

**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:	<b>2024/44/91498/W</b>
Site Address:	Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield, HD2 2EQ
Description:	Discharge of conditions 2 (materials), 4 (highways), 7 (landscape), 8 and 9 (bin stores), 10 (crime prevention), 11 (boundary), 12 (lighting) and 15 (highway structures) on previous reserved matters approval 2021/91933 pursuant to outline permission 2018/90776 for erection of 10 dwellings
Recommending Officer:	Ellie Thornhill

**DECISION – Discharge of Conditions – Split Decision**

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

*Victor Grayson*

**AUTHORISED OFFICER**

**Date: 10/09/2024**

**Application:** 2024/91498

**Site:** Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield, HD2 2EQ

**Proposal:** Discharge of conditions 2 (materials), 4 (highways), 7 (landscape), 8 and 9 (bin stores), 10 (crime prevention), 11 (boundary), 12 (lighting) and 15 (highway structures) on previous reserved matters approval 2021/91933 pursuant to outline permission 2018/90776 for erection of 10 dwellings.

### **Condition 2: Materials**

*2. Prior to their use, details of all facing materials to include stone walling and concrete tiles to the roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved materials and retained thereafter.*

**Reason:** *In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.*

### **Assessment**

In support of condition 2 the following document has been submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

For the walls, an artificial stone is proposed (Calder Buff Weathered), which would be sourced from Newlay Walling Stone. This material is considered to be unacceptable, as it would not be in keeping with the surrounding built form which this parcel of land lies within. The existing developments to the north and east and the recently-approved development to the south (which all fall under the same housing allocation as the site in question) have been or are to be constructed from Marshalls Cromwell Pitched Faced Weathered Stone or similar. The walling material proposed as part of this application would not have the same colouring as the walling material at the surrounding sites and therefore cannot be supported.

No details have been provided for the heads and cills.

To the roof, an artificial slate is proposed (Marley Modern Concrete Tile) in Smooth Grey. The use of this material is considered acceptable, as grey roof tiles are prevalent within the area.

Given the above, the details pursuant to condition 2 are not fully acceptable and therefore this condition cannot be discharged at this time.

### **Condition 4: Highways**

4. Prior to development commencing full details of the new 2.0m wide footway to the Yew Tree Road and Burn Road frontage of the development site, shall be submitted to and agreed in writing with the Local Planning Authority. Details should include construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column and associated highway works. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to highway/pedestrian safety are devised and agreed at an appropriate stage of the development process.

### **Assessment**

In support of condition 4 the following documents have been submitted:

- Phase 1 Standard Details (ref: PRGN-2079-HGN-DE-CH-P1SD03)
- Phase 2 Standard Details (ref: PRGN-2079-HGN-DE-CH-P2SD03)
- Phase 2 Long Sections (ref: PRGN-2079-HGN-DE-CH-P2LS02)
- Phase 1 General Arrangement (ref: PRGN-2079-HGN-DE-CH-P1GA01)
- Phase 1 Long Sections (ref: PRGN-2079-HGN-DE-CH-P1LS02)
- Phase 2 General Arrangement (ref: PRGN-2079-HGN-DE-CH-P2GA01)

The proposals would require a separate formal Technical Approval by the council's Highways Section 38 Team. The council's Section 38 Engineer has confirmed that the technical approval has not yet been granted for the site and therefore this condition cannot be discharged at this time.

### **Condition 7: Landscape**

7. The development shall be carried out in full accordance with the Landscape Management Plan hereby approved reference LMP-5871-01 and shall be retained for the lifetime of the development.

**Reason:** To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

### **Assessment**

In support of condition 7 the following document has been submitted:

- Landscape Management Plan (ref: LMP-5871-01.02)

The revised Landscape Management Plan sets out appropriate details and is considered acceptable by KC Landscape. However, given the wording of this condition, which explicitly states that the development shall be undertaken in

full accordance with the previously approved Landscape Management Plan reference LMP-5871-01, a Non-Material Amendment application would be required to formally regularise this change.

### **Condition 8: Temporary bin storage**

*8. Prior to the commencement of development of superstructure works, temporary arrangements for bin storage shall be submitted to and approved in writing by the Local Planning Authority. The temporary arrangements shall be so retained thereafter for the duration of the construction works.*

**Reason:** *To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

### **Assessment**

In support of condition 8 the following document has been submitted:

- Construction Plan (ref: 2313-0314-PO2 and dated 21/05/2024)

The above plan has been reviewed by KC Waste Strategy. The officer has noted that the plan proposes one temporary bin storage and collection point (in red and green) for use during construction by new residents. These appear to be within the application site.

