



JohnsonMowat
Planning & Development Consultants

Orion Homes

Bankfield Drive, Holmfield

Residential development
(2023/62/91212/W)

Discharge of Condition 17 Statement

Johnson Mowat References

Client	Orion Homes
Site	Bankfield Drive, Holmfield
Development	Residential development (2023/62/91212/W)
Local Planning Authority	Kirklees
Document Type	Discharge of Condition 17 Statement
Document Reference	JM260043.DoC.17
Issue / Revision Date	11 June 2026

Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Limited during our investigations.

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- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

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Appendix 1. Kirklees Council Email 23.09.25

1. Introduction

- 1.1 This Discharge of Condition 17 Statement is prepared on behalf of Orion Homes in relation to land at Bankfield Drive, Holmfield.
- 1.2 The relevant planning permission for the Site (2023/62/91212/W) was granted 04.10.2023.
- 1.3 The following information is submitted in relation to the discharge of condition 17:
 - This Statement
 - 119-188 Bankfield Drive Design Statements, Calcs, Construction & Maintenance
 - 119/188/1000 'Private Retaining wall replacement adjacent Dobb Top Road'
 - 21043 – 129 'Section through Tank and Wall'
 - Signed compliance Certificate 9.6.26

2. Condition Number 17 - Retaining Walls

Condition Wording from Decision Notice

- 2.1 *Prior to the commencement of development, the design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to the proposed adoptable highway or existing highway (including any proposed modifications to the existing highway retaining wall adjacent to Dobb Top Road) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, cross sections, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works (including in relation to the existing highway retaining wall adjacent to Dobb Top Road in light of the proposed attenuation tank location) and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings of the development hereby approved are first occupied and shall be retained during the life of the development.*
- 2.2 *Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details relating to highways are submitted and agreed at an appropriate stage of the development process.*

3. Addressing the Condition 17 requirements

- 3.1 This condition was previously submitted to be discharged under application reference 2025/90710.
- 3.2 The following documents were submitted to discharge condition 17:
- Private Retaining Wall Replacement Adjacent Dobb Top Road (reference: 119/188/1000)
 - Approval In Principle for retaining wall (04/04/2025 rev 00)
- 3.3 Additional details were previously submitted for Condition 17 but were not referenced in the LPA report:
- 21043-129 (A) Cross Section through wall and tank
 - Retaining wall replacement adjacent to Dobb Top Road
- 3.4 In response to this previous application, the Council refused the discharge of this condition due to the lack of “*satisfactory conclusion of the technical approval of the design of new retaining wall which is ongoing.*” This was a point of timing; at the time the Council refused this application the Approval in Principle (AIP) process had not yet been concluded. To Johnson Mowat’s knowledge no technical flaws have ever been identified with the submitted drawings.
- 3.5 In the absence of any technical objection, Orion constructed the retaining wall in accordance with the design specifications of a qualified consulting engineers, who were confirmed as being “reputable” in correspondence from Kirklees Council (Farhad Khatibi’s email, 23 September 2025 at 13:58).
- 3.6 This Council correspondence is attached at Appendix 1 and confirms that a “**Construction Compliance Certificate**” and “**As Built**” drawings are required.
- 3.7 The **As Built** drawing comprises Drawing reference: 119/188/1000 - “Private Retaining wall replacement adjacent Dobb Top Road”. This element of the requirements set out by the Council is therefore considered to be satisfied.
- 3.8 The signed **Construction Compliance Certificate** is submitted with this application. This requirement is therefore also now considered to be satisfied.

3.9 It is understood from the Council's Structures team that an AIP can no longer be issued as a result of the commencement of works, notwithstanding they are built to specifications that have raised not technical objection. As a result, it is the intention that the retaining wall will remain a private feature rather than adopted by the authority.

3.10 Further to the above, a Maintenance and Management Plan has been prepared and submitted to accompany this submission to provide confidence that the future maintenance of the retaining wall has been properly considered.

The details shall include:

a design statement, cross sections, all necessary ground investigations on which design assumptions are based,

method statements for both temporary and permanent works (including in relation to the existing highway retaining wall adjacent to Dobb Top Road in light of the proposed attenuation tank location) and removal of any bulk excavations,

together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access.

3.11 The applicant has provided "as Built" drawings and a "Construction Compliance Certificate", as requested by the Council. The above wording in italics is taken from condition 17. The submitted drawings and documents listed in section 1 of this report provide all of the details listed in Condition 17.

4. Summary

- 4.1 On the basis of the information within this Statement, it is considered that condition 17 should be discharged.

Appendix 1. Kirklees Council Email 23.09.25

From: Farhad Khatibi <Farhad.Khatibi@kirklees.gov.uk>

Sent: 23 September 2025 13:58

To: Ian Halliday <ianhalliday@orionhomes.co.uk>

Cc: Andrew Lumb <andrewlumb@orionhomes.co.uk>; Candy Day <candyday@orionhomes.co.uk>; Dave Bass <davebass@arpassociates.co.uk>; Jon Evans <Jon.Evans@kirklees.gov.uk>; Adam Darwin <Adam.Darwin@kirklees.gov.uk>; Ryan Scott <Ryan.Scott@kirklees.gov.uk>

Subject: RE: S38 Ref 2415 Bankfield Drive, Holmbridge- Mass Concrete retaining wall

Good afternoon Ian

Further to your e-mail (enclosed) and your rationale for the commencement of the walling works prior to securing the necessary technical approval for its design from this authority, it is imperative to note that if a person erects a length of retaining wall (i.e. within 4 yards of a street and greater height than 4 foot and 6 inches above the level of the ground at the boundary of the street nearest that point) in contravention of s167 of the Highways Act 1980, is in breach of the statute, which is a criminal offence and for which a court can issue a fine.

However, in view of the advised mitigating circumstances and moreover, as the design of replacement wall (yet to be approved) has been undertaken by reputable consulting engineers and likely to meet the required standards, we will not be taking any enforcement action subject to the satisfactory conclusion of the technical approval of the design of the new wall.

Furthermore, as the replacement wall has been constructed without affording an opportunity for the works to be supervised independently by one of my engineers at salient points, the new retaining wall can not be adopted as a highway structure and as such will be a private structure maintainable by your firm or your management company.

Finally, you will need to ensure that your designers are kept fully abreast of the construction of this wall and are satisfied that it is compliant with their design, as you will need them to prepare and submit a satisfactory "Construction Compliance Certificate" together with "As Built" drawings upon the completion of the works.

Regards

Farhad Khatibi

Bridges & Structures Manager
Structures Section
Highways and Streetscene
Kirklees Council

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Appendix 2. Construction Compliance Statement