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:	2025/44/93074/E
Site Address:	Land off Westgate, Cleckheaton, BD19 5DR
Description:	Discharge of details reserved by Conditions 6. (phasing plan) 26. (soft landscape) 27. (tree planting and pit details) & 32. (lighting design strategy) of permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 02-Feb-2026

Application: 2025/93074

Site: Land off, Westgate, Cleckheaton, BD19 5DR

Proposals: Discharge of details reserved by conditions 6 (phasing plan), 26 (soft landscape) 27 (tree planting and pit details) & 32 (lighting design strategy) of permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works

Assessment

Condition 6 (phasing plan)

> *6. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space, road stages (including wearing course completion) and drainage. The development shall be implemented in accordance with the approved phasing plan.*
> ***Reason**: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.*

Condition 6 has had details previously approved via discharge of condition application ref. 2024/91942 in October 2024. This application approved the phasing plans listed below:

- Production Management Plan (Drawing: BY0999-PMP-001 Rev: J)
- Batch Plot Release Plan (Drawing: BY00099-PMP-002 Rev: D)

The applicant has advised that following this approval, Strata partnered with Thirteen Housing Group and the build programme subsequently changed, with development commencing in May 2025. As a result, the approved batch handover arrangements required updating to reflect the revised delivery programme and agreed plot handovers.

This application therefore seeks to re-discharge condition 6 to replace part of the previously approved phasing information.

Submitted Details:

The applicant has submitted the following documents pursuant to condition 6:

- Batch Plot Release Plan (Drawing: BY00099-PMP-002 Rev H)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

The updated Batch Plot Release Plan clearly sets out the revised sequencing of dwelling delivery across the site and reflects the updated handover

arrangements, without altering the overall scale or nature of the development approved under the original permission.

The Production Management Plan demonstrates that supporting infrastructure, including internal roads, drainage infrastructure and areas of public open space, will be delivered in a coordinated and timely manner alongside residential development. This ensures that infrastructure provision is not unduly delayed relative to occupation of dwellings.

The submitted phasing information retains a logical and coherent build-out strategy for the site. The sequencing ensures that early phases are appropriately served by infrastructure and that future residents are not exposed to unacceptable living conditions arising from incomplete road, drainage or open space provision.

The revised phasing details do not fundamentally alter the approved development but instead update the phasing mechanics to reflect changes to the delivery programme. The overall development strategy remains consistent with that previously approved.

The submitted details are considered acceptable and satisfactorily address the requirements of condition 6. The condition can be re-discharged. It is noted that condition 6 includes an ongoing requirement that the development shall be implemented in accordance with the approved phasing plan, which is recommended to be noted on the decision notice.

<u>Condition 26 (soft landscape)</u>

> *26. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:*
>
> *a) Planting plans*
> *b) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment*
> *c) Schedules of plants noting species, planting sizes and proposed numbers/densities.*
> *d) Assessment of landscaping impact on public sewer infrastructure*
> *e) Details of an implementation and maintenance programme for a minimum 5-year period.*
> *f) Details of phasing of soft landscaping works.*
>
> *All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that*

tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that Originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
Reason: *In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development, to comply with Policy LP24 of the Kirklees Local Plan*

Submitted Details

- Landscape Masterplan (Drawing: R/2487/1U Rev U)
- Shrub Bed Planting Details (Drawings R/2487/4C – R/2487/13A)
- POS Details (Drawing: R/2487/14F Rev F)
- Landscape Management Document (C.10 Updated December 2025)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

Bullet-Point Assessment

a) Planting plans

The Landscape Masterplan and detailed shrub bed drawings clearly identify the location, extent, and nature of all proposed soft landscaping across private plots and areas of public open space. The plans align with the approved site layout and non-material amendment reference 2025/92574.

b) Soil depths, cultivation and establishment operations

The submitted planting detail drawings include specifications for soil depths, preparation, cultivation, and grass establishment methods. These details are sufficient to ensure appropriate establishment and long-term viability of the proposed landscaping.

c) Plant schedules (species, sizes, numbers/densities)

Comprehensive planting schedules are provided within the shrub bed drawings, specifying species, planting sizes, and densities. The proposed mix is appropriate in scale and character for the development and accords with Policy LP24.

