



Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 12/05/2016

Title of report: Discharge of Condition 24 (Construction Management Plan) – Planning application 2012/90738, Prickledon Mills, Woodhead Road, Holmfirth, HD9 2JU.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by Director & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director - Legal & Governance?	Paul Kemp Assistant Director of Place 29 th April 2016 No Yes Julie Muscroft 29 th April 2016
Cabinet member portfolio	Cllr Steve Hall

Electoral [wards](#) affected: HOLME VALLEY SOUTH

Ward councillors consulted: Cllr N Patrick, Cllr D Firth, Cllr K Sims

Public or private: PUBLIC

1. Purpose of report

- 1.1 The report seeks a resolution from Huddersfield sub-committee over the discharge of condition 24 attached to planning application reference 2012/90738 at Prickledon Mills, Woodhead Road, Holmfirth, HD9 2JU. Members are asked to approve the Construction Management Plan (set out in Paragraph 3.0 of this report) and discharge condition 24.

2. Key points

Background

- 2.1 Prickledon Mills is a former industrial mill with associated mill pond south of Woodhead Road approximately 0.5 km west of Holmfirth centre. The site is accessed from Woodhead Road and Lower Mill Lane and is 1.27 hectares in size. The site has been cleared of the former mill buildings.
- 2.2 A planning application was submitted in March 2012 for the demolition of former industrial mill and erection of 46 age restricted apartments, 2 guest rooms, external residents lounge, managers office, residents and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk.
- 2.3 Huddersfield planning sub-committee heard the application on the 28 August 2012 and resolved to delegate powers to officers for approval subject to conditions. The permission was granted on the 19 December 2014 subject to 24 conditions.
- 2.4 During the application period a number of concerns were raised over the use of Lower Mill Lane by construction traffic. Representations were heard by Huddersfield sub-committee claiming Lower Mill Lane was a quiet residential cul-de-sac. The officers report stated: *“Local residents have raised concerns regarding the use of Lower Mill Lane by construction traffic. This is acknowledged and a construction plan is proposed, details to be agreed, stipulating that construction traffic shall access the site via the existing access off Woodhead Road.”* As a result of these concerns condition 24 imposed a requirement to agree details before development begins: -Condition 24 states:-

“The development authorised by this permission shall not begin until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Plan shall include:

- (i) A schedule for the means of access to the site for demolition/construction traffic*
- (ii) temporary warning and direction signing on the approaches to the site*
- (iii) the routing of demolition/construction traffic to and from the site,*
- (iv) the point of access for demolition/construction traffic, including the loading and unloading of any plant and/or materials*
- (v) details of the times of use of the access*
- (vi) storage of plant and materials used in constructing the development,*

(vii) work programme and/or timescale for the demolition/construction works

(viii) car parking areas for construction workers

(ix) wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt on to the highway

Thereafter the construction arrangements shall be carried out in accordance with the approved method statement throughout the period of construction."

- 2.5 In April 2014 works commenced to demolish the former mill buildings. Prior to these works being carried out, the Local Planning Authority agreed demolition traffic should only use the access from Woodhead Road and the above condition was discharged in part for the demolition phase only.
- 2.6 The site was acquired from the previous applicant by McCarthy and Stone who now wish to proceed with the development of the site. Further submissions have been made to discharge all "pre-development" conditions including a further construction management plan for the construction phase of the development.
- 2.7 In light of the previous concerns raised by local residents on Lower Mill Lane and comments made at the previous sub-committee in 2012 regarding construction access on Lower Mill Lane it is appropriate for sub-committee members to consider the proposed construction management plan.

