



Kirklees Council
Planning and Development Service
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Date: 07-Nov-2022
Our Ref: 2022/91598

Dear Sir,

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

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

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

Application Number: 2022/91598

I write with reference to your application to discharge the conditions for the above development as submitted on 09-May-2022.

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.

Yours faithfully,

Mathias Franklin
Head of Planning and Development