d) Impact on public sewer infrastructure

The Landscape Masterplan identifies the location of existing public sewer infrastructure and demonstrates that proposed landscaping, specifically trees, would not conflict with or adversely affect sewer assets.

e) Implementation and maintenance programme (minimum 5 years)

The Landscape Management Document provides a five-year maintenance regime covering establishment, inspection, and management of planted areas. Initial concerns raised by the Landscape Officer regarding replacement of failed planting for the full five-year period have been resolved through clarification, and it is confirmed that replacement planting will be undertaken throughout the five-year maintenance period, in accordance with the condition wording.

f) Phasing of soft landscaping works

The Production Management Plan clearly sets out the timing and phasing of soft landscaping works, including delivery prior to occupation of individual dwellings and phased delivery of public open space landscaping. This ensures landscaping is implemented in step with development progress.

K.C. Landscape, in their comments dated 28/01/2026, have confirmed that they concur with the above assessment.

Concluding on the above, officers consider that the submitted details are acceptable and comply with the aims and objectives of condition 26. It is therefore recommended that they be approved. It is noted that condition 26 includes an ongoing requirement that the development shall be implemented in accordance with the approved phasing plan, which is recommended to be noted on the decision notice.

<u>Condition 27 (tree planting and pit details)</u>

> *27. Prior to any works commencing on the grass verges of the internal road network, details of the planting pit and planting the street trees shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:*
>
> *a) The volume of tree pits proposed (or alternative system to be detailed);*
> *b) Details of soil, fill in tree pits;*
> *c) Details of root management;*
> *d) Details of installation and long-term management.*
> *e) A timescale for their planting.*
>
> *The street trees shall be installed in accordance with the approved timescales and they shall therefore be maintained in accordance with the approved management scheme. If, within a period of five years from the date of the planting, any street tree, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.*
> ***Reason:*** *To ensure an appropriate and healthy landscape scheme in the interests of visual amenity and biodiversity , to comply with Policies LP24, LP30 and LP33 of the Kirklees Local Plan.*

Submitted Details

- Road Construction Details (Drawing: QD1776-06-01 Rev C)
- Landscape Masterplan (Drawing: R/2487/1U Rev U)
- POS Details (Drawing: R/2487/14F Rev F)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

Bullet-Point Assessment

a) Tree pit volumes

Tree pit volumes are clearly specified within the Road Construction Details drawing. The design has been technically approved as part of the Section 38 process, confirming acceptability in highway terms.

b) Soil and fill details

Soil specifications and planting details for street trees are provided within the landscape documentation, including appropriate backfill and soil composition to support healthy tree establishment.

c) Root management

Root barriers and protection measures are detailed within the road construction drawings. These measures have been reviewed and accepted by the Highway Authority and are suitable to prevent future conflict with highway infrastructure.

d) Installation and long-term management

All street trees are to be located within the adoptable highway and will therefore be managed and maintained by the Highway Authority. This ensures appropriate long-term management and maintenance arrangements.

e) Planting timescale

The Production Management Plan sets out the timing for delivery of highways infrastructure and associated street tree planting, ensuring planting occurs at an appropriate stage of the development.

The Council's Tree Officer has reviewed the submitted details and have confirmed in the consultation response dated 25/11/2025 that the submitted details are acceptable.

In conclusion officers consider, and concur with the comments from K.C. Trees, that the submitted details are acceptable and are recommended to be approved. However, condition 27 mirrors the landscaping condition and has an ongoing requirement which must be adhered to, to ensure ongoing compliance. The requirement is:

> "If, within a period of five years from the date of planting… another tree of the same species and size shall be planted…"

A note to this effect is recommended to be included on the decision notice.

