

Public Document Pack



**Service Director – Legal, Governance and
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Wednesday 7 January 2026

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 15 January 2026**.

(A coach will depart the Town Hall, at 10:45 a.m. to undertake a site visit. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Susan Lee-Richards
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Mark Thompson

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

D Bellamy
D Hall
J Taylor
C Holt

Green

K Allison
A Cooper

Labour

M Ahmed
S Ullah
B Addy
M Crook
J Rylah
A Sewell
H McCarthy
E Firth

Liberal

Democrat
PA Davies
J Lawson
A Munro
A Marchington
A Smith
C Burke
D Longstaff
A Robinson

Community

Alliance
A Zaman
A Anwar

Kirklees

**Community
Independents**
A Arshad
JD Lawson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting and details of substitutions and for whom they are attending.

2: Minutes of the Previous Meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on 4th December 2025.

3: Declaration of Interests and Lobbying

9 - 10

Members will be asked to say if there are any items on the agenda in which they have any disclosable pecuniary interests, any other interests, or been lobbied, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations/Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, members of the public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Planning Applications

11 - 12

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak **by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 12th January 2026.**

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

8: Site Visit - Application No. 2025/92335

Planning Application 2025/92335 - Discharge of details reserved by condition 5 (retaining walls) of previous Reserved Matters approval 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access) on land at Blue Hills Farm, Whitehall Road West, Birkenshaw.

Contact: Victor Grayson, Planning Services

Ward: Birstall and Birkenshaw

Estimated time of arrival on site: 11:15 a.m.

9: Planning Application - Application No:2020/92350

13 - 16

Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

Contact: Victor Grayson, Planning Services

Ward affected: Batley East

10: Planning Application - Application No: 2025/92335

17 - 30

Planning Application 2025/92335 - Discharge of details reserved by condition 5 (retaining walls) of previous Reserved Matters approval 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access) on land at Blue Hills Farm, Whitehall Road West, Birkenshaw.

Contact: Victor Grayson, Planning Services

Ward: Birstall and Birkenshaw

Planning Update

An update, providing further information on applications on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 4th December 2025

Present: Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Eric Firth
Councillor Susan Lee-Richards
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mark Thompson

31 Membership of the Committee

Apologies for absence were received on behalf of Councillor Mohan Sokhal.

Councillor Eric Firth substituted for Councillor Sokhal under the provision of Council Procedure Rule 35 (7).

32 Minutes of the Previous Meeting

RESOLVED –

That the minutes of the meeting held on 23rd October 2026 be approved as a correct record.

33 Declaration of Interests and Lobbying

Councillor Scott advised that she had been lobbied in respect of Application 2020/92350. She also advised, in the interests of transparency, that the site was in her local area but she had no pre-determined position on the application and would consider it with an open mind and assess it solely on the planning merits, the evidence presented, the relevant policies and the professional advice provided.

Councillor Firth advised, in the interests of transparency and in respect of Applications 2025/91122 and 2025/91645, that he was acquainted with the applicant as a trustee on a local community organisation.

Councillor Pinnock advised, in the interests of transparency, that he had been a member of the Strategic Planning Committee at the time that Application 2020/92350 was originally considered. He would consider the application with an open mind and in light of the evidence presented.

Councillor Pinnock advised that he had been lobbied in respect of Application 2025/91279. He would consider the application with an open mind and in light of the evidence presented.

Strategic Planning Committee - 4 December 2025

Councillor Lee-Richards advised, in the interests of transparency, and in respect of Application 2020/92350 that she was a member of the Woodland Trust and the Yorkshire Wildlife Trust and sat on White Rose Forest partnership meetings.

Councillor Lee-Richards advised, in the interests of transparency and in respect of Applications 2025/91122 and 2025/91645, that the applicant company was storing some equipment for a local community organisation.

Councillor Armer advised that he had been lobbied in respect of Application 2020/92350.

All Councillors had been given/sent information on behalf of the Chidswell Action Group in respect of Application 2020/92350.

34 Admission of the Public

All agenda items were considered in public session.

35 Public Question Time

No public questions were received.

36 Deputations/Petitions

No deputations or petitions were received.

37 Site Visit - Application Nos: 2025/91122 and 2025/91645

Site visit undertaken.

38 Site Visit - Application No: 2020/92350

Site visit undertaken.

39 Planning Application - Application No: 2020/92350

The Committee considered an outline application: 2020/92350 for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure at land to the south of Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Habiban Zaman.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Iqbal Mohamed MP, Sally Naylor, Jim Aveyard and Mark Lewis (in objection) and Matthew Naylor (on behalf of the applicant).

