

**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:	2024/44/91537/W
Site Address:	former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF
Description:	Discharge of conditions 3 (CMP) and 4 (CEMP) of previous permission 2020/92067 for erection of 30 dwellings
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – 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: 03/09/2024

Application: 2024/44/91537/W

Site: former Stile Common Infant and Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF

Proposal: Discharge of conditions 3 (CMP) and 4 (CEMP) of previous permission 2020/92067 for erection of 30 dwellings

Assessment

Condition 3 (CMP)

3. Prior to development commencing, a Construction Management Plan (CMP) including 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 construction workers parking facilities. Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: *Due to the restrictive nature of the site, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.*

The submitted details have been reviewed by planning officers and colleagues in K.C. Highways Development Management.

Point of access for construction traffic: Due to the nature of the site and smaller scale of the development, only a single site access is feasible without demolishing the retaining wall on Plane Street. Said access is proposed and is considered acceptable.

Details of the times of use of the access: The following hours of operation and access are proposed:

- Monday to Friday: 0730 - 1730
- Saturday: 0800 - 1300
- No activity on Sundays and Bank Holidays

All deliveries are scheduled for working hours, but to avoid school peaks (0800 - 0900 and 1500 - 1600) due to the site being near to a school.

These hours of operation are typical for urban developments and are considered acceptable. The exclusion of deliveries during school peaks is

welcomed, given that Plane Street is a route to the nearby Hillside Primary School.

The routing of construction traffic to and from the site: A construction traffic routing strategy has been provided. This demonstrates the use of A roads to as near as possible to the site, which is appropriate.

Construction workers parking facilities: Dedicated parking for 13 contractor vehicles would be provided. A submitted plan shows their location. The CMP establishes a typical demand of 20 contractors on site at once. Allowing for an average of two drivers per vehicle and/or use of public transport, this level of parking is deemed sufficient.

Further to the above, the document includes details of the site's wheel washing facilities. This includes confirmation of the location of the facility (adjacent to the point of access) and confirmation of the arrangements for the site foreman to monitor the weather and potential for mud-spreading. This is also acceptable.

K.C. Highways Development Management consider the submitted details to be acceptable. Officers concur with this and recommend the details be approved. However, the condition has an ongoing requirement which prevents full discharge at this time. It is recommended that a note setting out the ongoing requirement be included in the decision notice.

Condition 4 (CEMP)

4. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, 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 & 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.*
- Artificial lighting used in connection with all construction related activities and security of the construction site.*

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

Reason: *To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.

The submitted document titled 'Construction Environmental Management Plan (CEMP)' has been reviewed by planning officers and K.C. Environmental Health. The condition requires consideration of the following matters:

Noise & vibration arising from all construction related activities: Noise and vibration are considered in section 10.4. This details the use of solid hoarding as a method of acoustic screening, along with Risk Assessments and Method Statements (RAMS) being undertaken to ensure the requirements regarding noise and vibration statutory nuisance (which are controlled under the Environmental Protection Act 1990) are understood, factored into working methods, and adhered to. Neighbours would be notified, via site notices and letters, of short term works that are unavoidably noisy.

This approach is considered acceptable.

This should also include suitable restrictions on the hours of working on the site including times of deliveries: In section 3.2 of the document, the following hours of operation and access are proposed:

- Monday to Friday: 0730 - 1730
- Saturday: 0800 - 1300
- No activity on Sundays and Bank Holidays

These, considered along with the noise and vibration mitigation measures, are considered acceptable.

Dust arising from all construction related activities: Measures to control dust are outlined in section 10.2 of the CEMP. This comprises dust being controlled at source and all ground to be tamped prior to excavation to avoid dust blowing downhill / to neighbours. This approach is considered acceptable.

Artificial lighting used in connection with all construction related activities and security of the construction site: Section 4.7 of the CEMP details temporary lighting. Given the smaller size of the site, perimeter lighting is not to be utilised. Task lighting would be used on a when-needed basis, in the form of lighting strips, which would be switched off during non-working hours.

K.C. Environmental Health confirmed in their consultation response dated 08/07/2024 that they have no objections to the submitted details. Officers concur with K.C. Environmental Health's assessment and recommend that the details be approved. However, the condition has an ongoing requirement which prevents full discharge at this stage. It is recommended that a note setting out the ongoing requirement be included in the decision notice.

Notwithstanding the above, K.C. Environmental Health requested that an informative note be placed on the decision notice relating to their remit in the Control of Pollution Act 1974. This is appropriate and recommended to be included.

Recommendation: Approve details

Report Dated: 03/09/2024

Proposed Letter Text

Condition 3 (CMP)

You have submitted the document titled Construction Phase Plan / Construction Management Plan: Plane Street 410 pursuant to condition 3. This document was revised and received by the council on 28/08/2024.

I can confirm that the submitted details are acceptable for the initial requirements of condition 3. However, be aware that condition 3 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Condition 4 (CEMP)

You have submitted the following documents pursuant to condition 4:

- Construction Environmental Management Plan (CEMP), revised and received by the council on 28/08/2024
- Construction Noise and Vibration Management Plan, revised and received by the council on 28/08/2024

I can confirm that the submitted details are acceptable for the initial requirements of condition 4. However, be aware that condition 4 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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

Further to the above, please note the following comments from K.C. Environmental Health:

The applicant is reminded that Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

