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:	**2024/44/91007/W**
Site Address:	adj, 208, Yew Tree Road, Birchencliffe, Huddersfield, HD2 2EQ
Description:	Discharge of conditions 6 (Phase II report), 7 (Remediation Strategy), 10 (affordable housing), 11 (public open space), 12 (education), 13 (sustainable transport), 14 (temporary drainage), 16 (drainage scheme), 17 (attenuation and discharge rate), 18 (access point), 19 (estate roads), 21 (footway details), 23 (construction management plan), 24 (noise report), 25 (ecological design strategy) and 26 (electric vehicle charging) of previous permission 2018/90151 for outline application for erection of residential development
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Split Decision

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

Nicholas Hirst

AUTHORISED OFFICER

Date: 09-Jul-2025

Application: 2024/91007

Site: Adj, 208, Yew Tree Road, Birchencliffe, Huddersfield, HD2 2EQ

Application: Discharge of conditions 6 (Phase II report), 7 (Remediation Strategy), 10 (affordable housing), 11 (public open space), 12 (education), 13 (sustainable transport), 14 (temporary drainage), 16 (drainage scheme), 17 (attenuation and discharge rate), 18 (access point), 19 (estate roads), 21 (footway details), 23 (construction management plan), 24 (noise report), 25 (ecological design strategy) and 26 (electric vehicle charging) on previous permission 2018/90151 for outline application for erection of residential development.

<u>Condition 6 (Phase II report)</u>

> *6. A Phase II Intrusive Site Investigation Report (including ground gas monitoring) shall be submitted to and approved in writing by the Local Planning Authority before development commences.*
> ***Reason**: To identify unacceptable risks to human health and the environment arising from the legacy of coal mining activity and potential contamination. This is to accord with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Publication Draft Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.*

The following has been submitted.

i. A Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated 12th July 2022 (Ref: C2213/21/E/3266).
ii. Gas monitoring report 22-21697-1
iii. Certificates of calibration dated 25-Mar-2019 to 01-Feb-2023.
iv. Gas monitoring visit records 14-Jul-2022 and 17-Mar-2023.

KC Environmental Health have reviewed the submitted documents. Following their initial consultation requests raised concerns and asking for further details, in their final consultation response (19/08/2025) they concluded the latest details (listed above) to be acceptable.

Officers concur with this assessment and recommend that the details are approved. Given that condition 6 has no ongoing requirements, it may be discharged in full.

<u>Condition 7 (remediation strategy)</u>

> *7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The*

Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
***Reason**: To address unacceptable risks to human health and the environment arising from the legacy of coal mining activity and contamination. This is to accord with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Publication Draft Local Plan and guidance given in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.*

A Phase 3 Remediation Strategy by Rogers Geotechnical Services Ltd, dated 20th July 2022 (ref: C2213/21/E/4366) has been submitted.

KC Environmental Health have viewed the document and confirm, in their consultation response dated 19/08/2025, that the details are acceptable.

Whilst KC Environmental Health did not comment on the lack of a timetable for implementation and completion, this was subsequently requested by the case officer and the developer submitted the following additional information:

- Permits and Approvals: Obtaining necessary permits and approvals from the local planning authority (1-3 months)
- Remedial Works: Actual remediation activities (varies depending on the scope and complexity of the project)
- Verification and Monitoring: Post-remediation verification and ongoing monitoring (varies, but may be ongoing)
- Final Report: Submission of the final remediation report (1-2 months after completion of verification).

Given the scale of the proposal, and since it is not proposed that remediation and subsequent build are to be phased, the level of detail is deemed sufficient.

In light of the above, officers recommend that the submitted details be approved. Given that condition 7 has no ongoing requirements, it may be discharged in full, although, due to the detailed contained within the submitted report, conditions 8 and 9 hereby activate: a note stating this is recommended to be included on the decision notice.

