

**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:	2023/44/92444/E
Site Address:	former Kenmore Caravans Ltd, Huddersfield road, Mirfield, WF14 9DA
Description:	Discharge of conditions 4 (highway retaining walls) and 5 (river adjacent retaining wall) of previous reserved matters approval 2022/90890 for matters of layout, appearance, scale and landscaping pursuant to outline permission 2019/92221 for demolition of existing buildings and erection of Class E retail unit, access, car parking, servicing, landscaping and associated works
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – 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: 19/04/2024

Application: 2023/44/92444/E

Site: former Kenmore Caravans Ltd, Huddersfield Road, Mirfield, WF14 9DA

Proposal: Discharge of conditions 4 (highway retaining walls) and 5 (river adjacent retaining wall) of previous reserved matters approval 2022/90890 for matters of layout, appearance, scale and landscaping pursuant to outline permission 2019/92221 for demolition of existing buildings and erection of Class E retail unit, access, car parking, servicing, landscaping and associated works

Assessment

Condition 4 (highway retaining walls)

4. Notwithstanding the submitted plans, there shall be no commencement of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the existing/proposed highway has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: *In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.*

The submitted details have been reviewed and accepted by K.C. Highways (Structures), who also confirm that the Approval in Principle process has been completed. They advised that the DoC application should be supported by written evidence (i.e., the AIP certificate and Design & Check Certificate), which has since been submitted.

Considering the above, the submitted details may be approved although an ongoing requirement prevents full discharge at this time. It is recommended that this be noted on the decision notice.

Condition 5 (river adjacent retaining wall)

5. Notwithstanding the submitted plans, there shall be no commencement of the development hereby approved until full details of the southern sheet piled retaining wall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, specifications, materials, surface water runoff and pollutant barriers, and a management and maintenance plan for the lifetime of the development. The approved plans shall be carried out in strict accordance with the approved details prior to the commencement of the development and shall thereafter be retained and maintained for the lifetime of the development.

Reason: *To ensure the ground stability of the site and that no detrimental effects in flood risk terms arise as a result of development within the banks of the River Calder, in accordance with Policies LP27, LP29 and LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapters 14 and 15.*

The submitted details have been reviewed and accepted by the Canal and River Trust, the body who requested the condition. Officers support this assessment and recommend that the details be approved.

The condition has an ongoing requirement which prevents a full discharge at this time. It is recommended that this be noted on the decision notice.

Recommendation: Approve details.

Report Dated: 18/04/2024.

Proposed Letter Text

Condition 4 (highway retaining walls)

You have submitted the following documents pursuant to condition 4:

- Document ref: K66012 rev F
- Document ref: CAT 1 Design and Check Certificate in Accordance with CG300 Version 0.1.0.

I can confirm that the submitted details are acceptable for the initial purpose of condition 4. However, you are reminded that condition 4 has the following ongoing requirement:

The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

To ensure ongoing compliance with condition 4 the above requirement must be adhered to.

Condition 5 (river adjacent retaining wall)

You have submitted the following documents pursuant to condition 5:

- Plan ref: SS_20_60_30-001 A5 Revision C01
- Plan ref: SS_20_60_35-2000 A5 Revision C01
- Plan ref: C1716/DR/01 Revision C01

The submitted details are acceptable for the initial requirement of condition 5.

Be aware that condition 5 has the following ongoing requirement which you are required to adhere to, to ensure ongoing compliance with the condition:

The approved plans shall be carried out in strict accordance with the approved details prior to the commencement of the development and shall thereafter be retained and maintained for the lifetime of the development.