

**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:	2021/44/92798/E
Site Address:	Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge of conditions 8 (Construction Environment Management Plan) and 26 (surface water) of previous permission 2016/92298 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:	Nick Hirst

DECISION – Discharge of Conditions – 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.

Victor Grayson

AUTHORISED OFFICER

Date: 25-May-2022

Application: 2021/44/92798/E

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

Proposal: Discharge of conditions 8 (Construction Environment Management Plan) and 26 (surface water) of previous permission 2016/92298 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)

Assessment

It should be noted that the development is phased, with this application relating to a single phase only. A note to this effect, referring to this Discharge of Condition being associated with the phase in question (as shown on plan), is recommended.

Condition 8 (Construction Environment 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 information has been reviewed by K.C. Environmental Health and Planning Officers. Concerns were held over the initial submission. Negotiations have taken place to ensure adequate details have been provided, cumulating in the latest Issue 3 received on 6th of May 2022. This includes securing stricter hours of operation (due to proximity to residential properties), correct contact details for a site manager, and a specific site / phase location plan.

Based on the final CEMP revision 3, K.C. Environmental Health and Planning Officers recommend that condition 8 be discharged for this phase.

Condition 26 (Surface Water)

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.*

The submitted technical details have been reviewed by K.C. LLFA. The LLFA provided the following initial comments:

The developer has submitted a Temporary Surface Water Management Plan produced by Winvic dated 29/06/2021 which sets out in broad terms the measures that will be taken during the construction phase to prevent silt laden water and other pollutants reaching the local watercourse (Hunsworth Beck). The proposed methods include bunding, settlement ponds, ditches, "V" channels, etc. to intercept surface water run-off prior to discharge to the watercourse. The LLFA considers that these measures may be effective in reducing the risk of pollution of the beck, depending on when and where they are installed in relation to the phasing of the works.

A typical plan is provided within the Temporary Surface Water Management Plan, however a site-wide plan showing the location/s of the settlement pond/s (including size/s), ditches, bunds, channels, etc. has not been provided. In addition, no information is given regarding the proposed attenuated discharge rate into the beck from the settlement pond/s (the rate should be limited to 2.5 l/s per ha for a 1 in 5 year rainfall event)

The LLFA therefore cannot discharge Condition 26 until more specific details are provided on a site-wide basis with an indication on the phasing of the Temporary Surface Water Management Plan and discharge rate flow control method/s.

These concerns were shared with the applicant and further details / amendments were received. The LLFA were reconsulted and the following assessment offered:

The developer has confirmed that the pump rate of uncontaminated surface water from the lower stilling lagoon will be limited to 37.5 l/s and that the lagoon will have a volume of 3,500m³.

The LLFA has received a revised Temporary Surface Water Management Plan and confirms that the submitted document is accepted and Condition 26 can be discharged.

Officers support the technical assessment made by colleagues in the LLFA. Accordingly, it is recommended that condition 26 be discharged for this phase of the development.

Recommendation: Approve Discharge of Conditions.

Report Dated: 25/05/2022

Proposed Letter Text

Condition 8 (Construction Environment Management Plan)

You have submitted the amended Construction Environmental Management Plan, Issue 3, as received by the Local Planning Authority on 6th of May 2022. This document relates to the phase of development taking place within the land identified in Appendix E of the Construction Environmental Management Plan.

I can confirm that the submitted details are acceptable for this phase 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 (Surface Water)

You have submitted the following document to discharge condition 26, in so far as it relates to the phase of development taking place within the land identified in Appendix E of the Construction Environmental Management Plan 3rd Issue:

- Document Ref: P21-025, Temporary Surface Water Management Plan, Rev 02 dated 22/01/22]

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

