

Enquiries to: William Simcock

Candy Day,
Orion Homes Ltd
5 Benton Office Park
Bennett Avenue
Horbury
WF4 5RA

Kirklees Direct
Tel: 01484 221000
Email: william.simcock@kirklees.gov.uk

Date: 13-Jul-2026
Our Ref: 2025/92161

Dear Ms Day

**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 4 (finished floor levels), 5 (coal investigation), 6 (coal remediation validation), 7 (phase 1 contamination), 8 (phase 2 contamination), 11 (contamination Verification Report), 12 (CEMP), 13 (noise), 14 (Arboricultural Method Statement), 15 (CMP), 16 (highway survey), 17 (visibility), 18 (Off-site highway improvements), 19 (estate streets), 20 (waste collection), 21 (highway structures), 24 (bin storage), 25 (bicycle storage), 26 (temporary surface water), 28 (drainage management and maintenance), 29 (CEMP: Biodiversity), 30 (landscape), 34 (solar panel array), 35 (materials), 38 (crime prevention) on previous permission 2024/92281 for erection of 23 dwellings
Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS
Application Number: 2025/92161**

I write with reference to your application to discharge the conditions for the above development as submitted on 31-Jul-2025.

Overview

Approval can be granted in respect of the following conditions:

- 4 (finished floor levels)
- 5 (coal investigation)
- 7 (phase 1 contamination)
- 8 (phase 2 contamination)
- 12 (CEMP)
- 13 (noise)
- 14 (Arboricultural Method Statement)
- 15 (CMP)
- 16 (highway survey)
- 17 (visibility)
- 18 (Off-site highway improvements)
- 19 (estate streets)
- 20 (waste collection)
- 21 (surface water attenuation)
- 24 (bin storage)
- 25 (bicycle storage)
- 26 (temporary surface water)
- 28 (drainage management and maintenance)
- 29 (CEMP: Biodiversity)
- 30 (landscape)
- 34 (solar panel array)
- 35 (materials)
- 38 (crime prevention)

Approval cannot be granted in respect of the following conditions:

- 6 (coal remediation)
- 11 (contamination Verification Report)

For the ease and convenience of reading, the following conditions are organised into 'not approved' and 'approved' groups:

Not approved

Condition 6 (coal remediation validation)

Pursuant to the approval of condition 5, Condition 6 can only be discharged once a signed statement or declaration has been submitted to the Local Planning Authority confirming that the site has been made safe and stable for the approved development.

This has not been received. Therefore condition 6 cannot be discharged at the present time.

Condition 11 (contamination Verification Report)

The letter report by Groundtech Consulting dated 09/02/2026 acknowledges that site remediation will be required and that the requirements of conditions 9 (submission of Remediation Strategy) and 10 (implementation of remediation strategy) activate. A Remediation Strategy has been submitted and approved (application reference 2026/91345) and condition 9 is thereby discharged. At the present time, condition 11 cannot be discharged since this will require the submission of a report following the completion of any measures identified in the approved Remediation Strategy.

Approved

Condition 4 (finished floor levels)

A drawing, External Works, reference 23/341/EXT/001 Rev H, has been submitted pursuant to condition 4.

It is considered that the finished floor and ground levels shown on the submitted drawing are acceptable for the purposes of this condition and are hereby approved. The carrying out of the development in accordance with the submitted details before the dwelling to which the works relate is occupied will discharge the initial requirements of the condition. Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that dwelling have been completed, and these works shall be so retained.

Condition 5 (coal investigation)

You have submitted the following documents:

- A Supplementary Investigation by Groundtech Consulting, reference GRO-24208-5483, dated 28/10/24
- A report by ARP Geotechnical Ltd, reference ORH/20/AJjcl1

It is considered that the submitted details are acceptable for the purposes of condition (5) and are hereby approved. The initial requirements, as set out in part (i), are discharged.

However, be aware that condition 5 has the following ongoing requirements, which must be adhered to, to ensure ongoing compliance:

ii. any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Conditions 7 (phase 1 contamination) and 8 (phase 2 contamination)

You have submitted the following documents pursuant to conditions 7 and 8:

- Letter report by Groundtech Consulting dated 09/02/2026
- RSK Environment Ltd 'Site Investigation' (Ref. 350520-R01 (00)) dated November 2022
- ARP Geotechnical Ltd 'Combined Stage 1/Stage 2 Geo-Environmental Report (Ref. ORH/20r1) dated 11/08/2023
- Groundtech Consulting Ltd 'Coal Mining Risk Assessment' (Ref. GRO-24208-5354) dated 16/08/2024.