The Waste Collection Authority will not enter active construction sites with a Refuse Collection Vehicle (RCV). Therefore, the officer would appreciate the opportunity to meet on site with the site manager in order to discuss and confirm requirements in relation to access and waste collection once residents start to occupy the properties.

As such, the details submitted pursuant to condition 8 cannot be discharged at this time.

### **Condition 9: Bin stores**

*9. Prior to any of the dwellings hereby approved, being first brought into use, full details of the bin stores to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height and materials of the bin store.*

**Reason:** *To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.*

### **Assessment**

In support of condition 9 the following document has been submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The document identifies that timber bin stores would be provided at each plot. However, no dimensions or a specification of the bin stores have been provided.

As such, there is insufficient information to fully assess condition 9 and therefore this condition must remain undischarged at this stage.

### **Condition 10: Crime prevention**

*10. Prior to the installation of any doors or windows within the hereby approved dwellings, details of measures to prevent and deter anti-social behaviour shall be submitted to and approved in writing by the LPA. These shall include window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage.*

***Reason:** In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

### **Assessment**

In support of condition 10 the following document has been submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The crime prevention measures identified within the above document are considered acceptable by the West Yorkshire Police's Designing Out Crime Officer. These include the window and door details being to Part Q of the Building Regulations and PAS 24:2022 standards. Intruder alarms for each dwelling are to be provided in accordance with BS EN 50131 or PD6662 or BS6799 and safe and secure parking would be available within the garages for the plots that benefit from a garage or within the driveway, which shall be lit by external lighting to further enhance security.

For the above reasons, the details submitted pursuant to condition 10 are considered acceptable.

### **Condition 11: Boundary treatment**

*11. Prior to any of the dwellings hereby approved being first brought into use or prior to the installation of any boundary treatment, full details (including sections and details of levels) of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*

**Reason:** *In the interests of visual amenity, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

## **Assessment**

In support of condition 11 the following documents have been submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)
- Boundary layout (ref: 2215-0315-P01)

The plans and document state that the existing stone walls to the periphery of the site would be retained and made good where possible. Replacement or new stone would be used to match the existing.

Within the site, 1.8m timber hit and miss fences are proposed between plot boundaries.

To the rear of plots 1-2, 3-5, 25-27 and to the side of plots 21-22 and 23-24 (the boundaries visible from the highway), a privet hedge with fence to the rear/plot side is proposed. This is considered to be an acceptable solution to ensure that the site does not appear stark and oppressive when observed by drivers and pedestrians using the highway. However, further details regarding the height of these boundary treatments are required.

As such, further detail is required to allow for the discharge of condition 11.

## **Condition 12: External lighting**

*12. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.*

**Reason:** *In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

## **Assessment**

In support of condition 12 the following document has been submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The external lighting would include LED upward and downward lighting. The lighting would be vandal resistant and would be low energy photoelectric cell or dusk till dawn lighting, installed within inaccessible positions.

Such lighting is considered acceptable and therefore the details submitted pursuant to condition 12 can be approved.

### **Condition 15: Highway structures**

*15. Prior to sub structure works, a scheme detailing all new retaining walls and building retaining walls adjacent to the proposed highway shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify locations of the works, and shall include cross-sectional information together with the proposed designs and construction details. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.*

**Reason:** *To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.*

### **Assessment**

In support of condition 15 the following document has been submitted:

- Boundary layout (ref: 2215-0315-P01)

KC Highways Structures have been formally consulted as part of this application. The officer has noted that based on the above plan, there are no proposed retaining walls adjacent to the highway and therefore this condition has been satisfied and the submitted information can be approved.

### **Decision notice text**

### **Condition 2: Materials**

Pursuant to condition 2 you have submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

For the walls, an artificial stone is proposed (Calder Buff Weathered), which would be sourced from Newlay Walling Stone. To the roof, an artificial slate is proposed (Marley Modern Concrete Tile) in Smooth Grey.

In this instance, the walling material cannot be supported as it would not be in keeping with the surrounding built form which this parcel of land lies within. The existing developments to the north and east and the recently-approved development to the south (which all fall under the same housing allocation as the site in question) have been or are to be constructed from Marshalls Cromwell Pitched Faced Weathered Stone or similar. As such, officers would wish to see this development built out of the same walling materials, for consistency and to ensure a high quality design finish.

