

**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:	2020/44/91889/E
Site Address:	Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge condition 20 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions -Approve

**I hereby authorise the approval of this Discharge of Conditions
application for the reasons set out in the officer's report and
recommendation annexed below in respect of the above matter.**

David Wordsworth

AUTHORISED OFFICER

Date: 31-Oct-2022

Application: 2020/44/91889/E

Site: Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

Proposal: Discharge condition 20 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)

Assessment

Condition 20: Offsite Highway Works

20. No more than 17,642m² of floorspace shall be constructed until either:

- a. the highways works on the Bradford Road approach to M62 Junction 26 Chain Bar, as shown in principle on AECOM drawing number 60221630 Rev 5, are approved in writing with Kirklees Council in consultation with Highways England; or*
- a. the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by Highways England.*

Reason: *In the interests of highway safety for all those using the surrounding highway infrastructure and to accord with Policy T10 of the Kirklees Unitary Development Plan, PLP21 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.*

Option b is not being progressed, as it is no longer a priority for National Highways (formally Highways England) as set out in their latest Road Investment Strategy.

The applicant has been in prolonged negotiations with the Council's S278 department and National Highways regarding option a. An agreed scheme has finally been reached between all the parties. While it is yet to received full S278 consent, this is due to final discussions on costing and bonds. The plans themselves are acceptable, which is considered sufficient to discharge condition 20. There are no objections from K.C. Highways or National Highways.

Condition 21 (not applied to be discharged here) controls the implementation of the works.

Officers therefore recommend that condition 20 be discharged. A note is however recommended which states that, should the plans materially change, a fresh discharge of condition application will be required.

Public representations

Discharge of condition applications are not advertised. However, one public representation has been received. The following is a summary of the comments received:

- Objection to the development of the site.
- Heavy traffic turns from Bradford Road onto Mill Carr Hill; the access on Cliff Hollins Lane is 'total dangerous and unwanted in this area'.
- The traffic is close to a school.
- Cliff Hollins is a country lane, and not suitable for HGVs and heavy traffic.

Response: The above comments are noted, but not deemed material to this application. This application is a discharge of condition relating specifically to the technical details of the Bradford Road / J26 Chain Bar roundabout junction. The comments are beyond the scope of this application.

Recommendation: Approve Discharge of Condition

Report Dated: 27.10.2022

Proposed Letter Text

Condition 20: Offsite Highway Works

Condition 20 requires one of two options to be progressed. You have progressed 20a., with the following plans submitted:

- AMA/20804/D/001 Rev. J
- AMA/20804/D/002 Rev. E
- AMA/20804/D/003 Rev. E
- AMA/20804/D/004 Rev. I
- AMA/20804/D/005 Rev. E
- AMA/20804/D/006 Rev. G
- AMA/20804/D/007 Rev. D
- AMA/20804/D/008 Rev. M
- AMA/20804/D/009 Rev. J
- AMA/20804/D/010 Rev. I
- AMA/20804/D/011 Rev. E
- AMA/20804/D/012 Rev. D
- AMA/20804/D/013 Rev. D
- AMA/20804/D/014 Rev. E
- AMA/20804/D/015 Rev. E
- AMA/20804/D/016 Rev. B
- AMA/20804/D/020 Rev. B
- AMA/20804/SPA/001 Rev. E

I can confirm that the submitted details are acceptable for the purpose of condition 20. For the avoidance of doubt a S278 agreement remains necessary.

If material changes are made to the above plans, a fresh Discharge of Condition application for condition 20 will be required.

You are reminded of the requirements of condition 21 on application 2016/92298, which stipulates that the hereby approved details must be implemented prior to occupation over the given floorspace.