These are considered to fulfil the requirements of conditions 7 and 8, and are approved. Conditions 7 and 8 are hereby discharged.

Based on the details submitted pursuant to condition 8, the discharge of that condition hereby activates the requirements of conditions 9, 10, and 11, which are repeated below for convenience:

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (8), further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.*

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.*

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.*

Note: It is acknowledged that condition 11 has been sought to be discharged as part of this application. In summary, the submitted details are unacceptable, with further details provided later in this letter.

Condition 12 (CEMP)

You have submitted four separate documents, which together constitute a Construction Environmental Management Plan (CEMP):

- Noise control statement
- Dust control statement
- Artificial light statement
- Communications plan

The submitted information fulfils the initial requirements of condition 12 and is hereby approved.

Notwithstanding the above, please be aware that condition 12 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

The approved plan shall be adhered to throughout the construction of the development.

Condition 13 (noise)

You have submitted the following:

- i. Planning Noise Assessment by Miller Goodall reference 103182 dated 12/11/2025;
- ii. Boundary Treatment Plan, reference 2306/02/002 Revision B, which is one of the approved documents for the original planning application.

The submitted Planning Noise Assessment and Boundary Treatment Plan are considered satisfactory for the initial purposes of condition 13 and are hereby approved, on the basis that the mitigation measures for outdoor areas will be as specified in figure 6C of the Planning Noise Assessment hereby approved. For the avoidance of doubt, no acoustic fencing exceeding 2.0m is hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

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 14 (Arboricultural Method Statement)

You have submitted the following documents:

- Arboricultural Method Statement (AMS) by Iain Tavendale, Arboricultural Consultant.
- Foundation Schedule, reference 119/190/51 Revision B (24/02/2026)

The submitted details are satisfactory for the purposes of this condition and are hereby approved. Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Condition 15 (CMP)

You have submitted a document, reference CEMP-2306-02-006 revision B. This is entitled "Construction Environmental Management Plan", but is in fact a Construction Management Plan and has been assessed on that basis. This contains a written statement and a plan (Appendix 1) showing the layout of the site during construction.

The CMP is considered acceptable for the initial purposes of Condition 15 and is hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

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

Condition 16 (highway survey)

Condition 16 has two parts. It requires a pre-commencement road condition survey and a post-completion road condition survey

You have submitted a document entitled Condition Survey Report by HDC Support Ltd, which relates to the initial pre-commencement road condition survey (only). It is considered to meet the initial requirements of this condition and is hereby approved.

You are reminded that the following requirements for condition 16 remain:

Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Denby Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Condition 17 (visibility)

You have submitted a drawing, Visibility Splays and Dimensions, reference 23/341/100/005 Revision H, showing the visibility splays and details of how the new hard surfacing is to be formed.

Since the wall is already positioned to the rear of the site lines, as demonstrated by the drawing, rebuilding of the wall will not be necessary to fulfil the requirements of this condition. The details are considered acceptable and are hereby approved. Notwithstanding this, you are reminded that the condition requires that the visibility splays are cleared of all obstructions to visibility of over 1.0m in height above the adjacent carriageway and tarmac surfaced, in accordance with the details shown on the hereby approved drawing, before the construction of any dwelling commences.

Furthermore, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

all visibility splays shall thereafter be retained as such.

Condition 18 (Off-site highway improvements)

You have submitted a document entitled Work in Existing Highway Area, reference 23-341-278-001 revision A.

Officers confirm that this document is acceptable for the purposes of condition (18) and is hereby approved.

Notwithstanding the above, please be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

All the agreed works shall be implemented before any part of the development is first brought into use.

Condition 19 (estate streets)

You have submitted the following:

- A short statement entitled Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS 2024/62/92281/E which states that there is to be no phasing.
- A drawing, reference 2403-02-008 Internal road phasing, showing the adoptable road and visitor parking spaces shaded green, indicating that these are to be completed to wearing course before any dwelling is occupied.