<u>Condition 10 (affordable housing), Condition 11 (public open space), Condition 12 (education), and Condition 13 (sustainable transport)</u>

10. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

a) the number and type of affordable housing units to be provided;

b) the layout and disposition of the units affordable housing to be provided;
c) the timescale for the implementation and completion of the affordable housing units;
d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

***Reason**: To ensure the provision of affordable housing in accordance with the*
requirements of Policy H10 of the Kirklees Unitary Development Plan, the Council's Supplementary Planning Document 2 (Affordable Housing), the council's interim draft affordable housing policy (adopted December 2016) and PLP5 (as modified) and PLP11 of the Publication Draft Local Plan (or other such policies as shall prevail when details are submitted to discharge this condition). This condition may require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of affordable housing have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).

11. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

a) the layout and disposition of the public open space.
b) the timescale for the implementation and completion of the works to provide the public open space;
c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
d) maintenance of the public open space in perpetuity.

***Reason**: To ensure the provision of open space to serve the development and in accordance with Policy H18 of the Kirklees Unitary Development Plan and PLP5 (as modified) and PLP63 of the Publication Draft Local Plan (or other such policies as shall prevail when details are submitted to discharge this condition). This condition may require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of public open space have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).*

12. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the

development have been submitted to and approved in writing by the Local Planning Authority.
***Reason**: To facilitate an increase in the capacity of local schools commensurate with the demands of the development and to accord with the Council's policy note on providing for education needs generated by new housing and to accord with PLP5 (as modified) of the Publication Draft Local Plan (or other such policy as shall prevail when details are submitted to discharge this condition). This condition will require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of education facilities have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).*

13. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of measures to promote the use of public transport by occupiers of the development have been submitted to and approved in writing by the Local Planning Authority.
***Reason**: To promote the use of sustainable forms of transport and to accord with Policy PLP20 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework. This condition will require the payment of a financial contribution; the condition is worded as such to prohibit development until arrangements for the provision of measures to promote the use of public transport have been secured. The use of such a condition has been agreed with the applicant, in accordance with Planning Practice Guidance (use of planning conditions).*

A Section 106 Agreement was secured prior to the approval of the outline permission, in addition to the above conditions. The S106 secured the delivery of affordable housing, a public open space contribution, sustainable travel costs, and education contributions although, due to being an outline application, specifics were not provided.

As part of the associated Reserved Matters submission (ref. 2021/94363), a S106 deed of variation which amended the original S106 agreement was entered into between the applicant and council. This secured specific details relating to the above conditions, as follows:

Affordable Housing: The provision of two units (20%) as affordable housing.

Public Open Space: The wording of the condition implies that POS should be provided on site. Application 2021/94363 for reserved matters was however approved without any on-site public open space. Reserved Matters were granted subject to a Section 106 Agreement requiring an off-site contribution of £38,084 to pay for improvements at Birchencliffe Recreation Ground or other public open space in the vicinity of the site.

Education: The sum of £42,007 towards the provision of educational facilities or school places.

Sustainable Travel: Secured a contribution of £8,415 towards provision of Metrocards to promote sustainable transport.

Considering the above, the S106 secured at Reserved Matters stage is considered to address the requirements of the above conditions, which are hereby recommended to be approved and discharged.

<u>Condition 14 (temporary drainage)</u>

> *14. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.*
> ***Reason**: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP27 and PLP28 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.*

A Construction Phrase Temporary Drainage Plan by Advant Engineers dated 21-Jan-2025, reference 22046-DSR-001-C, has been submitted pursuant to condition 14.

In their consultation response dated 02/02/2025 the Lead Local Flood Authority has confirmed that their concerns raised in their earlier consultation response has now been satisfactorily addressed. Part (4) – the Temporary Drainage Management Plan – sets out what maintenance tasks and checks are to be undertaken, and when. It is considered that this addresses the “phasing” element of the condition.

