

**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:	2024/44/91918/E
Site Address:	East Bierley Playing Fields, Hunsworth Lane, East Bierley, BD4 6PU
Description:	Discharge of details reserved by conditions 3 (C(E)MP), 4 (temporary drainage), 21 (3G/synthetic pitch), 23 (drainage strategy) and 25 (crime and anti-social behaviour) of previous permission 2021/90357 for works to existing sports facilities including erection of a clubhouse, additional changing facilities building, boundary treatments, storage facilities and floodlighting, works to existing pitches, and creation of new hybrid and 3G/synthetic pitches, multi sport training area and car park
Recommending Officer:	Victor Grayson

DECISION – Discharge of Condition – 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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 14-Jan-2025

Officer Report

Discharge of details reserved by conditions 3 (C(E)MP), 4 (temporary drainage), 21 (3G/synthetic pitch), 23 (drainage strategy) and 25 (crime and anti-social behaviour) of previous permission 2021/90357 for works to existing sports facilities including erection of a clubhouse, additional changing facilities building, boundary treatments, storage facilities and floodlighting, works to existing pitches, and creation of new hybrid and 3G/synthetic pitches, multi sport training area and car park

Decisions to date

2021/90357 – Planning permission granted 11/03/2022 for works to existing sports facilities including erection of a clubhouse, additional changing facilities building, boundary treatments, storage facilities and floodlighting, works to existing pitches, and creation of new hybrid and 3G/synthetic pitches, multi sport training area and car park.

2024/91833 – Approval issued 28/10/2024 pursuant to condition 24 (drainage operation, maintenance and management) of permission 2021/90357.

Consultation

The comments of KC Environmental Health, KC Highways Development Management, the Football Foundation, the Lead Local Flood Authority, the Rugby Football League, Sport England and the West Yorkshire Police Designing Out Crime Officer are referred to below where relevant.

Condition 3 (C(E)MP)

Condition 3 reads as follows:

3. 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 pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers), a timetable of all works, and details of:

- any phasing of development;*
- point(s) of access for construction traffic;*
- construction vehicle sizes and routes;*
- times of construction vehicle movements;*
- parking for construction workers;*
- signage;*
- wheel washing facilities within the site;*
- street sweeping;*
- dust suppression;*

- *measures to control noise and vibration from construction-related activities;*
- *any artificial lighting to be used during construction;*
- *hours of works;*
- *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); and*
- *details of engagement with local residents and occupants (or their representatives) before the submission of the C(E)MP and during the period of construction.*

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. 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 in full and completed no later than six weeks following the completion of all construction works related to the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: *In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 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 impacts are devised and agreed at an appropriate stage of the development process.

The applicant has submitted the following pursuant to condition 3:

- Construction Environmental Management Plan (S&C Slatter, S23-314, 15/05/2024 (corrected version submitted 13/01/2025))
- Construction Management Plan (drawing S23-314 / DWG / 0005)

The applicant's submission responds to the requirements of condition 3 as follows:

- *Pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers) – Page 10 of the submitted Construction Environmental Management Plan (CEMP) states “A schedule of condition of the surrounding footpaths and highways will be prepared prior to any works starting on site”, however this appears to be in relation to road cleanliness, and in any case no such schedule or survey has been provided.*
- *Timetable of all works – No timetable of works has been submitted, however it is understood contractors are due to*

commence work at the site on 20/01/2025. A timetable setting out details (and the duration) of the works is needed.

