

**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:	2023/44/93275/W
Site Address:	land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7BP
Description:	Discharge condition 4 (retaining structures) on previous permission 2021/91578 (APP/Z4718/2/21/3284361) for residential development (nine detached dwellings)
Recommending Officer:	John Holmes

DECISION – Details for condition 4 approved

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 01-May-2024

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2021/91578 and permission granted for Erection of 9 detached dwellings with associated works.

The applicant is now seeking to discharge Condition 4 (retaining structures) on previous permission 2021/91578.

PROCEDURAL MATTERS

Holme Valley Parish Council have stated they have no comments to make and that they defer to Kirklees Officer to process the application.

ASSESSMENT

Condition 4 (retaining structures)

This condition states the following: -

No development shall take place until the design and construction details of all temporary and permanent highway retaining structures within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement; all necessary ground investigations on which design assumptions are based; method statements for temporary and permanent works and removal of any bulk excavations; a full slope stability analysis together with structural calculations; and all associated safety measures for the protection of the adjacent public highway, footpath and retaining wall. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so retained thereafter.

As part of this application the following was initially submitted: -

- Letter dated 27th October 2023 from Noel Scanlon Consultancy Ltd
- Copy of Approval in Principle for design of temporary (Sacrificial) Private King Post Burr Wall adjacent to A616 New Mill Road, Brockholes, Huddersfield (ref: K61105) dated 19th December 2022
- Site location (ref: Figure 1)
- Drawing titled Proposed Site Wall Layout and Wall Construction (ref: Figure 2)
- Drawing titled Idealised section for analysis (ref: Figure 3)
- Drawing titled Cross Section x – x (ref: Figure 4)
- Drawing titled Existing Burr Walls Heights from Road (ref: 516 revA)
- Drawing titled Proposed Levels Sheet 2 (ref: 702 revG)
- Drawing titled Cross Sections 1 – 3 Proposed (ref: 704 revA)
- Drawing titled Cross Sections 4 – 7 Proposed (ref: 705revA)
- Drawing titled Cross Sections 8 – 10 Proposed (ref: 706revA)
- Design Statement authored by Groundsolve Ltd

- Drawing titled Existing Site Layout (ref: Figure 2)
- Drawing titled Site History 1854 (ref: Figure 3a)
- Drawing titled Site History 1893 (ref: Figure 3b)
- Drawing titled Site History 1906 (ref: Figure 3c)
- Drawing titled Site History 1932 (ref: Figure 3d)
- Drawing titled Site History 1932 (ref: Figure 3d)
- Drawing titled Site History 1967 (ref: Figure 3e)
- Drawing titled Site History 1984 (ref: Figure 3f)
- Drawing titled Site History 1987 (ref: Figure 3g)
- Drawing titled Site History 1990 (ref: Figure 3h)
- Drawing titled Site History 1992 (ref: Figure 3i)
- Drawing titled Site History 1993 (ref: Figure 3j)
- Drawing titled Site History 1996 (ref: Figure 3k)
- Aerial Photograph of the site (ref: 3l)
- Drawing titled Site History 2006 (ref: Figure 3m)
- Drawing titled Site History 2020 (ref: Figure 3n)
- Drawing titled Proposed Development (ref: Figure 4)
- Phase I Preliminary Contamination Risk Assessment (ref: GEOL 20-9775)
- Letter dated 29th June 2023 from Noel Scanlon Consultancy Ltd
- Letter dated 27th February 2023 from Noel Scanlon Consultancy Ltd
- Drawing titled Proposed Development and Exploratory hole location Plan (ref: 2388/CD/001/01revA)
- Drawing titled Proposed Development Sections (ref: 2388/CD/001/02revA)
- Document titled Road Restraint System Check (dated November 2021)
- Document titled dilapidation survey (ref: 5017-HJCE-01-XX-RP-S-0001)

Following the response of the Council's Highways Structures Team being relayed back to the applicant's agent, whereby the Structures Team confirmed they did not support the discharge of the condition on the basis of the submitted detail, further information was subsequently submitted. This being the following:

- Copy of Approval in Principle for design of temporary (Sacrificial) Private King Post Burr Wall adjacent to A616 New Mill Road, Brockholes, Huddersfield (ref: K61105revC) dated 8th December 2023
- Site location (ref: Figure 1)
- Drawing titled Proposed Site Wall Layout and Wall Construction (ref: Figure 2)
- Drawing titled Idealised section for analysis (ref: Figure 3)
- Drawing titled Cross Section x – x (ref: Figure 4)
- Drawing titled Existing Burr Walls Heights from Road (ref: 516 revA)
- Drawing titled Proposed Levels Sheet 2 (ref: 702 revG)
- Drawing titled Cross Sections 1 – 3 Proposed (ref: 704 revA)
- Drawing titled Cross Sections 4 – 7 Proposed (ref: 705revA)
- Drawing titled Cross Sections 8 – 10 Proposed (ref: 706revA)
- Design Statement authored by Groundsolve Ltd (ref: 00C) dated 6th December 2023
- Drawing titled Existing Site Layout (ref: Figure 2)
- Drawing titled Site History 1854 (ref: Figure 3a)
- Drawing titled Site History 1893 (ref: Figure 3b)
- Drawing titled Site History 1906 (ref: Figure 3c)
- Drawing titled Site History 1932 (ref: Figure 3d)

