

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91835/E
Site Address:	Cliff Hollins Lane, East Bierley, BD12 7ET
Description:	Use of land to provide access and landscaping to adjacent approved warehouse building.
Recommending Officer:	Nick Hirst

DECISION – Full Conditional Permission – 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: 14/02/2025

Application: 2023/91835

Site: Cliff Hollins Lane, East Bierley, BD12 7ET

Proposal: Use of land to provide access and landscaping to adjacent approved warehouse building

Site Description

The former North Bierley Waste Water Treatment Plant and adjacent land has, since circa 2022, been re-developed via application 2016/92298 (and associated reserved matter applications) into a commercial area hosting several large commercial buildings, built across four phases, accessed via a new road running roughly through the centre of the site.

This application relates to land adjoining the new road and the final phase (phase 4), approved via application 2021/94061. The new road is to the west of the site, phase 4 is to the south. To the east is a compound retained by Yorkshire Water and to the north is open space.

At the time of submission, the site was part of, and adjacent to, an active construction zone.

Description of Proposal

Reserved matters application 2021/94061 approved phase 4 of the outline permission 2016/92298. The phase 4 site included a single point of access, via the central road, which split into parking to the north and HGV access/servicing to the south.

This proposal seeks to provide a second access from the new road, straight into the approved (but not yet implemented) staff / visitor car park of the phase 4 building. This would allow the original access to be dedicated for HGV use only.

The road would include a 2m wide footway along the north / east edge. A 2.4m paladin fence would tie into and extend the matching boundary treatment around the extent of the phase 4 site. Soft landscaping is proposed and would likewise tie into the landscaping strategy of 2021/94061.

Relevant Planning History

Application Site

2016/92298: Outline application for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Granted.

2020/91488: Reserved matters application pursuant to outline permission 2016/92298 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) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 29 (Noise attenuation) and 31 (Electric vehicle charging points) – Granted.

2020/91807: Reserved matters application pursuant to Phase 2 of outline permission no. 2016/92298 (as amended by NMA 2020/91436) for the re-development of the former wastewater treatment works following demolition of existing structures to provide employment uses (Use classes B1(c), B2 and B8) to include the discharge of Condition 6 (BEMP), Condition 9 (Lighting design strategy), Condition 17 (Site investigations), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 2 – Granted.

2021/90893: Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – Granted.

2021/91932: Reserved matters application 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) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points) – Granted.

2021/94060: Variation of condition 32 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) – Granted.

2021/94061: Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for variation condition 32 on previous permission 2016/92298 for 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) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points) – Granted.

2022/91849: Variation of condition 21 (highways and occupation) of previous permission 2021/94060 for variation of condition 32 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) – Granted.

Surrounding Area

Former North Bierley Waste Water Treatment Works (south section)

2021/94208: Outline application for redevelopment of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) – Granted.

History of Negotiations

K.C. Highways Development Management objected to the proposal due to the access road's specifications being substandard and unsafe. Feedback was provided to the applicant, with revisions being provided and reviewed. Based on the final submission, K.C. Highways Development Management have confirmed no objection.

Representations

Final publicity date expired: 10/08/2023

The application has been advertised via site notices and through neighbour letters sent to properties bordering the site, along with being advertised within a local newspaper (due to being adjacent to a Public Right of Way). This is in line with the council's adopted Statement of Community Involvement

No public representations were received in response to the proposal.

Planning Policy

Kirklees Local Plan (KLP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The proposed development is located within Employment Allocation ref ES7 on the LP Policies Map. The route of access, to the adopted highway, is within the Green Belt.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

- **LP64** – Employment allocations

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Supplementary Planning Documents

- Highway Design Guide SPD (2019)

Guidance documents

- Planning Applications Climate Change Guidance (2021)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Consultation Responses

K.C. Highways Development Management – Initially objected to the proposal due to the proposed access road's specifications being substandard and unsafe. Feedback from K.C. Highways Development Management was provided to the applicant, with various revisions being provided and reviewed.

Based on the final submission, which included a Road Safety Audit, K.C. Highways Development Management have confirmed no objection, subject to conditions being imposed.

Assessment

The site is within an Employment Allocation (ES7). Developments within such allocations are subject to Local Plan policy LP64, which states:

Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

Proposals for office use on these allocations, that are not considered as ancillary would need to comply with Policy LP13 of the Local Plan.

