

**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:	2021/44/94344/E
Site Address:	Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge conditions 8 (Construction Environmental Management Plan), 24 (Surface Water Drainage) and 26 (Construction Surface Water Drainage) on (phase 4 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)
Recommending Officer:	Nick Hirst

DECISION – Discharge of Condition- Approve

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

David Wordsworth

AUTHORISED OFFICER

Date: 27-Oct-2022

Application: 2021/44/94344/E

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

Proposal: Discharge conditions 8 (Construction Environmental Management Plan), 24 (Surface Water Drainage) and 26 (Construction Surface Water Drainage) on (phase 4 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)

Assessment

The development of the site has been split into several phases. This discharge of condition relates to Phase 4 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 as 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.

The CEMP has reached revision 6, which has again been assessed. 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 24 (Surface Water Drainage)

24. Detailed plans and particulars of the reserved matters pursuant to conditions nos. 1 and 2 above shall include a scheme to dispose of surface water from the development. This scheme shall :

- i. Restrict discharge from the development to a combined discharge rate of 50.2/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the Local Planning Authority;*
- ii. Adhere to the principles as set out in the drainage strategy from Curtins reference 65646-FRA-SB Rev 4;*
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event;*
- iv. Using known flood levels perform simulations to ascertain the risk associated with a blocked outfall and provide compensatory storage and high level overflow within the drainage systems to manage this,*
- v. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable. Justification for alternatives should be by means of a viability assessment, and*
- vi. Provide details of the adoption and maintenance of all surface water features on site.*

The resultant drainage information shall inform the layout of the site and shall include appropriate stand-off distances between drainage infrastructure and buildings within the site and appropriate measures for flood risk management. None of the buildings shall be occupied until the approved drainage scheme, the flow restriction and attenuation works has been provided on the site to serve the development for each agreed phasing of the development to which the buildings relate and thereafter retained.

Reason: *In this instance it is necessary that the layout of the site be interdependent with the existing and proposed drainage infrastructure. A comprehensive layout taking its form following investigation and consideration of on-site drainage systems and their relationship to adjoining off-site drainage networks shall be submitted to demonstrate that the site can be satisfactorily drained and to mitigate flood risk. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan, PLP28 of the Publication Draft Local Plan and part 14 of the National Planning Policy Framework.*

The information initially submitted was objected to by the LLFA. See their comments dated 23.06.2022 for details. These concerns were shared with the applicant, who provided amended information.

The amended information was assessed by the LLFA, who have confirmed via their comments dated 20.10.2022 that the details are now acceptable, and they

offer no objection. Officers support this assessment and recommend condition 24 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, and officers recommend that condition 26 be discharged.

Recommendation: Approved Discharge of Conditions (for this phase only)

Report Dated: 20.10.2022

Proposed Letter Text

Condition 8 (Construction Environmental Management Plan)

You have submitted the document 'Construction Environmental Management Plan Interchange 26 Cleckheaton Rev 6', received by the Local Planning Authority on 04.05.2022, to discharge condition 8.

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 24 (Surface Water Drainage)

You have submitted the following documents to discharge condition 24:

- Plan ref. L004-MJM-XX-XX-DR-C-5200 rev. C02
- Plan ref. L004-MJM-XX-XX-DR-C-5201 rev. C01
- Plan ref. L004-MJM-XX-XX-DR-D-5220 rev. C06

- Document titled. STORM SEWER DESIGN by the Modified Rational Method

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 24 has the following ongoing requirement which must be adhered to, to secure ongoing compliance with the condition:

None of the buildings shall be occupied until the approved drainage scheme, the flow restriction and attenuation works has been provided on the site to serve the development for each agreed phasing of the development to which the buildings relate and thereafter retained.

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:

- un-numbered drawing dated 02/11/21 produced by GMI Construction

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