RESOLVED -

That authority to refuse the application and to finalise the wording of the reason be delegated to the Head of Planning and Development based on the following decision:

The proposed development, due to its size and proximity to Dum Wood, due to the hydrological impacts that would be caused, due to the increased residential population that the development would introduce, and due to the insufficient depth of the proposed buffer, would result in changes to local hydrology, significant intensification in the use of Dum Wood and resultant unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to Policies LP30 and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Lee-Richards, Pinnock, Scott and Thompson (5 votes)

Against: Councillor Firth and Homewood (2 votes)

40 Planning Applications - Application Nos: 2025/91122 and 2025/91645

The Committee considered the applications below in respect of Turnbridge Mills, Quay Street, Huddersfield:

(i) 2025/91122 for the re-development of the site for mixed-use E(g)(i, ii and iii) and B8 including: demolition of buildings and re-cladding of southern elevation of retained adjoining building; retention, conversion and renovation of existing mill/office/workshop/engine house building including alterations; erection of two new buildings; formation of two vehicular access points, service yard and parking areas; and other associated works, and

(ii) 2025/91645 - Listed Building Consent for redevelopment of site for mixed-use E(g) (i, ii and iii) and B8 including: demolition of buildings and re-cladding of southern elevation of retained adjoining building; retention, conversion and renovation of existing mill/office/workshop/ engine house building including alterations; erection of two new buildings; formation of two vehicular access points, service yard and parking areas; and other associated works,

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillors Munir Ahmed, Tyler Hawkins and John Taylor.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Manisha Kaushik (in support), Nick Willock, Ian Brierley and Emma Thornhill (on behalf of the applicant).

Strategic Planning Committee - 4 December 2025

(i) 2025/91122:

RESOLVED -

- (1) That authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice in order to:
- (a) complete the list of conditions, including those contained within the report, subject to the revision of Condition 3 to include Building D1, and as set out below:
1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Building recording of Buildings B, C, D1, E and G prior to their demolition.
 4. Building recording of engine house prior to works commencing to that building.
 5. Submission of demolition method statements for Buildings B and C.
 6. A detailed structural report on the grade II listed chimney within the site, including analysis of how removing surrounding buildings may affect its stability, details of measures to protect the chimney during construction and demolition works and following completion of the development, and details of construction of new wall alongside the chimney.
 7. Submission of details of all external materials, to include provision for re-use of stone and slate from demolition of existing buildings.
 8. Details of doors, windows and shutters to new building, and any new and/or replacement doors and windows to Building D.
 9. Details of proposed photovoltaic panels.
 10. Submission of Phase 2 Intrusive Site Investigation Report
 11. Submission of Remediation Strategy
 12. Implementation of Remediation Strategy (and unexpected contamination)
 13. Submission of Verification Report
 14. Restriction on operating hours to 0600-1900 hours Monday to Friday inclusive, and 0800-1600 hours on Saturdays, Sundays and Bank Holidays.
 15. Submission of detailed drainage scheme.
 16. Details of proposed demolition/modification of existing building retaining walls abutting Quay Street, together with design of any new building retaining walls adjacent to the highway to be submitted.
 17. Submission of Construction Environmental Management Plan to include highways matters, pollution prevention plan for the canal, and measures for the sustainable disposal of waste from demolition and construction on site.
 18. Access to the site to be provided in accordance with submitted details prior to first occupation.
 19. Laying out of proposed car parking areas.
 20. Submission of details for cycle storage provision within the site.
 21. Submission of Full Travel Plan within 3 months of first occupation of the development.
 22. Installation of electric vehicle charging points.
 23. Submission of details of refuse storage areas.

Strategic Planning Committee - 4 December 2025

24. Submission of details of proposed maintenance and management of refuse storage areas, including arrangements for access to be provided for waste crews on collection days.
 25. Development to be carried out in accordance with submitted Climate Change Statement.
 26. Submission of details relating to retaining walls adjacent to the canal, including matters specified in comments from the Canal & River Trust.
 27. Submission of European Protected Species Licence and mitigation method statement in relation to bats.
 28. Submission of Precautionary Working Method Statement in respect of bats.
 29. Submission of Construction Environmental Management Plan: Biodiversity, to include mitigation/precautionary measures relating to the Huddersfield Broad Canal Local Wildlife Site.
 30. Submission of Biodiversity Enhancement Management Plan, to include installation of 6 no. swift boxes as part of the development.
 31. Timing of works outside bird nesting season unless relevant checks first carried out by an Ecologist.
 32. Submission of scheme of security and crime prevention measures to be incorporated as part of the development.
 33. Submission of hard and soft landscaping details, including: boundary treatments (including any gates to the proposed service yard); surfacing materials to hard-surfaced areas; and details of proposed planting and landscaping to service yard adjacent to the canal, together with details of arrangements for future maintenance and management of that area.
 34. 5-year replacements for new trees and planting.
 35. Interpretation boards to explain the history of the site, including with reference to Building B which is proposed for demolition.
 36. Details of new substation if satisfactory design not submitted prior to committee.
 37. A condition for details education or training programmes to be delivered.
- (b) to secure a Section 106 agreement to cover the following matters:
1. Contribution to fund amendments to the Traffic Regulation Order (TRO) on Quay Street relating to waiting restrictions – £13,000.
 2. Travel Plan monitoring fee - £10,000
 3. Package of obligations to provide security for the delivery of the identified public benefits, to include:
 - a) The lease agreement to be signed between the owner and the intended occupant (the two applicants in this case);
 - b) Confirmation of the agreement for grant funding from West Yorkshire Combined Authority (WYCA);
 - c) Confirmation of the arrangement and agreement of any other external funding which would be necessary to allow the development to take place (e.g. from a bank);
 - d) Other specified works had been carried out and completed on site, including structural stabilisation works to Building D.

