

**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:	2021/44/94639/E
Site Address:	Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge of condition 19 (Public Right of Way) of previous outline permission 2016/92298 for redevelopment 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: 20-Jul-2023

Application: 2021/44/94639/E

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

Proposal: Discharge of condition 19 (Public Right of Way) of previous outline permission 2016/92298 for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)

Assessment

Condition 19 (Public Right of Way)

19. Detailed plans and particulars of the reserved matters (layout & landscape) for the first phase pursuant to conditions nos. 1, 2 and 5 shall include details for the treatment and enhancement of existing public right of way no. SPE/21/20, crossing the site. No part of the development shall be brought into use until the approved works comprising the approved scheme have been completed.

Reason: *For the convenience of all those using the public right of way and to accord with Policy R13 of the Kirklees Unitary Development Plan, Policies PLP23 and 31 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.*

Note: the above wording is as per NMA 2020/91436. The NMA changed the wording of the condition (and other conditions) by including reference to phasing. For condition 19, the words '*for the first phase*' which were not present in the original version of the condition were added.

The condition states that the details should be provided with the first phase's reserved matters. The first phase of development was applied for via reserved matters application 2020/91488. Details of the PROW were submitted at that time, as expected by the condition. However, officers concluded that insufficient detail had been submitted to discharge the condition as part of the Reserved Matters application, with officers stating sections of the PROW and clarification of the drainage arrangements were required. It was therefore agreed between officers and the applicant, and noted to members of the committee, that a separate discharge of condition application would be required.

The originally-submitted details were discussed at length between planning officers, K.C. PROW, and the applicant. Initial concerns related to the level of detail submitted, which was not materially different to that provided as part of reserved matters application 2020/91488. These concerns were put to the applicant. The applicant looked to address the issues raised and the latest plans have been considered by planning officers and K.C. PROW.

The PROW is the site's former main access for vehicles and has a recorded width of 2.0m, although the original road is wider than this. Due to the route and proximity of the site's new access road, for 90m the width of the current road is

to be reduced to facilitate the road's batter. This includes a circa 30m section where the width of the PROW would be 1.8m, below the 2.0m recorded width. Section plans of this arrangement have been provided. The need for this has been justified by the applicant on engineering grounds to facilitate the delivery of the new access road.

The existing surfacing of the PROW (tarmac) is to be retained. Most of the PROW's length would become a pedestrian area, although the eastern section would be retained as vehicle-accessible, with a new access from the new highway, to provide access to the Yorkshire Water compound (as per the approved layout). Bollards are proposed on each end of the pedestrian section to prevent vehicle access. Drainage is to be via gullies along the 90m where the road impedes, with soakaways elsewhere. A sitewide drainage strategy has been approved by the LLFA as part of separate discharge of condition applications.

The existing fence line along the north of the PROW is to be retained, with a post and rail fence (shown within the supporting document) provided along the south side.

Part way along the original route, the PROW would diverge, outside of the application's red-line, and would cross into neighbouring fields with vegetation clearance works and updated fencing / gates proposed along the length.

Based on the latest version of the plans, K.C. PROW do not object to the proposal. Planning officers also accept the details provided. Planning officers therefore recommend that the details be approved.

Recommendation: Approve details.

Report Dated: 19/07/2023

Proposed Letter Text

Condition 19 (Public Right of Way)

You have submitted the following details pursuant to condition 19:

- Plan ref: 1856 PL 159 rev C
- Plan ref: 065646 CUR ZZ ZZ DR C 90501 P08
- Plan ref: 065646 CUR ZZ ZZ DR C 90503 P06
- Plan ref: 798/LA2H
- Document titled INTERCHANGE 26 – PHASE 1
- Email dated 17/07/2023, regarding drainage and bollards

The submitted details are considered acceptable for the initial purpose of condition 19. For the avoidance of doubt this includes (but is not limited to) the provision of bollards, which is not specifically noted within plan ref: 798/LA2H

but is clearly shown on plan ref: 1856 PL 159 rev C and detailed within the email dated 17/07/2023.

Notwithstanding the above, be aware that condition 19 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

No part of the development shall be brought into use until the approved works comprising the approved scheme have been completed.