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:	**2024/44/92536/W**
Site Address:	33, Clough Drive, Fenay Bridge, Huddersfield, HD8 0JJ
Description:	Discharge of details reserved by condition 6 (retaining wall) on previous permission 2023/93575 for erection of single storey rear extension with raised patio and alterations to front boundary wall and access including associated works
Recommending Officer:	Lucy Taylor

DECISION – DISCHARGE OF CONDITION REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 21-Oct-2024

33, Clough Drive, Fenay Bridge, Huddersfield, HD8 0JJ

The application seeks to discharge condition 6 (retaining wall) on previous permission 2023/93575 for erection of single storey rear extension with raised patio and alterations to front boundary wall and access including associated works.

Condition 6 – Retaining Wall

No development shall commence until a scheme which includes the design of the proposed retaining walls adjacent to the existing highways of Clough Drive and Common End Lane, including any modification to the existing embankment/wall supporting Common End Lane, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in strict accordance with details approved before any other development is commenced on site and shall thereafter be retained during the life of the development.
Reason: *This is a pre-commencement condition as it includes issues that could impact on land stability that need to be resolved before regrading of and land occurs and also in the interests of visual amenity and residential amenity and to accord with policies LP24, LP28 and LP53 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Structural Calculations Report by Marsh Design Limited (Ref: MDL – 9871 -003 Rev. 01)
- Structural Calculations Report by Marsh Design Limited (Ref: MDL-9871-002 Rev 01)

This condition aims to address outstanding matters relating to land stability that need to be resolved before regrading of any land occurs. As well, the condition was imposed in the interests of visual amenity and residential amenity.

As part of the assessment of this Discharge of Conditions application, a formal consultation was undertaken with KC Highways Structures. The Highways Structures Officer concluded that condition 6 cannot be discharged. This is because, the site is pending the successful technical approval of design of relevant retaining walls via the submission of AIPs.

It is noted that, prior to the determination of this Discharge of Conditions application, the case officer undertook an informal consultation with KC Highways Structures, with the Highways Structures Officer confirming that an AIP has not been submitted.

Despite the above, condition 6 was also imposed on application 2023/93575 for reasons of visual and residential amenity. Officers consider that the scheme for retaining walls as shown on the ‘Structure Plan’ within the Structural Calculations document (Ref: MDL-9871-002) is acceptable with regard to both visual and residential amenity, reflective of the design for retaining structures as shown on the plans submitted for planning application 2023/93575.

Notwithstanding the assessment of condition 6 in relation to visual and residential amenity, it is considered that condition 6 cannot be discharged at this time, as the site is pending the successful technical approval of design of relevant retaining walls via the submission of AIPs.

Decision Notice Text

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

<u>Condition 6 – Retaining Wall</u>

You have submitted the following information:

- Structural Calculations Report by Marsh Design Limited (Ref: MDL – 9871 -003 Rev. 01)
- Structural Calculations Report by Marsh Design Limited (Ref: MDL-9871-002 Rev 01)

Condition 6 cannot be discharged as the site is pending the successful technical approval of design of relevant retaining walls via the submission of AIPs.