

**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:	2024/44/90341/W
Site Address:	Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ
Description:	Discharge of conditions 4 (CMP), 5 (CEMP), 6 (surface water drainage), 11 (foul / surface drainage), 20 (BEMP) and 22 (invasive species) of previous permission 2023/91408 for erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works
Recommending Officer:	William Simcock

DECISION – Discharge of Conditions – Split Decision

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: 22-Mar-2024

Application: 2024/90341

Site: 21 Thomas St, Lindley, Huddersfield

Proposal: Discharge of conditions 4 (CMP), 5 (CEMP), 6 (surface water drainage), 11 (foul / surface drainage), 20 (BEMP) and 22 (invasive species) of previous permission 2023/91408 for erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works

Condition 4 (CMP)

4. Prior to the commencement of development (including demolition and ground works) a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- *A timetable of all works;*
- *Details of point(s) of access for construction traffic;*
- *Details of construction vehicle sizes and routes;*
- *Details of times of construction vehicle movements;*
- *Details of parking for construction workers;*
- *Details of signage;*
- *Pre-development road condition surveys; and*
- *Details of wheel washing facilities within the site.*

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: *In the interests of highway safety, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

A Construction Management Plan (CMP) by Torsion Projects, dated 24/01/2024, has been submitted. The bulleted points within the condition are assessed individually below:

A timetable of all works

It is anticipated that construction works will take approximately 78 weeks from the commencement of development, with sub-structure works completed within 25 weeks of commencement (Section 1.4).

Details of point(s) of access for construction traffic

Figure (5) shows that the access will be off Thomas Street.

Details of construction vehicle sizes and routes

The CMP does not set out precisely what sizes of vehicles are expected to enter the site but emphasises that the development seeks to minimise the requirement for large or heavy elements of construction materials. Part 2.5 of the CMP specifies the expected routes to be taken by construction vehicles.

Details of times of construction vehicle movements

An email dated 11/03/2024 states: "Further to below regarding our new Care Home at Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ, I can confirm all construction vehicle movements will only take place between the stated working hours as per our construction management plan".

Site Working Hours:

- Monday to Friday 7.30am to 6.00pm
- Saturday 7.30am to 2.00pm
- Sundays & Bank Holidays by agreement with the Local Authority

Should there be a requirement to work outside of these hours the Principal Contractor will visit neighbouring homes in advance of the works and advise residents of the intentions and the reasons why. The Local Authority will be notified of the works. Where practicable potentially disruptive works will be avoided during extend work hours.

Details of parking for construction workers

Figure 6 highlights a zone in yellow (an existing streetside parking bay). It recognises that this will have very limited capacity, and that in the construction phase further options will need to be explored, including the use of public car parks and negotiation with local landowners. The Principal Contractor will have primary responsibility for this and it will be communicated to subcontractors and suppliers during pre-start meetings and during site induction and toolbox talks.

Details of signage

Speed limit signage will be displayed at the entrance gates and throughout the site. The site speed limit on site is a maximum of 10mph. Signage will be placed at appropriate locations on construction access routes to guide vehicles to the site.

Pre-development road condition surveys

A road condition survey has been submitted, 11/03/2024, separately from the main CMP.

Details of wheel washing facilities within the site

Part 3.3 of the CMP refers to a wheel-washing facility and gives details its location and how it will operate.

KC Highways Development Management have been consulted on this matter and their views are awaited. Consequently, an approval pursuant to this condition cannot be issued at the present time.

Condition 5 (CEMP)

5. Prior to the commencement of development, 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 shall also include suitable restrictions on the hours of working on the site including times of deliveries);*
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction;*
- Artificial lighting used in connection with all construction related activities and security of the construction site; and*
- A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Planning Authority must be included.*

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

Reason: *To safeguard the amenities of the occupiers of nearby properties in accordance with the aims of Part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity are undertaken during the construction period.

