

**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:	2025/44/91681/W
Site Address:	Land Off, Burn Road, Birchencliffe, Huddersfield, HD3 3BT
Description:	Discharge of details reserved by conditions 3 (highway structural details), 5 (retaining wall materials), 12 (CEMP) on previous permisison 2021/94719 for reserved matters application (for layout, appearance & scale) pursuant to outline permission 2018/91838 for erection of a residential development formed of 25 dwellings
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – 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.

Nick Hirst

AUTHORISED OFFICER

Date: 03-Feb-2026

Officer Report

Application: 2025/91681

Site: Land off Burn Road, Birchencliffe, Huddersfield HD3 3BT

Proposal: Discharge of details reserved by conditions 3 (highway structural details), 5 (retaining wall materials), 12 (CEMP) on previous permission 2021/94719 for reserved matters application (for layout, appearance & scale) pursuant to outline permission 2018/91838 for erection of a residential development formed of 25 dwellings

Assessment

Condition 3 (highway structural details)

3. a) *No development shall commence until the following highway structural details are submitted to and approved by the Local Planning Authority:*

i) a full structural dilapidation survey of the existing retaining wall on Burn Road along the site boundary. The survey shall be undertaken by a suitably qualified and experienced structural engineer;

i) a full structural assessment of the existing Yorkshire Water sewer located within the proposed highway footprint and/or influence zone of highway loading (the purpose of which is to determine the sewer's structural adequacy to support highway loading in connection with the details required under part a) iii), iv) and v) of this condition);

ii) a scheme detailing the proposed design and construction details for the new culvert structure/s (including any wing walls) which shall carry the new access road over the un-named watercourse in the centre of the site;

iii) a design scheme for all new retaining walls adjacent to the existing and proposed adoptable highways including any modifications to the existing highway retaining wall abutting Burn Road to form a new access road;

iv) a scheme including cross-sectional information, locations, and proposed design and construction details for all new oversize pre-cast concrete manholes with internal diameter of >0.90m, and their cover slabs located within the proposed highway footprint or influence zone of highway loading.

b) The approved details in part a) iii), iv) and v) of this condition shall be implemented prior to the commencement of any substructure or foundation works to form dwellinghouses on the site. The implemented works shall be retained thereafter.

b) Pursuant to part a) i) of this condition and prior to any dwellinghouses being occupied for habitation, the following highway structural details

shall be submitted to, reviewed and approved by the Local Planning Authority:

v) a post-development structural dilapidation survey of the retaining wall on Burn Road, undertaken by a suitably qualified and experienced structural engineer, which identifies any defects arising in the highway retaining walls due to the works or deliveries associated with the proposed development, as well as the remediation works. Once approved, the defects shall be made good in accordance with the approved remediation works.

Reason: *To ensure that any new, modified or dilapidated retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing structures are designed to a satisfactory standard prior to their construction which could otherwise be unsafe and elicit abortive works/demolition should the structures be inadequately designed or constructed.*

The following documents have been submitted:

- Structural Inspection – Highway Boundary Wall by Partington Associates, reference 4872-22/DJO;
- Highway Contour Plan and Highway Layout Plan by Build Vision Consulting Engineers, reference 1298-903 P1 and 1298-903 P1 respectively;
- Long Sections (1-3) by Build Vision Consulting Engineers, reference 1298-905/906/907 P1;
- Inspection Report by Northwest Drain Services, reference Burn Road 290125;
- Topographical Survey by CTES Surveying, reference Wiggett (Burn Road, Huddersfield) Revision A;
- Overflow chamber sketch (unreferenced);
- Proposed Retaining Wall Sections by Partington Associates reference H-01 revision C and H-02 revision B.

This is a multi-staged condition that has both pre-commencement and post development requirements. This submission relates to the pre-commencement elements, as works have not commenced.

Comments dated 04/07/2025 from K.C. Structures:

This condition cannot be discharged as it comprises multiple conditions in relation to several structural elements including surveys/ assessment and technical approval requirement for several types of structures at this site, which erroneously have all been combined in one condition by planning. Notwithstanding this, I can advise the following updates in relation to the individual elements within this condition:

3a (i) Structural dilapidation of the existing boundary retaining wall on Burn Road (Before)- This has been completed and can now be discharged.

3a (i) (duplicated number) Structural Assessment of Yorkshire Water's (YW) large sewer- This can not be discharged as the survey should be accompanied by a full structural assessment of YW's sewer pipe together with any proposed remedial works, as agreed with them.

3a (ii) Design of new culvert and wing walls located within the proposed highway- This can not be discharged pending the technical approval of design of the proposed culvert and wing walls via submission of AIP/s and the remittance of associated fees.