Officers concur with this assessment, and it is recommended that the details be approved. The implementation of the temporary drainage works in full accordance with the approved scheme as set out in the plan, and their retention until the approved permanent water drainage system is in place and functioning, will discharge the condition.

Condition 16 (drainage scheme) and Condition 17 (attenuation and discharge rate)

> *16. Notwithstanding the submitted information, a scheme detailing separate foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) shall be submitted to and approved in writing by the Local Planning Authority before development commences. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development, or each agreed phasing of the development to which the dwellings relate. The drainage scheme so approved shall thereafter be retained.*
> ***Reason**: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP27 and PLP28 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development.*
>
> *17. Notwithstanding the submitted information, a scheme restricting the rate of surface water discharge from the site to a maximum of 3 litres per second shall be submitted to and approved in writing by the Local Planning Authority before development commences. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with an appropriate allowance for climate change (30%). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.*
> ***Reason**: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP27 and PLP28 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.*
>
> ***Note**: The maintenance and management arrangements for the surface water drainage infrastructure may require a planning obligation. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development.*

The following documents by Avant Engineers were submitted 29-Apr-2025:

i. Overall Private Drainage Layout, ref. 118 Revision J
ii. S104 site drainage plan, ref. 113 Revision P

iii. Road and sewer long sections, ref. 103 sheet 1 Revision O
iv. Road and sewer long sections, ref. 116 sheet 2 Revision J
v. Flow control manhole detail ref. 106 Revision I
vi. Model Revision T
vii. SUDS Maintenance and Operation Guide ref. DSR-002-D

The above details follow concerns being raised several times by the LLFA. In their final consultation response dated 08/05/2025 the LLFA have now confirmed the details are acceptable for both conditions.

Regarding the note attached to condition 17 (relating to the potential need for a planning obligation), this matter was addressed within the s106 Deed of Variation secured at Reserved Matters stage (app ref. 2021/94363) and need not be repeated.
Yorkshire Water's last comments on the proposal were an objection. They raised that surface water discharge to the public sewer requires justification being visible online (although accepted it had been agreed separately with the developer) and that the discharge rate must not exceed 3.5l/s.

The discharge rate is limited to 3.5l/s, and the point of discharge was justified at application stage: it need not be re-justified as part of this submission. Considering this, officers do not consider Yorkshire Water's comments to prohibit support of the proposal.

Notwithstanding the last comments from Yorkshire Water being an objection, Officers support this assessment from the LLFA and recommend that the details be approved.

Each condition has an ongoing requirement, preventing full discharge currently. A note of their respective ongoing requirement is recommended to be included on the decision notice.

<u>Condition 18 (access point), Condition 19 (estate roads), Condition 21 (footway details)</u>

> *18. Notwithstanding the submitted details, a detailed design for the construction of the approved point of access on Yew Tree Road that is based on drawing number 1711603 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The access shall be constructed in accordance with the approved details and retained thereafter.*
> ***Reason**: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*
>
> *19. No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall*

include the proposed phasing of works, full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the details so approved and retained thereafter.
***Reason**: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan. This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.*

21. Construction details for the 2 metre wide footway to the site frontage pursuant to condition 20 shall be submitted to and approved in writing by the Local Planning Authority before the footway is installed. The footway shall be provided in accordance with the approved details before any dwelling on the site is first occupied and shall thereafter be retained.
***Reason**: In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan.*

The following has been submitted pursuant to conditions 18, 19 and 21:

i. PRGN-2079-HGNDE-CH-P15-D03 – Phase 1 Standard Details
ii. PRGN-2079-HGNDE-S-D03 – Phase 2 Standard Details
iii. PRGN-2079-HGNDE-P1-LS02 – Phase 1 Long Sections
iv. PRGN-2079-HGNDE- LS02 – Phase 2 Long Sections
v. PRGN-2079-HGNDE-P1G-A01 – Phase 1 General Arrangement
vi. PRGN-2079-HGNDE-P2GA01 – Phase 2 General Arrangement

In the above, “Phase 1” refers to the eastern site, “Phase 2” is the part of the site that the current application relates to.

