

**Consultation Response from KC,
Highways Development Management**
2021/90378 Heathfield Lane, Birkenshaw, BD11 2HW
Discharge conditions 5 and 7 on previous permission 2018/92812 for removal of condition 8c (acoustic fence) on previous permission 2017/94318 for variation of condition 2 (plans) on previous permission 2017/92103 for variation of condition 2 (plans) on previous application 2016/92633 for erection of 125 dwellings (with two apartment blocks) including means of access and associated infrastructure
**Date Responded:
12/05/2021**
**Responding Officer:
Ryan Kinder**
**Responding Ref:
K8-10NW/14**

2021/90378 Heathfield Lane, Birkenshaw

Highway Development Management's (HDM) comments for the above application as follows:

Application for discharge of condition 5 and 7 on previous permission 2018/92812

Condition 5. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes, the treatment of sight lines, together with an independent safety audit covering all aspects of work and details of the proposed link to the existing bridleway including methods of how it will be secured for public use. The development shall be completed in accordance with the approved details before occupation of any dwelling and retained as such thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout to ensure that suitable access is available for the development and all this using it, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice in the National Planning Policy Framework. The submitted dwg (ref 2019/263/01) dated 16 Aug 19 details the access retaining walls, the retaining wall element is located far enough away from Stoney Bank Lane to not be considered a highway retaining wall, as such is considered acceptable.

The applicant has entered into a section 38 agreement with the Council, the proposed internal estate roads will be adopted, as such the required information to discharge condition 5 has been received and can be discharged accordingly.

Condition 7. Details of the siting and cross sectional information together with the proposed design and construction details for all new retaining walls/structures abutting to existing and proposed highways shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved dwellings shall only be occupied on completion of the retaining structures/walls in accordance with the approved details or in accordance with an alternative timescale/phasing agreed in writing by the Local Planning Authority. The completed structures shall be retained as such thereafter.

Reason: To ensure that new structures do not compromise the stability of the highway and in the interest of highway and pedestrian safety, in accordance with the requirements of Policy LP21 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Technical approval for the design of the retaining structures on this site has been completed, as such condition 7 can be discharged, it should be noted that a commuted sum will be payable for retaining and small walls on this site.

HDM consider the information provided acceptable, conditions 5 and 7 can be discharged as required.