Strategic Planning Committee - 4 December 2025

- (2) That, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Firth, Homewood, Lee-Richards, Pinnock, Scott and Thompson (7 votes)

Against: 0 votes

(ii) 2025/91645

RESOLVED -

- (1) That authority be delegated to the Head of Planning and Development to approve the application and issue the decision notice in order to:
- (a) complete the list of conditions including those contained within the report, subject to the revision of Condition 3 to include Building D1, and as set out below:
 - 1. Three years to commence works.
 - 2. Works to be carried out in accordance with approved plans and specifications.
 - 3. Building recording of Buildings B, C, D1, E and G prior to their demolition.
 - 4. Submission of demolition method statements for Buildings B and C.
 - 5. A detailed structural report on the grade II listed chimney within the site, including analysis of how removing surrounding buildings may affect its stability, details of measures to protect the chimney during construction and demolition works and following completion of the development, and details of construction of new wall alongside the chimney.
 - 6. Interpretation boards to explain the history of the site, including with Reference to Building B which is proposed for demolition.
 - (b) to secure a Section 106 agreement to cover the following matters:
Package of obligations to provide security for the delivery of the identified public benefits, to include:
 - a) The lease agreement to be signed between the owner and the intended occupant (the two applicants in this case);
 - b) Confirmation of the agreement for grant funding from West Yorkshire Combined Authority (WYCA);
 - c) Confirmation of the arrangement and agreement of any other external funding which would be necessary to allow the development to take place (e.g. from a bank);
 - d) Other specified works had been carried out and completed on site, including structural stabilisation works to Building D.

Strategic Planning Committee - 4 December 2025

- (2) That, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution, the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Firth, Homewood, Lee-Richards, Pinnock, Scott and Thompson (7 votes)

Against: 0 votes

41 **Planning Application - Application No: 2025/91279**

The Committee considered an amended proposal in respect of the variation of Condition 2 (plans) on previous permission 2020/91746 for the erection of an extra care development providing 80 apartments with associated communal facilities and landscaped gardens at land off Kenmore Drive, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Hayley Knight (on behalf of the applicant).

RESOLVED –

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions including those contained within the report, and subject to the amendment of conditions 26 and 27 as set out in the Planning Update and as set out below:

Conditions from previous application

1. Omit. Condition to be marked [deleted] to avoid affecting subsequent condition numbering, for ease of review.
2. Development shall be carried out in complete accordance with the plans and specifications schedule. With updated plans table to reflect recommended approval.
3. Details of all facing and roofing materials
4. The proposed car park shall be laid out surfaced, marked out into bays and drained.
5. Construction Management Plan (CMP).
6. Detailed Scheme of hard and soft landscaping.
7. Replacement Landscaping within five years.
8. Construction Environmental Management Plan (CEMP: Biodiversity).
9. Biodiversity Enhancement & Management Plan (BEMP)
10. Details of foul, surface water and land drainage.
11. Details of Assessment of the effects of 1 in 100- year storm events
12. Details of the operation, maintenance and management of the surface water drainage infrastructure
13. Details of scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip)

Strategic Planning Committee - 4 December 2025

14. Site to be developed with separate systems of drainage for foul and surface water on and off site.
15. All works that form part of the sound attenuation scheme shall be completed and retained thereafter.
16. Details of a Ventilation Scheme
17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.
18. Phase II Intrusive Site Investigation Report
19. Remediation Strategy
20. Revised Remediation Strategy
21. Validation Report
22. Reporting of unexpected contamination
23. Electric Vehicle Charging Points
24. External Lighting
25. Design and construction specifications of the proposed Public Rights of Way (PROW)

New/additional Conditions

26. The hereby approved Air Source Heat Pump Enclosure (ASHP), External Plan Area, and Substation, as shown on plan ref. CLK-BBA-XX-XX-DR-A-91- 0001 Rev. C07 shall be constructed in accordance with the specification and mitigation measures contained in the Noise Impact Assessment referenced NP-013449 revision 03. The Air Source Heat Pump Enclosure (ASHP), External Plan Area, and Substation shall thereafter operate and be maintained in accordance with the manufacturer's recommendations.
Reason: In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.
27. Prior to first occupation of the hereby approved development, but after the works required by condition 26 having been undertaken, a Noise Impact and Mitigation Validation Report, to be undertaken in accordance with BS4142, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall demonstrate whether that the mitigation measures implemented via condition 26 have been successful. In the scenario where they have not, a further noise mitigation strategy shall be detailed for approval. Thereafter, if required, the approved further noise mitigation shall be implemented prior to the approved development being brought into use.
Reason: In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Firth, Homewood, Lee-Richards, Pinnock, Scott and Thompson (7 votes)

Against: 0 votes

<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, launched on 6th March 2014, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 15-Jan-2026

Subject: Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury

APPLICANT

C C Projects

DATE VALID

22-Jul-2020

TARGET DATE

21-Oct-2020

EXTENSION EXPIRY DATE

24-Dec-2025

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley East

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE refusal of the application for the reason contained within this report.

1.0 INTRODUCTION

1.1 This application relates to land at Heybeck Lane, the smaller of the two Chidswell sites within site allocation MXS7.

1.2 At its meeting of 04/12/2025, the Strategic Planning Committee considered this application and resolved to refuse outline planning permission for the proposed development. The following reason for refusal was drafted and voted on at that meeting:

The proposed development, due to its size and proximity to Dum Wood, due to the hydrological impacts that would be caused, due the increased residential population that the development would introduce, and due to the insufficient depth of the proposed buffer, would result in changes to local hydrology, significant intensification in the use of Dum Wood, and resultant unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.

1.3 Authority was delegated to officers to review and make minor amendments to the precise wording of the reason for refusal, if necessary.