In support of the discharge of condition 5 a CEMP – Biodiversity by Torsion Projects, dated 05/02/2024, rev: 0, has been submitted. As this document largely relates to biodiversity matters, it is of limited relevance to condition 5, however it is referred to below where appropriate. The CMP referred to earlier is of more relevance to condition 5 in many respects. The bulleted points within condition 5 are assessed individually below:

Noise and 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)

Construction will only be within the approved hours, which are given in Section 2.9 of the CMP as:

- Monday to Friday 7.30am to 6.00pm
- Saturday 7.30am to 2.00pm
- Sundays & Bank Holidays by agreement with the Local Authority

Should there be a requirement to work outside of these hours the Principal Contractor will visit neighbouring homes in advance of the works.

Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction

The CEMP - Biodiversity makes reference to a Dust Management Plan. The CMP (Sections 3.1, 3.3 and 3.6) sets out several measures for dust control, including dampening and spraying where appropriate, proper storage of powdery materials, and registering complaints if they occur.

Artificial lighting used in connection with all construction related activities and security of the construction site

Section 3.4 of the CMP confirms that temporary lighting will be used throughout the building during the later stages of construction and will be switched off at night to reduce lighting pollution outside of working hours. Lighting will also be required within the site compound. Floodlights will be orientated to reduce glare and impact upon surrounding properties.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Planning Authority must be included

The CEMP – Biodiversity gives the names and contact details of the Senior Project Manager and other responsible persons. The CMP (Section 6) provides full details of construction and community liaison management, including the distribution of a newsletter with contact information.

KC Environmental Health consider the details set out in the CMP and the CEMP – Biodiversity to be satisfactory for the purposes of this condition. It is therefore considered that the details relevant to condition 5 (in the CMP and the CEMP – Biodiversity) can be approved. Of note, the CMP provides more detail on environmental control and mitigation measures. Adherence to the terms of the CMP and the CEMP - Biodiversity throughout the construction period will discharge the condition.

Condition 6 (surface water drainage)

6. Prior to the commencement of development a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site 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; and*
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and detail how flooding of adjacent land is prevented.*

The scheme shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-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 per ha, unless otherwise approved in writing by the Local Planning Authority. 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.

Reason: *In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site and surrounding area during the construction phase, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure temporary (construction-phase) drainage details are submitted and approved at an appropriate stage of the development process.

A temporary drainage diagram, forming part of drawing 500 Revision D, has been submitted. The comments of the Lead Local Flood Authority (LLFA) are as follows:

- The drain from the temporary storage tank (Item 2) is shown passing under the crane mat (also Item 2) and is not shown connecting to the temporary SW pump chamber (Item 4).
- It does not provide details of how the flow rate from pump chamber will be controlled to be no greater than 2.5 l/s per ha as stated in condition 6.
- Calculations should be provided confirming that the temporary storage tank is of sufficient capacity for the critical 1 in 2 year rainfall event with the outlet controlled to the above rate.

Further information is required as noted above and therefore an approval pursuant to condition 6 cannot be issued at this time.

Condition 11 (foul / surface drainage)

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Prior to the commencement of development, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0 l/s with the LLFA to the combined sewer, attenuation for the critical 1 in 100 + climate change rainfall event with an additional allowance for blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and elsewhere (both upstream and downstream of the development), attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be 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 the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: *In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site, future occupiers, or the water environment, in accordance with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure drainage details are agreed and are incorporated into the development at an appropriate stage.

A Proposed Drainage Layout, reference 500 Revision D, has been submitted. The comments of the LLFA are as follows:

- Drawing is stamped “Work In Progress” – but it is not clear what further changes or updates are proposed.
- The drawing shows a Polystorm R Attenuation Tank but calculations confirming its size have not been provided.
- Surface water manholes S12 and S18 upstream of attenuation tank will need to be catchpits as these are connected to filter drains.

Further information and amendments are required as noted above and therefore an approval pursuant to condition 11 cannot be issued at this time.

