

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:	2020/44/93650/E
Site Address:	Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET
Description:	Discharge of condition 3 (access road), condition 4 (internal estate road) and condition 5 (landscape works) of previous reserved matters permission 2020/91488 pursuant to outline application 2016/92298 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 Condition – 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: 10-Aug-2023

Application: 2020/44/93650/E

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

Proposal: Discharge of condition 3 (access road), condition 4 (internal estate road) and condition 5 (landscape works) of previous reserved matters permission 2020/91488 pursuant to outline application 2016/92298 for re-development of former wastewater treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)

Overview

Approvals pursuant to conditions 3 and 5 have been previously issued via the letter dated 03/04/2023.

At that time an approval pursuant to condition 4 was not considered to be possible.

This further report relates to condition 4 only.

Assessment

Condition 4 (internal estate road)

4. No construction of the access road shall take place until a scheme detailing the proposed internal adoptable estate road approved as part of Phase 1 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following:

- a) Full sections (long and cross);*
- b) Drainage works;*
- c) Street lighting;*
- d) Signing*
- e) Surface finishes*
- f) Speed reducing features*
- g) Construction specifications;*
- h) White lining*
- i) Treatment of sight lines*
- j) Independent safety audits covering all aspects of the highway works;*
- k) Details (long and cross-sections) of the relationship of the access road to the Public Right of Way along the entrance to the site as well as drainage measures for the PROW*

The development shall be completed in accordance with the approved scheme before any building on site is brought into use and retained thereafter.

Reason: To ensure that suitable access is available for the development.

The applicant has been in prolonged negotiations with the council's Section 38 team regarding the design and specifications of the road. However, during this process the applicant has commenced construction, in breach of the condition. The access road is now substantially complete.

The Local Highway Authority had numerous concerns over the safety of the road, as originally constructed. This included, but was not limited to, issues of surface finish, speed reducing features, and construction specifications. These issues raised fundamental concerns over the safety of the road.

The applicant and the Local Highway Authority have worked together to attempt to overcome these issues, to result in a road deemed safe. Updated plans that would correct issues and/or add safety elements have been agreed. It has been concluded that the latest plans would result in an acceptable road that would not prejudice highway safety.

Notwithstanding this, the works have been undertaken in such a way that Section 38 adoption cannot occur without substantial remediation / reconstruction works. Issue preventing adoption include unacceptable details relating to:

- Style of lighting
- Proximity to high pressure gas main
- Concrete protection of slab over Yorkshire Water culvert
- Drainage discharge point

While it is accepted that the road falls below the set standard of adoption, officers and K.C. Highways Development Management are satisfied that points 4(a) - 4(k) have been adequately addressed in accordance with the expectations of the condition and for planning purposes. While it is accepted that the road is not to an adoptable standard, on balance the proposal would ensure safe and reasonable highway access arrangements. Therefore, the design has reached a stage where an approval pursuant to the condition may be issued.

A note clearly stating that this decision relates solely to planning (and should not be misconstrued to have any bearing on the Section 38 and adoption process) is recommended.

Recommendation: Approve details pursuant to condition 4.

Report Dated: 09/08/2023.

Proposed Letter Text

You have submitted the following plans pursuant to condition 4:

- 90501 Rev. P08
- 90503 Rev. P06
- 95072 Rev. P09
- 95073 Rev. P08
- 95074 Rev. P08
- 95075 Rev. P05
- 95076 Rev. P01
- 95100 Rev. P11
- 95101 Rev. P15
- 95102 Rev. P15
- 95103 Rev. P15
- 95201 Rev. P10
- 95202 Rev. P10
- 95203 Rev. P08
- 95204 Rev. P05
- 95205 Rev. P04
- 95301 Rev. P12
- 95302 Rev. P10
- 95303 Rev. P10
- 95310 Rev. P05
- 95311 Rev. P04
- 95312 Rev. P04
- 95313 Rev. P04
- 95321 Rev. P04
- 95322 Rev. P03
- 95323 Rev. P03
- 95324 Rev. P02
- 95331 Rev. P04
- 95332 Rev. P04
- 95401 Rev. P13
- 95402 Rev. P01
- 95501 Rev. P06
- 95502 Rev. P05
- 95511 Rev. P17
- 95512 Rev. P16
- 95513 Rev. P08
- 95514 Rev. P03
- 95517 Rev. P01
- 95601 Rev. P09
- 95701 Rev. P11
- 95702 Rev. P11
- 95703 Rev. P13
- 95901 Rev. P09
- 95902 Rev. P10
- 95903 Rev. P11
- 95904 Rev. P04

- 95905 Rev. P02
- 95906 Rev. P01

Condition 4 requires details of the proposed internal adoptable (officer emphasis) estate road. For the avoidance of doubt, the submitted details do not meet the council's adoption requirements.

Notwithstanding the above, the submitted details pursuant to criteria 4(a) - 4(k) of condition 4 are considered acceptable for planning purposes (only). The details proposed would deliver a sufficiently safe highway arrangement.

Accordingly, it is concluded that the submitted details are acceptable for the initial purpose of condition 4. However, be aware that condition 4 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be completed in accordance with the approved scheme before any building on site is brought into use and retained thereafter.

Note: For the avoidance of doubt, this approval relates to the planning process only. It is reiterated that the submitted details have been assessed and concluded to be inadequate for adoption purposes. This approval pursuant to condition 4 should not be misconstrued as formal acceptance, nor is any formal acceptance intended, under the Section 38 of the Highway Act 1980 (as amended) process.