1.4 Officers now recommend changes to the reason for refusal. One of these changes necessitates further consideration by Members.

2.0 AMENDED REASON FOR REFUSAL

2.1 Having considered the wording and implications of the above reason for refusal, officers now recommend changes be made to it, as follows:

The proposed development, due to its size and proximity to Dum Wood, ~~due to the hydrological impacts that would be caused~~, and due to the increased residential population that the development would introduce nearby, and ~~due to~~ the insufficient depth of the proposed buffer, together would result in ~~changes to local hydrology~~, significant intensification in the use of Dum Wood, and ~~resultant~~ unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.

2.2 The recommended changes in red are considered to be minor. As set out above, superfluous words can be deleted, and words can be added, to ensure the reason for refusal reads better. Adding “nearby” and “together” clarifies the concerns and would enable the council to make an argument at appeal regarding cumulative effects.

- 2.3 Officers are also of the view that a further change (in blue above) is advisable. However, this relates to an element Members had understood would be included in the reason for refusal, hence why this matter has been brought to committee for Members to consider.
- 2.4 The recommended change relates to hydrological impacts, and the suggestion (made in several representations) that much of the developed application site would be covered with impermeable surfaces, so less surface water would soak into the ground, recharge of groundwater would be slowed/reduced, the adjacent ground would become dryer, and the ancient woodland (and its biodiversity) would be harmed.
- 2.5 Officers are of the view that a refusal on this ground (regarding hydrological impacts) is not sustainable, and would expose the council to significant risk at appeal, having regard to:
- The lack of evidence (of note, although objections were raised regarding this matter, no modelling or other clear evidence was submitted to demonstrate that such impacts *would* occur);
 - At this outline stage, the extent of impermeable surfaces is not yet finalised, however permeable green spaces would need to be provided on-site, and the development (up to 181 dwellings in 7 hectares) would be less densely built-up than other developments recently approved and completed in Kirklees;
 - In addition, a permeable 20m wide buffer is proposed between the site and Dum Wood;
 - The applicant's technical response (Lucion, received 17/11/2025) convincingly argues (at pages 4 and 5) that the development is unlikely to alter the current regime for groundwater recharge and groundwater flows;
 - The Woodland Trust confirmed (on 03/12/2025) that the applicant's technical response addressed their concerns relating to hydrology; and
 - Relevant Government and Woodland Trust guidance notes that changes to hydrology *can* harm ancient woodland, but does not illustrate harmful scenarios that are directly comparable with the relationship between the Heybeck Lane site and Dum Wood.
- 2.6 Having regard to the need for consistency in planning decisions, it is also noted that the application for the other, larger Chidswell site (application 2020/92331) was not refused on hydrological impact grounds. That application similarly includes development within the vicinity of Dum Wood (and, additionally, in the vicinity of Dogloitch Wood, which is also an ancient woodland), beyond a 20m-wide buffer.
- 2.7 Given the above concerns, while other elements of the reason for refusal would be retained (regarding the insufficient depth of the proposed ancient woodland buffer, the significant intensification in the use of Dum Wood, and the resultant unacceptable harm to and deterioration of the ancient woodland), it is recommended that the element regarding hydrological impacts be omitted.

- 2.8 Should Members accept the recommended wording changes, the reason for refusal would read as follows:

The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.

3.0 CONCLUSION

- 3.1 The application is to be refused in accordance with the Strategic Planning Committee's resolution of 04/12/2025, except (if accepted by Members) in respect of the wording of the reason for refusal.
- 3.2 It is recommended that permission be refused for the reason set out at paragraph 2.8 above.

Background Papers:

Previous committee report (and appendices):

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92350&file_reference=1115388

Previous committee update:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92350&file_reference=1116521

Application file:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92350>

Planning history files

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 15-Jan-2026

Subject: Planning Application 2025/92335 Discharge of details reserved by condition 5 (retaining walls) of previous Reserved Matters approval 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access) Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU

APPLICANT

Vistry West Yorkshire

DATE VALID

19-Aug-2025

TARGET DATE

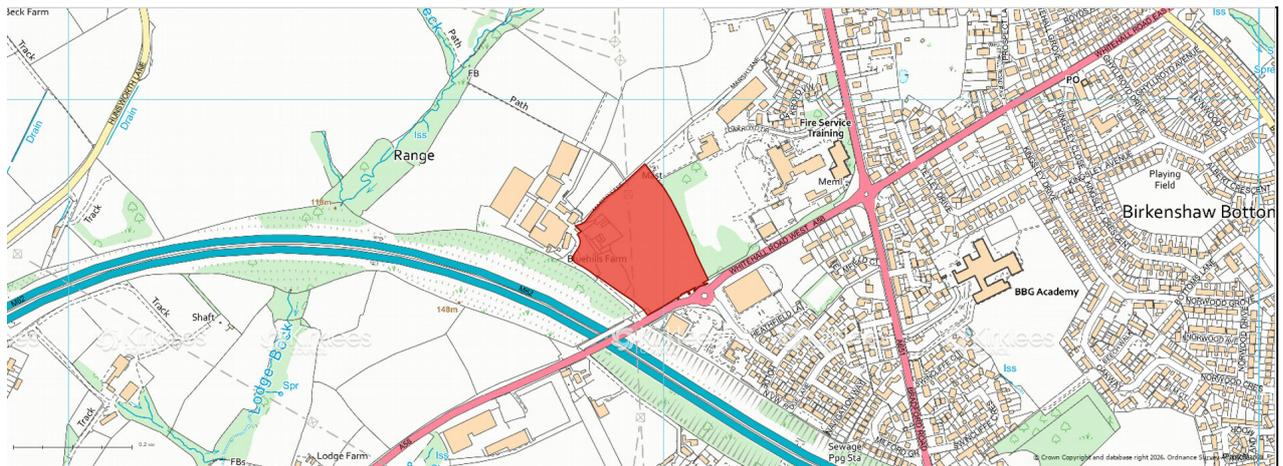
14-Oct-2025

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development.

