

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:	2022/44/91598/W
Site Address:	former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF
Description:	Discharge of conditions 3 (Construction Management Plan), 4 (Construction Environmental Management Plan), 5 (road condition survey), 6 (Remediation Strategy), 9 (coal legacy) , 11 (estate roads), 12 (drainage under highway), 13 (highway retention), 14 (arboricultural method statement), 15 (Ecological Design Strategy), 16 (drainage scheme) and 17 (temporary drainage) of previous permission 2020/92067 for erection of 30 dwellings
Recommending Officer:	Nick Hirst

DECISION - Discharge of Conditions – Split Decision

I hereby authorise the Split Decision of this 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: 07-Nov-2022

Application: 2022/44/91598/W

Site: former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF

Proposal: Discharge of conditions 3 (Construction Management Plan), 4 (Construction Environmental Management Plan), 5 (road condition survey), 6 (Remediation Strategy), 9 (coal legacy), 11 (estate roads), 12 (drainage under highway), 13 (highway retention), 14 (arboricultural method statement), 15 (Ecological Design Strategy), 16 (drainage scheme) and 17 (temporary drainage) of previous permission 2020/92067 for erection of 30 dwellings

Assessment

Condition 3 (Construction Management Plan)

3. Prior to development commencing, a Construction Management Plan (CMP) including 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 and construction workers parking facilities. Unless otherwise approved 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: *Due to the restrictive nature of the site, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.*

The condition requires a '*routing of construction traffic to and from the site*'. No such plan has been provided. While a parking area is shown, it is unclear how many spaces will be provided nor are details on expected demand given to demonstrate it is sufficient. Given the nature of Plane Street, officers consider it reasonable to require clarification how the applicant will seek to control parking upon this residential street. Finally insufficient commitment is provided regarding wheel washing, with an inadequate commitment to monitor it and may potentially use a wheel washing station and/or road sweeper.

Due to these concerns, officers are unable to recommend condition 3 be discharged.

Condition 4 (Construction Environmental Management Plan)

4. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing

by, the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- *Noise & vibration arising from all construction related activities.*
- *This should also include suitable restrictions on the hours of working on the site including times of deliveries.*
- *Dust arising from all construction related activities.*
- *Artificial lighting used in connection with all construction related activities and security of the construction site.*

The agreed plan shall be adhered to throughout the construction of the development.

Reason: *To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.*

The submitted details have been reviewed by K.C. Environmental Health. See their full comments dated the 1st of June 2022. In summary they object to the submitted CEMP lacking sufficient site-specific information.

Officers note that the submission does not have contact details for the site manager, which is expected for a CEMP also.

Accordingly, officers recommend that condition 4 not be discharged.

Condition 5 (road condition survey)

5. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.

Reason: *Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.*

The submitted document does not include a plan showing the extent of the survey. Furthermore, while a written description is given for the photographs, the small size of the photos and their narrow frame leaves locations and potential issues somewhat ambiguous. Officers therefore consider the submission inadequate and recommend the condition not be discharged.

Condition 6 (Remediation Strategy)

6. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a Remediation Strategy shall be submitted to, and approved in writing, by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

The submitted details have been reviewed by K.C. Environmental Health. See their full comments dated the 1st of June 2022. In summary they object to the submitted remediation strategy, as it was written before further investigations were completed that may materially affect its outcome. Furthermore, they require further details relating to the cover system and membrane.

Accordingly, officers recommend that condition 6 not be discharged.

Condition 9 (coal legacy)

9. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an intrusive investigation shall be carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: *To address coal legacy, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to*

ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

The Coal Authority have reviewed the submitted details. They object to the details, stating the following:

The Coal Authority welcomes the investigatory works carried out to date, however, the report does not provide a definitive conclusion regarding the risk posed by unrecorded coal mining to the approved scheme of development. As such, and on the basis that further investigations are likely to be required to provide this definitive conclusion, the Coal Authority's Planning & Development Team must object to the LPA discharging Condition 9 of the issued consent.

Officers therefore recommend that condition 9 is not discharged.

Condition 11 (estate roads) and Condition 12 (drainage under highway)

11. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a scheme detailing the proposed internal adoptable estate roads and the extended works to bring Plane Street, comprising of new carriageway and footway to an adoptable standard, as shown on plan ref. 'PL02 Rev. 04' shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, and treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

12. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, 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 in writing 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: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

The submitted technical details have been reviewed by K.C. Highways (s38), as part of the S38 process. Insufficient information has been provided and therefore the details are unacceptable.

Officers therefore recommend that conditions 11 and 12 be refused.

