

**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:	2022/44/92079/E
Site Address:	Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY
Description:	Discharge of condition 18 (lighting) of previous reserved matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings
Recommending Officer:	Victor Grayson

DECISION – Discharge of Conditions- Approved

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

David Wordsworth

AUTHORISED OFFICER

Date: 17-Jan-2024

Officer Report

Discharge of condition 18 (lighting) of previous reserved matters approval 2019/91638 for erection of 27 dwellings pursuant to outline permission 2017/92233 for erection of up to 34 dwellings

Decisions to date

2017/92233 – Outline planning permission granted 21/03/2018 for up to 34 dwellings.

2019/91638 – Reserved Matters approved 13/05/2020 for 27 dwellings.

2019/92206 – Variation of condition 16 (drainage) of outline permission ref: 2017/92233. Granted 11/08/2021.

2022/92828 – Variation of condition 1 (plans) of Reserved Matters approval 2019/91638. Granted 16/03/2023.

2022/90245 – Planning permission granted 12/12/2023 for erection of external substation and boundary treatment.

Various applications seeking discharge of outline and reserved matters conditions have been considered by the council.

Consultation

The comments of KC Highways Development Management, KC Ecology and the West Yorkshire Police Designing Out Crime Officer are referred to below.

No response was received from Kirkburton Parish Council.

Condition 18 (lighting)

Condition 18 reads as follows:

18. Prior to the first occupation of any part of the development, a lighting design strategy for biodiversity referring to the off-site woodland and Kirklees Wildlife Habitat Network areas shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those area or features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;*
- b) Illustrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans, light spill and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or*

prevent the above species using their territory or having access to their breeding sites and resting places; and All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: *To prevent significant ecological harm and to safeguard the Kirklees Wildlife Habitat Network in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

The applicant initially submitted two documents pursuant to condition 18:

- Drawing 0002231357-E-R1-05052022 rev R1
- Thorn Lighting R2L2 XS information sheet

In comments dated 27/07/2022, KC Ecology advised that the submitted information provided sufficient detail to ensure that the lighting scheme at the site would not adversely impact wildlife use of the habitats adjacent to the site, and that discharge of condition 18 was supported.

Although condition 18 was applied solely for ecological reasons, officers with other remits provided comments on the submission. In comments dated 29/07/2022, the West Yorkshire Police Designing Out Crime Officer advised that the submitted information was acceptable.

On 11/10/2022 the applicant chose to submit the following drawings:

- Drawing 6742 S38 rev B (street lighting proposals for adopted highway)
- Drawing 0002231357-E-R2-05052022 rev R2

In further comments dated 27/02/2023, KC Ecology advised that the submitted plans and lighting specification would ensure that there would be no significant harm on protected species and that the Kirklees Wildlife Habitat network would be safeguarded. KC Ecology supported the discharge of condition 18.

In further comments dated 23/02/2023, the West Yorkshire Police Designing Out Crime Officer advised that the latest lighting plans were satisfactory for the illumination of the private drives and footpaths outside highways adoption, and that condition 18 was now satisfied.

In comments dated 13/03/2023, KC Highways Development Management advised that the proposed lighting scheme shown on drawing 6742 S38 rev B had been designed by the council's own Street Lighting section, and was therefore considered acceptable. KC Highways Development Management

raised no objection to the discharge of condition 18 as far as the lighting to the adoptable roads was concerned.

Given the above, and the comments of consultees, it is recommended that the proposed external lighting be approved.

Condition 18 includes further requirements for all external lighting to be installed in accordance with the approved specifications and locations, and for these to be maintained thereafter. No other external lighting may be installed without prior written consent from the Local Planning Authority.

Recommendation

Approve details pursuant to condition 18.

Decision Notice Text

Condition 18 – You have submitted the following pursuant to condition 18:

- Drawing 6742 S38 rev B (street lighting proposals for adopted highway)
- Drawing 0002231357-E-R2-05052022 rev R2
- Thorn Lighting R2L2 XS information sheet

Details set out in the above-listed documents are considered acceptable for the purpose of condition 18 and are hereby approved. Please note, however, that condition 18 includes further requirements for all external lighting to be installed in accordance with the approved specifications and locations, and for these to be maintained thereafter. No other external lighting may be installed without prior written consent from the Local Planning Authority.

Report Dated: 15/01/2024