The drawing and statement are deemed acceptable for the purposes of Condition (19) and are hereby approved. The completion of the development in a single phase is acceptable. However, you are reminded of condition 19's ongoing requirements, which must be adhered to:

No dwelling within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) has been completed in accordance with the Estate Street Phasing and Completion Plan.

The completion of the estate streets in accordance with the details shown on the approved plan before any dwelling is occupied will discharge the condition.

Condition 20 (waste collection)

You have submitted the following:

- A short statement entitled Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS 2024/62/92281/E which states that there is to be no phasing.

Officers accept that as there is to be no phasing of the development, and therefore no need for temporary waste collection arrangements, the submitted details are acceptable. However, you are reminded of condition 20's ongoing requirements, which must be adhered to:

The approved details shall be provided before first occupation of the dwellings to which this applies and implemented throughout the construction process.

Condition 21 (highway structures)

You have submitted the following:

- Drainage Layout 23/341/500/001 Revision Q by Bryan G Hall
- Drainage Standard Details 23-341-500-004 Revision C
- Surface Water Attenuation Tank and External Works 23/341/EXT/002 Rev A by Bryan G Hall

I can confirm that the submitted details are acceptable for the initial requirements of condition 21 and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The approved scheme shall be implemented prior to the construction phase of the proposed development and thereafter retained as such.

Furthermore, you are further reminded that the submission of a "Construction Compliance Certificate" together with "As built" drawing, while not requirements of the planning condition itself, are requirements imposed by other legislation that must be complied with. These should be sent via email to:

Highways.structures@kirklees.gov.uk

Condition 24 (bin storage)

You have submitted a statement which contains the following information:

“We are proposing that all bin storage areas are within rear gardens, providing a hardstanding area for the placement of 3 wheelie bins”. No drawings have been supplied.

The absence of purpose-built enclosures is considered acceptable since all of the bins would be placed behind secure boundary lines as indicated on the drawing titled Site Plan, reference 2306/02/001 Revision O, dated 17/09/2024, which forms one of the approved documents for the original permission. The boundary treatments must be provided in accordance with the approved schedule of boundary treatments, as set out in the condition 37.

Officers confirm that the details submitted in respect of this condition are acceptable, and are hereby approved. The laying out of the areas shown on the approved site plan for the storage and collection of wastes with a hard surface and their being made available for use before the dwelling(s) to which they relate are first occupied, will ensure compliance with the initial requirements of the condition.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

All the approved bin enclosures shall be provided, and all of the areas shown on the approved site plan for the storage and collection of wastes including both private and communal bin presentation points, laid out with a hard surface and made available for use, before the dwelling(s) to which they relate are first occupied, and thereafter retained as such, free from all obstructions to their use.

Condition 25 (bicycle storage)

You have submitted the following:

- A document titled Cycle Store Detail, reference 2306-002-007, dated 28/07/25. This shows a photograph of a timber shed and internal plan showing that it contains a ground anchor and space for two cycles.
- A drawing titled Site Plan 2306/03/001 Revision A, which shows the location of cycle stores within the plots. It shows that plots 2-4, 15-19 and 22-23 would be provided with a designated cycle store.

Plots 1, 5, 12-14 and 20-21 would not have a designated external cycle store, but all would benefit from an attached or integral garage. Cycles could therefore be stored safely within the garage and these dwellings do not need to have separate provision.

Officers can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

These facilities shall be provided and made available for use prior to the first occupation of the dwelling to which it relates and thereafter retained as such.

Condition 26 (temporary surface water)

You have submitted a plan entitled Temporary Surface Water, reference 2306/03/005, showing the location of bunds within the site.

KC Lead Local Flood Authority, in their comments dated 08/12/2025, highlight several shortcomings in the submitted temporary surface water drainage plan. Development has however already commenced and it is accepted that, at this stage in construction, the plans submitted are acceptable to manage flood and pollution risk henceforth. It is therefore considered, in the circumstances, that the temporary drainage scheme is acceptable for the purposes of the condition and it is hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

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.