KC Highways Development Management have viewed the submitted information but are not yet able to confirm that the submitted details are acceptable because the process of technical approval under Section 38 of the Highways Act is still ongoing.

As it stands, officers are unable to confirm the proposed road would be safe, effective, or secure the amenity of future occupiers.

These conditions therefore cannot be discharged.

<u>Condition 23 (construction management plan)</u>

23. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and

from the site, construction workers parking facilities and a scheme to demonstrate how the highway will be kept clear of mud/debris. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
***Reason**: In the interests of highway safety and amenity and to accord with Policies T10 and BE1 of the Kirklees Unitary Development Plan and PLP21 of the Publication Draft Local Plan.*

The applicants have provided drawing number 2313-0314-PO1 Construction Plan, which consists of a single site layout drawing and a one-page statement.

Compliance with the specific requirements of the condition is commented on below.

(i) point of access for construction traffic

This would be off Yew Tree Road, to the north of the site.

(ii) details of the times of use of the access

The statement says that construction work shall not take place outside the following hours:

- 0730 - 1800hrs - Monday to Friday
- 0830 - 1300hrs - Saturday

The agent has confirmed in subsequent correspondence (dated 19-May-2025) that the access will not be used outside these hours.

(iii) the routing of construction traffic to and from the site

The drawing shows that vehicles making deliveries to the site will approach the site from the west, which implies that the route will be from the A629 (Halifax Road)

(iv) construction workers' parking facilities

A designated area for site parking is shown in the north-eastern corner of the site.

(v) a scheme to demonstrate how the highway will be kept clear of mud/debris.

A wheel wash point is to be positioned next to the site entrance. The Site Manager will monitor the condition of the site access and public highway throughout the working day. Damping down, dust extraction and regular cleaning will be used to reduce dust and dirt to a minimum and prevent it from interfering with activities or causing a hazard or a nuisance to workers and visitors. The soil stock pile is to be mechanically compacted and sealed to prevent loose material becoming airborne.

The submitted drawing and statement have been viewed by Planning officers and K.C. Highways Development Management,

In summary, the submitted details are concluded to be acceptable, and it is recommended that the details be approved.

Notwithstanding the above, the condition has an ongoing requirement, preventing full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 24 (noise report)

> *24. A report specifying the measures to be taken to protect the development from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority before development commences. The report shall: (i) Determine the existing noise climate (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.*
> ***Reason**: In the interests of amenity of the occupiers of the development and to accord with the requirements of Policies BE1 and EP4 of the Kirklees Unitary Development Plan and PLP24 and PLP52 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.*

A report by Environmental Noise Solutions Ltd, ref. NIA-10349-22-10510-v1 has been submitted. The report has been viewed by KC Environmental Health, who, in their consultation response dated 17/06/2024, conclude it to be acceptable.

Officers concur with this assessment, and recommended that the submitted details be approved.

Notwithstanding the above, the condition has an ongoing requirement, preventing full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 25 (ecological design strategy)

> *25. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include an ecological design strategy (EDS) addressing compensation for the loss of the marshy grassland/rush pasture habitats as identified in the Preliminary Ecological Appraisal, as well as general ecological enhancement. The EDS shall include the following:*

a) Purpose and conservation objectives for the proposed works, including but not limited to the creation of a permanent water body or marshy grassland habitat within open space.
b) Review of site potential and constraints informed by up-to-date (within 12 months of the date of submission) ecological survey and assessment.
c) Detailed design(s) and/or working method(s) to achieve stated objectives.
d) Extent and location/area of proposed works on appropriate scale maps and plans.
e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g) Persons responsible for implementing the works.
h) Details of initial aftercare and long-term maintenance.
i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained as such thereafter.
***Reason**: To provide ecological mitigation and enhancement in accordance with Policy PLP30 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.*

A Biodiversity Net Gain Assessment and Ecological Design Strategy reference ER-5871-01A have been submitted. It should be noted that the wording of the condition does not require the EDS to be submitted as part of an application for approval of details reserved by condition, but as part of the Reserved Matters for the outline.

