

**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:	2022/44/91235/E
Site Address:	Land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ
Description:	Discharge Condition 15 (Retaining Walls) on previous permission 2020/90450 (APP/Z4718/W/21/3285518) for erection of restaurant with drive-thru, car parking, landscaping, play frame, customer order displays and associated works
Recommending Officer:	Craig Hewitt

DECISION – APPROVE DISCHARGE OF CONDITION 15

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Jan-2023

Application: 2022/91235

Site: Land At, Owl Lane/John Ormsby VC Way, Shaw Cross, Dewsbury, WF12 7RQ

Proposal: Discharge Condition 15 (Retaining Walls) on previous permission 2020/90450

Assessment

Condition 15 (Retaining Walls)

The below condition was applied by the Inspector upon allowing the appeal against the refusal of planning permission applied for under 2020/90450:

Condition 15 – Retaining Walls

15. Prior to the construction of any retaining walls or embankments at the site, full details of these including cross sectional drawings shall be submitted to and approved in writing by the local planning authority. The approved walls and embankments shall be installed prior to the first use of the development hereby approved and shall thereafter be maintained.

Assessment:

The following were submitted on 7th April 2022:

- Proposed Site Sections Plan
- Proposed Site Sections

KC Highways Development Management commented that “the Highways Structures Section confirm that the design of proposed retaining walls adjacent to the highway will be liable to a formal technical approval. Structures are in contact with the applicants’ consultants regarding this matter. This condition should not therefore be discharged.”

The following were subsequently submitted on 8th November 2022:

- Proposed Retaining Walls Sections
- Proposed Finishes
- Traffic Management Plan

KC Highways Development Management commented that “the Highways Structures Section confirm that they are still awaiting the submission of satisfactory “Design & Check Certificates” for the proposed retaining/burr walls at this site. This condition should not therefore be discharged.”

The following were subsequently submitted on 2nd December 2022:

- CAT1 Structural Calculations - Leeds Road Retaining Walls
- CAT1 Structural Calculations – John Ormsby VC Way Retaining Walls
- Typical Burr Wall John Ormsby VC Way
- Design & Check Certificate for John Ormsby VC Way

- Design & Check Certificate for Leeds Road

KC Highways Structures Section subsequently commented that the Design & Check certificates were not valid.

The following were subsequently submitted on 13th December 2022:

- Design & Check Certificate for John Ormsby VC Way
- Design & Check Certificate for Leeds Road

The submitted Design & Check Certificates were subsequently approved by KC Highways Structures Section and the technical approval process was concluded. KC Highways Development Management have confirmed on 18th January 2023 that they have no further objection to the discharge of Condition 15. It is therefore recommended that the condition be discharged.

Recommendation: Discharge condition.

Report Dated: 19/01/2023

Decision notice text

Condition 15 (Retaining Walls)

The following have been submitted;

- Proposed Site Sections Plan (7th April 2022)
- Proposed Site Sections (7th April 2022)
- Proposed Retaining Walls Sections (8th November 2022)
- Proposed Finishes (8th November 2022)
- Traffic Management Plan (8th November 2022)
- CAT1 Structural Calculations - Leeds Road Retaining Walls (2nd December 2022)
- CAT1 Structural Calculations – John Ormsby VC Way Retaining Walls (2nd December 2022)
- Typical Burr Wall John Ormsby VC Way (2nd December 2022)
- Design & Check Certificate for John Ormsby VC Way (13th December 2022)
- Design & Check Certificate for Leeds Road (13th December 2022)

The submitted documents and Design & Check Certificates are considered to be appropriate for the development, and are therefore approved. The condition is hereby discharged.

Report Dated: 19/01/2023

