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:	**2023/44/91997/E**
Site Address:	rear of, 28, Northorpe Lane, Northorpe, Mirfield, WF14 0QN
Description:	Discharge of conditions 3 (materials), 4 (retaining walls), 5 (retaining structures), 6 (surface water), 7 (internal estate roads), 8 (layby), 10 (highway works), 12 (bin storage), 14 (surfacing), 15 (external facing materials), 17 (landscape), 19 (CEMP), 20 (EDS), 21 (drainage), 22 (storm events), 23 (drainage), 30 (CEMP), 31 (construction traffic) and 32 (WSI) of previous permission 2021/91914 for demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure
Recommending Officer:	William Simcock

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.

Victor Grayson

AUTHORISED OFFICER

Date: 26-Jun-2024

Application: 2023/91997
Site: Rear of 28 Northorpe Lane, Northorpe, Mirfield, WF14 0QN
Proposal: Discharge of conditions 3 (materials), 4 (retaining walls), 5 (retaining structures), 6 (surface water), 7 (internal estate roads), 8 (layby), 10 (highway works), 12 (bin storage), 14 (surfacing), 15 (external facing materials), 17 (landscape), 19 (CEMP), 20 (EDS), 21 (drainage), 22 (storm events), 23 (drainage), 30 (CEMP), 31 (construction traffic) and 32 (WSI) of previous permission 2021/91914 for demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure

<u>Condition 3 - materials</u>

Condition wording:

Details of the facing materials for the retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.
***Reason**: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

The following details have been submitted:

Masonry retaining walls:
Facing above ground level to be clay units confirming to BS EN 771-1 with F2 freeze/thaw resistance and S2 sulphate resistance with a water absorption not exceeding 12% or manufactured stone units conforming to BS EN 771-5 (suitable forexposure class MX3.1). Coping to be either Class B Engineering bricks conforming to BS EN 771-1, manufactured stone units conforming to BS EN 771-5 or dedicated coping stones (suitable for exposure class MX3.2).

Flag on edge retaining walls:
External facing to be 900mm by 600mm by 50mm concrete flag.

Whilst the above materials may be acceptable in principle, it is recommended that approval should not be given until full details of the materials for the masonry retaining walls (including appearance) have been submitted. This is something that at the present time the applicant is not in a position to do. This condition therefore cannot be discharged at the present time.

<u>Conditions 4 – retaining walls and 5 – retaining structures</u>

Condition wording:

No development shall take place until a scheme detailing the design and construction of all new retaining walls and building retaining walls adjacent to the existing / proposed adoptable highways (including any modifications to

any existing retaining wall supporting Northorpe Lane) have been submitted to and approved by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with the proposed design and construction details. In the event that the submitted scheme indicates that there are no new retaining walls or amendments to existing retaining walls within or adjacent to the development site which affect an adoptable highway, the scheme shall include details confirming this. The approved scheme shall be implemented and adhered to prior to commencement of superstructure works and thereafter retained during the life of the development. ***Reason****: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.

5. No development shall take place until the design and construction details for all temporary and permanent retaining structures supporting embankments within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works, removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highway. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development. The permanent retaining structures relating to the main access embankment shall be implemented before works to construct the superstructure of the first dwelling commence.
Reason*: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.*

The following has been submitted in respect of conditions (4) and (5):

- Retaining wall drawings and sections 46783/002, 3 and 4 A.

The latest comments from the Highways Structures Team are that the information submitted is insufficient to discharge the condition. Conditions (4) and (5) therefore cannot be discharged at the present time.

<u>Condition 6 – surface water</u>

Condition wording:

6. No development shall take place until a scheme detailing all new surface water attenuation pipes and manholes located within the proposed highway footprint has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include locational and cross-sectional information together with the proposed design and construction details, and timescales of delivery. The approved scheme shall be implemented in accordance with the agreed timescales and thereafter retained during the life of the development. ***Reason****: To ensure that any engineered structural highway features do not compromise the stability and safety of the highway in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure that load-bearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.

Two copies of the certificate for the design and check of highway infrastructure and drainage components (one signed, one unsigned) have been submitted.

The council's Highways Structures team have made the following comments:

> *Condition 6 (Surface water attenuation) can only be discharged when the necessary certification for over oversize PCC manholes (ID>0.9m) and their cover slabs, as per our requirement specified in the following link https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf is provided and accepted.*

This condition therefore cannot be discharged at the present time.