1.0 INTRODUCTION

1.1 This is a Discharge of Conditions application relating to a retaining wall at a site currently being developed.

1.2 This application is brought to the Strategic Planning Committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor Elizabeth Smaje. Cllr Smaje's grounds for requesting a committee decision are as follows:

The wall impacts on visual amenity, and it is not in keeping with the rest of the surrounding buildings – including the new houses. We have received no response on future maintenance questions, and it was built without planning permission.

1.3 Cllr Smaje's request has been accepted by the Chair of the Strategic Planning Committee.

2.0 SITE AND SURROUNDINGS

2.1 The application site is located on the northwest side of Whitehall Road West (the A58), close to that road's bridge over the M62. The site is allocated for housing in the Local Plan (site allocation ref: HS93). The site previously formed part of Blue Hills Farm, but is now being developed for residential use pursuant to a previous permission for a 91-dwelling development.

2.2 To the northeast of the application site is the West Yorkshire Fire and Rescue Service headquarters – this large adjacent site is enclosed by stone walls, and includes the Grade II listed former Oakroyd Hall, several other buildings, trees protected under Tree Preservation Order 19/92/a1, and soft landscaped areas. To the southeast the site is bounded by Whitehall Road West (the A58), beyond which is the Heathfield Farm PH/restaurant, a large employment unit, and the Emmet's Reach development. The southwest edge of the application site borders the access lane to Blue Hills Farm. Further to the southwest is the M62 motorway and its embankment.

2.3 The application site slopes downhill from north to south. Its north corner is approximately 172m AOD, and prior to development its south corner was approximately 152m AOD.

2.4 The application site is not within or close to a conservation area. A public footpath runs around the rear and southwest side of the site. Part of the application site is within a Development High Risk Area as defined by the Coal Authority.

2.5 As part of the recent (and ongoing) development of the application site, a large retaining wall has been erected along the site's Whitehall Road West frontage. Behind this wall, at a higher level, 12x 2-storey dwellings have been erected. The footway of Whitehall Road West directly in front of the application site has been widened to provide a shared footway/cycleway. Alterations have been made to the roundabout in front of the application site, to enable vehicular access to be provided for the residential development.

3.0 PROPOSAL

3.1 The applicant seeks an approval (pursuant to Reserved Matters condition 5, the full wording of which is provided at paragraph 4.3 below) of details relating to the retaining wall to the site frontage along Whitehall Road West. The details comprise:

- Already-implemented works: The retaining wall (with approval of its height and materials sought); and
- Proposed works: The tinting of the wall and implementation of soft landscaping in front of it.

3.2 The height of the retaining wall varies, reaching a maximum height of 3.45m at its southern corner (measured from the top of the soil bank, which at that point rises 1m above the adjacent shared footway/cycleway). At the centre of the tinting sample panel (in front of plot 7) the wall is 1.22m high (again measured from the top of the soil bank). From its southern corner to the point in front of plots 9 and 10 (where the wall's visible part ends), the retaining wall is 55m long.

3.3 The retaining wall has been built using pre-cast grey concrete blocks. A product named RediRock has been used.

3.4 The proposed tinting of the retaining wall would involve the application of a tint which would be hand-mixed on site to achieve an appropriate colour match. The tint would penetrate the concrete blocks, and give them a buff colour. A sample panel has been provided on site to part of the retaining wall, in front of plot 7.

3.5 The soft landscaping proposed in front of the retaining wall comprises:

- A continuous strip adjacent to the shared footway/cycleway, planted with field maple, hornbeam, hazel, spindle, beech, honeysuckle, crab apple, and guelder-rose.
- A sloped area in front of the retaining wall's southwest-facing return, planted with some of the above species, as well as holly, blackthorn and dog-rose.
- A third area in front of plots 8 to 12, planted with spindle, holly, blackthorn, dog-rose and guelder-rose.

3.6 Although not for consideration under this application, it is noted that a section of acoustic fencing has been erected above the retaining wall along its southwest-facing return, and railings have been installed above the retaining wall along its entire length facing Whitehall Road West.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 2018/20382 – EIA Screening Opinion issued 27/09/2018, confirming EIA not required for development of the site to provide up to 123 residential units.
- 4.2 2019/90527 – Outline permission granted 09/12/2019 for erection of up to 127 dwellings, with details of access.
- 4.3 2022/91047 – Reserved Matters approved 30/06/2023 for a development of 91 dwellings. Condition 5 of that approval stated:

5. There shall be no commencement of each phase of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing/proposed highway has first been submitted to and approved in writing by the Local Planning Authority, in liaison with the Local Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: *In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure details of highway structures etc are designed and approved at an appropriate stage.