- Drawing titled Site History 1984 (ref: Figure 3f)
- Drawing titled Site History 1987 (ref: Figure 3g)
- Drawing titled Site History 1990 (ref: Figure 3h)
- Drawing titled Site History 1992 (ref: Figure 3i)
- Drawing titled Site History 1993 (ref: Figure 3j)
- Drawing titled Site History 1996 (ref: Figure 3k)
- Aerial Photograph of the site (ref: 3l)
- Drawing titled Site History 2006 (ref: Figure 3m)
- Drawing titled Site History 2020 (ref: Figure 3n)
- Drawing titled Existing Site Layout and Exploratory Hole Locations (ref: 2784-DR-001RevA)
- Drawing titled Proposed Site Layout and Wall Location (ref: 2784-DR-002RevA)
- Drawing Titled Cross Sections X – X (ref: 2784-DR-003RevA)
- Phase I Preliminary Contamination Risk Assessment (ref: GEOL 20-9775)
- Phase II Ground Investigation Report (ref: GEOL 20-9775)

Following further consultation with the Council's Structures Team, they confirmed that they did not consider the condition can be discharged on the basis of the submitted information, as a result, the following further information was subsequently submitted:

- Approval In Principle for design of temporary (sacrificial) private king post burr wall adjacent to A616 new mill road, Brockholes, Huddersfield (revision 'E' dated 19th April 2024)
- Inspection and assessment report (ref: 891010-wcl-xx-xx-rp-c-0001)
- Proposed timber catchfence drawing (ref: 3067-dr-001reva)
- Retaining wall reference plan (ref: 501reva)
- Proposed property & garden retaining walls sheet 1 (ref: 510reva)
- Proposed property & garden retaining walls sheet 1 (ref: 511reva)
- Structural calculations dated 11th march 2024
- King post design report (ref: version 2) dated 19th march 2024
- Letter dated 21st March 2024 (ref: 3067/llb/003)
- Appendix L 'Design and Check Certificate' dated 25th April 2024

It is this information against which this application is being assessed.

The requirement of the condition is that *'No development shall take place until the design and construction details of all temporary and permanent highway retaining structures within the site have been submitted to and approved in writing by the Local Planning Authority.'* From the detail submitted, the intended design and construction details of all temporary and permanent highway retaining structures within the site has been submitted.

The condition requires that the submitted details shall include:

- *a design statement;*

This has been submitted.

- *all necessary ground investigations on which design assumptions are based*

This has been submitted.

- *method statements for temporary and permanent works and removal of any bulk excavations;*
- *a full slope stability analysis together with structural calculations; and all associated safety measures for the protection of the adjacent public highway, footpath and retaining wall.*

This has been submitted and is considered acceptable. The Highways Team advise that they consider the submitted scheme to be suitable for the requirement of the condition and that the submitted scheme will be acceptable for the purposes of ensuring safety measures for the protection of the adjacent public highway, footpath and retaining wall.

The Highways Structures Team have stated within an email dated 24th April that An Approval in Principle (Rev E) has been agreed and this agreement has been signed by the Council's Highways Structures Team.

It is clear that there are separate processes relevant to the consideration of the matter of land stability insofar as it ensures the stability of the highway. Furthermore, whilst there is a degree of cross over between the level of detail required to satisfy the Approval in Principle (AIP) process, the threshold in relation to the level of detail required to satisfy the requirements of the planning condition and AIP process differs.

Notwithstanding this point, it is noted that the NPPF sets out at paragraph 190 *'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*.

The submitted detail sets out the scheme intended to be undertaken to satisfy the requirement of the condition and, moreover, is considered to be a scheme which would be acceptable to the Highway Authority in terms of access and highway safety considerations. Having regard to the submitted scheme and response of the relevant consultee, in this case the Highways Structures Team, it is considered that the necessary investigations have been undertaken and a suitable scheme designed to ensure that the scheme would ensure access and highway safety is maintained to the satisfaction of the LPA.

It is considered that, in light of the submitted detail and the response of the Highways Structures Team, the submitted scheme satisfies the requirement of the planning condition and ensures a scheme which would ensure the protection of the adjacent public highway, footpath and retaining wall. It is therefore recommended that the condition is satisfied.

DECISION LETTER TEXT

Condition no.4

You have submitted the following: -

- Approval in principle for design of temporary (sacrificial) private king post burr wall adjacent to A616 new mill road, Brockholes, Huddersfield (revision 'E' dated 19th April 2024)
- Inspection and assessment report (ref: 891010-wcl-xx-xx-rp-c-0001)
- Proposed timber catchfence drawing (ref: 3067-dr-001reva)
- Retaining wall reference plan (ref: 501reva)
- Proposed property & garden retaining walls sheet 1 (ref: 510reva)
- Proposed property & garden retaining walls sheet 1 (ref: 511reva)
- Structural calculations dated 11th march 2024
- King post design report (ref: version 2) dated 19th march 2024
- Letter dated 21st March 2024 (ref: 3067/llb/003)
- Appendix L 'Design and Check Certificate' dated 25th April 2024

The details submitted for this condition, are considered to be acceptable. It is a requirement of this condition that all permanent and temporary highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so retained thereafter.