Condition 13 (highway retention)

13. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing / proposed adoptable highways, including any modifications to the existing retaining wall on Plane Street and the ground retained behind it shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and shall thereafter be retained.

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

The submitted details have been reviewed by K.C. Structures, who object as the details are unacceptable. The applicant has not engaged in the Approval in Principle process to work corroboratively with the Council's highway department. Officers therefore recommend that condition 13 not be discharged.

Condition 14 (arboricultural method statement)

14. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an Arboricultural Method Statement in accordance with British BS 5837 shall be submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

K.C. Trees consider the submission to be acceptable and offer no objection. Officers therefore recommend that condition 14 be discharged.

Condition 15 (Ecological Design Strategy)

15. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an Ecological Design Strategy (EDS) addressing the ecological enhancement of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include, but not be limited to:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure a scheme that provides a net biodiversity gain, safeguards and enhances the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

The submitted details have been reviewed by K.C. Ecology, who offer no objection. Officers therefore recommend that condition 15 be discharged.

Condition 16 (drainage scheme)

16. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a scheme detailing foul,

surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: *To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure adequate assessment and implementation may take place at the appropriate stage of the development process.*

The submitted details have been reviewed by the LLFA, who object. They require the applicant to submit a CCTV survey of the existing drain, to indicate the current condition of the pipework they seek to connect to.

Accordingly, officers recommend that condition 16 not be discharged.

Condition 17 (temporary drainage)

17. Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.*
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: *To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigations (against flood risk) are considered and implemented at the appropriate stage.*

The submitted details have been reviewed by the LLFA, who offer no objection. Officers therefore recommend that condition 17 be discharged.

Summary

The following conditions may be discharged: 14, 15, 17

The following conditions cannot be discharged at this time: 3, 4, 5, 6, 9, 11, 12, 13, 16.

Recommendation: Issue split decision

Report Dated: 31.10.2022

Proposed Letter Text

Condition 3 (Construction Management Plan)

You have submitted the document 'Construction Phase Plan/Construction Management Plan' by Torpoint Ltd to discharge condition 3.

The submitted information is not accepted, due to the following issues:

- The condition requires details of '*routing of construction traffic to and from the site*'. No plan showing the route for construction traffic is shown. Such a plan should ensure construction vehicles remain on A roads for as long as practical, connecting to a motorway junction, and avoid villages and unsuitable smaller roads.
- A parking area is shown, but no details of the number of spaces it will provide are given. No information is provided on typical and maximum demand, to demonstrate that the parking spaces are adequate, nor is there any consideration of methods to prevent construction staff from parking on the residential Plane Street.
- Inadequate commitment to wheel washing and avoiding mud on the road is provided. A wheel-washer should be provided at all times, with its location to be shown on plan.

For the avoidance of doubt, condition 3 is not hereby discharged.

Condition 4 (Construction Environmental Management Plan)

You have submitted the document 'Construction Environmental Management Plan (CEMP)' by Torpoint Ltd to discharge condition 4.

The submitted information is not considered to be acceptable and condition 4 is not hereby discharged.

For full details on the concerns raised, please see the comments from K.C. Environmental Health dated the 1st of June 2022 and accessible at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/91598&file_reference=937239

For the avoidance of doubt, condition 4 is not hereby discharged.

Condition 5 (road condition survey)

You have submitted the Surrounding Road Survey document numbered 410 to discharge condition 5.

The submitted information is not considered to be acceptable and condition 5 is not hereby discharged. The following concerns existing with the submitted details:

- The submitted document does not include a plan showing the extent of the survey.
- While a written description is given for the photographs, the small size of the photos and their narrow frame leaves locations and potential issues somewhat ambiguous. The plan showing the extent of the survey should include a numbered key which more clearly shows the location of the photographs.

Further to the above, it is advised that the survey be drafted in collaboration with K.C. Highways. To discuss this please contact nigel.tipling@kirklees.gov.uk.

For the avoidance of doubt, condition 5 is not hereby discharged.

Condition 6 (Remediation Strategy)

You have submitted the document 'Remediation Strategy Report by DB Remediation, dated 29th March 2022 (ref: 416.03.22.RS)' to discharge condition 6.

You have also submitted the document 'Further Site Investigation Report by Solmek Ltd, dated 5th May 2022 (ref: S220220)', which is stated to relate to condition 9 (considered below). However, this report is considered material to condition 6, and has therefore also been considered.

The submitted information is not acceptable and condition 6, which is not hereby discharged. For full details please see the comments from K.C. Environmental Health dated the 1st of June 2022 and accessible at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/91598&file_reference=937239

For the avoidance of doubt, condition 6 is not hereby discharged.