- 4.4 2023/92092 – Discharge of Condition application refused 02/07/2024. This related to Reserved Matters condition 5 (new retaining walls). The decision notice stated:

KC Highway Structures have confirmed that the proposed boundary wall is acceptable from a structures perspective, as an Approval In Principle and Construction Compliance Certificate have been issued.

However, officers have significant concerns regarding the height and stark materials used for the retaining boundary wall, due to its prominence along the A58 and the fact that the area is characterised by lower boundary treatments which feature more appropriate materials.

As such, the retaining wall cannot be supported and therefore condition 5 cannot be discharged.

- 4.5 Various other Discharge of Conditions applications (relating to outline and Reserved Matters conditions) and a Non-Material Amendment application have been determined or are yet to be determined.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

Outline application

- 5.1 The drawings approved under outline application 2019/90527 did not show the retaining wall that has since been built at the site. The relevant committee report stated (at paragraph 10.21) that “Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would

also need to be provided at Reserved Matters stage”. The indicative drawings and images, and the Design and Access Statement submitted with this application showed an active frontage to Whitehall Road West, with a “new 0.45m high brick dwarf wall with 0.45m black metal fence and gates to top, total max 0.9m height”.

Reserved Matters application

- 5.2 The drawings approved under Reserved Matters application 2022/91047 did not show the retaining wall that has since been built at the site. Some of the approved drawings showed and/or annotated a retaining wall along the site’s Whitehall Road frontage, but not to the height or design it has been built to, and the RediRock product used in the wall’s construction was not referred to in the approved drawings and documents.

Approval in Principle (AIP)

- 5.3 In addition to an approval pursuant to Reserved Matters condition 5, the retaining wall to the site frontage required an Approval in Principle (AIP), given its proximity to the highway. The AIP process primarily concerns structural, stability, engineering and safety matters, and is intended to ensure new features (such as retaining walls) do not adversely affect the highway. Accordingly, parallel to the ongoing consideration of planning applications, discussions took place between the applicant team and KC Highway Structures regarding the retaining wall at this site. Some proposed solutions (namely, a gabion retaining wall, crib retaining wall and a Stepoc system) were rejected by KC Highway Structures. Several versions of an AIP document were submitted by the applicant team from June 2023 onwards. Advice was given to the applicant team at various stages by KC Highway Structures, and an AIP relating to the retaining wall was issued.

Previous Discharge of Conditions application 2023/92092

- 5.4 The previous Discharge of Conditions application was submitted on 12/07/2023, prior to the retaining wall being erected. However, the applicant commenced construction of the retaining wall prior to that Discharge of Conditions application being determined.
- 5.5 Cllr Smaje raised concerns on 11/02/2024 regarding the retaining wall that was being built at the application site. Officers subsequently raised concerns with the applicant team and reported the matter to Planning Enforcement, who drafted an Enforcement Notice.
- 5.6 Following several exchanges with the applicant team, no acceptable details had been submitted in relation to the retaining wall, and the Discharge of Conditions application was refused on 02/07/2024.
- 5.7 A post-refusal site meeting, attended by the case officer, Planning Enforcement, KC Highway Structures and the applicant team, was held on 05/06/2025.

Current Discharge of Conditions application 2025/92335

- 5.8 The current Discharge of Conditions application was submitted on 19/08/2025.
- 5.9 During the life of the current application, the applicant team submitted details regarding the proposed tinting of the retaining wall, and revised soft landscaping proposals.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

6.2 The site is allocated for housing in the Local Plan (site allocation ref: HS93).

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highways and access
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents

6.4 Relevant guidance and documents:

- Kirklees Climate Change Action Plan (2022)
- Planning Applications Climate Change Guidance (2021)
- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)

Climate change

6.5 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.6 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

National Planning Policy and Guidance

- 6.7 The National Planning Policy Framework (December 2024, corrected February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 15 – Conserving and enhancing the natural environment
- 6.8 A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025. This document is at an early stage and may be subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.
- 6.9 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.10 Relevant national guidance:
- National Design Guide (2019)
 - National Model Design Code (2021)
- 6.11 Since 12/02/2024, the provision of a Biodiversity Net Gain (BNG) of 10% has been a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, this requirement does not apply to this particular development, for which planning applications were submitted and approved prior to 2024.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 No public consultation is required in relation to Discharge of Conditions applications, however all drawings and documents submitted by the applicant under this application have been posted online.
- 7.2 No representations were received from members of the public.
- 7.3 Cllr Smaje (ward Member for Birstall and Birkenshaw) commented on 26/08/2025 as follows:

I am sceptical as to whether this will work in the longer term without significant maintenance. I do understand that they built the houses without permission for the wall and that planning enforcement should have done something about this a lot sooner than now.

Who will make sure the landscaping goes up the atrocious wall which does not fit into anything in the surrounding area? Who will maintain the landscaping in the longer term? Who will be responsible for maintaining the paintwork on the wall?

In respect of the "Welcome to Birkenshaw" stone, we already have one put in by Birkenshaw in Bloom at the roundabout. Therefore, I do not think that two in such close proximity would work.

7.4 Cllr Smaje commented further on 02/12/2025 as follows:

I agree with my colleague.

It concerns me that it will deteriorate quickly.

Only the other day I got another comment about how it is ruining an entrance to Birkenshaw. Surely a stone wall that is in keeping with both houses and environment would be better.

