

**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:	2025/44/93498/W
Site Address:	Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield
Description:	Discharge of details reserved by conditions 12 (external lighting), 15 (retaining walls) on previous permission 2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings
Recommending Officer:	William Simcock

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: 11-May-2026

Application: 2025/93498

Site: Land at Yew Tree Road, Land at Yew Tree Road, Huddersfield.

Proposal: Discharge of details reserved by conditions 12 (external lighting), 15 (retaining walls) on previous permission 2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings.

Assessment

Condition 12 (external lighting)

Condition wording:

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.*

The following documents have been submitted:

- Proposed S38 Lighting & Illuminance Layout, reference 3220-D-01 by Nick Smith Associates, submitted 19/12/25. This contains two drawings, showing the general layout and isolux drawings respectively, but applies only to proposed street lighting.

- Site layout Z234 – 001 Revision L, submitted 06/05/26. This shows that all properties would be fitted with a security light which would operate dawn-to-dusk.
- Deta Exterior Lighting datasheet, submitted 24/04/26.

KC Environmental Health (08/01/26) and KC Highways Development Management (14/01/26) were both consulted informally and had no concerns or comments about the lighting scheme.

KC Ecology were consulted and deem the proposals to be acceptable (confirmed within their comments received 02/01/26).

The KC Designing Out Crime Officer (DOCO) confirmed in comments of 14/01/26 that the scheme of column lighting shown on drawing 3220-D-01 was acceptable. The DOCO did not make any comment on domestic security lighting because at that stage the plan showing domestic lighting had not been submitted. However, the provision of a domestic security light to all dwellings that have recessed doorways was urged by DOCO in comments made in the assessment of applications 2025/90890 and 90891 for variation of condition on the two sites forming Phase 2 and Phase 1 of the wider development. This advice has been incorporated into the current discharge of condition application. In accordance with standard DOCO advice, the latest datasheet shows that the proposed lighting is timed, dusk-to-dawn, not PIR or motion sensitive lighting. This accords with current good practice as recommended by DOCO. It is considered that the developer has provided a suitable domestic lighting scheme that would have the effect of reducing future occupants' vulnerability to crime and the fear of crime.

The street lighting would apply only to the adopted part of the road layout and is therefore covered by non-legislation. The comments by KC Environmental Health and KC Ecology only referred to the street lighting, not the domestic security lighting, but domestic lighting of this type is, in general, deemed not to have a material impact on amenity or biodiversity and a re-consultation was therefore not considered necessary.

In conclusion, it is considered that the proposed scheme would achieve the aims of the condition reducing the dwellings' vulnerability to crime and the occupants' fear of crime whilst not giving rise to any adverse impacts on highway safety, residential amenity or biodiversity and avoiding detrimental impacts on the wider environment arising from light spill or trespass. It is considered that the proposed details are sufficient to fulfil the initial purpose of the condition and are hereby 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.

Condition 15 (retaining walls)

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.*

The following details have been submitted:

- External Works Plan, reference STE/25/03/09 Revision E, by Shaun Tonge Engineering, submitted 13/01/2026. This replaces the original plan reference STE/25/03/09 B, submitted 19/12/2025, with some minor changes to the position of retaining walls.
- Site layout Z234 – 001 Revision L, submitted 06/05/26.
- Section through Plot 6 and boundary wall, Z234 – 101 Revision H, submitted 17/04/26.
- Image showing GeoWall (vertical timber-effect concrete slabs), 06/05/26.

The External Works Plan shows the entire layout comprising Phase 1 and Phase 2, but for the purposes of this application will only be assessed in as far as the works are within Phase 1 (2021/91933 for reserved matters application pursuant to outline permission 2018/90776 for erection of 10 dwellings). It shows two types of retaining structures:

1. Geowall, mostly in between plots or within gardens, but also with a stretch of wall on the Burn Road frontage between 300mm and 950mm in height, where it would be located behind the existing stone boundary wall and support land that would be higher on the application site than the highway.
1. Flag on edge retaining walls at some garden and path boundaries.

A third type of retaining wall, described in the key as “gravel board” is no longer to be used, as shown on the latest revision.

The submitted plan has been examined by KC Highways Structures who confirm in their latest consultation response (09/04/26) that all the proposed retaining walls are either small or sufficiently away from the existing/ proposed

adoptable highways that they are deemed to be outside the remit of KC Highways Structures and have no objection to the discharge of the condition. The KC Highways Structures response refers to condition 16 (which was the corresponding condition on retaining walls on the outline permission for phase 2, reference 2021/94363, for which a separate application for discharge has been made). However, KC Highways Structures have confirmed in a subsequent email to the case officer that their comments apply to both sites.

Whilst the reason for the condition does not mention the appearance of the retaining walls, this should be taken into account in the assessment of this application in the interests of design objectives as set out in the Local Plan and National Planning Policy Framework. In general, stone or artificial stone should be regarded as the default material for retaining walls where these are also the intended walling materials for a new development or where these are the predominant materials used in the vicinity of the site, and especially for high and prominent retaining walls.

It is considered however that the proposed facing material – timber-effect pre-cast concrete – is an appropriate material for the retaining walls proposed in this instance, in the context of the overall development, given their scale (under 1m in height) and siting. The majority of the walls would form boundaries between plots (in the case of 1-2, 6-8 and 10), in the case of Plots 3-5 would face the estate road but be set back approximately 5m from the estate road boundary, whilst the retaining walls on the Burn Road boundary would be wholly or largely concealed behind the existing drystone wall. The drystone wall is approximately 700mm high at present. The GeoWall would be marginally higher than the drystone wall in places (especially at its southernmost extent where it would be 950mm in height). However, site layout plan revision L confirms that the drystone wall would be amended to suit the proposed geo-wall behind where necessary.

In conclusion, it is considered that the proposed details are sufficient to fulfil the initial purpose of the condition and are hereby 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.

Recommendation: Approve details

Report Dated: 07/05/2026

Proposed Letter Text

Condition 12 (external lighting)

You have submitted the following documents:

- Proposed S38 Lighting & Illuminance Layout, reference 3220-D-01 by Nick Smith Associates, submitted 19/12/25.

- Site layout Z234 – 001 Revision L, submitted 06/05/26. This shows that all properties would be fitted with a security light which would operate dawn-to-dusk.
- Deta Exterior Lighting datasheet, submitted 24/04/26.

The submitted documents are satisfactory for the initial requirements of condition 12 and are hereby approved.

Notwithstanding the above, you are reminded that condition 12 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

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.

Condition 16 (retaining walls)

You have submitted the following information pursuant to condition 16:

- External Works Plan, reference STE/25/03/09 Revision E, by Shaun Tonge Engineering, submitted 13/01/2026. This replaces the original plan reference STE/25/03/09 B, submitted 19/12/2025, with some minor changes to the position of retaining walls.
- Site layout Z234 – 001 Revision L, submitted 06/05/26.
- Section through Plot 6 and boundary wall, Z234 – 101 Revision H, submitted 17/04/26.
- Image showing GeoWall (vertical timber-effect concrete slabs), 06/05/26.

The submitted details are acceptable for the initial purposes of this condition and are hereby approved.

Notwithstanding the above, the condition includes the following ongoing requirements. These must be adhered to, to ensure ongoing compliance with the condition:

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.