



Kirklees Council
Planning and Development Service
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Date: 10-Jul-2025
Our Ref: 2024/91007

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**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
adj, 208, Yew Tree Road, Birchencliffe, Huddersfield, HD2 2EQ
Application Number: 2024/91007**

I write with reference to your application to discharge the conditions for the above development as submitted on 09-Apr-2024.

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 Phase 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.

Yours faithfully

Mathias Franklin
Head of Planning and Development