No details have also been provided for the heads and cills.

The details submitted pursuant to condition 2 are not fully acceptable and therefore this condition cannot be discharged at this time.

Officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 2 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

#### **Condition 4: Highways**

Pursuant to condition 4 you have submitted:

- Phase 1 Standard Details (ref: PRGN-2079-HGN-DE-CH-P1SD03)
- Phase 2 Standard Details (ref: PRGN-2079-HGN-DE-CH-P2SD03)
- Phase 2 Long Sections (ref: PRGN-2079-HGN-DE-CH-P2LS02)
- Phase 1 General Arrangement (ref: PRGN-2079-HGN-DE-CH-P1GA01)
- Phase 1 Long Sections (ref: PRGN-2079-HGN-DE-CH-P1LS02)
- Phase 2 General Arrangement (ref: PRGN-2079-HGN-DE-CH-P2GA01)

The proposals would require formal Technical Approval by the council's Highways Section 38 Team. Such approval has not yet been granted for the site. Condition 4 must therefore remain undischarged at this time, and you are advised to contact the council's Section 38 Team with a view to resolving any outstanding issues.

Officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 4 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

#### **Condition 7: Landscape**

Pursuant to condition 7 you have submitted:

- Landscape Management Plan (ref: LMP-5871-01.02)

The revised Landscape Management Plan is considered acceptable. However, given the wording of this condition, which explicitly states that the development shall be undertaken in full accordance with the previously approved Landscape

Management Plan reference LMP-5871-01, a Non-Material Amendment application would be required to formally regularise this change.

### **Condition 8: Temporary bin storage**

Pursuant to condition 8 you have submitted:

- Construction Plan (ref: 2313-0314-PO2 and dated 21/05/2024)

The plan proposes one temporary bin store and collection point (in red and green) for use during the construction phase by new residents. The location of the bin store and collection point appears to be within the application site, however staff of the Waste Collection Authority would not enter active construction sites with a Refuse Collection Vehicle.

KC Waste Strategy officers would appreciate the opportunity to meet on site with the site manager in order to discuss and confirm requirements in relation to access and waste collection once residents start to occupy the properties. Once agreed, this would enable condition 8 to be discharged.

For the above reasons, condition 8 must remain undischarged at this stage.

However, officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 8 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

### **Condition 9: Bin stores**

Pursuant to condition 9 you have submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The document identifies that timber bin stores would be provided at each plot. However, no dimensions or a specification of the bin stores have been provided.

As such, there is insufficient information to fully assess condition 9 and therefore it cannot be discharged at this time.

Officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 9 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

### **Condition 10: Crime prevention**

Pursuant to condition 10 you have submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The crime prevention measures identified within the above document are considered acceptable and therefore the details submitted pursuant to condition 10 are hereby approved.

### **Condition 11: Boundary treatment**

Pursuant to condition 11 you have submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)
- Boundary layout (ref: 2215-0315-P01)

The plans and document show that the existing stone walls to the periphery of the site would be retained and made good where possible. Replacement or new stone would be used to match the existing.

Within the site, 1.8m timber hit and miss fences are proposed between plot boundaries.

To the rear of plots 1-2, 3-5, 25-27 and to the side of plots 21-22 and 23-24 (the boundaries visible from the highway), a privet hedge with fence to the rear/plot side is proposed. This is considered to be an acceptable solution to ensure that the site does not appear stark and oppressive when observed by drivers and pedestrians using the highway. However, further details regarding the height of these boundary treatments are required.

As such, further detail is required to allow for the discharge of condition 11.

Officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 11 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

### **Condition 12: External lighting**

Pursuant to condition 12 you have submitted:

- Planning conditions schedule (by Heneghan Architecture ref: 2454)

The external lighting proposed includes upward and downward lighting, all to be vandal resistant. The low energy photoelectric cell or dusk till dawn lighting would be provided above all access doors of the building.

Such lighting is considered acceptable and the details submitted pursuant to condition 12 are hereby approved. Please be reminded of the further requirements of condition 12, which would need to be complied with to discharge the condition.

### **Condition 15: Highway structures**

Pursuant to condition 15 you have submitted:

- Boundary layout (ref: 2215-0315-P01)

KC Highway Structures have confirmed that there would be no proposed retaining walls adjacent to the highway.

Therefore, condition 15 has been satisfied and the information submitted is hereby approved.

**Dated:** 10/09/2024