<u>Condition 32 (lighting design strategy)</u>

> *32. Prior to the installation of any external lighting (excluding that within the adoptable highway), a 'lighting design strategy' giving due regard to amenity, biodiversity and security, shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:*
>
> *a. identify those areas/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; and*
> *b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans 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.*
>
> *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.*
> ***Reason:*** *To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.*

Submitted Details

- Construction Environmental Management Plan (Biodiversity) (Ref: ER-4666-05B)
- Proposed Lighting BS5489-1:2020 Class P5 (Drawing: 6783)
- Horizontal Illuminance (Lux) Plan (Reality Design, Rev B)

Bullet-Point Assessment

a) Identification of bat-sensitive areas

The CEMP (Biodiversity) identifies bat-sensitive areas, movement corridors, and habitats, including areas where lighting could cause disturbance if not appropriately controlled.

b) Lighting layout and specifications

The submitted lighting layout and lux contour plans demonstrate that light spill is controlled and does not encroach into bat-sensitive areas. Clarification has

been provided confirming that Revisions reflects only minor road layout amendments, with no change to lighting locations or ecological impacts.

The Council's Ecology Officer has reviewed the submitted details and, in an email dated 06/11/2025, confirmed that the submitted lighting strategy is acceptable. Officers support this assessment and recommend that the details be approved.

Condition 32 can be met but has an on -going requirement that the external lighting being installed in accordance with the approved specifications and locations and shall be maintained thereafter. A note to this effect is recommended to be included on the decision notice.

Summary

All submitted details are recommended to be approved, with the decision text to note the respective ongoing requirement of each condition.

Recommendation: Approve details

Report Date: 15/01/2025

Recommended Decision text

Overview

The details submitted pursuant to each condition; 6, 26, 27 and 32 are approved, subject to the ongoing requirements set out within the respective condition wordings.

<u>Condition 6 – Phasing Plan</u>

You have submitted the following documents pursuant to condition 6:

- Batch Plot Release Plan (Drawing: BY00099-PMP-002 Rev H)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

I can confirm that the submitted details are acceptable for the purposes of condition 6 and are hereby approved.

Please note that condition 6 has the below ongoing requirement that the development shall be implemented in accordance with the approved phasing plan.

> *The development shall be implemented in accordance with the approved phasing plan.*

<u>Condition 26 – Soft Landscaping</u>

You have submitted the following documents pursuant to condition 26:

- Landscape Masterplan (Drawing: R/2487/1U Rev U)
- Shrub Bed Planting Details (Drawings R/2487/4C – R/2487/13A)
- POS Details (Drawing: R/2487/14F Rev F)
- Landscape Management Document (C.10 Updated December 2025)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

I can confirm that the submitted details are acceptable for the purposes of condition 26 and are hereby approved, for the establishment of an acceptable landscape scheme to ensure a good quality development. The developer is reminded that condition 26 includes the below ongoing requirement that the development shall be implemented in accordance with

> *All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that Originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.*

Furthermore, be aware that the details approved under this condition do not relate to any details for the Local Equipped Area of Play (LEAP) which are to be considered separately under discharge of condition application 2025/93229 which includes details for condition 41 of planning permission 2021/93567.

<u>Condition 27 – Tree Planting and Pit Details</u>

You have submitted the following documents pursuant to condition 27:

- Road Construction Details (Drawing: QD1776-06-01 Rev C)
- Landscape Masterplan (Drawing: R/2487/1U Rev U)
- POS Details (Drawing: R/2487/14F Rev F)
- Production Management Plan (Drawing: BY0999-PMP-001 Rev K)

I can confirm that the submitted details are acceptable for the purposes of condition 27 and are hereby approved, to ensure an appropriate and healthy landscape scheme in the interests of visual amenity and biodiversity. You are however, reminded that condition 27 includes the following ongoing requirement:

> *The street trees shall be installed in accordance with the approved timescales and they shall therefore be maintained in accordance with*

the approved management scheme. If, within a period of five years from the date of the planting, any street tree, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

Condition 32 – Lighting Design Strategy

You have submitted the following documents pursuant to condition 32:

- Construction Environmental Management Plan (Biodiversity) (Ref: ER-4666-05B)
- Proposed Lighting BS5489-1:2020 Class P5 (Drawing: 6783)
- Horizontal Illuminance (Lux) Plan (Reality Design, Rev B)

I can confirm that the submitted details are acceptable for the purposes of condition 32 and are hereby approved. Please note that condition 32 has the below ongoing requirement that the development shall be implemented in accordance with the approved phasing plan.

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.