7.5 Cllr Thompson (ward Member for Birstall and Birkenshaw) commented as follows:

1/ It concerns me that it will deteriorate quickly, its concrete and no matter what you do to it short term it will gather moss and dirt quickly and become more of an eyesore than it is today. That wall is a sows ear and no one is going to make a silk purse of it!

This road is the main gateway into our ward and now it has been made to look as ugly as could be. No planting is going to cover that illegal monstrosity and if it does it means that whatever that is when it matures would undermine the wall anyway!

2/ It is ruining an entrance to Birkenshaw. Surely a stone wall that is in keeping with both houses and environment would be better.

3/ I apologise for the naivety of this reply but isn't it the planning enforcement teams remit that if there is a structure that wasn't in a plan and then was refused on the retrospective application that the enforcement need to enforce? If we are to be taken seriously in this type of misleading construction then we should make them remove it!

My view, for what it is worth, is the wall is removed as soon as possible and the original plans are delivered by the developer.

8.0 CONSULTATION RESPONSES

8.1 KC Highway Structures – Condition can be discharged. The designs for two structural retaining/burr walls (affecting the safety of the highway) were agreed retrospectively, and can be evidenced by AIPs and design and check certificates signed by the TAA. No structural amendments have been made to the proposal in the resolution of the aesthetic issues.

9.0 MAIN ISSUES

- Highway structures considerations
- Visual amenity considerations
- Other planning matters
- Representations

10.0 APPRAISAL

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Highway structures considerations

- 10.2 Separately to the planning process, the retaining wall has received an Approval in Principle (AIP) from the council. This was necessary as the wall supports land adjacent to the highway.
- 10.3 Given the previously-issued AIP, and the comments of KC Highway Structures (relating to this Discharge of Conditions application) reported above, the retaining wall and the tinting and planting now proposed raise no concerns in relation to highway structures considerations.

Visual amenity considerations

- 10.4 The application site, and in particular its road frontage, is highly visible in views from public vantagepoints. The site has an extensive frontage along the A58 (Whitehall Road West), and due to the straightness, width and arrangement of Whitehall Road West and Heathfield Lane, the retaining wall can be seen from locations relatively far away. The visual sensitivity of the application site (and, in particular, its road frontage), is amplified by the fact that it is located at the edge of, and at a key entry point to, the settlement of Birkenshaw. Furthermore, given the high levels of traffic that the A58 carries on a daily basis, many people pass the site and see it every day.
- 10.5 Local Plan policies LP2, LP24 and LP32 are of particular relevance to this application and its visual amenity considerations, as are chapters 12 and 15 of the NPPF and the council's Housebuilders Design Guide SPD.
- 10.6 Local Plan policy LP24 requires proposals to promote good design by ensuring, inter alia, the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.7 NPPF paragraph 131 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 10.8 NPPF paragraph 135 states:

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit...

- 10.9 NPPF paragraph 139 adds that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 10.10 Paragraph 5.13 of the council's Housebuilders Design Guide SPD concerns topography, and states:
- The influence of the topography of a site and how the development responds should be clearly set out in the Design and Access Statement. Applicants should demonstrate how the topography of the site has been utilised to create well-designed and distinctive places, this can mean including bespoke house types and using the topography to provide under-croft car parking. On steep sites standard house types separated by high retaining walls should be avoided and a high-quality street scene should be maintained. The topography of the site is likely to impact on the access arrangements and the development density of the site and this should be clearly identified in Design and Access Statements*
- 10.11 From a visual perspective, the design and height of the retaining wall (in its current form, in the absence of measures to soften its impact) is not considered acceptable. The pre-cast grey concrete blocks (a product named RediRock) used by the applicant have resulted in large feature that does not appear in keeping with the surrounding character and appearance. Nearby boundary treatments include natural stone walls, soft landscaping, low timber railing, and (at one corner of the nearby roundabout) a short section of natural stone blocks. The wall as built also differs to the materials used in the elevations of nearby buildings, including those of the development it forms part of. The height of the wall varies, reaching its maximum height at its most prominent (southern) corner, where its visual impact is exacerbated by its position above a sloping soil bank and by the further boundary treatments erected above it. The wall – particularly its southern corner which is the first thing seen at this key (main road) entry point to Birkenshaw – is visually obtrusive and overdominant, and gives the development an inappropriate, fortified appearance. Furthermore, it prevents the development from engaging with and animating the road, and as a result the development effectively turns its back on the most important public realm it abuts. No boundary treatments of a similar height and length exist in the site's immediate vicinity.
- 10.12 Given the substantial height and stark appearance of the retaining wall, a refusal pursuant to condition 5 was previously issued under delegated powers on 02/07/2024 (application 2023/92092).
- 10.13 Subsequent to that refusal, the applicant made further representations, and a site meeting was held on 05/06/2025. The current Discharge of Conditions application (2025/92335) was then submitted.
- 10.14 The applicant now seeks an approval that would allow the retention of the retaining wall as built, subject to it being tinted in a buff colour, and subject to planting being implemented in front of it.
- 10.15 The proposed tinting of the retaining wall would involve the application of a tint which would be hand-mixed on site to achieve an appropriate colour match. The tint is a potassium silicate solution with an added pigment. The tint would give the concrete blocks a buff colour. A sample panel has been provided on site to part of the retaining wall, in front of plot 7. This sample panel confirms that the appearance of the concrete blocks would change so that it more closely resembles the artificial stone of five of the 12 dwellings that have been erected behind/above the retaining wall.