- *Details of any phasing of development* – No phasing plan has been submitted.
- *Point(s) of access for construction traffic* – Construction traffic would access the site via the existing track from Hunsworth Lane.
- *Construction vehicle sizes and routes* – A range of vehicle sizes is set out on pages 9 and 10 of the CEMP. These are considered typical for a development of this scale and nature. Page 10 also refers to contractors being issued with a map (in relation to construction access). Detailed construction traffic routes have not been provided by the applicant, however page 9 of the CEMP states that drivers will be advised to use the shortest possible route between the site and larger roads. This is not likely to involve the use of minor residential streets that are not suitable for HGVs – instead, construction traffic is likely to move to/from the main road network (the A651 to the north, and the A58 to the south) directly to/from Hunsworth Lane.
- *Times of construction vehicle movements and hours of works* – Drawing S23-314 / DWG / 0005 refers working hours of 07:30 to 18:30 Monday to Friday, 08:00 to 13:00 Saturdays, with no works taking place on Sundays or bank holidays. For deliveries, slightly shorter hours are proposed, namely 07:30 to 18:00 Monday to Friday, 08:00 to 12:30 Saturdays, with no deliveries taking place on Sundays or bank holidays. The same hours are referred to in Section 4 of the CEMP. These hours are considered acceptable.
- *Parking for construction workers* – Section 4 of the submitted CEMP confirms that construction workforce and visitor parking would be provided on-site.
- *Signage* – Appropriate signage (warning the public that works are under way, and directing construction traffic) is illustrated on drawing S23-314 / DWG / 0005. Section 4 of the CEMP also confirms that signage would be displayed.
- *Wheel washing facilities within the site* – Appropriate wheel washing arrangements are described at page 10 of the CEMP.
- *Street sweeping* – Page 10 of the CEMP details road cleanliness checks, while page 14 confirms that mud deposits would be controlled at the entry and exits to the site using wheel washing facilities and / or road sweepers.
- *Dust suppression* – Section 4 of the CEMP states that materials would be sheeted, and would only be kept on site for as long as is necessary. Further acceptable measures are set out at pages 11 and 12.
- *Measures to control noise and vibration from construction-related activities* – The CEMP states that machinery (when in use) would be kept away from sensitive receptors, and switched off when not in use. Reversing alarms would be disabled and white noise alarms would be used instead. These measures are considered acceptable.

- *Details of any artificial lighting to be used during construction – No such lighting is proposed during the construction phase.*
- *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) and details of engagement with local residents and occupants (or their representatives) before the submission of the C(E)MP and during the period of construction – Section 4 of the CEMP states that signage at the site entrance would include contact details of the “Contracts Supervisor”, and page 12 confirms that details of the site supervisor would also be made available. Although details of engagement prior to the submission of the CEMP have not been submitted, page 11 states that open lines of communication would be maintained with neighbouring site owners. Page 12 refers to the posting of weekly and monthly notices to keep residents informed of works. These measures are considered acceptable.*

The applicant’s submission addresses most of the requirements of condition 3, but – as noted above – it is deficient in that no pre-development road condition surveys have been submitted, nor has a timetable of works or details of phasing.

In comments dated 16/09/2024, KC Highways Development Management advised that deliveries should be restricted to avoid the peak drop-off and pick-up times for the nearby East Bierley Primary School.

In comments dated 01/08/2024, KC Environmental Health advised that the submitted information was acceptable in relation to matters within that team’s remit.

Page 12 of the submitted CEMP erroneously stated “Notices will also be posted within the reception of Withdean Sports Complex itself”. This was corrected in the version submitted on 13/01/2025.

Given the above outstanding matters, it is recommended that the applicant be advised that most of the requirements of condition 3 have been acceptably addressed, but that further information and amendment is needed.

Condition 4 (temporary drainage)

Condition 4 reads as follows:

4. Prior to the commencement of development (including ground works) 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; and*

- *Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of 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: *To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

The applicant has submitted the following document pursuant to condition 4:

- Surface Water Drainage Management During Construction (S&C Slatter, S23-314, 29/10/2024)

In comments dated 14/11/2024, the Lead Local Flood Authority (LLFA) advised that the submitted information was acceptable. This addressed previous concerns (raised by the LLFA) that no temporary drainage proposals had been submitted.

Given the above assessment, it is recommended that the details submitted pursuant to condition 4 be approved. However, it is recommended that the applicant be reminded that condition 4 has the following ongoing stipulations:

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.

Condition 21 (3G/synthetic pitch)

Condition 21 reads as follows:

21. Prior to the commencement of development, details of the construction, surfacing, linemarking, and means of enclosure of the 3G/synthetic pitch hereby approved, and details of the construction and drainage of the grass hybrid pitch hereby approved, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The 3G/synthetic pitch and the grass hybrid pitch shall not be constructed other than in accordance with the approved details.

