



Enquiries to: Nick Hirst

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Date: 21-May-2024
Our Ref: 2023/90772

Dear Sir,

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of conditions 3 (CEMP), 7 (waste collection), 14 (soft landscaping), 17 (boundary treatments) and 25 (tree/shrub planting) of previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans)
Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Application Number: 2023/90772**

I write with reference to your application to discharge the conditions for the above development as submitted on 09-Mar-2023.

Condition 3 (CEMP)

You have submitted the document 'Construction Environment Management Plan' rev. C and dated February 2024 pursuant to condition 3. This is in addition to the email dated 04/03/2024 which confirms that the 'Construction Environment Management Plan' rev. C document shall be made available for inspection on-site as necessary.

The submitted details are considered acceptable for the initial requirements of condition 3. This is explicitly with the understanding that the use of the site's access from Whitegates Grove for all vehicles is limited to an 8-week period. Should the access be utilised for a longer period you would be in breach of condition 3 and the hereby approved details.

Once the start and end dates of using the Whitegates Grove access are known, these should be emailed to the case officer Nick Hirst at nick.hirst@kirklees.gov.uk.

Pursuant to section 5.11 of the approved 'Construction Environment Management Plan', a copy of the document shall be retained on site for inspection.



Furthermore, be aware that condition 3 has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

The approved details shall be implemented at the commencement of work on site and shall thereafter be retained and employed until completion of works on site. The CEMP shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

Condition 7 (waste collection)

You have submitted the plan ref. FB-006 Rev. B pursuant to condition 7.

I can confirm that the submitted details are acceptable for the initial requirement of condition 7. However, be aware that condition 7 has the following ongoing requirement which must be adhered to, to ensure continued compliance with the condition:

The approved details shall be provided before first occupation and shall be so retained thereafter.

Notwithstanding the above, K.C. Waste Strategy advise that continued discussions should be undertaken including a site meeting as works commence. This is in the interest of working collaboratively with the council's refuse collection service as the development progresses. To discuss this further please email waste.planning@kirklees.gov.uk.

Condition 14 (soft landscaping) and Condition 25 (tree/shrub planting)

You have submitted the plans ref. H22-0016_004 rev. A and H22-0016_005 pursuant to conditions 14 and 25.

I can confirm that the submitted details are acceptable for the initial requirement of each condition. However, be aware that the conditions each have the following further requirements which must be adhered to, to ensure continued compliance with the respective condition:

Condition 14

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme 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.

Condition 25

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any.

Condition 17 (boundary treatments)

You have submitted the following documents pursuant to condition 17:

- Plan ref. FB-007
- Plan ref. 22-491 Rev. A

The plans do not show typical elevational appearances for one of the three types of traditional boundary treatment. Furthermore, the fourth boundary treatment is retaining walls, which have a dedicated plan. Within this plan several different types of retaining wall are proposed across the site, but again no typical elevations are provided (only written descriptions are provided). The submitted details are insufficient to assess the visual and residential impacts of the walling.

Additionally, the proposal includes extensive excavations near to a veteran oak. There are concerns over potential impacts upon the tree's health. No evidence has been submitted, such as an Arboricultural Impact Assessment, to demonstrate these works can be implemented without undue harm to the tree.

Finally, no details have been provided pursuant to requirement 17(a), preventing this being assessed and failing to comply with the condition. Condition 17(a) requires that the following be provided:

(a) An evaluation of the structural integrity of existing walls around the site boundary and any proposals for their re-construction/replacement

In light of the above, insufficient details have been provided to undertake a full assessment and concerns are held over the details submitted. For the avoidance of doubt condition 17 is not hereby discharged.

Yours faithfully,

Mathias Franklin
Head of Planning and Development