# 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: | **2023/44/93077/E** |
| Site Address: | Land off Westgate, Cleckheaton, BD19 5DR |
| Description: | Discharge of conditions 6 (phasing plan), 7 (Phase II report), 8 (Remediation Strategy), 11 (CEMP), 12 (watercourse assessment), 13 (temporary drainage), 14 (flood routing), 15 (discharge rate), 16 (retaining walls and features), 18 (invasive species), 19 (drainage in highway), 20 (CEMP: Biodiversity) and 21 (highway condition surveys) of previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works |
| 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.**

*Victor Grayson*

***AUTHORISED OFFICER***

**Date: 20-Mar-2024**

**Application**: 2023/44/93077/E

**Site**: Land off Westgate, Cleckheaton, BD19 5DR

**Proposal**: Discharge of conditions 6 (phasing plan), 7 (Phase II report), 8 (Remediation Strategy), 11 (CEMP), 12 (watercourse assessment), 13 (temporary drainage), 14 (flood routing), 15 (discharge rate), 16 (retaining walls and features), 18 (invasive species), 19 (drainage in highway), 20 (CEMP: Biodiversity) and 21 (highway condition surveys) of previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works

**Assessment**

<u>Condition 6 (phasing plan)</u>

> *6. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space, road stages (including wearing course completion) and drainage. The development shall be implemented in accordance with the approved phasing plan.*
> ***Reason**: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.*

The submitted details have been reviewed by planning officers and K.C. Highways Development Management. Initial concerns were held by both parties which were shared with the applicant. In response, further details have been received and reviewed.

K.C. Highways Development Management maintain various concerns which are detailed within their consultation response dated 07/03/2024. Planning officers share these concerns, and in addition a drainage phasing strategy appears not have been submitted. The applicant has stated that a phasing strategy is provided in drawing QD1776-03-01 Rev: C, however no evident phasing details can be found by officers.

It is acknowledged that the revised plans address many of the initial concerns. Nonetheless, ongoing issues remain. Therefore, officers do not recommend the approval of the submitted details.

<u>Conditions 7 (Phase II report) and 8 (Remediation Strategy)</u>

> *7. Prior to development commencing, notwithstanding the submitted information, a Phase II Intrusive Site Investigation Report shall be submitted to, and approved by, the Local Planning Authority.*
> ***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 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.*

*8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation, phasing strategy 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 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. Initial concerns were expressed and further details requested. These were provided and found to be acceptable by K.C. Environmental Health.

Officers support the assessment made by K.C. Environmental Health and recommend that the details be approved. As these conditions have no ongoing requirements, each may be discharged in full. However, the outcome activates the requirements of conditions 9 and 10, and it is recommended that a note regarding this should be included in the council's decision notice.

<u>Condition 11 (CEMP)</u>

*11. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:*
*a) Any phasing of development and timetable of all works;*
*b) Hours of works;*
*c) Details of construction access arrangements;*
*d) Construction vehicle sizes and routes;*

*e) Numbers and times of construction vehicle movements;*
*f) Locations of HGV waiting areas and details of their management;*
*g) Parking for construction workers;*
*h) Loading and unloading of plant and materials;*
*i) Storage of plant and materials;*
*j) Signage;*
*k) Lighting during construction works;*
*l) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;*
*m) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;*
*n) Street sweeping;*
*o) Measures to control and monitor the emission of dust and dirt during construction;*
*p) Site waste management, including details of recycling/disposing of waste resulting from construction works;*
*q) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;*
*r) Artificial lighting used in connection with all construction-related activities and security of the construction site;*
*s) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;*
*t) Engagement with local residents and occupants or their representatives; and*
*u) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).*

*The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.*

***Reason**: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.*

*This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.*

The (revised) details submitted have been reviewed by planning officers, K.C. Environmental Health, and K.C. Highways Development Management.

Following concerns with the original details, the revised details are considered acceptable to K.C. Environmental Health (in so far as it relates to their remit).

While the revised details have addressed some of K.C. Highways Development Management's initial comments, many issues remain unresolved (as set out within their consultation response dated 07/03/2024). They therefore object to the approval of the submitted details.

