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Kirklees Council Planning & Development Service
PO Box 1720
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Ref: 4413LEa.L002

15th August 2025

Dear Sir/Madam,

SUBMISSION OF DETAILS TO DISCHARGE CONDITION 5 (RETAINING WALLS) OF PLANNING PERMISSION WITH REFERENCE 2022/91047 ON LAND AT BLUE HILLS FARM, WHITEHALL ROAD WEST, BIRKENSHAW

Introduction

On behalf of our client, Vistry West Yorkshire (the 'Applicant'), we hereby submit details to discharge Condition 5 (retaining walls) of planning permission with reference 2022/91047 which approved the reserved matters for the erection of 91 dwellings, pursuant to the outline permission granted by application 2019/90527 for the erection of 127 dwellings on land at Blue Hills Farm, Whitehall Road West, Birkenshaw (the 'Site').

The application is supported by the following documents:

- Adept Civil and Structural Consulting Engineers - Engineering Drawings
 - **External Levels Sheet 1 (Phase 1)** – reference 09.21011-ACE-00-ZZ-DR-C-3200, revision C2
 - **External Levels Sheet 2 (Phase 1)** – reference 09.21011-ACE-00-ZZ-DR-C-3201, revision C2
 - **PROW Sections Sheet 1 of 2** – reference 09.21011-ACE-00-ZZ-DR-C-03600, revision P4
 - **PROW Sections Sheet 2 of 2** – reference 09.21011-ACE-00-ZZ-DR-C-03606, revision P3
 - **Southern Boundary Sections** – reference 09.21011-ACE-00-ZZ-DR-C-03604, revision C3
 - **Redi-Rock Wall Proposed Ground Levels** – reference 09.21011-ACE-00-ZZ-DR-C-3615, revision C1
 - **Boundary Retaining Wall Plots 65-70 (1)** – reference 09.21011-ACE-00-ZZ-DR-C-7021, revision P4
 - **Boundary Retaining Wall Plots 65-70 (2)** – reference 09.21011-ACE-00-ZZ-DR-C-7022, revision P4
 - **Boundary Retaining Wall Plots 65-70 (3)** – reference 09.21011-ACE-00-ZZ-DR-C-7023, revision P2
- Other consultants – Engineering Drawings
 - **Marshalls Proposed Layout Redi-Rock Retaining Wall** by Marshalls Civils and Drainage – reference 5856952 Layout-1, revision B)
 - **Redi-Rock Wall Design 3.10m** by CivilWeb Consulting Engineers Ltd – reference P0121-265-001, revision 1
 - **Proposed Pile Layout** by M&D Foundations – reference T30295 Retaining Wall, revision B
- Brooks Ecological - Landscaping and Planting Information

- **Landscape Masterplan (Sheet 1)** – reference DR-5947-01.01, revision F
- **Landscape Masterplan (Sheet 2)** – reference DR-5947-01.02, revision F
- **Planting Specification** – reference DR-5947-01.03, revision F
- Acanthus WSM Architects - Street Scenes
 - **Whitehall Road West Street Scene (Sheet 1)** – reference 4035.200.500B
 - **Whitehall Road West Street Scene (Sheet 2)** – reference 4035.20.501
 - **Public Welcome Stone Example**
- Kirklees Council Highway Structures
 - **Approval in Principle for Design of Proposed Retaining Wall at Blue Hills Farm adjacent to PROW, Birkenshaw** – revision B, signed by Highways Structures on 02/09/2024, structure reference K66043)
 - **Approval in Principle for Design of Proposed Private Retaining Wall at Blue Hills Farm adjacent to A58 Whitehall Road West, Birkenshaw** – revision P5, signed by highways on 28/03/2025, structure reference K66044)

The application has been submitted today through the Planning Portal and the fee of £383.00 has been paid directly through the Portal.

Background

A previous application to discharge Condition 5 was received by Kirklees Council (the ‘Council’) on the 12th July 2023 under reference 2023/92092.

Prior to this the Applicant had contacted the Council’s Highways Structures team in order to request technical approval of the walls. Technical approval (in the form of the **Approval in Principle** documents; attached here for clarity) was initially granted by the Council on 23rd December 2023 for the Redi-Rock wall (structure reference K66044). An amendment to this approval was made in relation to the walls ground conditions, which subsequently re-approved on 28th March 2025. Technical approval for the contiguous piled retaining wall (structure reference K66043) was approved on 2nd September 2024.

However, the Council refused application 2023/92092 on the 1st of July 2024, citing:

“significant concerns regarding the height and stark materials used for the retaining boundary wall, due to its prominence along the A58, and the fact that the area is characterised by lower boundary treatments which feature more appropriate materials.”

As a result of the above representatives from the Applicant met with the following members of the Council at the Site: Victor Grayson (Planning, Majors and Minerals Team), Clare Richardson (Highway Structures), and Chris Cockroft (Planning Enforcement) on Thursday, 5th June 2025. The purpose of the meeting was to agree how to overcome the Council concerns regarding the retaining wall which fronts onto Whitehall Road West. It was agreed that the Applicant would change the appearance of the wall along the A58 through *“painting or tinting”* in order to match the appearance of the approved artificial stone used throughout other areas of the development. It was also agreed that the Applicant would provide planting in front of the wall to *“screen and soften”* the appearance of the wall, and, on suggestion by Mr Grayson, provide *“public artwork”*, in the form of a *“welcome stone”* at the prominent corner of the retaining wall.

The application hereby made contains the agreed changes.

Condition 5

Condition 5 of permission 2022/91047 states, in full:

“There shall be no commencement of each phase of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing/proposed highway has first been submitted to and approved in writing by the Local Planning Authority, in liaison with the Local Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of highway structures etc are designed and approved at an appropriate stage”

The submitted engineering drawings by Adept Civil and Structural Consulting Engineers, as well as those by Marshalls Civils and Drainage, and CivilWeb Consulting Engineers, shows the design, locations and cross-sections of all retaining walls on the Site. Details of the agreed planting along the A58 are contained within the submitted landscape masterplans and planting schedules by Brooks Ecological. Visual representations of the retaining wall along the A58 are provided in the Whitehall Road West Street Scene documents, and an example of the agreed “welcome stone” is also provided, both by Acanthus WSM Architects. Finally, the approvals in principle received from the Council’s Highway Structures team in relation to the retaining walls both along the A58 and the PRoW are also included for the avoidance of doubt regarding the walls’ technical suitability.

On the basis of the above we consider that the requirements of Condition 5 are therefore now satisfied and can be discharged.

Conclusion

We trust that the above and submitted information is sufficient to discharge Condition 5 of permission 2022/91047, however should you require anything further then please do not hesitate to get in touch.

Yours sincerely,



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