

**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:	2026/44/91614/W
Site Address:	Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH
Description:	Discharge of details reserved by condition 17 (retaining walls) on previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 10-Sep-2026

Officer report

Application: 2026/91614

Site: Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH

Proposal: Discharge of details reserved by condition 17 (retaining walls) on previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue

Overview

Condition 17 was imposed as part of planning permission 2023/91212 and was worded as follows:

17. 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.

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.*

Since the grant of planning permission, a Non-Material Amendment application (ref. 2026/92058) has been submitted in respect of condition 17, for the following reasons:

- To change the trigger for the condition from “*prior to commencement*” to “*prior to the commencement of any development on plots 20 and 21*”
- To amend the wording of condition 17 to confirm that it would solely relate to the structural works affecting Dobb Top Road

- To change the trigger for completion from “before any of the dwellings of the development hereby approved are first occupied” to “before Plots 20 and 21 of the development hereby approved are first occupied”

The Non-Material Amendment application was approved on the 19/08/2026 with the following wording for condition 17:

17. Prior to the commencement of any development on Plots 20 and 21, as shown on Proposed Site Layout (drawing no. 2021.01.003 Rev X), the design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the submission of an AIP for the design of all new retaining walls adjacent to Dobb Top Road together with the relevant plan and cross-sectional details 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 design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be completed in accordance with the approved details before Plots 20 and 21 of the development hereby approved are first occupied and shall be retained during the life of the development.

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.*

Accordingly, this assessment is based on the revised condition.

Condition 17: Retaining Walls

17. Prior to the commencement of any development on Plots 20 and 21, as shown on Proposed Site Layout (drawing no. 2021.01.003 Rev X), the design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the submission of an AIP for the design of all new retaining walls adjacent to Dobb Top Road together with the relevant plan and cross-sectional details 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 design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be completed in accordance with the approved details before Plots 20 and 21 of the development hereby

approved are first occupied and shall be retained during the life of the development.

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.*

In support of condition 17 the following documents have been submitted:

- Certificate of Construction Compliance (ref: CG 300 Version 0.2.2)
- Retrospective Approval in Principle for the design of private masonry faced mass concrete retaining wall supporting private land off Dobb Top Road, Holmbridge (ref: 2026/44/91614 Rev 03)
- Private Retaining Wall Adjacent Dobb Top Road (reference: 119/188/1000 rev D)

Consultation Response

KC Highway Structures, initial comments received 15/06/26

Further to the DOC application submitted in connection with the above, I would like to advise that condition 17 (retaining walls) cannot be discharged pending the satisfactory conclusion of the technical approval of the design of the new retaining wall abutting Dobb Top Road.

In addition, there are other retaining walls along the PROW and the new public access route whose design has yet to be approved.

KC Highway Structures, revised comments received 30/06/26

Further to the DOC application submitted in connection with the above, I would like to advise that condition 17 (retaining walls) cannot be discharged as the technical approval for the design of new retaining wall adjacent to Dobb Top Road has not been concluded and moreover, the design of other retaining walls along the PROW and the new PROW link remain outstanding at this site.

Officer comment: The above comments from KC Highway Structures regarding “other retaining walls within the site”, which would have initially fallen under Condition 17, was prior to the Non Material Amendment application, which explicitly changes Condition 17 just to focus on the retaining wall adjacent to Dobb Top Road.

KC Highway Structures, informal revised comments received 03/09/26, state:

Please find attached duly signed copy of the “Construction Compliance Certificate” for the new private retaining wall adjacent to Dobb Top Road at the above site, as requested. This now concludes the technical approval process for this structure.

Assessment

Officers support the above assessment by KC Highway Structures and recommend that the details be approved. However, as the condition has an ongoing requirement it cannot currently be discharged in full at this stage. A note of the ongoing requirement is recommended to be included in the decision notice.

Recommendation: Approve

Report Dated: 04/09/2026

Recommended Decision Notice Text

Condition 17: Retaining Walls

Pursuant to condition 17, you have submitted:

- Certificate of Construction Compliance (ref: CG 300 Version 0.2.2)
- Retrospective Approval in Principle for the design of private masonry faced mass concrete retaining wall supporting private land off Dobb Top Road, Holmbridge (ref: 2026/44/91614 Rev 03)
- Private Retaining Wall Adjacent Dobb Top Road (reference:119/188/1000 rev D)

The information submitted pursuant to condition 17 is considered acceptable and is hereby approved. However, please be aware that condition 17 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The design and construction details of any new retaining walls, building retaining walls and attenuation tanks adjacent to Dobb Top Road shall be completed in accordance with the approved details before Plots 20 and 21 of the development hereby approved are first occupied and shall be retained during the life of the development.