

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:	2021/44/92106/E
Site Address:	Phase 1, Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge of conditions 8 (construction environment management plan) and 26 (surface water disposal) on (phase 1 of) previous outline permission 2016/92298 for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions-Approved

I hereby authorise the approval of this Discharge of Conditions application of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Majors Team

AUTHORISED OFFICER

Date: 18-Oct-2022

Application: 2021/92106

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

Proposal: Discharge condition 8 (Construction Environmental Management Plan) and 26 (Construction Surface Water Drainage) on (phase 1 of) 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)

The development of the site has been split into several phases. This discharge of condition relates to Phase 1 (enabling works / access) only, as noted within the description.

Condition 8 (Construction Environmental Management Plan)

8. Before development commences a Construction Environment Management Plan 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:

- Noise and vibration from construction activities and vehicle movements*
- Dust from construction activities and vehicle movements*
- Stray light and glare from artificial lighting used on site*

Thereafter the development shall be carried out adhering to the approved plan at all times during the construction 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 PLP52 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 submitted CEMP has gone through several revisions and Planning and Environmental Health officers raise various issued which were not adequately addressed. This included lacking contact details for a site manager and having site specific mitigation measures, as opposed to generic statements. Furthermore, the red-line did not relate correctly to Phase 1.

The CEMP has reached revision 6, which has again been assessed. The red-line has been amended to clearly relate to Phase 1. This document is deemed acceptable by Planning and Environmental Health officers, bar one query raised from Environmental Health. This related to confirmation that the acoustic

bund was temporary: this has been confirmed. Accordingly, officers recommended that condition 8 be discharged.

Condition 26 (Construction Surface Water Drainage)

26. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *This is a pre commencement condition to ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy BE1(i) of the Kirklees Unitary Development Plan PLP 28 of the Publication Draft Local Plan and guidance in part 14 of the National Planning Policy Framework.*

This condition was requested by the LLFA. Following initial objections an updated document was received which addressed the LLFA's queries. Based on this the LLFA offer no objection, although they wish for it to be noted that any material amendments to the proposal will require the condition to be re-discharged. This is noted and officers recommend that condition 26 be discharged.

Recommendation: Approved Discharge of Conditions (phase 1 only).

Report Dated: 18.10.2022

Proposed Letter Text

Condition 8 (Construction Environmental Management Plan)

You have submitted the following documents, received 22.09.2022, to discharge condition 8:

- Document titled 'Construction Environmental Management Plan Interchange 26, Revision 6', and dated 22.09.2022.
- Plan titled 'Site Red Line Boundary'
- Plan titled 'Site Safety Plan'

I can confirm that the submitted details are acceptable for this phase (only) of the development. However, it is brought to your attention that condition 8 has the following ongoing requirement which must be adhered to, to secure ongoing compliance with the condition:

Thereafter the development shall be carried out adhering to the approved plan at all times during the construction phase, until completion.

Condition 26 (Construction Surface Water Drainage)

You have submitted the following document to discharge condition 26, in so far as it relates to this phase of development, as identified within the document:

- 7891-MJM-00-00-DR-D-5300 rev. P02

I can confirm that the submitted details are acceptable for this phase of development and condition 26 is hereby discharged.

However, it is noted that this phase relates to the site's adoptable highway works which are yet to receive S38 approval. As such, they are considered subject to change. Should a change to the highway plans materially affect the hereby approved drainage arrangements, a subsequent discharge of condition application for condition 26 is expected. To discuss this further please contact Nicholas Hirst.