3a (iii) Design of new Highway Retaining/ Burr walls - This can not be discharged pending the technical approval of design of proposed Retaining/ Burr walls via submission of AIPs and the remittance of associated fees.

3a (iv) Design of proposed oversize manholes with $0.9m < ID \leq 1.8m$ - This can not be discharged pending the technical approval of design of proposed oversize manholes and the remittance of associated fees. 3b

(v) Structural dilapidation of the existing boundary retaining wall on Burn Road (Post development completion)- This can not be discharged pending the submission of a structural dilapidation survey report for the existing boundary retaining following the completion of above development and the implementation of the necessary remedial works attributable to this development, as approved by the Structures team as per condition 3a (iii).

Comments dated 19/01/2026 from K.C. Structures:

with the exception of item 3a (i) in relation to the dilapidation survey (before) of the existing highway retaining wall and item 3a (i) in relation to the structural assessment of the YW sewer, which can be partially discharged, none of the other items included in this condition can be discharged pending the submission and approval of the necessary information.

Officer's support the above assessments from K.C. Structures. Accordingly, a partial approval relating to 3a(i), regarding the Structural dilapidation of the existing boundary retaining wall, and 3a(i), regarding the Structural Assessment of Yorkshire Water's (YW) large sewer, is recommended.

However, the other pre-commencement aspects of this condition, namely 3a(ii) to 3a(iv) and 3b, and all post-development requirements, remain unresolved.

KC Highways Structures have set out the following outstanding concerns:

- (i) The absence of a full structural assessment of the sewer pipe and a schedule of remedial works agreed with Yorkshire Water;
- (ii) Technical approval of the design of the proposed culvert and wing walls via submission of an Approval In Principle (AIP) application has not been obtained.
- (iii) Technical approval of the design of the proposed Highway Retaining / Burr walls via submission of an Approval In Principle (AIP) application has not been obtained.
- (iv) Technical approval of design of proposed oversize manholes via submission of an Approval In Principle (AIP) application has not been obtained.

The above is recommended to be noted on the decision notice, to support the applicant.

Based on the above, officers recommend the partial approval of the submitted details.

Condition 5 (retaining wall materials)

5. Details of the facing materials for the externally exposed retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.

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

The site plan, ref 1354/P/004, shows three types of retaining structures within the site, in addition to the retaining walls on the boundary with Burn Road:

- (i) A 1.1m high mass concrete retaining wall faced with stone, north of the culverted watercourse;
- (i) A stone retaining wall (height unspecified) located at the head of the private drive near the north-western corner of the site;
- (ii) Railway sleeper retaining structures within gardens, 1.2m or 1.8m high;

The applicant has submitted a document entitled Statement on Retaining Wall Facing Material (Revision A) which provides the following details:

Stone Source

All new stonework to be used to construct any highways structures will be obtained from GB Construction Supplies Ltd. (<https://www.gbcsupplies.co.uk/>).

Existing Structures

All existing retaining walls are to be reconstructed where required by re-using the existing on site stone wherever possible. Existing stonework shall be carefully removed from existing structures and safely stored ready for re-use. Where new stone is required, new natural facing stone is to be provided, to match the existing stone on site.

New Structures

All new retaining structures will be faced in coursed natural facing stone in a 'weathered' style, to match the existing material on site.

In short, the submitted information confirms that natural stone is to be used, but does not specify a quarry or specific stone type, and no samples have been provided. However, 'natural stone' covers a wide variety of products with different appearances. Therefore, the actual appearance (cut, colour, size etc.) are unknown, which is not acceptable.

KC Highways Structures comments are that planning condition 5 can only be discharged pending the confirmation that the masonry facing to any adoptable highway retaining / burr walls will be in natural stone. Statement on Retaining Wall Facing Material Revision A confirms that this is the case.

However, it is considered that the submitted information does not provide sufficient detail for approval to be granted, since it has not been demonstrated the type of stone supplied would enhance the quality of the development or assist in the creation of high quality, beautiful and sustainable buildings and places as required by Local Plan policy LP24(a) and chapter 12 of the NPPF. Approval therefore cannot be granted.

Condition 12 (Construction environmental management plan)

12. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a) timetable of all works;*
- b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;*
- c) the parking of vehicles of site operatives and visitors;*
- d) details and location of signage;*
- e) loading and unloading of plant and materials;*
- f) storage of plant and materials used in constructing the development;*
- g) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;*

- h) measures to control and monitor the emission of dust and dirt during construction;*
- i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;*
- j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);*
- k) artificial lighting used in connection with all construction related activities and security of the construction site;*
- l) site manager and resident liaison officer contact details (including their remit and responsibilities); and*
- m) details of engagement with local residents and occupants or their representatives.*

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: *To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF as well as Policies LP51 and LP52 of the Local Plan. This pre-commencement condition is necessary to ensure that environmental protections are in place to preserve the amenity of residents prior to development commencing with practices that may otherwise harm residential amenity.*

The following documents have been submitted:

- i. A Construction Environmental Management Plan by Wiggett Homes, Revision B, submitted 19/06/25.
- i. Proposed site setup plan Revision C, submitted 15/10/25, annotated to show access to the site, the location of the site compound, site office and signage.
- ii. An annotated aerial photograph, submitted 19/06/25, showing the site and wider highway network, entitled Burns (sic) Road Birchenclyffe – Transport Route to Site for Deliveries.
- iii. An email, received 15/10/25, confirming that no artificial lighting is to be used.

