

**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: 2020/44/92342/E

Site Address: Former North Bierley Waste Water Treatment Works,
Oakenshaw, BD12 7ET

Description: Discharge condition 8 (demolition and enabling works)
on previous permission 2016/92298 for outline
application for re-development of former waste water
treatment works following demolition of existing
structures to provide employment uses (use classes
B1(c), B2 and B8)

Recommending Officer: Kate Mansell

DECISION – Discharge of Condition – Approve

**I hereby authorise the approval of this application to discharge
condition 8 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: 27-Oct-2020

This discharge of condition application relates to development pursuant to outline planning approval 2016/92298 granted on 25th October 2018 for the demolition of the waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). This outline decision was subject to a Non-Material Amendment (NMA) - 2020/91436 granted on 22nd May 2020 to allow for the phased submission of details. The wording of the conditions below is taken from the NMA but in discharging the conditions pursuant to the NMA, it also covers the requirements of 2016/9229 as it relates to Phase 1.

This application therefore seeks to discharge Condition 8: CEMP with regard to the demolition and enabling works only (part of Phase 1).

Condition 8:

Prior to the commencement of each phase, a Construction Environment Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the procedures that will be used to protect the amenity of occupiers of nearby sensitive premises by effectively controlling: a) Noise and vibration from construction activities and vehicle movements; Dust from construction activities and vehicle movements; and c) Stray light and glare from artificial lighting used on site. Thereafter, each phase of the development shall be carried out adhering to the approved plan at all times during the construction of each phase, until completion.

Reason: *In the interest highway safety of all those using the surrounding highway infrastructures and residential amenity of nearby residents in accordance with Policies T10 and EP4 of the Kirklees Unitary Development Plan and PLP21 and 52 of the Publication Draft Local Plan. This is a pre commencement condition to ensure the development of this site can reasonably be carried out with minimal disruption to occupants of nearby residential properties.*

The application is supported by the following:

- Covering letter dated 21st July 2020
- CEMP Figure 1 received 10th August 2020
- Interchange 26, Oakenshaw Construction Environmental Management Plan prepared PSDR dated July 2020 (Reference PRL/21249 Issue 01)
- Interchange 26 Sequence of Works Plan 21249_PRL_CP002_2 Rev A received 22nd July 2020.

The purpose of the condition is to clarify the measures that will be introduced during the construction phase of the development to protect the amenity of occupiers of nearby sensitive premises with regard to noise and vibration, dust and stray light and glare. The covering letter confirms that this discharge of condition is sought with regard to demolition and enabling works only. This sequence of works is clarified on Plan 21249_PRL_CP002_2 Rev A. It includes securing the site boundary and undertake general vegetation clearance, topsoil strip and stockpile, excavation of filter media from the

former treatment works and stockpile, breakout all below ground structures and undertaking earthworks cut and fill to achieve desired development platforms.

The CEMP confirms the site management procedures for these stage of the development, with regard to noise and vibration, air quality (dust) and lighting. It includes an understanding of receptors and proposed mitigation and control. It also includes details of wheel washing and the prevention of mud being tracked onto the highway, which is acceptable.

With regard to matters of noise and vibration, dust and lighting, the Council's Environmental Health Officer has advised that the general environmental management measures that are detailed in the report are considered to be broadly acceptable. However, the EHO provides four specific comments, which are detailed and responded to below:

1. The report only relates to the enabling works at the site (i.e. demolition and site preparation including extensive cut and fill). It therefore does not relate to any future construction works. A Construction Environment Management Plan is therefore still required for the works not covered by the submitted Plan.

RESPONSE: This discharge of condition is specific to the demolition and enabling phase and does not relate to any future construction works, for which a further discharge of condition application(s) will be required.

2. It is also noted that the Plan will be a live document that will be reviewed and revised during the works. It is assumed that any revisions in the future will relate to additional enhanced controls should they be necessary and will not relate to any relaxation in the proposed control measures. **RESPONSE:** As above, further discharge of condition application will be submitted for each future phase or part thereof.

3. Figure 1 Proposed Management Strategy in the Plan is only partly legible and therefore meaningless. **RESPONSE:** A further copy was provided in full as detailed above.

4. The trigger levels for noise are only relevant to Noise at Work related controls and are therefore should not be considered to be a trigger level for noise affecting neighbouring noise sensitive receptors. **RESPONSE:** Noted but the CEMP details measures to address noise and vibration, including working hours to be restricted to between 7am and 6pm Monday to Friday and 08.30am to 13.30pm on Saturdays. Other measures including sited noisy plant as far as sensitive receptors as practicable and monitoring noise using a calibrated and approved noise meters.

Overall, the EHO comments that if the above-mentioned comments are taken into consideration the submitted plan is considered to be sufficient for the requirements of Condition 8, but only for the enabling works for the site. Condition 8 is therefore discharged pursuant to the demolition and enabling phase only subject to advice that to secure full compliance with Condition 8,

the demolition and enabling phase shall be carried out adhering to the approved plan at all times until completion of that phase.

The applicant is also advised to note that the trigger levels for noise within the CEMP are only relevant to Noise at Work related controls and should not be considered to be a trigger level for noise affecting neighbouring noise sensitive receptors.

Decision Notice Text:

Condition 8 is discharged pursuant to the demolition and enabling phase only subject to advice that to secure full compliance with Condition 8, the demolition and enabling phase shall be carried out adhering to the approved plan at all times until completion of that phase. The approved plan comprises the following:

- Covering letter dated 21st July 2020
- CEMP Figure 1 received 10th August 2020
- Interchange 26, Oakenshaw Construction Environmental Management Plan prepared PSDR dated July 2020 (Reference PRL/21249 Issue 01)
- Interchange 26 Sequence of Works Plan 21249_PRL_CP002_2 Rev A received 22nd July 2020.

The applicant is also advised to note that the trigger levels for noise within the CEMP are only relevant to Noise at Work related controls and should not be considered to be a trigger level for noise affecting neighbouring noise sensitive receptors.

For clarification, this discharge of condition relates to the phase of works comprising the demolition of the existing waste water treatment works and the enabling works detailed at Paragraph 3 of the CEMP,