Reason: *To ensure the pitches are fit for purpose and to accord with Policy LP50 of the Kirklees Local Plan.*

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

The applicant has submitted the following pursuant to condition 21:

- General Arrangement (drawing 3255FF – 100)
- Site Preparation (drawing 325FF – 101)
- Fencing Sections (drawing 325FF – 300)
- Fencing Details (drawing 325FF – 301)
- Pitch Sections (drawing 325FF – 310)
- Construction Details (drawing 325FF – 350)
- Existing Levels Model (drawing 325FF – 400)
- Proposed Levels Model (drawing 325FF – 401)
- Cut and Fill Model (drawing 325FF – 402)

On 23/12/2024 the applicant submitted a document titled 3G ATP Design (S&C Slatter, S23-314 rev 01, 04/11/2024). Another document (that was damaged and unopenable) was also submitted, as were two fencing drawings that appeared to be the same as those previously submitted.

On 06/01/2025 the applicant submitted a Proposed Site Plan (drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7).

Clarification from the applicant is required as to which of the above drawings and documents are to be formally considered pursuant to condition 21, given that drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7 appears to contradict earlier drawings, and given the unopenable and repeat submissions of 23/12/2024.

Further comments are also required from Sport England, who were reconsulted in light of the applicant's submissions of 23/12/2024 and 06/01/2025. Of note, in comments dated 07/08/2024, Sport England (relaying the comments of the Football Foundation) stated that the information submitted in respect of condition 21 was acceptable, however Sport England later (on 13/08/2024) relayed concerns from the Rugby Football League that the proposed run-offs behind the goals were inadequate.

With the submission of 06/01/2025, the applicant relayed text from an email (dated 25/09/2024) from the Rugby Football League, apparently advising that "adjustments" to the proposals could be accepted. While this advice appears to be reassuring, for the avoidance of doubt, any such acceptance should be made with reference to a specific drawing in a further formal response from Sport England (who would normally seek advice from the Rugby Football League).

Given the outstanding matters detailed above, an approval pursuant to condition 21 cannot be issued at this stage.

Condition 23 (drainage strategy)

Condition 23 reads as follows:

23. Prior to the commencement of development, a scheme detailing surface water and land drainage (including discharge rates agreed with the Lead Local Flood Authority indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change storm event, attenuation construction design, plans and longitudinal sections, hydraulic calculations, and phasing of drainage provision) for the entire site (unless it is demonstrated with the written agreement of the Local Planning Authority that phased provision of drainage is appropriate and can be implemented without compromising the drainage of later phases) 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 an itinerary of maintenance tasks with schedules. No part of the development hereby approved shall be brought into first use until such approved drainage scheme has been provided on the site to serve the development.

Reason: *To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord 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 that details of drainage are agreed at an appropriate stage of the development process.

The applicant has submitted the following pursuant to condition 23:

- Surface Water Strategy (SEA, R - 00176 - 001 - SDS – 0, 09/06/2024)
- Proposed Drainage Layout Sheet 1 of 2 (drawing 00176/E02)
- Proposed Drainage Layout Sheet 2 of 2 (drawing 00176/E03)

The submitted documents detail appropriate drainage proposals for the site, including a proposal to restrict the off-site surface water discharge rate to 4.7 l/s via a hydrobrake with an outlet diameter of 99mm (as shown on the submitted drawings at manhole S13) discharging into a local ditch (downstream of manhole S23).

In comments dated 10/10/2024, the Lead Local Flood Authority confirmed that the submitted details were acceptable.

Given this assessment, it is recommended that the details submitted pursuant to condition 23 be approved. It is further recommended that the applicant be reminded of the ongoing stipulation of condition 23, which states:

No part of the development hereby approved shall be brought into first use until such approved drainage scheme has been provided on the site to serve the development.