The 'development principles' relevant to allocation ES7 are strategic considerations which establish constraints associated with the complex re-development of the 14ha site. Given the minor scope and impact of the proposed works, officers are satisfied that the development would not prejudice the identified 'development principles'. The proposal would support the applicant's development ambitions. The proposal is deemed to comply with the expectations of allocation ES7 and policy LP64 overall.

The development is accessed via a road within the Green Belt, however the new road would not itself be within the Green Belt. As a small new road linking a larger road to a car park, the proposal would not directly affect the openness of the adjacent Green Belt and, as an additional access road to a previously approved structure, there would be no indirect impact (i.e., traffic movement) generated by the proposal.

The proposed access road would be a utilitarian feature within a commercial estate. A gate is proposed set back into the site, with fencing to provide a secure compound. Fencing around the site, and a gate at the original access (per 2021/94061), has previously been approved. Such features around large commercial sites are typical and are not out of character. Overall, the proposed works are limited in scale and scope and are considered acceptable in design terms.

The site is distant from third party dwellings and would not harm any residents' amenity.

In terms of highway impacts, the proposal would allow the structure approved via application 2021/94061 to have separate accesses for staff and HGVs. While this was not considered necessary by the LPA as part of 2021/94061, its inclusion now is considered acceptable. As noted above, the proposed development would not in itself generate additional traffic and therefore would not adversely affect the local highway network.

Regarding the design specifications of the proposal, following prolonged negotiations, K.C. Highways Development Management have concluded the final set of plans are acceptable and would not harm the safe operation of the highway. This is subject to the following conditions being imposed:

- Road to be appropriately laid out and surfaced prior to use, to prevent surface water discharge onto the highway; and
- Road to be built in accordance with the approved details.

K.C. Highways Development Management have also requested that a note be included in the decision notice, reminding the applicant that the granting of planning permission does not authorise works within the highway, for which separate approvals may be required.

Given the scope and nature of the proposal, no other material planning considerations, such as ecology or drainage (beyond K.C. Highway Development Management's requested condition for surfacing), are considered to be affected by the proposal.

Other matters

Extent of this permission

This application relates to works within the red-line boundary only. The submitted plans show alterations to the approved car parking layout of the phase 4 building (via 2021/94061), including alterations that would be necessary to connect this proposal's road into the car park. Any such alterations outside of the site's red-line boundary would need to be subject to their own permission, such as (without prejudice to any future assessment) a Section 73 or Section 96A application amending permission 2021/94061. This would be the responsibility of the applicant to resolve.

A note setting the above out is recommended to be included in the council's decision notice.

Representations

No representations were received.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Application Number: 2023/91835

Decision Authorisation: Delegated Powers

Officer Recommendation: Approve subject to conditions

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The access shall be constructed in accordance with the preliminary design shown on the approved plan AMA-22892-ENG-01 rev P06, and shall be fully constructed and made operational prior to first use. Thereafter, the development shall be so retained.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety, to comply with Policy LP21 of the Kirklees Local Plan.

4. The hereby approved development shall not be brought into use until all areas and associated features shown on the approved plans that are to be used by vehicles and pedestrians, including roads, footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway. Thereafter, the development shall be so retained.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety, to comply with Policy LP21 of the Kirklees Local Plan.

Note: This application relates to works within the application site's red-line boundary only. The submitted plans show alterations to the approved car parking layout of the 'phase 4 building' (approved via 2021/94061), including alterations that would be necessary to connect this proposal's road into the car park. Any such alterations outside of the application site's red-line boundary would need to be subject to their own permission, such as (without prejudice to any future assessment) a Section 73 or Section 96A application amending permission 2021/94061. Failure to do so may result in a breach of planning control. This is the responsibility of the applicant to address.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	2147 PL 125	rev A	27/06/2023
Block Plan	2147 PL 126	rev H	31/01/2025
Block Plan	2147 PL 127	rev F	31/01/2025
Block Plan	AMA-22892-ENG-01	rev P06	31/01/2025
Block Plan	AMA-22892-ENG-02	rev P04	25/09/2025
Block Plan	AMA-22892-ENG-03	rev P03	25/09/2025
Block Plan	AMA-22892-ENG-04	rev P01	25/09/2025
Supporting Information	Road safety audit response report		28/01/2025
Supporting Information	Road Safety Audit Decision Log		28/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 13/02/2025