

**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:	2023/44/93795/W
Site Address:	Land off, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL
Description:	Discharge of condition 9 (construction management plan) of outline permission 2020/91146 (appeal decision APP/Z4718/W/21/3276678) for erection of residential development
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Approve

**I hereby authorise the approval 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-Feb-2024

Officer report

Application: 2023/93795

Site: Land off, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL

Proposal: Discharge of condition 9 (construction management plan) of outline permission 2020/91146 (appeal decision APP/Z4718/W/21/3276678) for erection of residential development

Condition 9: Construction Management Plan

9) Prior to development commencing a Construction Management Plan (CMP) shall be submitted to and approved 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 and highway safety by effectively controlling:

- *Noise & vibration arising from all construction related activities. This shall 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.*
- *Means of access to the site for construction traffic*
- *Times of use of the access*
- *The routing of construction traffic to and from the site*
- *Construction workers' parking facilities*
- *A scheme to demonstrate how the public highway will be kept clear of mud/debris*

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

Assessment

In support of this application, the following document has been submitted:

- Construction Phase Health and Safety Plan (5th issue)

This has been reviewed by KC Environmental Health and KC Highways Development Management.

Noise and vibration arising from all construction related activities

The plan clearly identifies the responsible persons on site and includes details of a procedure to deal with complaints from members of the public, with associated monitoring and recording.

Section 3.3 of the submitted document states that working hours will be 08:30 to 16:30 on weekdays, and that no works will be permitted on weekends or

Bank Holidays. This would ensure that no noise generating activities are occurring at sensitive times of the day.

Elsewhere in the submitted document, it is stated that “The operational hours of site will be limited to 7.30am to 4.30pm, Monday to Friday”. Given the commitment set out in section 3.3, it is assumed that works will not take place between 07:30 and 08:30.

General monitoring will be undertaken, complaints investigated and any resulting improvements to working practices will be built into the dynamic plan with staff briefings undertaken to retrain staff where necessary. Vehicles will not be left idling on site when not in use and all efforts made to locate the use of power tools away from sensitive receptors.

The proposed measures related to noise and vibration are considered acceptable.

Dust arising from all construction related activities

The proposed methods to control fugitive dust on site include but are not limited to:

- Wheel wash station to be established at site exit.
- Water supply to be established to ensure sufficient water supply for dust suppression.
- No burning on site.
- Waste to be cleared as soon as possible to reduce accumulations.
- Damping down and suppression at point of production to be employed.
- Herring fencing to be provided with covers adjacent to plot build phase.
- Maximum speed limit of 10 mph. Where possible avoid the use of diesel generators.
- Road sweepers to be employed on and off site.

The proposed methods would help ensure impacts related to dust do not occur or are minimised, and are considered acceptable.

Artificial lighting

The submitted document states that no external artificial lighting will be required. This is accepted, given the working hours of operation, and given that security cameras do not rely on traditional lighting techniques.

Means of access to the site for construction traffic

Access to the site for construction traffic will be via Wesley Avenue as this is the only vehicular access to the site.

Times of use of the access

The document states that deliveries will be timed where possible to reduce the impact to the traffic to Wesley Avenue, with the majority of deliveries dropping between 10:00 and 15:00 weekdays and large deliveries restricted to 11:00 to 14:00, therefore avoiding peak traffic times. No deliveries will be scheduled for weekends, including the collection of earth during groundworks.

These arrangements are considered acceptable in relation to amenity impacts and highway safety.

The routing of construction traffic to and from the site

The access route for deliveries has been amended to use only suitable roads with a waiting location identified on Wilshaw Road, away from residential streets. This will include construction traffic entering the site via Dean Avenue, then on to Denham Drive and Holmdale Crescent and then turn right on to B6107 Moor Lane towards Meltham. Appropriate signage has also been proposed for the designated route.

This routing is considered acceptable in amenity and highway safety terms.

Construction workers' parking facilities

The majority of construction staff will not be on-site until the road, services, drainage, attenuation and parking are all in place. A temporary carpark will be set up as per the plan included within page 12 of the submitted document, as an initial priority, and the applicant has stated that this should be created within two working days. This will be used for all contractors that are completing the initial ground works, and therefore no site traffic will be parked on Wesley Avenue or nearby roads after this point.

The proposed arrangement for construction workers' parking are considered acceptable.

A scheme to demonstrate how the public highway will be kept clear of mud/debris

Appendix C contains the construction phase drawing and details of dust suppression and road cleaning. This states that surrounding residential estate roads will be cleaned once a week by an external contractor, however in the early stages of the construction, especially during groundworks and prior to the internal road being constructed, this may be required on a day-to-day basis based on need.

As such, the Construction Phase Health and Safety Plan (5th issue) is considered acceptable, subject to it being fully adhered to throughout the period of construction.

A representation has been received in respect of the above condition, whereby the local resident has raised a number of concerns in relation to the

Construction Phase Health and Safety Plan (albeit these were raised in relation to the earlier revision):

- The plan does not provide safe access/egress from the site for site delivery vehicles.
- Development has commenced without condition 9 being discharged.
- Development is not being undertaken in accordance with the agreed hours.
- Large HGVs are parking and queuing on nearby residential streets.
- There is no wheel wash on site.
- Kirklees Council should dictate the preferred routes for construction traffic, instead of leaving it up to the developer.

In respect of the concerns outlined above, a revised Construction Phase Plan (5th issue) has been sought, which addresses the above. Full adherence to the approved plan is required during the construction phase.

Dated: 13/02/2024

Decision notice text

Condition 9: Construction Management Plan

Pursuant to condition 9, you have submitted:

- Construction Phase Health and Safety Plan (5th issue)

The information provided within the aforementioned document is considered acceptable, and is hereby approved. Please be reminded that full adherence to the approved plan is required during the construction phase. Please also be reminded that works may be carried out only within the hours set out at paragraph 3.3 of the aforementioned document, and that works earlier than 08:30 are not permitted.