3.0 The Construction Management Plan

- 3.1 The proposed construction management plan consists of:-
- Revised Plan from PAH Highway Consultants dated 11 Aug 2015
 - Draft Terms of Reference for Local Liaison Group 01 Mar 2016
 - Construction Management Plan Drawing 14036D-06-P02 dated 31 Oct 2014
 - Construction Management Plan supporting information dated 01 Mar 2016
 - Pre-development condition Survey
 - Construction Traffic Routing Plan Drawing 28 Apr 2016
- 3.2 The revised plan notes the access of Woodhead Road is considered unable to take vehicles in excess of 25 tonnes by reason of the stability of the retaining wall and drivers of such vehicles have no option but to utilise the only other access off Lower Mill Lane. They anticipate such vehicle movements will be restricted to a maximum of 61 trips (122 movements to and from the site) throughout a construction phase of 19 months. The vehicle routing is predominately along Huddersfield Road, Woodhead Road although Hollowgate and Lower Mill Lane is also proposed for a limited number of vehicles. The Construction

Management Plan shows on site areas for contractor parking, routing and wheel washing facilities.

- 3.3 The developers propose to mitigate any harm to residents by ensuring deliveries are made by prior appointment (at least 3 days prior to delivery), between the hours of 10am – 3pm, no deliveries on Thursday due to local market. Deliveries will be taken with the aid of a Banksman and a convex mirror provided along Local Mill Lane at the point of narrowing by the apartment block. The remaining construction traffic will use Woodhead Road.
- 3.4 The developers proposed to manage the traffic plan on site and propose a monthly voluntary local resident liaison group to allow communication between the developers, local residents, Kirklees, local ward members and other interested parties. The purpose of the group is to deal with any issues during the construction phase. In addition to the liaison group meeting an email user group will be established for those residents on Lower Mill Lane wishing to participate to alert them of forthcoming planned deliveries.
- 3.5 The construction management plan indicates the location of wheel washing facilities and construction staff welfare facilities on site.

3.6 Consultees

KMC Highways – Acceptable scheme subject to further clarification for on-site contractor parking and details of post development survey of Lower Mill Lane.

KMC Highway Structures – Agree that submitted structural calculations cannot demonstrate access from Woodhead Road is suitable for vehicles over 25 tonnes in weight.

3.7 Representations

Ward Members – consulted via email.

Cllr Patrick comments –

“I received 22 responses to my letter, only one in support of the developers. Some of the residents who responded had attended the meeting with the developer on the 24th February and some felt they had not been given enough information. As you know the developer has gained access to the site via Lower Mill Lane in recent weeks with what residents describe as a rig and that caused problems for some residents. As I write this I do not know if the developer had gained permission from you/ your colleagues or the highways authority to do this. Residents had received a letter from the developer prior to this which suggested the developer was going to gain access but gave no detail. If this is an example of what is planned as part of their mitigation measures then it is my view that there will be little or no controls in place to

protect the residents. I do not see how a residents liaison group will work. The developer will have little control of access once the development has started as contractors, sub contractors and delivery vehicles will gain access via Lower Mill Lane at a pace set by progress of the development not at a pace set by the convenience to residents and businesses. I think your phone will be busy and I will expect enforcement action to be taken. As we have not seen enforcement action in the past I conclude that residents will be put at risk. If you cannot control what happens and you cannot guarantee the safety of the public then your recommendation should be refusal to change the condition..... You suggest the developer has no alternative access, but there is alternative access. The developer can gain access to site via the Younger Homes building site with the aid of a river crossing. Recent contact with the developer would suggest to me that this option has not been considered. So there is another option open to the developers. In any event the developer did not take on this site blind. They have history at this site. They submitted a planning application before Conroy. As I recall they withdrew their planning application. If there were problems gaining access to develop the site then this is something that they should have considered at the outset. It is not the job of the planning authority to assist developers and put residents at risk. Refusal is an option."

Any further comments received from Ward Members after this report is published will be brought to Committee as an update.

Local Residents – Concerns raised during the demolition of existing buildings and the use of Lower Mill Lane for contractors removing Japanese Knotweed from land adjacent to the south bank of the river within the site.

