Heckmondwike, WF16 9BB
Description:	Discharge of conditions 19 (surface water strategy), 20 (exceedence routeing), 21 (temp drainage), 22 (point of discharge) on previous permission 2025/92598 for redevelopment of school, including demolition of existing buildings, erection of single storey school building with external works including provision of forest school, hard and soft PE and play spaces, car and cycle parking, bin store, sub-station, pedestrian, vehicle access, and landscaping
Recommending Officer:	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: 01-Apr-2026

Officer Report

Application: 2026/90337

Application Site: Co-op Academy Smithies Moor, Leeds Old Road, Heckmondwike, WF16 9BB.

Proposal: Discharge of conditions 19 (surface water strategy), 20 (exceedance routeing), 21 (temp drainage), 22 (point of discharge) on previous permission 2025/92598 for redevelopment of school, including demolition of existing buildings, erection of single storey school building with external works including provision of forest school, hard and soft PE and play spaces, car and cycle parking, bin store, sub-station, pedestrian, vehicle access, and landscaping.

Assessment

Conditions 19 (surface water strategy), 20 (exceedance routeing), 21 (temp drainage), and 22 (point of discharge)

> *19. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including a discharge rate of 10.2l/s agreed with the Lead Local Flood Authority indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structures, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.*
> ***Reason:** To reduce the risk of flooding to the proposed development, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.*
>
> *20. The development shall not commence until 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 (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.*

Reason: *To reduce the risk of flooding to the proposed development, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.*

21. Development shall not commence until such 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.*
- *Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*
- *The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.*

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 approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason*: To ensure that temporary surface water drainage details have been agreed at an appropriate stage in the development process, to ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

22. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to a maximum rate of 10.2 litres/second.

Reason: *To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, and to accord with Policy LP28 and Chapter 14 of the National Planning Policy Framework.*

The applicant has submitted the following documents pursuant to Conditions 19, 20, 21, & 22:

- Drainage Layout, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9200, Rev P03. Received 06/02/2026.
- Flood Exceedance Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9231, Rev P03, received 06/02/2026.
- Existing Flood Exceedance Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9232, Rev P02, received 06/02/2026.
- Sewer Abandonment Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9255, Rev P02, received 06/02/2026.
- Drainage Technical Note, Ref: SRP1128-HEX-ZZ-ZZ-T-C-0001, Rev P03, authored by Hexa, dated 19/03/2026, received 25/03/2026.
- SuDS Operations and Maintenance Regime, Ref: SRP1128-HEX-ZZ-ZZ-T-C-0002, Rev P01, authored by Hexa, dated 30/01/2026, received 06/02/2026.
- Proposed Attenuation Tank (Phase 1) Details, Drawing No. 001, received 25/03/2026.
- Attenuation Tank – Maintenance Risk Assessment, dated 25/03/2026, received 25/03/2026.
- Phasing Plans Temporary Drainage Markup, Drawing No. SRP1128-BNK-XX-XX-D-X-3032, Rev P02, received 25/03/2026.
- Inspection & Maintenance of GRAF Stormwater Tanks (with Inspect Run), received 2503/2026.
- Construction Environmental Management Plan, Rev P5, authored by Bowmer + Kirkland, dated 18/12/2025, received 06/02/2026.
- EcoBloc Maxx Stormwater Attenuation & Soakaway Crates brochure, received 25/03/2026.

These conditions have been reviewed by both Yorkshire Water and KC LLFA who have provided the following responses:

Yorkshire Water (05/03/2026):

> *Yorkshire Water has no objection to the discharge of conditions 19, 20 and 22.*
>
> *Yorkshire Water has no objection in principle to:*
>
> *1) The proposed separate systems of drainage on site and off site*
> *2) The proposed amount of curtilage surface water to be discharged to the public sewer at a*

restricted rate of 10.2 (ten point two) litres/second
3) The proposed points of discharge of foul and surface water to the sites existing private foul and surface water systems

submitted on drawing SRP1128-HEX-ZZ-ZZ-D-C-9255 (revision P02) dated 04/02/2026 that has been prepared by Hexa.

KC LLFA (05/03/2026):

Condition 19:

The LLFA confirms that the proposed surface water allowable discharge rate of 10.3l/s and the proposed discharge point to the existing MH within the adjacent property (subject to Yorkshire Water approvals) are accepted. However, the LLFA has the following comments:

- *The MHs immediately upstream of the attenuation tanks should be of the catchpit type to reduce the risk of siltation entering the tanks.*
- *The SuDS Operations and Maintenance Regime document is generally accepted; however, reference is made to access through chambers to allow for inspection and maintenance of the attenuation tank – the location and details of these needs to be indicated on submitted drawings (these access chambers are in addition to the vent system shown on Sheet 3 of the Drainage Construction Details). CDM Regulations Designers Risk Assessments for the inspection and maintenance of the tank during its lifetime is also required (not the RAMs for the construction activities that were submitted).*
- *The hydraulic calculations for Phase 1 contained in Appendix G of the Technical Note (page 9 and 10) indicate that there will be substantial flooding during the some of the critical 1 in 30 and 1 in 100 (+Cc) year rainfall events. This is not acceptable and the Phase 1 storagevolumes will need to be increased to prevent this. This may require the easement to the foul sewer to be locally reduced (subject to YW approvals)*
- *No hydraulic calculations have been provided for the Phase 2 attenuation storage tank.*

Therefore, Condition 19 ***cannot be*** *discharged until the information detailed above has been submitted.*

Condition 20:

It is noted that surface water run-off from the development will cross the site boundary and flow into the neighbouring property (Fairfield School, a privately owned Special Needs School). However, as this is already the current situation and the school site appears to have flood routes

onto White Lee Road/ Leeds Old Road, it is considered by the LLFA that the flood risk has not been increased by the proposed development.

Therefore, Condition 20 can be discharged.

Condition 21:

Section 9 of the CEMP gives details (in text form) of how surface water run-off will be managed during the construction period. However, the LLFA generally requires a drawing detailing the specific location of silt fences, bunding and temporary storage (at surface, e.g. siltation ponds) of surface water run-off during heavy rainfall to ensure no flooding of adjacent properties or roads occurs. Details of the proposed method to ensure that the discharge of surface water is limited to the figure given in the condition should also be submitted.

Therefore, Condition 21 ***cannot be*** *discharged until the information detailed above has been submitted.*

Following receipt of the above comments from KC LLFA, the applicant sought to submit additional drainage information, of which KC LLFA confirmed on 01/04/2026 that:

Condition 19:

The LLFA confirms that the revised Drainage Technical Note and Phase 1 attenuation tank details address the previous LLFA concerns and that Condition 19 can be discharged.

Condition 21:

The LLFA confirms that submitted Site Construction Plan (mark-up with Temporary Drainage Proposals) is accepted. The condition requires that discharges from the site during the construction phase are limited to 2.5l/s per ha for the 1 in 2 rainfall event (unless otherwise agreed with the LLFA). Following discussions with the designer, the LLFA accepts that this would be difficult to achieve as the existing building will also be draining through the flow control chamber and therefore, in this particular situation only, the site will be allowed to discharge surface water at the permanent rate of 10.2l/s during the construction period.

Therefore Condition 21 can be discharged.

Officers concur with the above assessments made by KC LLFA and Yorkshire Water and recommend that the details submitted are approved. However, be aware that Conditions 19, 20 & 21 do have the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

Condition 19 -

No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Condition 20 –

No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.

Condition 21 –

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 approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Recommendation: Approve details.

Report Dated: 01/04/2026.

Recommended Decision Notice Text

Conditions 19 (surface water strategy), 20 (exceedance routeing), 21 (temp drainage), and 22 (point of discharge)

Pursuant to Conditions 19, 20, 21, & 22 you have submitted:

- Drainage Layout, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9200, Rev P03. Received 06/02/2026.
- Flood Exceedance Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9231, Rev P03, received 06/02/2026.
- Existing Flood Exceedance Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9232, Rev P02, received 06/02/2026.
- Sewer Abandonment Plan, Drawing No. SRP1128-HEX-ZZ-ZZ-D-C-9255, Rev P02, received 06/02/2026.
- Drainage Technical Note, Ref: SRP1128-HEX-ZZ-ZZ-T-C-0001, Rev P03, authored by Hexa, dated 19/03/2026, received 25/03/2026.
- SuDS Operations and Maintenance Regime, Ref: SRP1128-HEX-ZZ-ZZ-T-C-0002, Rev P01, authored by Hexa, dated 30/01/2026, received 06/02/2026.
- Proposed Attenuation Tank (Phase 1) Details, Drawing No. 001, received 25/03/2026.

- Attenuation Tank – Maintenance Risk Assessment, dated 25/03/2026, received 25/03/2026.
- Phasing Plans Temporary Drainage Markup, Drawing No. SRP1128-BNK-XX-XX-D-X-3032, Rev P02, received 25/03/2026.
- Inspection & Maintenance of GRAF Stormwater Tanks (with Inspect Run), received 2503/2026.
- Construction Environmental Management Plan, Rev P5, authored by Bowmer + Kirkland, dated 18/12/2025, received 06/02/2026.
- EcoBloc Maxx Stormwater Attenuation & Soakaway Crates brochure, received 25/03/2026.

The submitted details are deemed to be acceptable for the initial requirements of each of Conditions 19, 20, 21 & 22 and are hereby approved.

Notwithstanding the above, be aware that conditions 19, 20 & 21 each have an ongoing requirement which must be adhered to, to ensure ongoing compliance. These are as follows:

Condition 19

No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Condition 20

No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.

Condition 21

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 approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.