

**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:	2024/44/90213/E
Site Address:	Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE
Description:	Discharge of conditions 5 (estate roads), 6 (footway), 7 (retaining walls) and 8 (structures under the highway) of previous permission 2021/94622 for Reserved Matters application pursuant to outline permission 2018/60/91787/E for demolition of existing buildings and structures and erection of residential development
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – Split Decision

**I hereby authorise the split decision 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: 14-Aug-2024

Application: 2024/44/90213/E

Site: Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE

Proposal: Discharge of conditions 5 (estate roads), 6 (footway), 7 (retaining walls) and 8 (structures under the highway) of previous permission 2021/94622 for Reserved Matters application pursuant to outline permission 2018/60/91787/E for demolition of existing buildings and structures and erection of residential development

Assessment

Condition 5 (estate roads), Condition 6 (footway), and Condition 8 (structures under the highway)

5. Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Before any building is brought into use, unless a phasing strategy for implementation is agreed, the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

6. Prior to development commencing, notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway to the full Saville Road frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph poles and street lighting columns and associated highway works has been submitted and approved in writing by the Local Planning Authority. Before any building is brought into use, unless a phasing strategy for implementation is agreed, the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable provision is available to deliver the footway before works begin, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

8. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to, and approved by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

The submitted documents have been reviewed by K.C. Highways Development Management (response dated 10/06/2024), who confirm that they are acceptable and would secure appropriate highway technical specifications and access arrangements. Furthermore, it is noted that the submitted documents have received Section 38 technical approval.

Officers support the above assessment and recommend that the submitted details be approved for each condition. However, conditions 5, 6 and 8 have ongoing requirements that prevent a full discharge at this time. It is recommended that a note outlining the ongoing requirement be included in the decision notice.

Condition 7 (retaining walls)

7. Prior to development commencing, 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 highways shall be submitted to, and approved 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. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

The applicant has stated:

And as none of the adopted roads are retained, then the point regrading highway retaining walls is not applicable to the S38/S278.

As such, the applicant has provided no details relating to condition 7.

However, the details submitted pursuant to the other conditions considered above do indeed show new retaining walls immediately adjacent to the adopted highway, as well as works affecting existing retaining walls. K.C. Highways (Structures) have commented:

Condition 7 cannot be discharged as the required information including suitably scaled and dimensioned X-sectional details for proposed retaining walls and modifications to the existing walls / embankment adjacent to Saville Road / Marsden Street have not been submitted.

Officers concur with the comments from K.C. Highways (Structures). Due to no corresponding details having been provided, officers cannot recommend approval.

Summary

The details submitted pursuant to conditions 5, 6, and 8 are acceptable and may be approved. No details pursuant to condition 7 have been provided and therefore the discharge of this condition cannot be supported.

It is recommended that the applicant be given three weeks to provide further details, to ensure a collaborative working process, after which a new Discharge of Conditions application would need to be submitted.

Recommendation: Issue split decision, with three weeks to provide further details

Report Dated: 14/08/2024

Proposed Letter Text

Condition 5 (estate roads), condition 6 (footway) and condition 8 (structures under the highway)

You have submitted the following documents pursuant to conditions 5, 6, and 8:

- 2156.02 - location Plan with inset
- 2156.06.G - Boundary Treatment Plan
- 2156.B.02.A Walls
- 6756-1a Street Lighting
- 21374-102 (P4) PROPOSED IMPERMEABLE AREA PLAN
- 21374-104 (P6) SECTION 104 LAYOUT – Copy
- 21374-104 (P6) SECTION 104 LAYOUT
- 21374-110 (P6) PRIVATE DRAINAGE
- 21374-115 (P2) HIGHWAY LONGSECTIONS SHEET 1 OF 2
- 21374-116 (P1) HIGHWAY LONGSECTIONS SHEET 2 OF 2
- 21374-120 (P4) Adoptable SW & FW Manhole Schedules
- 21374-122 (P3) S104 DRAINAGE LONGSECTIONS

- 21374-125 (P5) Drainage Construction Details Sheet 1
- 21374-126 (P5) Drainage Construction Details Sheet 2
- 21374-127 (P4) Drainage Construction Details Sheet 3
- 21374-128 (P4) Drainage Construction Details Sheet 4
- 21374-138 (P11) SECTION 38 LAYOUT
- 21374-140 (P8) SECTION 38 GENERAL ARRANGEMENT
- 21374-141 (P1) PROPOSED GULLY CATCHMENT PLAN
- 21374-155 (P10) EXTERNAL LEVELS PLAN
- 21374-170 (P8) VEHICLE TRACKING LAYOUT
- 21374-172 (P6) SURFACING AND KERBING
- 21374-175 (P4) HIGHWAY CONSTRUCTION DETAILS

I can confirm that the submitted details are acceptable for the initial purposes of conditions 5, 6, and 8, and are hereby approved. However, be aware that each condition has an ongoing requirement which must be adhered to, to ensure continued compliance.

Condition 7 (retaining walls)

No details pursuant to condition 7 have been provided. You have stated:

'And as none of the adopted roads are retained, then the point regrading highway retaining walls is not applicable to the S38/S278.'

Officers do not consider this to be the case. The plans submitted pursuant to conditions 5, 6, and 8 show various retaining walls adjacent to the existing and proposed highway. Furthermore, the site has existing walls / embankment adjacent to Saville Road / Marsden Street, details of which have not been provided.

Given this lack of detail, condition 7 cannot be discharged at this stage.

If the details pursuant to condition 7 are provided within three weeks of the date of this letter, they will be accepted as part of this application. However, prior to doing so, it is advised to discuss the project with K.C. Highways (Structures), who can be reached at Highways.Structures@kirklees.gov.uk

Once details are ready to be submitted, please send the details directly to nick.hirst@kirklees.gov.uk while quoting application reference 2024/90213.

After three weeks, a new Discharge of Condition application would need to be submitted.