The submitted Surface Water Strategy includes a drawing (EBDC-MWA-XX-XX-DR-A-0001 rev P5) at Appendix B that shows an “Indicative position of balancing pond” where – officers had understood – existing woodland and shrubs were to be retained. This was also shown in a drawing submitted under application 2023/92145, and was raised as a concern by the case officer in an email dated 25/07/2023. This pond has not been shown in a more recent version of the drawing (EBDC-MWA-XX-XX-DR-A-0001 rev P7, submitted 06/01/2025), nor is it shown in drawings 00176/E02 or 00176/E03. However, for the avoidance of doubt, and because the pond is still shown in Appendix B of the submitted Surface Water Strategy, it is recommended that the applicant be advised that the pond is not approved pursuant to condition 23.

Condition 25 (crime and anti-social behaviour)

Condition 25 reads as follows:

25. Prior to the commencement of works in a specific part of the site, details of measures to prevent and deter crime and anti-social behaviour within that part of the site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved within that part of the site shall be brought into use until the works within that part of the site have been implemented in accordance with the details so approved.

Reason: *In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

The following document and drawings are considered relevant to condition 25:

- General Arrangement (drawing 3255FF – 100)
- Fencing Sections (drawing 325FF – 300)
- Fencing Details (drawing 325FF – 301)
- 3G ATP Design (S&C Slatter, S23-314 rev 01, 04/11/2024)
- Proposed Site Plan (drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7)

In comments dated 05/08/2024, the West Yorkshire Police Designing Out Crime Officer referred to the submitted ATP information showing the standards and light types, and the perimeter proposals, and advised that the details were acceptable.

A further ATP document was subsequently submitted, as was an amended Proposed Site Plan. Notwithstanding the concerns that the Proposed Site Plan appears to contradict earlier drawings (see the commentary above regarding condition 21), it is considered that the comments of the West Yorkshire Police Designing Out Crime Officer (who has not been consulted on the later submissions) remain relevant, and it is noted that the proposals of most relevance (to condition 25 and to minimising the risk of crime and anti-social behaviour) have not substantially changed in these later submissions.

Given the above assessment, it is recommended that the details submitted pursuant to condition 25 be approved. It is further recommended that the applicant be reminded of the ongoing stipulation of condition 25, which states:

No part of the development hereby approved within that part of the site shall be brought into use until the works within that part of the site have been implemented in accordance with the details so approved.

Recommendation

Split decision:

- Approve details pursuant to conditions 4, 23 and 25.
- Advise applicant that approvals pursuant to conditions 3 and 21 cannot be issued at this stage.

Decision Notice Text

Condition 3 (C(E)MP)

You have submitted the following pursuant to condition 3:

- Construction Environmental Management Plan (S&C Slatter, S23-314, 15/05/2024) (corrected version submitted 13/01/2025)
- Construction Management Plan (drawing S23-314 / DWG / 0005)

Details set out in the above documents address most of the requirements of condition 3, however you are invited to submit further information and an amendment to address the following outstanding matters:

- Pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers) – Page 10 of the submitted Construction Environmental Management Plan (CEMP) states “A schedule of condition of the surrounding footpaths and highways will be prepared prior to any works starting on site”, however this appears to be in relation to road cleanliness, and in any case no such schedule or survey has been provided.
- Timetable of all works – No timetable of works has been submitted, however it is understood contractors are due to commence work at the site on 20/01/2025. A timetable setting out details (and the duration) of the works is needed.
- Details of any phasing of development – No phasing plan has been submitted.
- KC Highways Development Management have advised that deliveries should be restricted to avoid the peak drop-off and pick-up times for the nearby East Bierley Primary School.

For the avoidance of doubt, a full approval pursuant to condition 3 cannot be issued at this stage.

Condition 4 (temporary drainage)

You have submitted the following pursuant to condition 4:

- Surface Water Drainage Management During Construction (S&C Slatter, S23-314, 29/10/2024)

The details submitted pursuant to condition 4 are considered acceptable, and are hereby approved. However, please be reminded that condition 4 has the following ongoing stipulations:

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.