Planning officers share the concerns of K.C. Highways Development Management. Furthermore, the details relating to community involvement (point t) and the site manager / resident liaison (point s) are inadequate.

Given the outstanding concerns, condition 11 cannot be recommended for approval at this stage.

<u>Condition 12 (watercourse assessment)</u>

> *12. Prior to development commencing, an assessment of the condition of open channel and piped watercourse sections through the site, including but not limited to Blackup Beck, shall be carried out. From this assessment a scheme detailing the repair and/or renewal requirements for watercourses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include trash screen and safety screen requirements, and a detailed maintenance and management regime for the piped and open sections of the watercourse (and ancillary screens) in the form of risk assessment and method statement, culminating in an itinerary and schedule of tasks. No part of the development shall be brought into use until the watercourse works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.*
> ***Reason**: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate review and investigation may take place before demolition or construction affects the existing arrangements.*

The assessment required by the condition has not been carried out. The applicant has stated that, due to adverse weather over the winter months, they have been unable to survey the watercourse. This has been reviewed by the Lead Local Flood Authority (the LLFA) who have acknowledged that the recent rainfall would be prohibitive to the survey taking place.

Given this, and given that the phasing details submitted pursuant to condition 6 show that works are to commence away from the watercourse, flexibility regarding when the survey takes place is considered reasonable. However, to ensure an agreed approach to resolve the condition, an approximate date for when the survey is going to take place is deemed necessary. Until this date is agreed a partial approval pursuant to condition 12 would not be appropriate.

Condition 13 (temporary drainage)

> *13. Prior to development commencing, 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**: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*
>
> *This is a pre-commencement condition to ensure appropriate mitigation is in place before demolition or construction materially changes the current arrangements.*

The submitted details have been reviewed by the LLFA. In their response dated 07/03/2024 the LLFA raised the following concern:

> *Evidence of storage and retention of site run off water for various development stages, prior to the installation of the drainage infrastructure to a 1 in 2-year 6 hour event, is still to be applied.*

Until this matter is resolved the submitted details cannot be approved.

Condition 14 (flood routing)

> *14. Prior to development commencing, 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, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. This shall include mitigation works within plots where avoiding flood routing within curtilage is not reasonably practicable. No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.*

***Reason**: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*
*This is a pre-commencement condition to ensure adequate review and investigation may take place before demolition or construction affects the existing arrangements.*

The submitted details have been reviewed by the LLFA. In their response dated 07/03/2024 the LLFA raised the following concern:

*further information is required through the open space adjacent to plots 142/165, including boundary treatments and labelled contour lines, along with finished floor levels and garden levels, to fully ensure this flood route does not affect properties.*

Until this matter is resolved the submitted details cannot be approved.

<u>Condition 15 (discharge rate)</u>

*15. Prior to development commencing, a scheme restricting the rate of surface water discharge from the site to a maximum of 26.5 litres per second to Blacup Beck, shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 30% allowance for climate change. The scheme shall include plans for the outfall and a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.*
***Reason**: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*
*This is a pre-commencement condition to ensure adequate review and investigation may take place before demolition or construction affects the existing arrangements.*

The submitted details have been reviewed and objected to by the LLFA on the following grounds:

- A crate storage tank is proposed. Such tanks have a limited lifespan and are difficult to manage and maintain due to their method of construction. The management and maintenance schedule submitted is not considered adequate to address these concerns. Reference is made to adoption by Yorkshire Water, but until technical approval is granted there is no guarantee that adoption will take place.
- Microdrainage design and simulation calculations have yet to be submitted.

Due to the above matters being unresolved, officers are unable to recommend approval of the submitted details.

Condition 16 (retaining walls and features)

> *16. No groundworks or material operations, specifically those defined in section 56(4)(a), (b), (c), and (d) of the Town & Country Planning Act 1990 (as amended), shall commence until the design and construction details of any proposed retaining walls and/or temporary retaining features has been be 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, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The details shall include a timetable for implementation. Thereafter the development shall be completed in accordance with the approved details and thereafter retained.*
> ***Reason**: To ensure that any retaining structures do not compromise the stability of the highway 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 that details of highway retaining structures are agreed at an appropriate stage of the development process.*

The applicant has been involved in direct discussions with K.C. Highway Structures. The applicant has demonstrated that the new retaining walls that would require an AIP have been removed from the areas where work is to initially commence. Given this, in principle officers would be agreeable to recommending a part discharge in relation to the pre-commencement aspect of the condition, subject to suitable controls ensuring that the required details are submitted at the appropriate time. As it stands however, insufficient information has been submitted to inform the necessary controls.

