

**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:         | <b>2023/44/93685/W</b>  |
| Site Address:         | 121, Wakefield Road, Fenay Bridge, Huddersfield, HD8 0BJ  |
| Description:          | Discharge condition 3 (retaining walls) on previous permission 2023/91868 for formation of vehicular access, engineering operations to form parking space with associated retaining walls |
| Recommending Officer: | Laura Yeadon  |

**DECISION – DISCHARGE OF CONDITION 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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 03-Jun-2024**

## 2023/93685

This application relates to previous permission 2023/91868 for formation of vehicular access, engineering operations to form parking space with associated retaining walls.

### Condition 3 – retaining wall

The condition states the following:

*‘3. Prior to construction of the retaining structures, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details the design and construction details of the retaining walls. The construction of the retaining structures shall be undertaken in accordance with the approved scheme and thereafter retained.*

**Reason:** *In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.’*

### Assessment of condition 3

The application was submitted with an accompanying ‘Approval In Principle’ for works and document reference number MDL-9549 containing revisions RW1 to RW7 inclusive. The Highways Structures Team were formally consulted as part of the application process and it was concluded that the condition could not be discharged as there were some minor issues and anomalies requiring attention.

Following the submission of a ‘Design and Check Certificate’, which has been signed and issued, the technical approval process has been completed. A ‘Construction Compliance Certificate’ together with ‘As Built’ drawings for the wall, in accordance with CG300 – Technical Approval of Highway Structures will be required to be submitted following the completion of the works.

The scheme as submitted is considered sufficient to ensure land stability is ensured and that the development complies with policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. It is therefore concluded the submitted scheme satisfies the information requirements, and sets out an acceptable scheme to enable the discharge of condition no.3.

It is therefore recommended this condition is discharged.

### **Decision Text**

You have submitted the following information:

- Application form
- Approval In Principle Rev03

- Design and Check Certificate

The submitted details are acceptable for the purposes of Condition 3 and this condition is discharged on the basis of the submitted detail. Please note that condition 3 has an ongoing requirement that the works are carried out in accordance with the approved scheme and retained thereafter.

The Highways Structures Team requires the submission of a 'Construction Compliance Certificate,' in accordance with CG 300 – Technical Approval of Highway Structures together with 'As Built' drawing. It would be beneficial for this document to be provided to the LPA in writing in order that a copy can be retained on the planning file for future reference.

**Report dated:** 31<sup>st</sup> May 2024.