Condition 21 (3G/synthetic pitch)

You have submitted the following pursuant to condition 21:

- General Arrangement (drawing 3255FF – 100)
- Site Preparation (drawing 325FF – 101)
- Fencing Sections (drawing 325FF – 300)
- Fencing Details (drawing 325FF – 301)
- Pitch Sections (drawing 325FF – 310)
- Construction Details (drawing 325FF – 350)
- Existing Levels Model (drawing 325FF – 400)
- Proposed Levels Model (drawing 325FF – 401)
- Cut and Fill Model (drawing 325FF – 402)

On 23/12/2024 you submitted a document titled 3G ATP Design (S&C Slatter, S23-314 rev 01, 04/11/2024). Another document (that was damaged and unopenable) was also submitted, as were two fencing drawings that appeared to be the same as those previously submitted.

On 06/01/2025 you submitted a Proposed Site Plan (drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7).

Clarification is required as to which of the above drawings and documents are to be formally considered pursuant to condition 21, given that drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7 appears to contradict earlier drawings, and given the unopenable and repeat submissions of 23/12/2024.

Further comments are also required from Sport England, who were reconsulted in light of your submissions of 23/12/2024 and 06/01/2025. Officers have seen your submission of 06/01/2025, within which you relayed text from an email (dated 25/09/2024) from the Rugby Football League, apparently advising that “adjustments” to the proposals could be accepted. While this advice appears to be reassuring, for the avoidance of doubt, any such acceptance should be made with reference to a specific drawing in a further formal response from Sport England (who would normally seek advice from the Rugby Football League).

Given the outstanding matters detailed above, an approval pursuant to condition 21 cannot be issued at this stage.

Condition 23 (drainage strategy)

You have submitted the following pursuant to condition 23:

- Surface Water Strategy (SEA, R - 00176 - 001 - SDS – 0, 09/06/2024)
- Proposed Drainage Layout Sheet 1 of 2 (drawing 00176/E02)
- Proposed Drainage Layout Sheet 2 of 2 (drawing 00176/E03)

The details submitted pursuant to condition 23 are considered acceptable, and are hereby approved.

Please be reminded of the ongoing stipulation of condition 23, which states:

No part of the development hereby approved shall be brought into first use until such approved drainage scheme has been provided on the site to serve the development.

The submitted Surface Water Strategy includes a drawing (EBDC-MWA-XX-XX-DR-A-0001 rev P5) at Appendix B that shows an “Indicative position of balancing pond” where – officers had understood – existing woodland and shrubs were to be retained. This was also shown in a drawing submitted under application 2023/92145, and was raised as a concern in an email dated 25/07/2023. This pond has not been shown in a more recent version of the drawing (EBDC-MWA-XX-XX-DR-A-0001 rev P7, submitted 06/01/2025), nor is it shown in drawings 00176/E02 or 00176/E03. However, for the avoidance of doubt, and because the pond is still shown in Appendix B of the submitted Surface Water Strategy, you are advised that the pond is not approved pursuant to condition 23.

Condition 25 (crime and anti-social behaviour)

The following document and drawings are considered relevant to condition 25:

- General Arrangement (drawing 3255FF – 100)
- Fencing Sections (drawing 325FF – 300)
- Fencing Details (drawing 325FF – 301)
- 3G ATP Design (S&C Slatter, S23-314 rev 01, 04/11/2024)

- Proposed Site Plan (drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7)

The details submitted pursuant to condition 25 are considered acceptable and are hereby approved.

Notwithstanding the concerns that the Proposed Site Plan (drawing EBDC-MWA-XX-XX-DR-A-0001 rev P7) appears to contradict earlier drawings (see the commentary above regarding condition 21), and although the comments of the West Yorkshire Police Designing Out Crime Officer preceded the submission of the ATP document and Proposed Site Plan listed above, it is noted that the proposals of most relevance (to condition 25 and to minimising the risk of crime and anti-social behaviour) have not substantially changed in these later submissions.

Please be reminded of the ongoing stipulation of condition 25, which states:

No part of the development hereby approved within that part of the site shall be brought into use until the works within that part of the site have been implemented in accordance with the details so approved.

Other matters

Please be reminded that drawings submitted with this Discharge of Conditions application show a site layout that differs to what was approved under permission 2021/90357. A Non-Material Amendment approval would need to be sought for these changes, as there is not a facility for considering them under a Discharge of Conditions application. Alternatively, these changes could be included in a Section 73 application, should such an application be necessary for other reasons.

Report Dated:

13/01/2025