<u>Conditions 7 – internal estate roads, 8 – layby and 10 – highway works</u>

Condition wording:

7. No development shall take place until a scheme detailing the construction of the internal estate roads, footpaths and all associated works to adoptable standards has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The development shall be carried out in accordance with the approved scheme and phasing and thereafter retained as such. ***Reason****: To ensure that safe and suitable access is available across the residential estate in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure that satisfactory highway construction details are provided to prevent abortive works being incurred by the applicant.

8. No development shall take place until a full scheme detailing arrangements, specification and delivery for the layby opposite the site entrance has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until those works have been completed in

accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.
***Reason**: In the interest of free and safe use of the highway and to ensure safe access to the site for refuse collection vehicles in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.*
This pre-commencement condition is necessary to ensure that a highway widening scheme is provided for the purpose of providing a satisfactory highway access into the development.

10. No development shall take place until details of the junction and associated highway works between the proposed estate road and Northorpe Lane have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.
***Reason**: In the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure measures are implemented to avoid increased risks to highway safety.

Documents have been submitted to the council acting as Highway Authority for technical approval under Section 38 of the Highways Act 1980 in respect of conditions 7, 8 and 10. Technical approval has not yet been obtained and these conditions therefore cannot be discharged at the present time.

<u>Condition 12 – bin storage</u>

Condition wording:

12. Prior to the commencement of any superstructure works, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
***Reason**: To ensure satisfactory arrangements are implemented in relation to waste disposal in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.*

A plan, reference 0899 EA A P002 FF (Site layout) has been submitted. It shows bin storage locations for all properties (three per dwelling). A communal bin collection point is shown within the estate which can hold up to five bins. It is not clear which plots it is meant to serve. Furthermore, none of the houses are shown to have private bin presentation points within the curtilage which implies that bins will have to be placed on the public footway, which is not acceptable.

The details in respect of this condition are not approved.

Condition 14 – surfacing

Condition wording:

14. The development shall not commence until a survey of the existing condition of the highway on Northorpe Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before no more than 33 dwellings on the site are occupied, a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on the aforementioned street(s) shall be submitted to and approved in writing by the Local Planning Authority. All of the identified defect repair works shall be implemented before the 35th and 36th market dwellinghouses on the site are occupied.
***Reason**: In the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure measures are implemented to avoid increased risks to highway safety.

A Highway Condition Survey by Andrew Moseley Associates has been submitted. The council's Highway Officer confirms that this is acceptable for the purpose of the condition. It may be approved for planning purposes. The condition cannot, however, be discharged at the present time. The submission of a post-development survey and the carrying out of any required remedial works (where necessary) is required in order to discharge the condition.

Condition 15 – external facing materials

Condition wording:

15. Prior to the commencement of superstructure works of any part of the development, written specifications and physical samples of all external facing materials, including but not limited to elevation and roof slope materials, mortar types and widths, rainwater goods and fenestration detailing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials specifications.
***Reason**: In the interests of the visual amenity and to accord Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework*

A drawing has been submitted, reference NLM 001 Revision C, which shows the following schedule of materials:

- Plots 4-7, 21 and 22 in "contrasting brick";
- 1-3, 8, 9, 12-16, 24, 26, 28, 29, 32-34 and 37-40 in coursed artificial stone (Marshall's Cromwell Buff);

- All other plots in ivory render;
- Roofing materials to be Basalt Grey Causeway riven roof tile - North Stone;
- Rainwater goods to be black UPVC;
- Fascias and soffits to be white UPVC;
- Cills and lintels to be artificial stone;
- Front doors to be Chartwell Green composite;
- Side doors to be white GRP; and
- Garage doors to be Anthracite composite.

There is no mention of mortar types and widths in the applicant's submission. The full wording of the condition has therefore not been complied with, however it is considered that the level of detail provided is sufficient to ensure that the development would enhance the appearance of its surroundings.

It is considered that all of the proposed materials are acceptable and may be approved. Implementation of the development in full accordance with the approved schedule of materials will discharge the condition.

<u>Condition 17 – landscaping</u>

Condition wording:

17. Prior to commencement of development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These submitted details shall include:

- *Location(s) and detailed design and layout of any public on-site open space or managed areas;*
- *Details of tree pits within highways and root barrier details for any trees proposed within drainage easements. The number and type of trees proposed on the approved Landscape Masterplan (fda landscape [R/2470/1J]) shall be maintained and provided on-site;*
- *Maintenance responsibility for on-site POS or managed areas;*
- *Materials to be used for all hard surfaced areas;*
- *Soft landscape works to include planting plans, plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme; and*
- *Landscape Management Plan to include details of initial aftercare and long-term maintenance for minimum of five years. This shall also include any SuDS features, existing trees and vegetation retained on site.*

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme agreed with the Local Planning Authority.
***Reason**: To enhance and conserve visual amenity as well as the natural environment to accord with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure that a detailed landscaping scheme is designed and secured for the development in advance of potential abortive works being undertaken.

