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:	**2024/44/91175/W**
Site Address:	Land Adjacent, 205, Leeds Road, Huddersfield, HD1 6NJ
Description:	Discharge of condition 3 (drainage), condition 4 (dilapidation survey) and condition 5 (alterations and repairs to retaining structures) on previous permission 2020/92499 for erection of drive through food retail unit with associated works
Recommending Officer:	Lucy Taylor

DECISION – DISCHARGED OF CONDITIONS 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: 23-May-2024

Officer Report – Discharge of Conditions Application

Land Adjacent, 205, Leeds Road, Huddersfield, HD1 6NJ.

This application seeks to discharge condition 3 (drainage), condition 4 (dilapidation survey) and condition 5 (alterations and repairs to retaining structures) on previous permission 2020/92499 for erection of drive through food retail unit with associated works.

Condition 3 – Drainage

This condition states the following:

Development shall not commence until, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage – to include culverts and weirs - to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such approved drainage scheme has been provided on the site to serve the development and thereafter retained.
***Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being, in the interests of the protection of the adjacent Huddersfield Broad Canal, and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre commencement condition to ensure that appropriate details are provided at an appropriate stage of the development.*

Assessment:

The following information has been submitted by the applicant, including:

- Drawing Ref: 21-856/D01, Proposed Drainage Plan, Rev P13 dated 13/03/2024.
- Document ref: 21-856-HCL-92-XX-M3-C1, Storm Network Calcs dated 12/03/2024.
- Drainage Maintenance Schedule (no reference or date).
- SDS GEOlight brochure
- Document Ref: TH-1254-MS-001, FCC Outlet Method Statement, Rev A dated 13/03/2024.

Condition 3 was included as part of the grant of permission of application 2020/92499 due to concerns with regard to the feasibility for surface water drainage at the site and because the Canal and River Trust made comments in relation to the potential impact of foul and surface water drainage.

Kirklees Council Lead Local Flood Authority were formally consulted on this discharge of conditions application, confirming that the submitted drawings and documents are acceptable and that condition 3 can be discharged.

The Lead Local Flood Authority made a recommendation that the Geolight 800 (or equivalent) is installed due to the likelihood of delivery vehicles parking on top of the tank as indicated on the Proposed Drainage Layout. They also recommended that, once the design life of the geocell tank has been exceeded, the tank should be completely replaced with a new tank or equal volume to ensure the design attenuation storage volume is maintained.

Note: the developer may require an Environment Agency Permit to Work for any work adjacent or connecting to the culvert carrying Grimescar Dike as this watercourse is classified as Main River.

Condition 4- Dilapidation Survey

This condition states the following:

Development shall not commence until a dilapidation survey of all temporary and permanent highway retaining structures within the site and off-site (including Learoyd Bridge over the canal on Hillhouse Lane including the steps, all retaining walls retaining or adjacent to the highway, culvert under the site) has been completed by a competent person and details of this survey submitted to and approved in writing by the Local Planning Authority.
The dilapidation survey shall be repeated (2nd survey) by a competent person on the completion of the development and before the development is first brought into use. Details of this 2nd survey shall be submitted to and approved in writing by the Local Planning Authority.
***Reason:** In the interests of highway and public safety and the protection of the canal and surrounding highway structures. This is a pre-commencement condition to ensure that the development does not adversely affect existing retaining structures, does not compromise the safety of all those using the site, adjacent roads, canal and existing highway network, in accordance with the requirements of Policies LP21 and LP53 of the Kirklees Local and guidance in the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Overall Site Layout Plan as Existing, Dwg No. 01, dated 01/11/23.
- Overall Site Layout Plan as Proposed, Dwg No. 02, Amendment B, dated 01/11/23.
- Section Through and Elevation on Boundary as Existing & Proposed, Dwg No. 03, Amendment B, dated 01/11/23.
- Approval in Principle for Design of Proposed Modifications to Private Burr Wall Supporting Hillhouse Lane on Land Adjacent to No 205 A62 Leeds Road, Huddersfield.

This condition was imposed as part of the determination of application 2020/92499 to protect the boundary walls at the site, which provide a

structural supporting function, from becoming damaged during construction which would then result in unstable land.

Policy LP21 of the Kirklees Local Plan refers to highways and access. It sets out that proposals need to demonstrate adequate information and mitigation measures, to avoid detrimental impacts to highway safety and the local highway network.
Policy LP53 of the Kirklees Local Plan refers to contaminated and unstable land.

Consultation has been undertaken with the Council's Highways Structures Officer. The Highways Structures Officer concluded that Condition 4 can be partly discharged as part of this discharge of conditions application, subject to the submission of a post completion structural dilapidation survey of the same private retaining walls, identifying any defects arising in the wall due to the works associated with the proposed development and their subsequent rectification at the developer's expense.

It is therefore recommended that this condition be discharged insofar as it relates to the requirement for an initial dilapidation survey to be submitted and approved in writing by the LPA.