Compliance with points (a) to (m) will be assessed under the sub-headings below.

- a) timetable of all works;*

The CEMP provides estimates dates for commencement of construction (October 2025), first occupation (June 2026) and completion of development (December 2027). It confirms that construction is not intended to be phased. A subsequent email provides revised dates of commencement in January 2026, first occupation in September 2026 and final completion March 2028.

It is considered that for a development of this scale, it is unlikely that there would be any practical benefits in breaking the development down into phases. Building the development as a single phase, with a construction period lasting approximately two years, is accepted as being the most practical option in this case.

- a) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;*

It is proposed that HGVs will come down Halifax Road, on to Yew Tree Road and then turn on to Burn Road. Vehicles will access the site in forward gears and turnaround within the site. A trained banksman will marshal transport movements. Deliveries, which are to take place between 8am and 4pm, will be planned to avoid more than one HGV being at the site at any time.

The proposed routing would minimise the need for HGVs to travel along minor roads. It is noted that delivery times would coincide with the morning rush hour and afternoon school run, but as the delivery route will have been planned to avoid or minimise travel through built-up areas, and as Yew Tree Road has a low level of traffic generally, delivery vehicle movements are unlikely to give rise to significant conflict with other users, including at school drop-off and pick-up times. It is also considered that given the proposed delivery management arrangements, the presence of HGVs on site and the lack of any explicitly designated waiting area for them is not problematic since only one HGV would be present on site at any given time and would be able to unload in the designated unloading area.

- b) the parking of vehicles of site operatives and visitors;*

An area of approximately 15m by 13m is designated as a staff parking area and is expected to accommodate 10 vehicles. Any in excess of this number, if they cannot park within the designated parking area, will park on Burn Road.

It is considered that the size of the staff parking area is adequate given the scale of the development.

- c) details and location of signage;*

The plan previously referred to provides details of the following signs – Caution site speed limit, no parking in front of gates, and fire assembly point. These are all to be displayed at the site entrance.

It is considered that the amount and type of signage provided is sufficient to ensure the safety of workers and visitors to the site, and to minimise conflict with other highway users.

- d) loading and unloading of plant and materials;*

e) storage of plant and materials used in constructing the development;

(e-f) An area within the site, shaded red, is annotated as an area for the storage of materials, loading and unloading, during construction.

This designated area considered adequate in size for a development of this scale.

f) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;

The CEMP confirms that employees with brush shovels and a jet wash will remove dirt from vehicle wheels and that the road outside the site will be regularly checked for mud and debris and swept where necessary.

It is considered that these measures would be sufficient to prevent or limit the deposition of mud, grit or dirt on the public highway, or ensure that such occurrences are dealt with if they occur.

g) measures to control and monitor the emission of dust and dirt during construction;

A full Dust Management Plan is included on pages 4-5. Measures proposed include regular inspections, the use of mobile spray units where appropriate, and the monitoring of complaints.

It is considered that these measures are reasonable and would prevent the risk of dust causing loss of amenity during construction.

h) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;

A full waste management plan is not included. The CEMP however confirms that wastes will not be burned on site but will be removed from the site by articulated wagons and skip wagons. Given the scale of the proposal, adherence to national guidance and regulation is deemed appropriately sufficient.

No concerns have been raised about this aspect of the construction either by KC Highways Development Management or KC Environmental Health. Accordingly, it is considered that these precautions are sufficient to avoid adverse impacts upon residential amenity or the natural environment and that a detailed waste management plan will not be required.

i) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);

The proposed hours of working are Mon – Fri 7.30am – 18:30; Saturday 8am – 13:00, with no working on Sundays. Deliveries would take place between 8am and 4pm.

The proposed hours are considered acceptable as they would not involve working at unsocial hours and are therefore not expected to give rise to loss of residential amenity.

j) artificial lighting used in connection with all construction related activities and security of the construction site;

The applicant has confirmed by email (15/10/2025) that no artificial lighting would be used during construction.

k) site manager and resident liaison officer contact details (including their remit and responsibilities);

l) details of engagement with local residents and occupants or their representatives.

