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:	2021/44/91276/E
Site Address:	Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY
Description:	Discharge of conditions 11 (waste storage and collection), 12 (temporary waste collection), 17 (construction access), 20 (biodiversity construction environmental management plan), 21 (part - retaining walls), 22 (drainage beneath highway) and 24 (invasive species) of previous reserved matters permission ref: 2019/91638 pursuant to outline permission ref: 2017/92233 for erection of up to 34 dwellings
Recommending Officer:	Christopher Carroll

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the approval/refusal* (delete as appropriate) of this application 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: 12-Aug-2021

Application number: 2021/44/91276/E
Description / Development: Discharge of conditions 11 (waste storage and collection), 12 (temporary waste collection), 17 (construction access), 20 (biodiversity construction environmental management plan), 21 (part - retaining walls), 22 (drainage beneath highway) and 24 (invasive species) of previous reserved matters permission ref: 2019/91638 pursuant to outline permission ref: 2017/92233 for erection of up to 34 dwellings
Location: Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY

Condition 11

11. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: *To meet the operational needs of the Waste Collection Authority and avoid any adverse impact on visual and residential amenity set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document.*
This is a pre-commencement condition to ensure appropriate measures for waste storage and collection are appropriately designed and agreed to avoid any potential operational, visual and residential amenity issues prior to construction.

Assessment: Concerns were initially raised by KC Waste that the submitted site layout plan did not show suitable bin collection points for properties that were to be serviced from private, unadopted roads, and which would not be accessed by refuse collection vehicles. This matter was resolved and Proposed Site Plan, Drawing Number: 00-103 Rev U is appropriate for the purposes of this planning condition. The condition will be discharged once the approved scheme is implemented prior to first occupation.

Condition 12

12. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: *To meet the operational needs of the Waste Collection Authority set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document.*
This is a pre-commencement condition as construction works may have an impact on waste collection and the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

Assessment: This condition is intended to allow the developer to work with the Authority to agree temporary waste collection arrangements in the event

of phased occupation of dwellings. The Authority will not take a refuse collection vehicle into a construction site. Therefore, to provide new residents with a service while construction works are ongoing, a temporary collection point close to Abbey Road may be required. Alternatively, a temporary communal bin or skip may be necessary. Until the site is under construction and the location of plots requiring a service can be identified on site, it is not considered possible to identify the specific requirements. The Authority may need to undertake a risk assessment to determine what can be offered and this cannot be done until the site is under construction. The applicant suggests that final waste collection points will apply to occupied properties as the access road will be complete to wearing course before properties are handed over. Until this can be assessed and confirmed on site, the condition cannot be discharged. The applicant should contact the Authority for a site meeting when a risk assessment can be undertaken. In conclusion, further information is required to discharge condition 12, which cannot be discharged until construction works are underway.

Condition 17

17. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
***Reason:** In the interests of the amenity of the locality and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework.*
This is a pre-commencement condition as construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

Assessment: A Construction Method Statement and Construction Management Plan were submitted for the purposes of this condition. The Construction Management Plan shows that construction traffic will not use the existing access road so that existing residents will not be affected by construction traffic and that an existing access point at Abbey Road will instead be used. The Construction Management Statement provides details regarding work operations, control of mud, dust, grit and dirt, routes of construction traffic, and management of construction operations.

Initially, KC Highways and KC Environmental Health reviewed the submitted information and requested that the mistaken name of the road be amended and that additional information regarding working hours and dust suppression be provided. Updated information has been received and reviewed by consultees who now have no objections to the discharge of this condition, subject to its successful implementation.

Condition 20

20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
***Reason:** to ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

Assessment: A Construction Environment Management Plan (Biodiversity) by Brooks Ecological, reference: ER-5383-01, dated March 2021 was provided in relation to this planning condition. The information was reviewed by KC Ecology who considered it addressed the methods that will be employed throughout the construction period to safeguard the sensitive ecological receptors as identified by the Ecological Impact Assessment (EcIA) that was submitted along with the reserved matters application (2019/91638). Therefore, the submitted information is considered sufficient to support the discharge of Condition 20 provided all measures are implemented throughout the construction phase.

Condition 21

21. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all retaining walls/building retaining walls adjacent to the existing/proposed highways shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
***Reason:** In the interests of highway safety and to achieve a satisfactory layout and in accordance with policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.*

This is a pre-commencement condition to ensure that any proposed retaining features can be appropriately designed and secured prior to construction.

Assessment: The applicant's engineer in an email dated 7th June 2021 confirmed that there would be no highway retaining walls on this site which is also reflected in the latest Section 38 layout Drawing Number: 1305/11/02, Revision H. Supporting information has been reviewed by KC Highway Structures who confirmed that this planning condition pertaining to the technical approval of design of highway structures at this site can be discharged. Since that comment was made, the applicant has submitted Section 38 layout Drawing Number: 1305/11/02, Revision I, which again shows no retaining features on this site. The reason for the revision was to show the addition of street lighting.