A set of plans has recently, as of the time of writing, been received to address the above. Officers are not currently in a position to conclude on the matter and therefore condition 16 cannot be discharged at this time.

Condition 18 (invasive species)

> *18. Prior to development commencing, a 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of invasive non-native species, including the identified Japanese Rose, Giant Hogweed, and Himalayan Balsam species on site. The report shall include timescales for the implementation, and any ongoing stages, of the removal process(es). Thereafter the development shall be undertaken in accordance with the approved strategy.*

***Reason**: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*
*This is a pre-commencement condition to ensure ecological measures are capable of being fulling integrated into the construction phase.*

The submitted details have been reviewed and found to be acceptable by K.C. Ecology.

Officers recommend that the submitted details be approved. However, the condition has an ongoing requirement which prevents full discharge at this time. It is recommended that a note to this effect be included in the council's decision notice.

<u>Condition 19 (drainage in highway)</u>

*19. Prior to development commencing, 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 by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details, which 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 and accepted by K.C. Highways (Structures), although they request that a 'satisfactory "Construction Compliance Certificate" and "As Built" drawings' be provided on completion. This request is beyond the remit of the condition, which simply requires the works be undertaken in accordance with the approved plans, although an advisory note recommends that the applicant inform K.C. Highways (Structures) may be imposed. This would be alongside a note reminding the applicant of the conditions ongoing requirement.

<u>Condition 20 (CEMP: Biodiversity)</u>

*20. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:*

*a. Risk assessment of potentially damaging construction activities.*
*b. Identification of "biodiversity protection zones".*

*c. 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).*
*d. The location and timing of sensitive works to avoid harm to biodiversity features.*
*e. The times during construction when specialist ecologists need to be present on site to oversee works.*
*f. Responsible persons and lines of communication.*
*g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
*h. Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP 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 ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.*
*This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

The submitted details have been reviewed and found to be acceptable by K.C. Ecology.

Officers recommend that the submitted details be approved. However, the condition has an ongoing requirement which prevents full discharge at this time. It is recommended that a note to this effect be included in the council's decision notice.

<u>Condition 21 (highway condition surveys)</u>

*21. Prior to development commencing, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and 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 each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a postconstruction survey of the agreed extent of highway shall be carried out and the postconstruction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period,*

*remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.*
***Reason**: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.*

The submitted details have been reviewed and found to be acceptable by K.C. Highways Development Management. Officers support this assessment and recommend that the details be approved.

**Summary and recommendation**

Split decision:

- Approve details pursuant to conditions 7, 8, 18, 19, 20, and 21.
- No approval can be issued at this stage pursuant to conditions 6, 11, 12, 13, 14, 15, and 16.

This application relates to a large and complicated development site. As set out above, various issues are outstanding in relation to several conditions. In the interest of working positively and flexibly with the applicant it is considered reasonable to issue an interim decision letter that sets out the current position regarding each condition.

A time limit of two months for the applicant to submit further details as part of this application is proposed, after which time a fresh DoC application would be required.

**Recommendation:** Issue an interim decision notice with a split decision

**Report Dated:** 15/03/2024.

**Proposed Letter Text**

<u>Overview</u>

This letter is an interim decision notice. It clarifies which details (submitted pursuant to conditions) are considered acceptable, and sets out clear instructions and expectations for the conditions for which approvals currently cannot be issued.

In brief, the letter sets out the following position:

- Details submitted pursuant to the following conditions are hereby approved (subject to ongoing requirements, where relevant): 7, 8, 18, 19, 20, and 21.
- Details submitted pursuant to the following conditions are not approved: 6, 11, 12, 13, 14, 15, and 16.

Further details are required to discharge the above unapproved conditions, with the reasoning set out below. If the requested details are provided within two months of the date of this letter, they will be accepted as part of this application. Please quote 2023/93077 and send the details directly to nick.hirst@kirklees.gov.uk.