Condition 9 (coal legacy)

You have submitted the document 'Further Site Investigation report (5 May 2022, prepared by Solmek Ltd)' to discharge condition 9.

The submitted information is unacceptable. The document has been reviewed by the Coal Authority, who comment that:

The Coal Authority welcomes the investigatory works carried out to date, however, the report does not provide a definitive conclusion regarding the risk posed by unrecorded coal mining to the approved scheme of development. As such, and on the basis that further investigations are likely to be required to provide this definitive conclusion, the Coal Authority's Planning & Development Team must object to the LPA discharging Condition 9 of the issued consent.

The Coal Authority's full comments may be found at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/91598&file_reference=937638

For the avoidance of doubt, condition 9 is not hereby discharged.

Condition 11 (estate roads) and Condition 12 (drainage under highway)

You have submitted the following documents to discharge conditions 11 and 12:

- 0257-05-02.01D Section 38 Layout
- 0257-05-02.02C Proposed Kerbing Layout
- 0257-05-02.03C Proposed Pavement Construction
- 0257-05-02.04C Proposed Section 278 Layout
- 0257-05-03D Section 104 Layout
- 0257-05-06.01B Proposed Longitudinal Sections Sheet 1 of 2
- 0257-05-06.02 Proposed Longitudinal Sections Sheet 2 of 2
- 257-05-04.01 Typical Highway Construction Details Sheet 1 of 2
- 257-05-04.02 Typical Highway Construction Details Sheet 2 of 2
- 0257-05-03D Section 104 Layout
- 0257-05-07.01A Typical Drainage Details Sheet 1 of 3
- 0257-05-07.02A Typical Drainage Details Sheet 2 of 3
- 0257-05-09.01A Proposed Gully Catchment Areas

- 0257-05-09C Proposed Impermeable Areas
- 0257-05-10A Flood Exceedance Routing
- 1375-02-V5 1.100YR +30CC

The submitted information is not accepted and does not meet adoptable standards. It is understood that discussions are progressing between the applicant and the Council's S38 department, but a conclusion is not imminent. Until such a time that the proposals reach an adoptable standard, officers are unable to discharge conditions 11 and 12.

For the avoidance of doubt, conditions 11 and 12 are not hereby discharged.

Condition 13 (highway retention)

You have submitted the plan ref. '0257-05-08E External Works' to discharge condition 13.

The submitted information is insufficient and lacks adequate or acceptable information to enable the discharge of condition 13. You are advised to contact K.C. Structures and undertake the Approval in Principle process. To do so, please contact Farhad Khatibi at:

Farhad.khatibi@kirklees.gov.uk

For the avoidance of doubt, condition 13 is not hereby discharged.

Condition 14 (arboricultural method statement)

You have submitted the Arboricultural Method Statement document referenced AWA4232AMS by AWA Tree Consultants to discharge condition 14.

I can confirm that the submitted details are acceptable for the initial purpose of condition 14. However, be aware that condition 14 has the following ongoing requirement which must be adhered to:

Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Condition 15 (Ecological Design Strategy)

You have submitted the Ecological Design Strategy document referenced 220364/EDS by Witcher Wildlife Ltd to discharge condition 15.

I can confirm that the submitted details are acceptable for the initial purpose of condition 15. However, be aware that condition 15 has the following ongoing requirement which must be adhered to:

The approved EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Condition 16 (drainage scheme)

You have submitted the following documents to discharge condition 16:

- Document Ref: 1375-02-V2-1, MicroDrainage Calculations, dated 29/01/2021
- Drawing Ref: 1375/02/10Flood Exceedance Route, Revision – dated 09/09/2020
- Drawing Ref: 0257/05/03 Section 104 Layout (showing drainage), Revision – dated 29/01/2021
- Drawing Ref: 0257-05-07.02A Typical Drainage Details Sheet 2 of 3
- Drawing Ref: 0257-05-07.01A Typical Drainage Details Sheet 1 of 3

The submitted information is considered insufficient to discharge condition 16. Further information regarding the proposed surface water drainage scheme, including a condition survey of the surface water drain in Plane Street (via MH C1 on drawing 0257/05/03), is required, to demonstrate it is a suitable connection point. A CCTV survey of the existing drain should be supplied to indicate the condition of the pipework.

For the avoidance of doubt, condition 16 is not hereby discharged.

Condition 17 (temporary drainage)

You have submitted the plan referenced 257/05/10.01 Rev. A to discharge condition 17.

I can confirm that the submitted details are acceptable for the initial function of condition 17. However, to ensure continued compliance with condition 17 you are reminded of the following ongoing requirement:

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

