

**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:	2023/44/92719/E
Site Address:	Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU
Description:	Discharge of condition 10 (road condition surveys) of previous Reserved Matters approval ref: 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)
Recommending Officer:	Ellie Thornhill

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: 02/09/2024

Application: 2023/92719

Site: Land at Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU

Proposal: Discharge of condition 10 (road condition surveys) of previous Reserved Matters approval ref: 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)

Condition 10: Road condition surveys

10. There shall be no commencement of each phase of development hereby approved until a survey of the existing condition of the highway (the extent of highway to be surveyed shall be agreed in advance with the Local Planning Authority) has first been carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edging, street lighting, signing and white lining. Upon completion of each phase of the development hereby approved (or at any earlier stage to be first agreed with the Local Planning Authority), a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling of each phase, unless otherwise having been first agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development be identified during the construction period, remediation of these shall also be implemented in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: *In the interests of highways safety and to ensure the effective maintenance of the highway network, in accordance with Policy LP21 of the adopted Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure details relating to the condition of the existing highways are prepared and considered at an appropriate stage.

Assessment

In support of condition 10 the following document has been submitted:

- A Condition Survey dated 11/09/2023 (ref: JC/SR/Blue Hills Farm, by Countryside Partnerships)

KC Highways Development Management are satisfied with the condition survey submitted as it confirms that a walkover survey was undertaken jointly with a representative of the council (as Local Highway Authority). The pre-commencement element of this condition can be supported.

However, the condition cannot be fully discharged until a post-construction survey (upon completion of each phase of the developed approved) has been undertaken and the post-construction survey and a scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority. The condition requires that the approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling of each phase, unless otherwise having been first agreed in writing by the Local Planning Authority. It is recommended that a reminder of this outstanding requirement be included in the council's decision letter.

It is also appropriate to remind the applicant that should any highways defects (affecting highway safety) attributable to the construction traffic of the development be identified during the construction period, remediation of these is also required in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Decision notice text

Condition 10: Road condition surveys

Pursuant to condition 10, you have submitted:

- A Condition Survey dated 11/09/2023 (ref: JC/SR/Blue Hills Farm, by Countryside Partnerships)

The submitted report is considered acceptable to address the pre-commencement element of condition 10.

However, the condition cannot be fully discharged until a post-construction survey (upon completion of each phase of the developed approved) has been undertaken and the post-construction survey and a scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority. The condition requires that the approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling of each phase, unless otherwise having been first agreed in writing by the Local Planning Authority.

Please also note that should any highways defects (affecting highway safety) attributable to the construction traffic of the development be identified during the construction period, remediation of these is reequired in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Dated: 02/09/2024

