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:	**2023/44/91792/E**
Site Address:	Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET
Description:	Discharge of condition 3 (materials) of previous Reserved Matters approval 2021/94061 pursuant to outline permission 2022/91849 for variation of condition 21 (highways and occupation) of previous permission 2021/94060 for variation of condition 32 on previous 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) to include the discharge of conditions 17 (site investigations), 29 (noise attenuation) and 31 (electric vehicle charging points)
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: 26-Jun-2023

Application: 2023/91792

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

Proposal: Discharge of condition 3 (materials) of previous Reserved Matters approval 2021/94061 pursuant to outline permission 2022/91849 for variation of condition 21 (highways and occupation) of previous permission 2021/94060 for variation of condition 32 on previous 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) to include the discharge of conditions 17 (site investigations), 29 (noise attenuation) and 31 (electric vehicle charging points) has been delegated to you.

Assessment

<u>Condition 3 (materials)</u>

> *3. No above ground building works shall take place until samples (manufacturing details) of all external cladding and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed from the approved materials.*
> ***Reason**: To ensure good design and in the interests of visual amenity.*

The original outline application approved the erection of several commercial buildings on the site. The subsequent reserved matters applications were submitted as separate parcels, each relating to one or two buildings. Each reserved matter application has a similar condition relating to materials for the respective building.

The applicant has provided a material schedule and confirmed that the proposed materials are the same as those used to build two existing units on site (those approved via reserved matters application 2021/91932). Officers have inspected the materials on site, as used on the two buildings, and consider them to be acceptable.

Notwithstanding the above, it should be noted that application 2021/91932 included a condition for material samples to be approved. The applicant has built the buildings without discharging the condition. Therefore, the materials viewed on site have not been approved separately. During this application, officers made the applicant aware of this, and a DOC (ref. 2023/91865) has been submitted the normalise the breach in planning control, although this application has not been determined at the time of this assessment.

While this situation is noted, it does not invalidate officers' assessment of this application or officers' conclusion that the details provided, and the materials viewed on site, are acceptable.

Recommendation: Approve Discharge of Condition

Report Dated: 23/06/2023

Proposed Letter Text

You have submitted the plan ‘2147 PL 120 - SAMPLES OF EXTERNAL MATERIALS’, which relates to ‘CLECKHEATON (PLOT B/UNIT 3)’.

I can confirm that the submitted details are acceptable for the initial purpose of condition 3. However, be aware that condition 3 has the following ongoing requirment, which must be adhered to, to ensure ongoing compliance with the condition:

> *The development shall then be constructed from the approved materials.*