# 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 Conditions – Split Decision**

**I hereby authorise the split decision 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-Apr-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 permission 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)

**Assessment**

<u>Condition 3 (access road)</u>

> *3. No construction of the access road shall take place until final details of the new junction with Cliff Hollins Lane and associated highway works (including the relationship to the Public Right of Way) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:*
>
> *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 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 works have received Section 278 consent and been partly implemented. With Section 278 approval in place, officers offer no objection to the discharge of condition 3.

Note, the S278 relates to a ‘phase 1’ and ‘phase 2’. It has been confirmed that ‘phase 1’ relates to the access pursuant to condition 3.

<u>Condition 4 (internal estate road)</u>

*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 is still in detailed negotiations with K.C. Highways (Section 38 team). Based on the details submitted to date, condition 4 cannot be discharged. Negotiations are ongoing.

<u>Condition 5 (landscape works)</u>

*5. Notwithstanding the approved plans, prior to any soft planting commencing, full details of soft landscape works, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The details of the soft landscape works shall include:*

*(a) Final planting plans;*
*(b) Written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and*
*(c) Schedules of plants noting species, planting sizes and proposed numbers/densities.*

*All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.*

***Reason**: To ensure the provision and establishment of an acceptable finalised landscape scheme in broad accordance with the overall plan and schedule submitted with the application.*

The submitted details have been reviewed by officers and are considered acceptable, in compliance with the requirements of the condition. Officers therefore recommend approval.

**Summary**

Conditions 3 and 5 – approve details.

Condition 4 – cannot be discharged at this time.

**Recommendation:** Issue Split Decision

**Report Dated:** 30/03/2023.

**Proposed Letter Text**

<u>Condition 3 (access road)</u>

The access works have received approval via a Section 278 agreement, dated 06/01/2023. The Section 278 agreement includes a comprehensive list of the approved plans in Schedule 2, with phase 1 relating to the access pursuant to condition 3. The following plans are relevant:

- L004-CUR-P1-ZZ-DR-C-95001-P04-S278 Phase 1 – General Arrangements
- L004-CUR-P1-ZZ-DR-C-95002-P04-S278 Phase 1 – Junction Vehicle Tracking
- L004-CUR-P1-ZZ-DR-C-95003-P04-S278 Phase 1 – Refuse Vehicle Tracking
- 065646-CUR-ZZ-ZZ-DR-C-95012.1-P01-S278 Phase 1 – Dedication Plan
- 065646-CUR-ZZ-ZZ-DR-C-95013.1-P01-S278 Phase 1 – Site Clearance
- 065646-CUR-ZZ-ZZ-DR-C-95014.1-P01-S278 Phase 1 – Pavement Construction
- 065646-CUR-ZZ-ZZ-DR-C-95015.1-P01-S278 Phase 1 – Full Pavement Construction
- 065646-CUR-ZZ-ZZ-DR-C-95021.1-P01-S278 Phase 1 – Long sections Sheet 1
- 065646-CUR-ZZ-ZZ-DR-C-95022.1-P01-S278 Phase 1 – Long sections Sheet 2
- 065646-CUR-ZZ-ZZ-DR-C-95023.1-P01-S278 Phase 1 – Long sections Sheet 3

- 065646-CUR-ZZ-ZZ-DR-C-95041.1-P01-S278 Phase 1 – Construction details sheet
- 065646-CUR-ZZ-ZZ-DR-C-95051.1-P01-S278 Phase 1 – Drainage Layout
- 065646-CUR-ZZ-ZZ-DR-C-95061.1-P01-S278 Phase 1 – Kerbing
- L004-CUR-P1-ZZ-DR-C-95071-P06-S278 Phase 1 – road makings and signs

The approved Section 278 agreement and the approved plans, as listed above, are sufficient to meet the initial requirement of condition 3. However, be aware that condition 3 has the following ongoing requirement, which must be adhered to, to ensuring ingoing compliance:

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

<u>Condition 4 (internal estate road)</u>

The submitted details are insufficient to enable discharge of condition 4 at this time. Negotiations are ongoing between the applicant and K.C. Highways (Section 38 team).

For the avoidance of doubt, condition 4 is not hereby discharged.

<u>Condition 5 (landscape works)</u>

You have submitted the following details pursuant to condition 5:

- Plan ref: 798/LA2H
- Document titled Soft Landscape Specification
- Document titled Planting Schedule

The submitted details are sufficient to meet the initial requirement of condition 5. However, be aware that condition 5 has the following ongoing requirement, which must be adhered to, to ensuring ingoing compliance:

> *All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.*

Note that this approval relates to condition 5 of application 2020/91488, only. Negotiations are ongoing in relation to the Public Right of Way SPE/21/20 which is subject to conditions imposed on the original outline application.