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Date: 01/07/2025
Our Ref: 2025/90708

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 details reserved by conditions 3 (Construction (Environmental) Management Plan), 6 (Temporary surface water management details), 8 (Proposed internal adoptable roads), 9 (Permanent site entrance details), 16 (Surface water attenuation details), 17 (Details of Swale/ditch management), 19 (Phase II Site Investigation details), 20 (Remediation Strategy), 25 (Noise Impact Assessment), 30 (Arboricultural Method Statement/ Tree Protection Plan), 34 (Biodiversity Gain Plan) of permission 2024/91260 for Variation of conditions 2 (plans and specifications) and 35 (removal of permitted development rights) of previous permission 2021/92801 for erection of 291 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive – revisions to house types, unit size mix and layout

Land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton

Application Number: 2025/90708

I write with reference to your application to discharge the conditions for the above development as submitted on 13/03/2025.

Overview

This letter sets out the following position:

- The details submitted pursuant to conditions 19 (Phase II site investigation details) and 25 (Noise Impact Assessment), are hereby approved, subject to advice.

- Approvals cannot be issued pursuant to conditions 3 (Construction (Environmental) Management Plan), 6 (temporary surface water management details), 16 (surface water attenuation details), 17 (details of swale/ditch management), 30 (Arboricultural Method Statement / Tree Protection Plan) and 34 (Biodiversity Gain Plan) at this stage. You are invited to submit details within two weeks of the date of this decision letter.
- Decisions will be made, or advice will be given in relation to conditions 8 (proposed internal adoptable roads), 9 (permanent site entrance details) and 20 (Remediation Strategy) in due course, once consultee responses are received.

Please see the following for specific details regarding each condition:

Condition 3 (Construction (Environmental) Management Plan) – You have submitted the following documents pursuant to condition 3:

- Construction Environmental Management Plan (Harron Homes, undated)
- Construction Phase Plan (Vertase FLI, 2065HHL, rev 1, 31/03/2025)
- Air Quality Assessment (Redmore Environmental, 2443-1r1, version 1, dated 23/01/2025)
- First Phase Works S104 Underlay (drawing 122.306)
- Two-page document regarding construction traffic comprising page one (a Proposed Overview Traffic Management Plan (drawing SK1737_13 rev 2)), and page two (an Initial Proposed Traffic Management Plan (drawing SK1737_13 rev 2)).

The details set out in the submitted documents fail to adequately respond to all the requirements of condition 3. The submission does not demonstrate that amenity would be suitably protected, that risks to highway safety would be avoided, that the wider highway network would not be obstructed, or that biodiversity would be suitably protected. Please see the officer's report dated 01/07/2025 for further details of the concerns raised.

Given the above, no approval can be issued pursuant to condition 3 at this stage.

You are invited to submit a revised CEMP (in the form of a single document, covering all of the construction phase including enabling and access works) pursuant to condition 3 within two weeks of the date of this letter. If no revised CEMP is submitted within that timeframe, a new Discharge of Conditions application would need to be submitted.

Condition 6 (temporary surface water management details) – You have submitted a Surface Water Management Plan (drawing D1874_23) pursuant to condition 6. Details set out in this drawing do not adequately address the requirements of condition 6. Please see the comments of the Lead Local Flood Authority dated 23/04/2025 for further advice regarding your submission's deficiencies.

Given the above, no approval can be issued pursuant to condition 6 at this stage.

You are invited to submit further details pursuant to condition 6 within two weeks of the date of this letter. If no further details are submitted within that timeframe, a new Discharge of Conditions application would need to be submitted.

Conditions 8 (proposed internal adoptable roads) and 9 (permanent site entrance details) – KC Highways Development Management have been consulted on your submission pursuant to conditions 8 and 9, and their comments are expected in due course. In the meantime, an approval cannot be issued pursuant to conditions 8 and 9.

Condition 16 (surface water attenuation details) – You have submitted the following drawings pursuant to condition 16:

- S104 Drainage Layout (sheet 1 of 2) drawing 48867-ECE-XX-XX-DR-C-0001 rev P01
- S104 Drainage Layout (sheet 2 of 2) drawing 48867-ECE-XX-XX-DR-C-0002 rev P01
- MHS14 Hydrobrake Details drawing 48867-ECE-XX-XX-DR-C-0025 rev P01
- MHS61 Hydrobrake Details drawing 48867-ECE-XX-XX-DR-C-0026 rev P01
- Flood Routing drawing 48867-ECE-XX-XX-DR-C-0021 rev P01

Your main road flood routing information is accepted, however there are significant concerns regarding other aspects of your submission. Please see the comments of the Lead Local Flood Authority dated 23/04/2025 for further advice regarding your submission's deficiencies.

Given the above, no approval can be issued pursuant to condition 16 at this stage.

You are invited to submit further details pursuant to condition 16 within two weeks of the date of this letter. If no further details are submitted within that timeframe, a new Discharge of Conditions application would need to be submitted.

Conditions 17 (details of swale/ditch management), 30 (Arboricultural Method Statement / Tree Protection Plan) and 34 (Biodiversity Gain Plan) – As confirmed on your submitted application form, no information has been submitted pursuant to conditions 17, 30 and 34.

Therefore, no approval pursuant to these conditions can be issued at this stage.

You are invited to submit details pursuant to conditions 17, 30 and 34 within two weeks of the date of this letter. If no details are submitted within that timeframe, a new Discharge of Conditions application would need to be submitted.

Condition 19 (Phase II site investigation details) – You have submitted the following documents pursuant to condition 19:

- Geoenvironmental Appraisal (Lithos Consulting, 2828/1A, July 2019)
- Merchant Fields – preliminary findings (letter from Lithos Consulting, no reference or date) with appended findings, plans and logs
- Merchant Fields, Cleckheaton – Gas risk assessment (letter from Lithos Consulting, no reference or date) with appendices

Details set out in the above-listed documents are acceptable for the purpose of condition 19, and are hereby approved. As there are no further requirements of condition 19, the condition is hereby fully discharged.

Condition 20 (Remediation Strategy) – On 04/06/2025 you submitted a revised Remediation Method Statement (Vertase FLI, 1874HAR RMS rev B, 03/06/2025). KC Environmental Health have been consulted on your revised submission pursuant to condition 20, and their comments are expected in due course. In the meantime, an approval cannot be issued pursuant to condition 20.

Condition 25 (Noise Impact Assessment) – You have submitted a Noise Survey and Impact Assessment (MZA Acoustics, 1701143-RPAC-0001 rev 1, 12/12/2024 pursuant to condition 25.

Details set out in the submitted document are acceptable for the purpose of condition 25, and are hereby approved. However, please note that no fencing or other boundary treatment is hereby approved – that matter is to be addressed under condition 29. Please also be reminded of the ongoing requirement of condition 25 which states:

Prior to the first occupation of any specified dwelling hereby approved all works specified for that dwellings in the approved Noise Impact Assessment shall be carried out in full and such works shall thereafter be retained.

Yours faithfully

Victor Grayson

Victor Grayson, Development Management Masterplanner
for Mathias Franklin, Head of Planning and Development