(l-m) The statement proposes that letters would be sent out to nearby residents prior to works commencing. The contact details of the Site Manager and Contract Manager would be provided, as well as the company address. Any complaints received due to the work being undertaken would be resolved wherever possible at site level. Complaints would be logged by the Site Manager who will aim to respond to the complaint within 24 hours.

It is considered that these measures would be sufficient to ensure that, in the unlikely event of construction giving rise to perceived loss of amenity or impacting on existing highway users despite measures set out in (a-k) above being implemented, appropriate mitigation measures would be taken.

KC Environmental Health (who were informally consulted, 03/07/2025) confirm that all aspects of the CEMP are acceptable subject to confirmation that no artificial lighting is to be used – this has since been supplied. KC Highways Development Management, who were formally consulted, confirmed (15/07/2025) that they have no objections to the details being approved.

In conclusion, it is considered that the proposed CEMP is acceptable for the purposes of condition 12, and it is recommended for approval. Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Summary

Conditions 3 and 5 cannot have their details approved.

The details submitted pursuant to condition 12 are acceptable.

Recommendation: Issue split decision

Report Dated: 21/01/2026

Proposed Letter Text

Condition 3 (highway structural details)

You have submitted the following:

- Structural Inspection – Highway Boundary Wall by Partington Associates, reference 4872-22/DJO;
- Highway Contour Plan and Highway Layout Plan by Build Vision Consulting Engineers, reference 1298-903 P1 and 1298-903 P1 respectively;
- Long Sections (1-3) by Build Vision Consulting Engineers, reference 1298-905/906/907 P1;
- Inspection Report by Northwest Drain Services, reference Burn Road 290125;
- Topographical Survey by CTES Surveying, reference Wiggett (Burn Road, Huddersfield) Revision A;
- Overflow chamber sketch (unreferenced);
- Proposed Retaining Wall Sections by Partington Associates reference H-01 revision C and H-02 revision B.

Condition 3 is a multi-phased condition that includes pre-commencement and post-commencement requirements. The submitted information relates to pre-commencement matters only.

The details submitted are acceptable in so far as they relate to requirements 3a(i), regarding the Structural dilapidation of the existing boundary retaining wall, and 3a(i), regarding the Structural Assessment of Yorkshire Water's (YW) large sewer, only. These are hereby approved.

However, the other pre-commencement aspects of this condition, namely 3a(ii) to 3a(iv) and 3b, and all post-development requirements, remain unresolved, with the submitted details unacceptable in their regard. For the avoidance of doubt, these aspects of the condition are NOT approved.

As advise, KC Highways Structures identify the following outstanding concerns that need be addressed:

- (i) The absence of a full structural assessment of the sewer pipe and a schedule of remedial works agreed with Yorkshire Water;
- (ii) Technical approval of the design of the proposed culvert and wing walls via submission of an Approval In Principle (AIP) application has not been obtained.

- (iii) Technical approval of the design of the proposed Highway Retaining / Burr walls via submission of an Approval In Principle (AIP) application has not been obtained.
- (iv) Technical approval of design of proposed oversize manholes via submission of an Approval In Principle (AIP) application has not been obtained.

It is also noted that the post-development completion survey (3b) can only be discharged following the completion of the development.

Condition 5 (retaining wall materials)

You have submitted a document entitled Statement on Retaining Wall Facing Material (Revision A). This confirms that materials for new retaining structures, or for rebuild of existing ones will be natural stone. It also provides details of the supplier of the stone, and confirms that existing retaining walls will be rebuilt using the original stone wherever possible.

In short, the submitted information confirms that natural stone is to be used but does not specify a quarry or specific stone type, and no samples have been provided.

It is considered that the submitted information does not provide sufficient detail for approval to be granted, since it does not specify a particular stone type or a quarry from which the stone will be sourced. It has therefore not been demonstrated the type of stone supplied would enhance the quality of the development or assist in the creation of high quality and sustainable buildings and places as required by Local Plan policy LP24(a) and chapter 12 of the NPPF. Approval therefore cannot be granted in respect of condition 5.

Condition 12 (Construction environmental management plan)

The following documents have been submitted which taken together are deemed to constitute the Construction Environmental Management Plan (CEMP):

- i. A Construction Environmental Management Plan by Wiggett Homes, Revision B, submitted 19/06/25.
- i. Proposed site setup plan Revision C, submitted 15/10/25, annotated to show access to the site, the location of the site compound, site office and signage.
- ii. An annotated aerial photograph, submitted 19/06/25, showing the site and wider highway network, entitled Burns (sic) Road Birchenclyffe – Transport Route to Site for Deliveries.
- iii. An email, 15/10/25, confirming that no artificial lighting is to be used.

It is considered that the CEMP is acceptable 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:

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.