Condition 28 (drainage management and maintenance)

You have submitted the following:

- Management and Maintenance Plan, authored by Orion Homes, reference 2306-DMMP-001, 30/01/2026.
- An email (04/03/2026) providing confirmation that that the flow control device would have replacement neoprene seals in case the seals needed to be removed temporarily for blockages, and that the tank would be a concrete tank in accordance with the original design by FP McCann.
- A photograph showing a concrete attenuation tank being installed within the site.

The submitted Management and Maintenance Plan together with the supplementary information contained in your email of 04/03/2026 concerning the neoprene seals and tank

design and photograph are considered satisfactory for the purposes of this condition and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The approved maintenance and management scheme shall be implemented thereafter.

Condition 29 (CEMP: Biodiversity)

You have submitted a document entitled Construction Environmental Management Plan – Biodiversity by Brooks Ecological.

The submitted details are considered to be satisfactory for the initial requirement of condition 29 and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Condition 30 (landscape)

You have submitted the following documents pursuant to condition 30:

- Landscape Management Specification by Stephen Heward, Landscape Architect, submitted 31/07/2025;
- Detailed Landscape Scheme H2 240701 1 Revision G prepared by Landscape Planning Partnership, submitted 11/11/2025;
- An extract from the S104 Agreement by Yorkshire Water, submitted 24/02/2026;
- A drawing titled Drainage Layout 23/341/500/001 Revision R, submitted 23/04/2026.

Officers would ideally have preferred to see further tree planting on the Whitehall Road West frontage. It is however acknowledged that the amount of tree planting shown on the landscaping scheme is the most that can be achieved given the constraints of the site, in particular the position of the attenuation tank and Yorkshire Water's requirements regarding the planting of trees near drainage infrastructure, based on the S104 Agreement and Drainage Layout that you have supplied. The proposed details set out within the Detailed Landscape Scheme H2 240701 1 Revision G and the Landscape Management

Specification by Stephen Heward Landscape Architect are considered acceptable for the purposes of condition 30 and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5-year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Condition 34 (solar panel array)

You have submitted the following plans:

- A set of plans for each house type. These are referenced A.00, A.01, S.00, D.00, D01, and include roof plans, method of attachment, and technical specifications. For the avoidance of doubt, these packages of plans have the 'Project Names' of:
 - Whitehall Road (Dartmouth)
 - Whitehall Road (Wharfedale)
 - Whitehall Road (The Arundel)
 - Whitehall Road (The Bamburgh Jedburgh)
 - Whitehall Road (The Cheltenham)
 - Whitehall Road (The Gosford)
 - A plan titled Site Plan – PV Locations, reference 2306/03/001B (20/02/26).

The submitted details show that each dwelling would have an array of 7 no. solar panels on one roof slope (in each case this would be the roof slope with a southerly aspect) which would be capable of generating 3.05kW in total.

It is considered that the measures shown on the plans, for each dwelling, are acceptable for the purposes of this condition and are hereby approved. The initial requirements of the condition will be complied with by the scheme being implemented and made operational before any new dwelling to which it relates is first occupied.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The scheme thus approved shall be implemented and made operational before any new dwelling to which it relates is first occupied and shall thereafter be retained as such.

Condition 35 (materials)

You have submitted a document entitled Materials Plan, reference 2306/02/003 Rev B, indicating that the walling material would be Carlton Wolds Autumn brick, the roofing materials Calderdale Edge terracotta (12 houses), and Calderdale Edge dark grey (11 houses).

A sample of the proposed brick along with the proposed roof tiles has been inspected on site. The proposed materials are considered to be satisfactory and are hereby approved. The construction of the development using the approved materials will discharge the condition.

Condition 38 (crime prevention)

You have submitted a statement entitled Condition 38 Revision A, submitted 02/12/2025. This provides the following details:

- Secure cycle storage has been provided to each property;
- All trees and hedges are under a management and maintenance scheme to maximise natural surveillance;
- Lighting to the adoptable highways is to BS5489-1:2020 to maximise surveillance at night;
- External doors and windows are to PAS 24 2022;
- All properties are alarmed to BS EN 50131.
- External lighting will be switched on by photoelectric cell with manual override illuminating all entry and exit points.

The details are considered satisfactory and are hereby approved.

Notwithstanding the above, be aware that the condition has the following ongoing requirement, which must be adhered to, to ensure continued compliance:

The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

Yours faithfully

Mathias Franklin
Head of Planning and Development