

**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:	2023/44/91942/W
Site Address:	Land at, Forest Road, Dalton, Huddersfield, HD5 8EU
Description:	Discharge of condition 10 (retaining walls/structures) of previous permission 2016/90951 for erection of 27 dwellings and ancillary works
Recommending Officer:	Ellie Worth

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: 11-Oct-2023

Application: 2023/91942

Site: Land at, Forest Road, Dalton, Huddersfield, HD5 8EU

Proposal: Discharge of condition 10 (retaining walls/structures) of previous permission 2016/90951 for erection of 27 dwellings and ancillary works

Condition 10: Retaining walls/structures

10. Details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting the existing public highway shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall not be brought into use until the approved works have been constructed. The works shall be thereafter be retained as such.

Reason: *To ensure that any new retaining structures do not compromise the stability of the public highway in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.*

This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development process.

Assessment

The agreed AIP, signed Design and Check certificate, retaining wall calculations and plans to show the interim retaining wall details (drawing 234-10-400 Rev B) and final details (drawing 234-10-401 Rev C) have been submitted pursuant to this condition.

KC Highways Structures have been formally consulted and have confirmed that the information submitted is acceptable and that condition 10 can be partly discharged, subject to the submission of “Construction Compliance Certificates” for the private retaining structures supporting the highway, once development has been completed.

Therefore, in light of the above, it is considered that the details submitted pursuant to condition 10 can be approved.

Decision notice text

Pursuant to condition 10, you have submitted:

- Approval in Principle – (K60884C, Rev 2, dated 28/03/2023)
- Structural calculations (Beam Consulting)
- Interim Retaining Wall GA & Details Phase 1 – Sheet Piled Works (drawing 234-10-400 Rev B)
- Final Retaining Wall GA & Details Phase 2 – Flats/Patio Works (drawing 234-10-401 Rev C)
- Design and Check Certificate (Beam Consulting dated 28/04/2023)

The plans and information submitted is considered acceptable for the purpose of condition 10, and is hereby approved. Please note, however:

- The further requirements of condition 10, stating the development shall not be brought into use until the approved works have been constructed, and that the works shall thereafter be retained as such.
- “Construction Compliance Certificates” for the private retaining structures supporting the highway are required upon completion (these are to be submitted in accordance with the Approval in Principle – please liaise with KC Highways Structures regarding this matter).
- The design of structures supporting the new access road beyond the site entrance are outside the remit of KC Highways Structures, as it is understood that the new access road is to remain private.