Condition 20 (BEMP)

20. No development above foundation level shall commence until a Biodiversity Enhancement and Management Plan (BEMP) based on the Planting Plan and Schedule, reference LIN2304 PP01.00 rev P5, has been submitted to and approved in writing by the

Local Planning Authority. The plan shall include details of the following:

- *Description and evaluation of features to be managed and enhanced;*
- *Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*
- *Ecological trends and constraints on site that might influence management;*
- *Aims and Objectives of management;*
- *Appropriate management Actions for achieving Aims and Objectives;*
- *An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);*
- *Details of the management body or organisation responsible for implementation of the BEMP;*
- *Ongoing monitoring programme and remedial measures; and*

- *The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.*

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP shall be implemented in accordance with the approved details.

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. This pre-commencement condition is necessary to ensure details relating to the required biodiversity enhancement and biodiversity net gain are devised and agreed at an appropriate stage of the development process.

No document titled “BEMP” has been submitted. Instead, a Preliminary Ecological Appraisal (PEA) and Potential Bat Roost Survey (dated May 2023) and an Ecological Design Strategy (EDS) (by Futures Ecology, ref. FE341/EDS01) have been submitted. The PEA was submitted with the original application and does not therefore need to be assessed here. The EDS is reviewed against the following bulleted points in the condition.

Description and evaluation of features to be managed and enhanced

Very little of the existing semi-natural habitat will be preserved during construction, but there will be a net enhancement. The EDS refers to a separate Planting Plan & Schedule (PGLA Ltd Landscape Architects, May 2023, Plan Ref: PP01.00, Revision P5) which was included within the Biodiversity Net Gain statement (ref BEK-23071-21 Rev A) forming part of the approved documents for the original permission.

Extent and location/area of proposed enhancement works on appropriate scale maps and plans

Figure 1 shows a plan of proposed enhancement works.

Ecological trends and constraints on site that might influence management

The submission mentions the presence of invasive species (*Cotoneaster* sp) and the possible presence of nesting birds, for which appropriate precautions will be taken.

Aims and Objectives of management

Section 2.1 sets out objectives to create new habitats through planting and seeding, monitor to make sure they reach their target condition, and create habitat features for birds and other faunal species.

Appropriate management Actions for achieving Aims and Objectives and An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years)

Table 4 provides a full schedule of implementation including aftercare for a period of up to 30 years.

Details of the management body or organisation responsible for implementation of the BEMP

Section 9.1 states that the creation and ongoing management of habitats within the Site will be the responsibility of Torsion Projects, until such time that the Site is passed to a management company.

Ongoing monitoring programme and remedial measures

Again, this is covered in Table 4.

Details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery

Section 9 states that the creation and ongoing management of habitats within the Site will be the responsibility of Torsion Projects, until such time that the Site is passed to a management company. The responsibility to carry out the detailed management within this document will be included within future sale agreements, if applicable.

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP

The success of measures outlined in this document will be monitored and recorded in Aftercare Reports every 3 years (as a minimum). Monitoring forms are included (appendix A).

KC Ecology have reviewed the submission and confirmed that it is adequate. The submission is judged acceptable for the purposes of this condition and it is recommended it can be approved.

Condition 22 (invasive species)

22. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and

approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: *To ensure invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Kirklees Local Plan Policy LP30, the National Planning Policy Framework Chapter 15 and Circular 06/2005 – Biodiversity/Geological Conservation.*

This pre-commencement condition is necessary to ensure that details of invasive species eradication are agreed at an appropriate stage of the development process.

An invasive species eradication strategy has been submitted, ref. H200-GFO-017, rev 1.

This acknowledges the presence of Cotoneaster within one corner of the site. It states that the removal of invasives will be in accordance with biosecurity measures under a specialist contractor. The appointed specialist contractor will excavate and remove all invasive species including all roots, seedlings, berries and stems. Waste will be chipped or burnt on site or removed to licensed landfill as controlled waste, by a registered / licensed contractor.

KC Ecology consider that the submitted statement provides sufficient detail to fulfil the requirements of condition 22. The submission is judged acceptable for the purposes of this condition and it is recommended it can be approved.

Conclusion

Split decision:

- Approve details pursuant to conditions 5 (CEMP), 20 (BEMP) and 22 (invasive species).
- Details pursuant to conditions 4 (CMP), 6 (surface water drainage) and 11 (foul / surface drainage) cannot be approved at this stage.

Report Dated:

21-Mar-2024
