



Ms. K Mansell
Kirklees Council
Planning Department
Civic Centre 3
Market Street
Huddersfield
West Yorkshire
HD1 1WG

Our Ref: 62262304-001

29 April 2021

Dear Kate,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
NON-MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 20 OF PLANNING
PERMISSION REF: 2016/60/92298/E
FORMER NORTH BIERLEY WASTE WATER TREATMENT WORKS, OAKENSHAW, BD12 7ET
PLANNING PORTAL REF: PP- 09782863**

On behalf of our client, Interchange 26 LLP, please find enclosed a non-material amendment application to vary Condition 20 of outline permission ref: 2016/60/92298/E.

The outline permission relates to the re-development of a former waste water treatment works, to accommodate employment development. Since the approval of the outline application, the planning process has significantly progressed on the site, with the approval of reserved matters being granted for Phase 1 (the access road and development plateaus) and Phase 2 (the first development plot to be delivered). Various conditions attached to the outline consent have also been discharged.

This application seeks a minor, non-material change to vary the wording of Condition 20, to enable the development of the site to progress.

This cover letter supports the completed application form and ownership certificates submitted via the Planning portal. The application fee of £234 for a non-material amendment application has been paid online.

Background

Planning permission was granted 25th October 2018 for the following:

"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)" (ref: 2016/60/92298/E).

The permission is subject to various conditions, including Condition 20 which limits the floorspace that can be constructed to 17,642sqm, prior to certain highways works taking place on the roads in proximity to the site. Condition 21 prevents over 17,642sqm of floorspace from being occupied until those works have been implemented. The conditions were attached to the consent as a result of consultation responses received from Highways England (HE) during the course of the application.

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However, HE have now confirmed that they no longer require the works required by Conditions 20 and 21 to be undertaken and a formal letter is expected from them soon which confirms this. Therefore, in order to regularise this matter, the applicant will be preparing and submitting an application under Section 73 to remove both Conditions 20 and 21 from the outline planning permission, upon receipt of the HE letter. The application will be submitted on the basis that the conditions no longer meet the tests for a condition, because they are no longer necessary (Paragraph 55 of the National Planning Policy Framework (2019)).

However, the development of Phase 2 would exceed the floorspace threshold set out in Condition 20. Therefore, as currently worded, Condition 20 would need to be satisfied before Phase 2 could be constructed in full. As such, to prevent delays to the development of Phase 2, this application seeks to amend Condition 20 to become a pre-occupation condition, which will enable development to progress ahead of the conditions being removed.

Proposed Amendments

The proposed amendment seeks to vary Condition 20, to change the trigger for the requirement for the condition to be discharged from prior to construction, to prior to occupation. This will avoid any potential delays that could otherwise be caused to the development of Phase 2 as a result of HE no longer requiring the relevant highway works to be completed.

EXISTING WORDING OF CONDITION 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*
- b) 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".

AMENDMENT TO WORDING OF CONDITION 20

The proposed amendment to this condition is clarified below:

"No more than 17,642m² of floorspace shall be ~~constructed~~ occupied 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*
- b) 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”.

Conclusion

This application seeks to vary Condition 20 of planning permission ref: 2016/60/92298/E to prevent potential delays to the development of Phase 2.

The proposed change does not affect the principle of the development or the nature or overall scale of the consented scheme. On this basis, we consider that the change can be regularised under this non-material amendment application.

We understand that this application does not require formal consultation to be undertaken with any statutory consultees and therefore we would appreciate if it could be determined as quickly as possible. Shortly after the submission of this application, upon receipt of the letter form HE, a Section 73 application seeking to remove Conditions 20 and 21 will be submitted.

I trust the application can be validated and progressed accordingly. However, if you require any further information, please do not hesitate to contact me.

Yours sincerely,

Fraser Dann
Senior Planner

Encl : As noted above.