Reserved Matters were applied for, and subsequently approved, under application reference 2021/94363. The same EDS was submitted with the Reserved Matters application as the one being considered as part of this application. This was accepted by officers and is referred to in the prescriptive Condition (14) on the approval.

The aims of this condition are therefore deemed to have been fulfilled, and it is recommended that the details submitted for this condition are approved. The carrying out of the development in complete accordance with the approved Ecological Design Strategy by Brooks Ecological (reference ER-5871-01A) will ensure compliance with the initial requirements of the condition. The condition has an ongoing requirement, which is that all features must be retained as such thereafter.

<u>Condition 26 (electric vehicle charging).</u>

26. Details of a scheme for the provision of electric vehicle recharging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The recharging points so approved shall be provided before

the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.
***Reason**: To accord with PLP24 of the Publication Draft Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.*

The letter supporting the application by Heneghan Architecture dated the 6th of April 2024, ref: 2313, states that each dwelling is to be fitted with a charging point. The charging point is to be supplied within garages where the dwelling has a garage or externally where there is no garage. Wall mounted single outlet charging points are to be installed in a position that is accessible to electric vehicles. Cable and circuitry ratings, the applicant has confirmed, will be of the specifications set out in the last sentence within the condition.

It is considered that the level of information supplied is sufficient to fulfil the requirements of the condition and is hereby recommended for approval. The provision of the recharging points in accordance with the details set out within the letter will discharge the condition.

Conclusion

Approval can be granted in respect of conditions: 6, 7, 10, 11, 12, 13, 14, 16, 17, 23, 24, and 26

The following conditions cannot have their submitted details discharged and/or approved: 18, 19 and 21.

Recommendation: Issue Split Decision

Report Dated: 26/06/2025

Proposed Letter Text

Conditions 6 (Phase II report)

You have submitted the following details pursuant to condition 6:

- A Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated 12th July 2022 (Ref: C2213/21/E/3266).
- Gas monitoring report 22-21697-1
- Certificates of calibration dated 25-Mar-2019 to 01-Feb-2023.
- Gas monitoring visit records 14-Jul-2022 and 17-Mar-2023.

The submitted documents are acceptable for the purposes of condition 6 and are hereby approved. This condition is hereby discharged.

Condition 7 (Remediation Strategy)

A Phase 3 Remediation Strategy by Rogers Geotechnical Services Ltd, dated 20th July 2022 (ref: C2213/21/E/4366) has been submitted pursuant to condition 7.

I can confirm that the identified report is satisfactory for the purposes of condition 7 and condition 7 is hereby discharged.

Notwithstanding the above, the applicant is reminded of the ongoing obligations imposed by conditions 9 and 10, that remediation of the site must be undertaken in accordance with the approved Remediation Strategy, unless unexpected contamination is identified

and that no part of the site may be brought into use before the entire site has been thus remediated and a Validation Report submitted to the Local Planning Authority.

Condition 10-13 (affordable housing, public open space, education, sustainable transport)

A Section 106 Agreement was entered into pursuant to the Outline permission which was later superseded by the subsequent Section 106 Agreement entered into pursuant to the Reserved Matters approval, reference 2021/94363. This latter Section 106 Agreement contained the following provisions:

1. Provision of affordable housing on site;

2. An off-site contribution of £38,084 to pay for improvements at Birchencliffe Recreation Ground or other public open space in the vicinity of the site;

3. A contribution of £42,007 to be paid towards the provision of educational facilities or school places;

4. Contribution of £8,415 towards provision of Metrocards to promote sustainable transport.

Since the Section 106 Agreement has addressed the matters listed in Conditions 10-13, no further information is required pursuant to this discharge of conditions application.