2014/90183 discharge of condition publicity period – 14 objectors raise the following concerns:-

- Children and residents safety on Lower Mill Lane
- Obstructions to residents by HGV's
- Potential damage to river side wall
- Noise
- Subsidence
- Loss of parking at the end of Lower Mill Lane
- Conflict with traffic in "rush hours"
- Mud brought onto Lower Mill Lane

3.8 Assessment

3.8.1 By imposing condition 24 and by virtue of comments made during previous sub-meeting meetings it is clear that officers favoured the access from Woodhead Road as the preferred means of access onto the construction site. This is principally because of Lower Mill Lane consists predominately of residential properties that are accessed from

Hollowgate via Holmfirth Centre. The unrestricted use of Hollowgate and Lower Mill Lane for construction traffic accessing the site is clearly not ideal and an excessive use by large construction vehicles is likely to conflict with local traffic parking and travelling along Lower Mill Lane and Holmfirth Centre.

- 3.8.2 However, the developers raise concern that the Woodhead Road access is retained by a large wall above the adjacent river. The developer's structural engineers have surveyed the retaining wall and the resulting structural assessment indicates that the maximum vehicle weight the Woodhead Road access can accommodate is currently 20 tonnes. Notwithstanding this it is considered the maximum safe operating weight could be increased to 25 tonnes through a continual assessment throughout the construction phase. Under these circumstances and by nature of the large deliveries and plant (e.g. cranes) required for the development, it is evident the use of Woodhead Road access would potentially be unsafe and significantly dangerous should the high retaining wall fail at any point. Consequently, according to the advice of the applicant's structural engineers, to avoid the potential of failure of the retaining wall an alternative means to access the site for large deliveries and plant over 25 tonnes would need to be established.
- 3.8.3 The council's own engineers do not disagree with the findings of the applicants engineers. Council engineers are of the opinion that it is not possible for structural calculations to confirm the access from Woodhead Road would be suitable for vehicles over 25 tonnes. Furthermore they agree that it would be impracticable to strengthen the access by reason of proximity to the existing retaining wall and dwellinghouses.
- 3.8.4 Realistically Lower Mill Lane is the only other means for the developers to access the site directly from a public highway. Without an alternative means of access the developers claim the development of the apartments would be severely hampered to a degree that the deliverability of the project is threatened. The delivery of housing on previously developed land is a key objective of the Council.
- 3.8.5 As no suitable alternative safe access is available the only realistic alternative is to access the site for a limited number of deliveries from Lower Mill Lane which would need to be used if the development is to proceed. It is accepted, however, that the use of Lower Mill Lane for construction traffic will also inevitably cause a degree of disruption and disturbance to the residents of Lower Mill Lane and users of the highway throughout the construction period. Notwithstanding this, however, it is noted that the whole length of Lower Mill Lane carries a traffic regulation order (TRO) restricting vehicle lengths to 33' 0" (approximately 10 metres). It is anticipated a number of the construction vehicles intending to use Lower Mill Lane will exceed this length. Consequently it would be necessary to lift the restriction before

construction vehicles can use the access. The developer is aware of this requirement for a temporary alternation to the TRO.

