

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:	2026/44/91136/E
Site Address:	rear of, 28, Northorpe Lane, Northorpe, Mirfield, WF14 0QN
Description:	Discharge of details reserved by conditions 3 (retaining walls (materials), 4 (retaining walls (specification), 5 (temporary and permanent retaining structures), 12 (waste arrangements (permanent), 13 (waste arrangement (temporary), 29 (charging electric vehicles) on previous permission 2021/91914 for demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – 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.

Nick Hirst

AUTHORISED OFFICER

Date: 06-Aug-2026

Reference: 2026/91136

Site address: rear of, 28, Northorpe Lane, Northorpe, Mirfield, WF14 0QN

Description: Discharge of details reserved by conditions 3 (retaining walls (materials), 4 (retaining walls (specification), 5 (temporary and permanent retaining structures), 12 (waste arrangements (permanent), 13 (waste arrangement (temporary), 29 (charging electric vehicles) on previous permission 2021/91914 for demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure.

Condition 3: Retaining wall materials

3. Details of the facing materials for the retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.

Reason: *In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

In support of condition 3 the following documents have been submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)
- Bulk Earthworks Specification (ref: 6533)
- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

Consultation Response

KC Highway Structures, initial comments received 27/04/26:

Based on the key provided on the Proposed Site Plan- Retaining walls (Drawing no 106), there are retaining walls against public highway at this site, but the plan does not show them. In view of this, either the key is incorrect or the relevant walls on the plan have been omitted. I won't be able to advise whether a technical approval for these walls is required pending the resolution of this anomaly. Moreover, they will need to clarify which X-sections relate to the retaining walls against public highway?

KC Highway Structures, revised comments received 12/06/26:

My only interest in this condition pertains to the facing material for adoptable retaining walls supporting the highway. Upon the receipt of information required in conjunction with condition 4, I will be able to comment in relation to the aforesaid walls (see attached).

Assessment

The site plan submitted shows the private retaining walls to be faced in stone (Marshall's Cromwell Buff) which has already been approved as a walling material within the site. As such, this material can be supported in terms of its appearance. However, as per KC Highway Structures comments above, the condition requires details for all retaining walls within the site, whereby no information has been provided in relation to the highway retaining walls.

As such, this condition cannot be discharged at this time and must remain.

Condition 4: Retaining wall specification

4. No development shall take place until a scheme detailing the design and construction of all new retaining walls and building retaining walls adjacent to the existing / proposed adoptable highways (including any modifications to any existing retaining wall supporting Northorpe Lane) have been submitted to and approved by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with the proposed design and construction details. In the event that the submitted scheme indicates that there are no new retaining walls or amendments to existing retaining walls within or adjacent to the development site which affect an adoptable highway, the scheme shall include details confirming this. The approved scheme shall be implemented and adhered to prior to commencement of superstructure works and thereafter retained during the life of the development.

Reason: *To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.*

In support of condition 4 the following documents have been submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)
- Bulk Earthworks Specification (ref: 6533)
- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

Consultation Response

KC Highway Structures, initial comments received 27/04/26

Based on the key provided on the Proposed Site Plan- Retaining walls (Drawing no 106), there are retaining walls against public highway at this site, but the plan does not show them. In view of this, either the key is

incorrect or the relevant walls on the plan have been omitted. I won't be able to advise whether a technical approval for these walls is required pending the resolution of this anomaly. Moreover, they will need to clarify which X-sections relate to the retaining walls against public highway?

KC Highway Structures, revised comments received 12/06/26:

This condition cannot be discharged, as the required information including the provision of dimensioned X-sectional details (based on max retained height) for the proposed retaining walls adjacent to the new highway have not been provided so as to establish whether their design will be subject to a formal technical approval process.

Assessment

Officers concur with the comments made by KC Highway Structures, that there is insufficient information available at this time, in order for a full assessment to be undertaken in relation to condition 4.

As such, this condition cannot be discharged and must remain.

Condition 5: Temporary and permanent retaining structures supporting embankments

5. No development shall take place until the design and construction details for all temporary and permanent retaining structures supporting embankments 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 on, method statements for both temporary and permanent works, 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 highway. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development. The permanent retaining structures relating to the main access embankment shall be implemented before works to construct the superstructure of the first dwelling commence.

Reason: *To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.*

In support of condition 5 the following documents have been submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)
- Bulk Earthworks Specification (ref: 6533)

- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

Consultation Response

KC Highway Structures, initial comments received 27/04/26

We have not received any information to facilitate the discharge of condition 5 (slope stability assessment) and if there are retaining walls liable to a formal technical approval, any comments we offer on their design of will have to be heavily caveated subject to the satisfactory resolution of slope stability at this site.

KC Highway Structures, revised comments received 12/06/26

This condition cannot be discharged pending the submission of a slope stability/Geotechnical risk assessment report, as advised in this condition.

KC Highway Structures, revised comments received 17/06/26

Further to my response to your consultation on the above DOC application last week and following my subsequent discussion with Richard Barson (our Geotechnical Consultant), it has transpired that Richard had already reviewed their geotechnical risk assessment for this site (see attachment) and he is satisfied that a slope stability assessment is not required for this site. In view of this, I can recommend that condition 5 (slope stability assessment) can now be discharged.

Assessment

KC Highway Structures have confirmed that based on the information provided, a slope stability assessment is not required for this site. Officers concur with this assessment and, as such, recommend that condition 5 has been satisfied and may be discharged.

Condition 12: Permanent waste arrangements

12. Prior to the commencement of any superstructure works, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: *To ensure satisfactory arrangements are implemented in relation to waste disposal in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.*

In support of condition 12 the following documents have been submitted:

- Proposed Site Plan – Bin Presentation Points (ref: 107 rev A)

Consultation Response

KC Waste Strategy, comments received 12/05/26

Given the information provided by the developer the WCA can agree to the Discharge of Condition 12 for the site.