Condition 5 – Alterations and Repairs to Retaining Structures

This condition states the following:

Development shall not commence until detailed cross-sectional information, and design and construction details of proposed alterations or repairs to the retaining structures referred to and assessed as part of the dilapidation surveys secured by condition 4 (including interface with the culvert at the proposed site entrance off Leeds Road) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement to include:

- *all necessary ground investigations on which design assumptions are based,*
- *method statements for both 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 adjacent public highways, footpaths and aeras of public access.*

All alterations and repairs to highway retaining structures, including the interface with the culvert at the proposed site entrance off Leeds Road, shall be designed and constructed in accordance with the approved details prior to the use hereby approved becoming first operational, certified as complete in writing to the Local Planning Authority and shall be so retained thereafter.
***Reason:** In the interests of highway safety and the protection of the Huddersfield Broad Canal and surrounding highway structures. This is a pre-commencement condition to ensure that new/repaired/altered retaining structures do not compromise the safety of all those using the site, adjacent roads, canal and existing highway network, in accordance with the*

requirements of Policies LP21and LP53 of the Kirklees Local and guidance in the National Planning Policy Framework.

Assessment:

The supporting information submitted by the applicant, including:

- Overall Site Layout Plan as Existing, Dwg No. 01, dated 01/11/23.
- Overall Site Layout Plan as Proposed, Dwg No. 02, Amendment B, dated 01/11/23.
- Section Through and Elevation on Boundary as Existing & Proposed, Dwg No. 03, Amendment B, dated 01/11/23.
- Approval in Principle for Design of Proposed Modifications to Private Burr Wall Supporting Hillhouse Lane on Land Adjacent to No 205 A62 Leeds Road, Huddersfield dated 29th April 2024.

This condition was imposed in the interests of highway safety and to protect the Huddersfield Broad Canal and surrounding highway structures. It's requirement as a pre-commencement condition sought to ensure that new/repaired/altered structures would not compromise the safety of users of the site, adjacent roads, canal and existing highway network in accordance with the aims of Policies LP21 and LP53 of the Kirklees Local Plan.

The Council's Highways Structures Officer was formally consulted on this discharge of conditions application and advised that condition 5 can be partially discharged, subject to the submission of a satisfactory "Construction Compliance Certificate" together with "As Built" drawings for this wall in accordance with CG 300 – Technical Approval of Highway structures, upon the completion of the works.

It is therefore recommended that this condition be discharged insofar as it relates to the requirement for detailed cross-sectional information and design and construction details of the proposed alterations or repairs to the retaining structures referred to and assessed as part of the dilapidation surveys.

Decision Notice Text

I refer to you above referenced discharge of conditions application and can confirm the following: -

Condition 3 – Drainage

You have submitted the following information:

- Drawing Ref: 21-856/D01, Proposed Drainage Plan, Rev P13 dated 13/03/2024.
- Document ref: 21-856-HCL-92-XX-M3-C1, Storm Network Calcs dated 12/03/2024.
- Drainage Maintenance Schedule (no reference or date).
- SDS GEOlight brochure

- Document Ref: TH-1254-MS-001, FCC Outlet Method Statement, Rev A dated 13/03/2024.

The scheme submitted for the discharge of condition no.3 is considered to satisfy the requirements of condition no.3 and is acceptable to enable the discharge of this condition. The development is required to only be brought into use until the approved scheme has been provided on the site to serve the development and there is an ongoing requirement for the retention of the scheme.

Note: The Lead Local Flood Authority recommends that the Geolight 800 (or equivalent) is installed due to the likelihood of delivery vehicles parking on top of the tank as indicated on the Proposed Drainage Layout.

Note: the developer may require an Environment Agency Permit to Work for any work adjacent or connecting to the culvert carrying Grimescar Dike as this watercourse is classified as Main River.

Condition 4 – Dilapidation Survey

You have submitted the following information:

- Overall Site Layout Plan as Existing, Dwg No. 01, dated 01/11/23.
- Overall Site Layout Plan as Proposed, Dwg No. 02, Amendment B, dated 01/11/23.
- Section Through and Elevation on Boundary as Existing & Proposed, Dwg No. 03, Amendment B, dated 01/11/23.
- Approval in Principle for Design of Proposed Modifications to Private Burr Wall Supporting Hillhouse Lane on Land Adjacent to No 205 A62 Leeds Road, Huddersfield dated 29th April 2024.

The scheme submitted for the discharge of condition no.4 is considered to satisfy the requirements of condition no.4 and is acceptable to enable partial discharge of this condition insofar as the scheme relates to the requirement for an initial dilapidation survey to be submitted.

There is a further requirement that the development is not brought into use until the submission (and subsequent written approval provided by the LPA) of a post completion structural dilapidation survey of the same private retaining walls, identifying any defects arising in the wall due to the works associated with the proposed development and their subsequent rectification at the developer's expense.

It is required that the development is only brought into use once the approved scheme has been provided on the site to serve the development and there is an ongoing requirement for the retention of the scheme.

Condition 5 – Alterations and Repairs to Retaining Structures

You have submitted the following information:

- Overall Site Layout Plan as Existing, Dwg No. 01, dated 01/11/23.
- Overall Site Layout Plan as Proposed, Dwg No. 02, Amendment B, dated 01/11/23.
- Section Through and Elevation on Boundary as Existing & Proposed, Dwg No. 03, Amendment B, dated 01/11/23.
- Approval in Principle for Design of Proposed Modifications to Private Burr Wall Supporting Hillhouse Lane on Land Adjacent to No 205 A62 Leeds Road, Huddersfield dated 29th April 2024.

The scheme submitted for the discharge of condition no.5 is considered to satisfy the requirements of condition no.5 and is acceptable to enable the discharge of this condition. The development is required to only be brought into use until the approved scheme has been provided on the site to serve the development and there is an ongoing requirement for the retention of the scheme.