Compliance with the terms of the Section 106 Agreement that was entered into pursuant to permission 2021/94363, including any ongoing requirements regarding on-site affordable housing provision, will ensure compliance with the conditions.

Condition 14 (temporary drainage)

A Construction Phrase Temporary Drainage Plan by Advant Engineers dated 21-Jan-2025, reference 22046-DSR-001-C, has been submitted.

The plan is considered satisfactory and is hereby approved. The implementation of the temporary drainage works in full accordance with the approved scheme as set out in the plan will ensure compliance with the initial requirements of the condition. Their retention until the approved permanent water drainage system is in place and functioning, will discharge the condition.

Condition 16 (drainage scheme) and Condition 17 (attenuation and discharge rate)

You have submitted the following details pursuant to conditions 16 and 17:

- Overall Private Drainage Layout, ref. 118 Revision J
- S104 site drainage plan, ref. 113 Revision P
- Road and sewer long sections, ref. 103 sheet 1 Revision O
- Road and sewer long sections, ref. 116 sheet 2 Revision J
- Flow control manhole detail ref. 106 Revision I
- Model Revision T
- SUDS Maintenance and Operation Guide ref. DSR-002-D

I can confirm that the submitted details are acceptable for the initial requirements of each condition and are hereby approved.

Notwithstanding the above, you are reminded that each condition has the following ongoing requirement, which must be adhered to, to ensure compliance with the respective condition:

Condition 16

> *None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development, or each agreed phasing of the development to which the dwellings relate. The drainage scheme so approved shall thereafter be retained.*

Condition 17

> *There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.*

Condition 18 (access point), 19 (estate roads), 21 (footway details)

KC Highways Development Management have viewed the submitted information but are not yet able to confirm that the submitted details are acceptable because the process of technical approval under Section 38 of the Highways Act is still ongoing.

As it stands, officers are unable to confirm the proposed road would be safe, effective, or secure the amenity of future occupiers.

These conditions therefore cannot currently be discharged.

Condition 23 (construction management plan)

You have submitted a document entitled Construction Plan, reference 2313-0314-PO1 pursuant to condition 23.

The details are considered acceptable and are hereby approved.

Notwithstanding the above, you are reminded that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance with the condition:

> *All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.*

Condition 24 (noise report)

You have submitted a report by Environmental Noise Solutions Ltd, ref. NIA-10349-22-10510-v1 pursuant to condition 24.

I can confirm that the submitted details are acceptable for the initial requirement of condition 24 and are hereby approved.

Notwithstanding the above, you are reminded that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance with the condition:

> *The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.*

Condition 25 (ecological design strategy)

A Biodiversity Net Gain Assessment and Ecological Design Strategy (EDS) reference ER-5871-01A have been submitted.

It should be noted that the wording of the condition does not require the EDS to be submitted as part of an application for approval of details reserved by condition, but as part of the Reserved Matters for the outline. Reserved Matters were applied for, and subsequently approved, under application reference 2021/94363. The EDS submitted with the Reserved Matters application is also the one that has been submitted pursuant to this application. This was accepted by officers and is referred to in the prescriptive Condition (14) on the Reserved Matters approval.

The details submitted for this condition are hereby approved. The carrying out of the development in complete accordance with the approved Ecological Design Strategy will ensure compliance with the initial requirements of the

condition. The applicant is reminded that the condition contains an ongoing requirement that all features in the EDS shall be retained as such thereafter.

Condition 26 (electric vehicle charging)

You have submitted the letter by Heneghan Architecture dated 06-Apr-2024, ref: 2313, which provides details of the proposed electric vehicle charging points.

I can confirm that the submitted details are considered acceptable for the initial requirements of condition 26 and are hereby approved.

Notwithstanding the above, you are reminded that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance with the condition:

> *The recharging points so approved shall be provided before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.*