- 3.8.6 The developers propose to mitigate the harm by reducing the number of movements of large vehicles along Lower Mill Lane to a minimum. As described above “The Plan” proposes a number of additional measures to ensure construction vehicles are properly managed onto and away from the site at appropriate times. This mitigation includes the formation of a resident liaison group meeting to highlight any ongoing concerns or problems with deliveries to the site.
- 3.8.7 The developers have also carried out a pre-development survey of Lower Mill Lane to assess the current condition. It is considered that a post-development survey is also necessary in order to assess any deterioration of Lower Mill Lane that may be attributed to the movement of large construction vehicles. A commitment to carry out a post development survey and any necessary repairs to the highway can be dealt with by way of a section 106.
- 3.8.8 Highway officers have considered the mitigation measures proposed and subject to clarification on where contractors will unload and park when on site the measures are acceptable in terms of minimising disruption to highway users. Highway officers would also require the submission of a post development survey in order to assess any damage caused by construction vehicles.
- 3.8.9 In the opinion of officers, without any appropriate mitigation to manage disruption to local residents, officers would not be able to support any scheme whereby Lower Mill Lane is used. Even with mitigation measures there is potential for large vehicles using Lower Mill Lane to cause a degree of disruption to highway users and residents on Lower Mill Lane. It is acknowledged, however, that such disruption will only be caused throughout the construction phase and mitigation measures to manage the vehicles help minimise harm.
- 3.8.9 It is also of note that the site has planning permission to be developed with a developer keen to implement the works. The wider benefits of a fully developed site including housing delivery and environmental improvements to provide a riverside walk weigh in favour of allowing the scheme to come forward providing it is with minimal disruption throughout the construction phase.
- 3.8.10 Under these circumstances it is key that the proposed mitigation measures provide optimum protection to the local residents and highway users in order to keep any disruption down to a minimum. In the opinion of officers the proposed measures keep vehicle movements down to those that are absolutely necessary and inevitable. The additional offer from the developers to proactively engage with residents and review the plan, if necessary, further provides a means to tackle ongoing issues throughout the construction phase.

- 3.8.11 On balance and notwithstanding any application to lift TRO restrictions, it is considered that the long term planning benefits of a completed housing scheme when implemented together with the suite of measures proposed to minimise the impact of construction works is sufficient to outweigh the short term disruption to local residents living on Lower Mill Lane and others visiting Holmfirth town centre.

4. Implications for the Council

Enforceability

- 4.1 Local residents have previously raised concern over the use of Lower Mill Lane during the demolition phase contrary to previous agreements/assurances made. It was revealed that contractors removing Japanese Knotweed were using Lower Mill Lane to access the land south of the river bank. Whilst this was not in breach of condition since removal of knotweed does not constitute commencement of demolition, local residents legitimately raise the concern that contractors will use the route in any event.
- 4.2 With regard to any scheme to discharge the condition, the developers will be bound to the terms and conditions of the planning permission and any scheme to manage construction traffic. It is envisaged that the formation of the local residents' liaison group will provide a means of communication to manage any concerns raised. A mechanism to ensure the developers are committed to continuing with the resident's liaison group and in order to ensure any necessary repairs are carried out to Lower Mill Lane is likely to be enforced through a section 106 agreement. However should the developers choose to repeatedly deviate from an agreed scheme the local planning authority may consider taking enforcement action requiring the developers to operate within the terms of any agreed scheme of operation.
- 4.3 Before vehicles longer than 33'0" are able to access Lower Mill Lane, a temporary TRO would need to be granted. The administration of the TRO would result in an expense to the Council. It is considered reasonable to require the costs of administering the TRO to be paid by the developer. In the event the TRO is not granted the developers would be required to ensure further construction management details are agreed or amended should there be any other means of access other than from the existing off Woodhead Road.

4. Officer recommendations and reasons

- 4.1 Officers recommend discharging condition 24 (Construction Management Plan) with regard to details in paragraph 3.1 subject to a commitment to carry out a post development survey of Lower Mill Lane; make arrangements to create and engage with a residents' liaison group; and provide a means to cover the costs of a TRO.

5. Next steps

- 5.1 Delegate officers to discharge condition 24 (Construction Management Plan) subject to a commitment, by way of Section 106 agreement, to: carry out a post development survey of Lower Mill Lane; create and engage with a residents liaison group and cover the costs of any TRO.

6. Contact officer and relevant papers

Kevin Walton –Senior Planner –Investment and Regeneration Service
01484 221000– kevin.walton@kirklees.gov.uk

7. Assistant director responsible

Paul Kemp – Place - Investment and Regeneration Service
01484 221000 – paul.kemp@kirklees.gov.uk