- 10.16 Regarding the durability and maintenance of the proposed tinting, the applicant's contractor has stated that, unlike a conventional paint, the tint would not be applied as a covering over the substrate, but instead would penetrate the concrete blocks. The contractor added that the tint would integrate with the substrate (rather than sit on top of it), that peeling and flaking would be reduced (as there would be no surface film to fail), and that no long-term maintenance would be required – the product would last for the full lifetime of the substrate.
- 10.17 Discussions took place between officers and the applicant team regarding what soft landscaping would be appropriate and possible in front of the retaining wall, given the limited space, soil depth and slope, likely dryness of the soil and the adjacent shared footway/cycleway. The applicant's earlier soft landscaping proposals included entirely non-native planting in front of the retaining wall (which was not considered acceptable), and the applicant's visualisations suggested that the wall would be entirely screened by the planting (which was not considered likely, given the limitations of the soil).
- 10.18 The planting now proposed in front of the retaining wall is considered acceptable. It includes native species (including evergreen holly, and hornbeam which retains its leaves long into winter, thus helping to provide screening), and no thorny species directly adjacent to the highway (which would have raised concerns regarding harm to highway users and litter getting caught). The submitted planting schedule suggests that the proposed plants could reach 1.5m in height (albeit this is not what is shown on the applicant's latest visualisations) – this means the retaining wall would not be fully screened. 1.5m high plants would, however, achieve at least some screening and softening of the visual impact of the retaining wall.
- 10.19 The maintenance of the planting would be the responsibility of the Management Company (as set out in the Section 106 agreement dated 29/06/2023 associated with the Reserved Matters approval 2022/91047). The definition of the Management Company in that Section 106 agreement refers to the maintenance of any land not within private curtilage or adopted by other parties. The applicant's Planting Specification (rev H) submitted under this current Discharge of Conditions application sets out appropriate measures regarding soil preparation, planting, plant stabilisation, weed suppression, replacement of failed plants, pruning and watering. Officers have additionally asked for this document to include confirmation that root protection measures would be implemented to prevent roots penetrating the retaining wall foundations and backfill, to ensure the stability of the wall would not be undermined. The maintenance of the wall would also be the responsibility of the Management Company.
- 10.20 During discussions with the applicant team, officers also considered and suggested a "Welcome to Birkenshaw" stone at this key entry point, however Cllr Smaje correctly pointed out that there is already such a sign at the A58 / A651 roundabout further to the northwest.
- 10.21 During discussions with officers, the applicant team have pointed out that the retaining wall has received AIP from the council. The applicant team have also argued that the wall's height is necessary due to the highway levels required within the site, and that the retaining wall cannot be dismantled and replaced at this stage as it supports the front gardens and shared footpath that serves plots 1 to 11 (of which, by late December 2025, plots 1, 2, 6, 7, 8, 9, 10 and

11 were occupied). However, limited weight can be given to these points as possible justification for issuing an approval pursuant to condition 5. It should not be assumed that an approval pursuant to a planning condition will necessarily follow an issuing of an AIP approval. As noted at paragraph 5.13 of the council's Housebuilders Design Guide SPD, bespoke house types can be proposed in response to challenging topography and different levels across a site (for example, houses with 2- and 3-storey elevations on opposite sides could be proposed instead of standard house types with high retaining walls). Creating acceptable private amenity space is not considered to be a suitable justification for the height of the retaining wall built at this site, given that gardens can be slightly sloped and still be useable. The breach of condition 5 (which is a pre-commencement condition) that has occurred is not in itself a reason for now issuing an approval pursuant to that condition, nor is the fact that some of the dwellings behind/above the retaining wall are now occupied.

10.22 However, given the tinting and planting now proposed by the applicant, it is considered that the visual impact and harm caused by the retaining wall would be reduced to an acceptable level, such that – it is recommended – an approval pursuant to condition 5 can now be issued.

10.23 Having regard to Cllr Thompson's comments, a natural stone retaining wall would indeed be preferable in visual amenity terms at this prominent site, however such a wall is not proposed by the applicant, and the council as Local Planning Authority is required to make a decision based on the details currently before it.

Other planning matters

10.24 The retaining wall raises no significant concerns in relation to neighbouring residential amenity. The wall is located well away from existing residential properties, and stands below the 12 nearest dwellings recently built as part of the ongoing residential development of the site. There are therefore no concerns regarding the proposal's impact upon neighbouring residential properties in relation to privacy, outlook and natural light.

10.25 The further work (namely, the proposed tinting and planting) associated with the retaining wall would need to be carried out in compliance with the Construction Environmental Management Plan approved under Discharge of Conditions application 2022/90985.

10.26 Approval of the submitted details would not result in material harm to heritage assets or TPO-protected trees to the northeast, and the future use and attraction of the nearby footpath to the southwest (SPE/14/10) would be unaffected.

Representations

10.27 No representations were received from members of the public.

10.28 The comments made by Cllr Smaje and Cllr Thompson are responded to in the assessment set out earlier in this committee report.

11.0 CONCLUSION

- 11.1 The retaining wall erected along the application site's Whitehall Road West frontage currently causes harm due to its height, materials and appearance. However, with the tinting and soft landscaping now proposed by the applicant, this harm would be reduced to an acceptable level, such that – it is recommended – an approval pursuant to Reserved Matters condition 5 can now be issued.
- 11.2 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposal would constitute sustainable development and is therefore recommended for approval.

Background Papers

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f92335>

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