Condition 22

22. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
***Reason:** In the interests of highway safety and to achieve a satisfactory layout and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.*
This is a pre-commencement condition to ensure an appropriately designed drainage scheme can be secured and incorporated into the proposed highway network prior to construction.

Assessment: A number of plans and drawings were submitted to discharge this planning condition. Further cross-sectional information was requested by KC Structures regarding the proposed location of the surface water attenuation tank. This information was provided which confirmed that this structure was located outside the influence zone of highway loading. As such its design was outside the remit of KC Highways Structures consideration.

However, KC Highway Structures requested the submission of various certificates/information in relation to oversize PCC manholes with ID >900mm and their components in compliance with "Simplified Technical Approval for oversize Precast Concrete Manholes and Components with ID up to 3m- Rev 2020" so as to facilitate the discharge of condition 22.

ARP have explained in several email correspondences that the planning condition requested by KC Highway Structures covers pipes sizes and manhole construction. They have explained how they have forwarded drawings previously showing that all the pipe sizes under the highway are below the necessary criteria for approval. However, the manholes are above 900mm diameter in order to satisfy Yorkshire Water requirements and, therefore, they need to provide a Design Check certificate and a Certificate of

Conformity for the manhole cover slabs from the Supplier. At the present time, the Civils Groundworker has not been appointed and consequently the manhole supplier is also not available. Therefore, they have provided a revised S38 Layout drawing for the scheme with a note added which identifies that the Design Certificate and Certificate of Conformity will be submitted before the actual drainage construction commences on site. They have requested that this information be sufficient to enable the discharge of the planning condition and the requirement to be controlled through the S38 Agreement with the Highways Authority.

Development Management acknowledge this request but given the wording of the planning condition, it cannot be fully discharged until all of the necessary information has been provided as requested by KC Highways Structures.

Condition 24

24. No development shall take place until details of a scheme to eradicate Japanese Knotweed and Giant Hogweed has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.
Reason: *To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.*

Assessment: An Invasive Species Management Plan by Brooks Ecological, Reference: R-EE-5386-01 has been submitted and reviewed by KC Ecology. It provides a method for how Himalayan balsam and variegated archangel will be controlled and removed from the site. Although Condition 24 refers specifically to Japanese knotweed and giant hogweed, these have not been identified during ecological surveys of the site and therefore aren't considered to be a constraint. Provided all of the methods and measures are adhered to, the management plan is considered sufficient to support the discharge of Condition 24.

DECISION NOTICE TEXT:

Condition 11 (Bin Storage and Collection)

You have submitted the following:

- Proposed Site Plan, Drawing Number: 00-103 Rev U

These details are agreed for the purposes of the condition and it will be discharged upon implementation / completion before first occupation and so retained thereafter.

Condition 12 (Temporary Waste Collection)

You have submitted the following:

- Supporting Letter by Enjoy Design, dated 26th March 2021
- Proposed Site Plan, Drawing Number: 00-103 Rev U

These details are agreed to allow for the commencement of development. However, the applicant shall need to contact the Council for a site meeting when a risk assessment can be undertaken. In conclusion, further information is required to fully discharge condition 12, which cannot be discharged until construction works are underway.

Condition 17 (Construction Access)

You have submitted the following:

- Construction Method Statement by Yelcon Construction, Revision 2
- Construction Management Plan by Enjoy Design, Drawing Number: 00-110

These details are agreed for the purposes of the condition. Works shall be carried out in strict accordance with these details and the condition shall be fully discharged upon completion of construction.

Condition 20 (Construction Environment Management Plan (Biodiversity))

You have submitted the following:

- Construction Environment Management Plan (Biodiversity) by Brooks Ecological, reference: ER-5383-01

These details are agreed for the purposes of the condition. Works shall be carried out in strict accordance with these details and the condition shall be fully discharged upon completion of construction.

Condition 21 (Retaining Walls)

You have submitted the following:

- Section 38 Layout by ARP, Drawing Number: 1305/11/02, Revision I
- Email from ARP, dated 7th June 2021

The information shows that there would be no highway retaining walls on this site. As such, this condition can be discharged.

Condition 22 (Surface Water Attenuation)

You have submitted the following:

- Section 38 Layout by ARP, Drawing Number: 1305/11/02, Revision I
- Cross Section through Road 1 to Attenuation Tank by ARP, Drawing Number: 1305/11/22
- Longitudinal Sections by ARP, Drawing Number: 1305/11/06.01 Revision F
- Typical Drainage Details Sheet 1 of 2 by ARP, Drawing Number: 1305/11/07.01

The Council's Highways Structures section has advised that this condition should not be discharged at this time, until all of the information regarding oversized manholes has been provided. It is necessary for all outstanding issues to be resolved satisfactorily before the planning condition can be discharged.

Condition 24 (Invasive Species)

You have submitted the following:

- Invasive Species Management Plan by Brooks Ecological, Reference: R-EE-5386-01

These details are agreed for the purposes of the condition and it will be discharged upon implementation / completion of the development in accordance with the agreed details.