Assessment

Officers concur with KC Waste Strategy, that suitable bin storage and collection points have been provided. As such, the details submitted pursuant to condition 12 can be supported. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 13: Temporary waste arrangement

13. Where any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be retained for the duration of the construction works.

Reason: *To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.*

In support of condition 13 the following documents have been submitted:

- Proposed Site Plan – Bin Presentation Points (ref: 107 rev A)

Consultation Response

KC Waste Strategy, initial comments received 12/05/26

There is insufficient information to agree to the discharge of Condition 13. The WCA will not enter any site which is not complete and construction is still taking place. Details of temporary collection points will be needed where there is sufficient safe turning space. Until this is

provided the temporary collection location will be at the junction with Northorpe Lane.

KC Waste Strategy, revised comments received 10/06/26

For Condition 13 the developer has submitted an amended drawing, Proposed Site Plan Bin Presentation Points, Project No. 2026-157, Dwg No. 107.

Given the information provided by the developer the WCA can agree to the Discharge of Condition 13 for the site.

Assessment

Officers concur with KC Waste Strategy and consider the temporary bin presentation point adjacent to Northorpe Lane, to be acceptable during construction. As such, the details submitted pursuant to condition 13 can be approved. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 29: Electric charging points

29. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- *A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.*

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: *In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.*

In support of condition 29 the following documents have been submitted:

- Proposed Site Plan – EV Charging Points (ref: 105 rev A)
- Rolec Wallpod Data Sheet

Assessment

The plan submitted shows each dwelling to benefit from one electric vehicle charging point as stipulated within the condition. The manufactures details for the charging points have also been provided and these include the Wallpod by

Rolec, which would provide up to 7.4 kW fast charging. This would exceed the requirements of the condition and therefore can be supported.

As such, the information submitted pursuant to condition 29 is considered to be acceptable. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Summary

This report sets out the following recommendation:

- Details approved: Conditions 5 (Temporary and permanent retaining structures supporting embankments) 12 (Permeant waste arrangements) 13 (Temporary waste arrangement) and 29 (Electric charging points)
- Details refused: Conditions 3 (Retaining wall materials) and 4 (Retaining wall specification)

Recommendation: Split Decision

Report Dated: 04/08/26

Recommended Decision Notice Text

Overview

This decision letter concludes the following:

- Details approved: Conditions 5 (Temporary and permanent retaining structures supporting embankments) 12 (Permeant waste arrangements) 13 (Temporary waste arrangement) and 29 (Electric charging points)
- Details refused: Conditions 3 (Retaining wall materials) and 4 (Retaining wall specification)

Condition 3: Retaining wall materials

Pursuant to condition 3, you have submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)
- Bulk Earthworks Specification (ref: 6533)
- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

The site plan submitted shows the private retaining walls to be faced in stone (Marshalls Cromwell Buff) which has already been approved within the site and therefore officers have no concern to the use of this material on the identified retaining walls. However, the condition requires details for all retaining walls within the site, whereby no information has been provided in relation to the highway retaining walls.

As such, the information submitted does not adequately address all requirements of condition 3 and therefore this condition must remain at this time.

For the avoidance of doubt, a fresh Discharge of Condition application will be required to allow further consideration of this condition.

Condition 4: Retaining wall specification

Pursuant to condition 4 you have submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)
- Bulk Earthworks Specification (ref: 6533)
- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

The information submitted pursuant to condition 4 is considered to be inadequate as it fails to address all of the requirements of the condition. K.C. Structures have advised that:

the provision of dimensioned X-sectional details (based on max retained height) for the proposed retaining walls adjacent to the new highway have not been provided so as to establish whether their design will be subject to a formal technical approval process.

As such, condition 4 cannot be discharged at this time and must remain.

For the avoidance of doubt, a fresh Discharge of Condition application will be required to allow further consideration of this condition.

Condition 5: Temporary and permanent retaining structures supporting embankments

Pursuant to condition 5 you have submitted:

- Proposed Site Plan – Retaining Walls (ref: 106 rev B)
- Flag on Edge Retaining Wall Detail (ref: 46783/002 rev A)
- Standard Retaining Wall Details (ref: FZP-S-DWG-B001)

- Bulk Earthworks Specification (ref: 6533)
- External works plan (ref: 25/376/EXT/001 rev A)
- Masonry Retaining Wall Details (ref: 46783/003 rev A)
- Reinforced Concrete Retaining Wall Details (ref: 46783/004 rev A)

The information submitted in support of condition 5 (confirming that a slope stability assessment is not required) is considered acceptable and the condition is hereby discharged.

Condition 12: Permanent waste arrangements

Pursuant to condition 12 you have submitted:

- Proposed Site Plan – Bin Presentation Points (ref: 107 rev A)

The information submitted in support of condition 12 is considered acceptable and is hereby approved. However, please be aware that condition 12 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved details shall be provided before first occupation and shall be so retained thereafter.

Condition 13: Temporary waste arrangement

Pursuant to condition 13 you have submitted:

- Proposed Site Plan – Bin Presentation Points (ref: 107 rev A)

The information submitted in support of condition 13 is considered acceptable and is hereby approved. However, please be aware that condition 13 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be retained for the duration of the construction works.

Condition 29: Electric charging points

Pursuant to condition 29 you have submitted:

- Proposed Site Plan – EV Charging Points (ref: 105 rev A)
- Rolec Wallpod Data Sheet

The information submitted in support of condition 29 is considered acceptable and is hereby approved. However, please be aware that condition 29 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.