The following has been submitted:

- Landscaping masterplan and details, reference R-2347 1-3.
- Master conveyance plan, reference NLM-000.
- Section through typical tree planting pit, reference SD/T/57B.

The submitted information contains insufficient detail, as set out in the comments made by the council's Landscape team dated 31/08/2023. In particular: the site plan does not clearly identify the location of the managed areas and public open space; there is an inconsistency between plans regarding the number of trees; details of tree pits and root barriers within drainage easements are absent; there is no information about implementation, aftercare and maintenance of the ornamental planted areas and public open space.

This condition therefore cannot be discharged at the present time.

<u>Condition 19 – Construction Environmental Management Plan (biodiversity)</u>

Condition wording:

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details on the following.

- *Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, bats, badgers and invasive plant species;*
- *Identification of "biodiversity protection zones", where appropriate;*
- *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
- *The location and timing of sensitive works to avoid harm to biodiversity features;*
- *The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;*
- *Responsible persons and lines of communication; and*
- *Use of protective fences, exclusion barriers and warning signs, where appropriate.*

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. *To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure details relating ecological protection during the construction period are devised and agreed at an appropriate stage of the development process.

A Construction Environmental Management Plan, reference FE90/CEMP01 by Futures Ecology has been submitted. Regarding the listed requirements of condition 19:

• *Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, bats, badgers and invasive plant species*
Risk assessment is provided within Part 2 of the CEMP.

• *Identification of "biodiversity protection zones", where appropriate*
Part 2 of the CEMP refers to a "figure 1" which shows a green-hatched biodiversity protection zone.

• *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)*
This is covered in Part 4 of the CEMP and deals with fuel storage, hazardous liquids, dust suppression, etc. Part 4.10-14 also deals with lighting and its impact on bats.

• *The location and timing of sensitive works to avoid harm to biodiversity features*
Paragraphs 4.9, 4.15-17, 4.20-22 and Table 2 cover timing of works to protect vulnerable species.

• *The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate*
Paragraph 4.21 states that an ecologist will need to check for active nests if woody vegetation is to be removed within the nesting season.

• *Responsible persons and lines of communication*
Part 7 of the CEMP covers the role of responsible persons.

• *Use of protective fences, exclusion barriers and warning signs, where appropriate*
Covered by Part 8 of the CEMP and figure 1.

The council's Ecologist has confirmed that the information is adequate. The CEMP may therefore be approved. Subject to it being adhered to and implemented throughout the construction period strictly in accordance with the approved details, this condition will be discharged.

Condition 20 – Ecological Design Strategy

Condition wording:

Prior to superstructure works of any dwellinghouse commencing, an Ecological Design Strategy (EDS) detailing how the biodiversity units for habitats, hedgerows and rivers stated in the Biodiversity Impact Assessment (Report Reference FE90_BIA02) are to be achieved post-development, along with roosting bat and nesting bird provisions as detailed in the EcIA and details of a sensitive lighting scheme shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall include the following.

- *Purpose and conservation objectives for the proposed works;*
- *Review of site potential and constraints;*
- *Detailed design(s) and/or working method(s) to achieve stated objectives;*
- *Extent and location/area of proposed works on appropriate scale maps and plans;*
- *Type and source of materials to be used where appropriate, e.g. native species of local provenance;*

- *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- *Persons responsible for implementing the works;*
- *Details of initial aftercare and long-term maintenance;*
- *Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and*
- *Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.*

An EDS by Futures Ecology has been submitted, ref: FE90/EDS01.

All of the bulleted points within the condition are dealt with by specific sections of the EDS. The council's Ecologist has confirmed that the EDS provides sufficient detail. The EDS may therefore be approved. Subject to the EDS being implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Condition 21 – drainage

Condition wording:

Development shall not commence until a detailed design scheme setting out the means of providing satisfactory foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development and shall be retained thereafter.
***Reason**: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan as well as the NPPF (Para 167).*
This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring that could harm the existing and approved dwellinghouses.

The following documents have been submitted:

- Document Ref: SURFACE 001.MDX, Hydraulic Calcs
- Drawing Ref: 22/223/500/001, Drainage Layout, Rev D dated 17/04/23, by Bryan G Hall.

The Lead Local Flood Authority (LLFA) officer has viewed the above documents and confirms they are acceptable. The details may therefore be approved. Subject to no dwellings being permitted to be occupied until the approved drainage scheme has been provided on the site to serve the development, and it being retained thereafter, this condition will be complied with.