After two months a fresh Discharge of Condition application will be required.

Condition 6 (phasing plan)

You have submitted the following information pursuant to condition 6:

- Plan ref. BY0999 - PMP - 001 rev. F
- Plan ref. BY00099 - PMP - 002 rev. D
- Plan ref. QD1776-03-01 Rev. C

The submitted details are insufficient for the purpose of condition 6. The following concern / issues remain:

- The key colour for phase 2 (Red phase up to Dec 26) within the key is wrongly shaded black. For the avoidance of confusion this should be corrected.
- The shaded area for Phase 1 (Yellow phase up to Dec 25) is wrong, as it does not include the footways and parking laybys.
- No details regarding the phasing of the drainage are provided. It is stated in the email dated 17/01/2024 that this is provided on plan ref. 'Engineering Layout (Dwg: QD1776-03-01 Rev: C)' produced by Sirius Group. On review of this plan no such information can be found.

Conditions 7 (Phase II report) and 8 (Remediation Strategy)

You have submitted the following documents pursuant to conditions 7 and 8:

- Geoenvironmental Appraisal, dated July 2023 (ref: 3043/5A)
- Detailed Site-Specific Quantitative Risk Assessment, dated July 2023 (ref: 3043/3A)
- Gas Risk Assessment, dated July 2023 (ref: 3043/5A)
- Remediation Strategy authored by Lithos, dated August 2023 (ref: 3043/4D)

I can confirm that the submitted details are acceptable for both conditions 7 and 8, which are hereby discharged. However, you are reminded that the conclusion of conditions 7 and 8 activates the requirements of conditions 9 and 10, which are repeated below for convenience:

> *9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or*

*the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*
***Reason**: 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*

*10. Prior to the occupation of any phase, a Validation Report in respect to the approved Remediation Strategy for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The final phase's Validation Report shall include a Final Validation Summary Report that summarises and concludes site wide validation.*
***Reason**: 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.*

<u>Condition 11 (CEMP)</u>

You have submitted the following information pursuant to condition 11:

- Document titled 'Construction Management and Mitigation Plan (CMMP) for: 'Cascade', Westgate, Cleakheaton'
- Document titled 'Construction Environmental Management Plan CEMP: (Biodiversity) Rev: ER-4666-058 Rev: B

The submitted details are not considered to adequately address all the matters raised within condition 11, as detailed below. For the avoidance of doubt, the submitted details are not hereby approved and condition 11 is not discharged.

*Point 11c, Construction access*

The PMP drawing suggests that construction access may be via the S38 site access, but this is not clearly stated on the drawing or in the CMMP document. There are also a number of other outstanding issues as follows:

- No details of the construction access arrangements have been provided (e.g. is the S38 access going to be fully implemented as the construction access, and if not, what works are proposed?).
- Visibility splays have been indicated on the plan, but they bear no resemblance to what is actually required.
- Contrary to the applicant's response, no swept path analysis has been provided for construction traffic at the site access (see further comments below regarding Point 11d).

*Point 11d, Construction vehicle sizes and routes:*

The traffic routing is now acceptable. However, the information on page 10 of the CMMP is inadequate, as it only confirms the likely maximum height and weight of vehicles. Further information is required to confirm the actual sizes (e.g. length, width) and type (articulated, rigid and draw-bar HGV, crane etc.) of vehicles that will be utilised. Swept path analysis is then required for the largest vehicles to confirm that they can be safely access and circulate within the site.

*Point 11f, Locations of HGV waiting areas and management:*

The additional text in the CMMP document confirming that directional signage will be provided is now acceptable in principle. However, the PMP does not clearly show any area for construction traffic waiting, and the CMMP document still refers to goods vehicle parking in the 'Production Car Park' (which is not even referenced on the PMP plan). Therefore, adequate information has not been provided in relation to HGV waiting areas and management throughout the build process.

*Point 11g, Parking for construction workers:*

The PMP drawing now confirms that 30 car parking spaces are to be provided for staff/contractors, and directional signage to these facilities will be provided. Whilst this provision may be adequate, typical/peak usage has not been provided to confirm this, nor has a layout that can accommodate 30 cars/vans been demonstrated. It is also unclear if the area is also proposed to be used for goods vehicle waiting (see above Point 11f), which would clearly not be suitable. Therefore, adequate information has not been provided regarding parking for construction workers (and other visitors).

*Point 11h, Loading and unloading of plant and materials:*

Page 10 of the CMMP states: 'All unloading and loading of materials will be monitored through a booking in system by the Site Manager.' The CMMP also confirms that directional signage will be provided relating to loading. Therefore, the additional text that has been added to the CMMP is now acceptable. However, the waiting areas and management need to be clarified (See Point 11f).

*Point 11m, Measures to minimise the deposit of mud, grit and dirt on public highways, including wheel washing facilities; and Point 11n, Street Sweeping.*

The further information included in the CMMP document and PMP plan goes some way to addressing the issues previously raised by KC Highways Development Management. However, the procedures and management practices are still not considered to be robust for the follow reasons:

- The frequency of street cleaning only refers to daily during the winter (when required) or every two weeks in the summer in good weather. What would happen at other times (e.g. spring/autumn) and when the

weather is not ‘good’? It is unclear how ad-hoc/reactive street cleaning would take place at other times, when unexpected incidents may occur.

- The location of the jet wash immediately adjacent to the Westgate junction is likely to be problematic, with mud/debris deposited on the site access road in a hazardous location.
- The CMMP states that ‘a wheel wash will be used for all vehicles as soon as practicable’. This is not acceptable, and robust wheel washing facilities are required from commencement of construction activities.

*Point 11s, Site manager and resident liaison officer contact details, including details of their remit and responsibilities:*

The submitted details state that a site manager has yet to be allocated but their contact details will be placed on a display board outside the production hub. Strata’s group email is provided.

These details are inadequate. A point of contact must be provided and details of their remit and responsibilities given. A generic email is insufficient. Furthermore, the council has received no details on what the production hub is or where it is to be provided. If within the site, a single display board is unlikely to be adequate. Display boards should be provided at the site’s boundaries.

*Point 11t, Engagement with local residents and occupants or their representatives; and*

No details have been provided on what engagement with local residents is intended, with reference simply made to there being a site manager and details at the production hub. This is inadequate, and the same concerns regarding point 11s are relevant. At the very least, details of a letter drop, other direct contact, circulation of site management contact details, ongoing and regular liaison with residents and elected Members / representatives, and publicity regarding the (to be agreed) CMMP is expected.

<u>Condition 12 (watercourse assessment)</u>

You have submitted the document titled ‘Condition 12 (Repair/Renewal and Maintenance of Watercourse)’ pursuant to condition 12.

This document states that the required survey has not been carried out due to a prolonged period of adverse weather. This is acknowledged and flexibility on the timing of the survey can be accepted in principle. An agreed definitive timeframe (i.e., a given month) for when the survey will take place is needed to allow for a part approval pursuant to condition 12.

Until this is provided an approval pursuant to condition 12 cannot be issued.

<u>Condition 13 (temporary drainage)</u>

You have submitted the document ‘Surface Water Management Plan: Westgate, Cleckheaton’ with the reference 302574 R01 Rev. 02 pursuant to condition 13.

While broadly agreeable, evidence of storage and retention of site run-off water for various development stages, prior to the installation of the drainage infrastructure to a 1 in 2-year 6-hour event, is still required.

Until this is submitted and found to be acceptable an approval pursuant to condition 13 cannot be issued.

Condition 14 (flood routing)

You have submitted the following documents pursuant to condition 14:

- External Works Sheet 1 (Dwg: QD1776-04-01 Rev: C)
- External Works Sheet 2 (Dwg: QD1776-04-02 Rev: C)
- Vertical Alignments Sheet 1 (Dwg: QD1776-04-10 Rev: A)
- Vertical Alignments Sheet 2 (Dwg: QD1776-04-11)
- Longsections Sheet 1 (Dwg: QD1776-05-01 Rev: C)
- Longsections Sheet 2 (Dwg: QD1776-05-02 Rev: C)

Having reviewed the submitted documents, further information is required through the open space adjacent to plots 142/165, including boundary treatments and labelled contour lines, along with finished floor levels and garden levels, to fully ensure this flood route does not affect properties.