<u>Condition 22 – storm events</u>

Condition wording:

The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

***Reason**: To ensure exceedance events resulting from surface water flooding are managed on-site appropriately, in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan as well as the NPPF (Para 167).*
This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring that could harm the existing and approved dwellinghouses.

A drawing, reference 22/223/500/006, has been submitted, which the LLFA officer has confirmed is acceptable. Provided that no part of the development is brought into use until the works comprising the approved scheme have been completed, and the approved scheme is retained thereafter, this condition will be complied with.

<u>Condition 23 – Temporary surface water drainage</u>

Condition wording:

Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been 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.*
- *Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*
- *A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed with the LLFA.*

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**: In the interest of satisfactory and sustainable drainage as required by the principles set out within Policy LP28 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to minimise the risk of flooding of adjacent land.

A temporary drainage plan, drawing 22/223/ TSWMP/001, has been submitted, which the LLFA officer has confirmed is acceptable. Subject to the approved temporary drainage works being implemented in accordance with the approved scheme and phasing (and no part of the development being commenced until the temporary works are in place) and retained until the

approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority, this condition will be discharged.

Condition 30 – Construction Environmental Management Plan

Condition wording:

30. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with 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 and 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;*
- *The emission of debris onto the public highway, including measures to prevent and rectify such issues;*
- *Artificial lighting used in connection with all construction related activities and security of the construction site; and*
- *Residential amenity issues (to include details of a complaint handling system and the provision of contact details [phone and email] of the site project manager and a mechanism for providing these to all residents whose property adjoins the development site).*

The agreed plan shall be adhered to throughout the construction of the development.
***Reason**: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.*
This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

A Construction Management Plan, ref: NLM-005 Rev A and an accompanying written statement by David Foster have been submitted. These are assessed as follows with reference to the requirements of condition (30).

- *Noise and 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*

Section 7.1 deals with noise and vibration attenuation.

- *Dust arising from all construction related activities*

Section 7.2 deals with dust control.

- *The emission of debris onto the public highway, including measures to prevent and rectify such issues*

Section 7.3 covers measures to prevent the spread of mud and other debris onto the public highway.

• *Artificial lighting used in connection with all construction related activities and security of the construction site*
Section 2 states that artificial lighting will only be provided and used within dwellings.

• *Residential amenity issues (to include details of a complaint handling system and the provision of contact details [phone and email] of the site project manager and a mechanism for providing these to all residents whose property adjoins the development site).*
Sections 4 and 5 deal with roles and responsibilities, public liaison and complaints.

The council's Environmental Health Officer has viewed the submitted documents and has confirmed the submission is acceptable. It may therefore be approved. Adherence to the Construction Management Plan and written statement throughout the construction period will discharge the condition.

<u>Condition 31 – Means of access for construction traffic</u>

Condition wording:

No material operation, as defined within Section 56, Clause 4, Paragraphs (a) – (e) of the Town and Country Planning Act 1990 shall commence until 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 location of sufficient on-site parking facilities for site operatives. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction. ***Reason****: To ensure satisfactory arrangements are implemented in relation to the construction phase, in the interests of ensuring highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure that adequate plans to counteract construction issues are set out prior to development commencing.

The Construction Management Plan referred to above shows a "traffic management route" indicated by a dashed orange line from Northorpe Lane. Part 6 of the written statement covers deliveries, the routing of construction traffic, and clarifies on-site parking for site staff is located within the compound area on the above Construction Management Plan.

The council's Highway Officer has confirmed that the submitted information is satisfactory. It is considered that the four bullet points within the condition are addressed and the details may therefore be approved. The implementation of

the development in full accordance with the approved schedule throughout the period of construction will discharge the condition.

Condition 32 – Archaeological investigation

Condition wording:

The development shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. The WSI shall include:

- *The statement of significance and research objectives;*
- *The programme and methodology of site investigation and recording;*
- *The nomination of a competent person(s) or organisation to undertake the agreed works; and*
- *The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.*

The development shall be conducted in accordance with the approved WSI.
***Reason**: In the interests of recording the historic environment of the local area in accordance with Policy LP35 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure that the archaeological remains are recorded before they are disturbed, and potentially removed, by the development.

A written scheme of investigation by MAP Archaeology has been submitted. The West Yorkshire Archaeological Advisory Service has been consulted and their response is awaited. This condition cannot be discharged at the present time.

Conclusion

Split decision:

- Approve details pursuant to conditions 14, 15, 17, 19, 20, 21, 22, 23, 30 and 31.
- Details pursuant to conditions 3, 4, 5, 6, 7, 8, 10, 12 and 32 are not approved.

Report Dated: 20-Jun-2024