For the avoidance of doubt, the details submitted pursuant to condition 14 are not hereby approved.

Condition 15 (discharge rate)

You have submitted the following information pursuant to condition 15:

- Plan ref. QD1776-02-01 rev. A
- Plan ref. QD1776-03-01 rev. C
- Plan ref. QD1776-04-01 Rev: C
- Plan ref. QD1776-04-02 Rev: C
- Plan ref. QD1776-04-10 Rev: A
- Plan ref. QD1776-04-11
- Plan ref. QD1776-05-01 Rev: C
- Plan ref. QD1776-05-02 Rev: C
- Plan ref. QD1776-08-01 Rev. C
- Plan ref. QD1776-08-02 Rev. B
- Plan ref. QD1776-08-03 Rev. B
- Plan ref. QD1776-17-01 Rev. B
- Document titled ‘Drainage Maintenance and Management report for: ‘Cascade’ Westgate, Cleckheaton

The submitted details are not accepted, with the following concerns outstanding:

- A crate storage tank is proposed. Such tanks have a limited lifespan and are difficult to manage and maintain due to their method of construction. The management and maintenance schedule submitted is not considered adequate to address these concerns. Reference is made to adoption by Yorkshire Water, but until technical approval is granted there is no guarantee that adoption will take place. If approval has been granted by Yorkshire Water for the use of crate storage (with evidence provided) acceptance of the use of crate storage may be possible.
- Microdrainage design and simulation calculations have yet to be submitted.

<u>Condition 16 (retaining walls and features)</u>

You have submitted the following documents pursuant to condition 16:

- Plan ref. QD1776-04-01 Rev. D
- Plan ref. QD1776-04-02 Rev. D

These documents were provided recently (11/03/2024) and are still undergoing internal review. As such, officers are unable to confirm that the submitted details are acceptable at this time. A further response regarding condition 16 is to follow.

<u>Condition 18 (invasive species)</u>

You have submitted the document titled 'Invasive Species Management Plan Westgate Cleckheaton', written by Ebsford Environmental and with the reference 4023 pursuant to condition 18.

I can confirm that the submitted details are acceptable for the initial purpose of condition 18 and are hereby approved. Be aware that the condition has the following ongoing requirement:

> *Thereafter the development shall be undertaken in accordance with the approved strategy.*

This ongoing requirement must be adhered to, to ensure ongoing compliance with condition 18.

<u>Condition 19 (drainage in highway)</u>

You have submitted the following details pursuant to condition 19:

- Plan ref. QD1776-03-01 Rev: G
- Plan ref. QD1776-05-01 Rev: F
- Plan ref. QD1776-05-02 Rev: F
- Plan ref. QD1776-05-03 Rev: G

- Plan ref. QD1776-08-01 Rev: E
- Plan ref. QD1776-08-02 Rev: E
- Plan ref. QD1776-17-01 Rev: E

I can confirm that the submitted details are acceptable for the initial purpose of condition 19 and are hereby approved. However, be aware that condition 19 has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

> *The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.*

K.C. Highways (Structures) have requested that a "Construction Compliance Certificate" and "As Built" drawings be provided to them upon the completion of drainage works. These may be sent to farhad.khatibi@kirklees.gov.uk.

Condition 20 (CEMP: Biodiversity)

You have submitted the document titled 'Construction Environment Management Plan CEMP: (Biodiversity), written by Brooks Ecological and with the reference ER-4666-05 rev. B pursuant to condition 20.

I can confirm that the submitted details are acceptable for the initial purpose of condition 20 and are hereby approved. However, be aware that condition 20 has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

> *The approved CEMP 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.*

Condition 21 (highway condition surveys)

You have submitted the document titled 'Westgate Dilapidation Survey', reference AI/230779/DS01 and dated 12/10/2023 pursuant to condition 21.

Condition 21 is multi-phased. The submitted details are acceptable for the initial (pre-commencement) element of the condition. You are hereby reminded of the ongoing requirements, which require the submission of further details, as per the condition:

> *Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the postconstruction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless*

*otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.*