

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:	2024/44/93220/W
Site Address:	Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Description:	Discharge of details reserved by conditions 15 (Tree Method Statement), 27 (Landscaping), 33, (Noise Impact Assessment) and 40 (LEAP proposals) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)
Recommending Officer:	Katie Chew

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: 10-Dec-2025

Application: 2024/44/93220/W

Site: Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Proposal: Discharge of details reserved by conditions 15 (Tree Method Statement), 27 (Landscaping), 33, (Noise Impact Assessment) and 40 (LEAP proposals) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)

Assessment

Condition 15 (Tree Method Statement)

15. Prior to any development commencing within 20m of the Root Protection Area of the tree identified as T021, as per the Tree / Arboricultural Survey referenced '19321', an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Protection Plan including any necessary remedial measures specific to tree T021 shall be submitted to, and approved in writing by, the Local Planning Authority. The updated Impact Assessment shall elaborate upon the development's potential impacts upon T021 and explore measures to prevent any and all detrimental impact upon the tree's health. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: *To ensure a tree of amenity value is preserved, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that appropriate investigation and the methodology of works is correct prior to potentially damaging works taking place.*

The applicant has submitted the following document pursuant to condition 15:

- Plan ref. BA230768AMS rev. P.

This document has been considered and found to be acceptable by K.C. Trees within their consultation response dated 29/11/2024.

Officers support this assessment and recommend that the submitted details be approved, with a note detailing the condition's ongoing requirements recommended to be included on the decision notice.

Notwithstanding the above, Officers note that the retaining wall located adjacent to Plot 43, evident on the above noted document, is not in accordance with conditions 2 or 3 of permission 2022/93154. Given that this condition (condition 15) relates only to protecting T021, subject to the details relating to T021 being acceptable, it may still be approved without prejudice to the requirements of either condition 2 or 3, which remains in force (i.e., the applicant could not implement the plans shown, in so far as they relate to the modified retaining wall's location). However, a note is recommended to be included on the

decision notice explicitly advising the applicant of this discrepancy and that they are advised that a Section 73 application would need to be submitted to the Council to apply for this change

Condition 27 (Landscaping)

27. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

a) Planting plans

a) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment

b) Schedules of plants noting species, planting sizes and proposed numbers/densities.

c) Details of street trees, to include tree pit details

d) Assessment of landscaping impact on public sewer infrastructure

e) Details of an implementation and maintenance programme for a minimum 5-year period.

f) Details of phasing of soft landscaping works.

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

Reason: *In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.*

The following plans have been submitted to address this condition:

- Plan ref. H22-0016_006 Rev. G
- Plan ref. H22-0016_007 Rev. G
- Plan ref. H22-0016_008 Rev. G
- Doc ref. Landscape Management Plan by Trustgreen

The submitted plans satisfactorily address the requirements of points a and b, demonstrating a high quality and attractive landscaping strategy for the site.

No street-tree plans (i.e., trees within the adopted highway) are proposed, which was accepted at application stage, addressing point c.

The latest versions of the plans include shows drainage easements (outside of the highway) and indicate no tree planting over drainage pipes, satisfying point d.

For point e, each plan includes a brief maintenance notes section, which includes a commitment that 'All planting in open space areas shall be maintained as detailed below by the management company in good order with any plant material which dies within a five-year period being replaced to the original specification'. On top of this is the Doc ref. Landscape Management Plan by Trustgreen which gives further detail that is accepted.

Finally, in respect of point f, amended plans (ref: H22-0016_006 Rev G, H22-0016_007 Rev G and H22-0016_008 Rev G) have been received on the 30/10/2025 and now provide a Landscape Delivery Schedule in the form of a table on plan. This table shows the Public Open Space handover in phases of upon 80% and 100% completion stages, with handovers made to the Management Company. This phasing of delivery is deemed to be acceptable.

Given the above assessment, Officers consider the above details to be acceptable and recommend that the submitted details be approved, with a note detailing the condition's ongoing requirements recommended to be included on the decision notice.

Condition 33 (Noise Impact Assessment)

33. Prior to the installation of fenestration glazing, notwithstanding the submitted information, a further/addendum Noise Risk Assessment specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development, including road traffic and neighbouring premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- a) Determine the existing noise climate.*
- b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms and the gardens of the development.*
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences. This shall include, if necessary, identifying which rooms of which plots require a ventilation system. Where ventilation is required, the details shall include the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded.*

Each dwelling shall not be occupied until all works specified in the approved report have been carried out to the relevant dwelling in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

The condition was imposed at the request of K.C. Environmental Health, who have reviewed and accepted the submitted details within their consultation response dated 10/12/2024.

Officers support this assessment and recommend that the submitted details be approved, with a note detailing the condition's ongoing requirements recommended to be included on the decision notice.

Condition 40 (LEAP proposals)

40. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Local Equipped Area of Play (LEAP) as shown indicatively on plan ref. "H22- 0016_003 Rev. F" commencing, a scheme providing details of the play equipment to be installed within the LEAP shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timescale and be so retained thereafter.

Reason: To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

The following details have been submitted pursuant to condition 40:

- Plan ref. H22-0016_006 Rev. G
- Plan ref. 25576rev6/WYO
- Document titled Q40 PREMIER SAFE SPRUNG GATES
- Document titled BOWTOP 1.0M HIGH PLAY SPEC

The above plan ref. 25576rev6/WYO is a revised version, following initial concerns expressed by officers and K.C. Landscape. This included seeking clarification on the distance of play equipment to dwellings. Plan ref. H22-0016_006 Rev G also includes details on the timescales for completion and handover of the LEAP. This is to be completed and handed over to a Management Company upon 80% occupation of the dwellings. As corroborated by K.C. Landscape in their email response dated 03/10/2025, the above plans are considered to address all the initial concerns and provide a robust and engaging *Local Equipped Area of Play (LEAP)*.

The above details are considered to be acceptable, and therefore it is recommended that the details be approved, with a note detailing the condition's ongoing requirements recommended to be included on the decision notice.

Summary

The details submitted relating to all conditions sought to be discharged may be approved.

Recommendation: Approve

Report Dated: 10/12/2025

Proposed Letter Text

Condition 15 (Tree Method Statement)

You have submitted the plan ref. BA230768AMS rev. P pursuant to condition 15.

I can confirm that the submitted details are acceptable for the initial requirement of condition 15.

Notwithstanding the above, you are reminded of the following ongoing requirement to condition 15 which must be adhered to, to ensure ongoing compliance with the condition:

Thereafter the development shall be undertaken in accordance with the approved details.

NOTE: It is noted that a retaining wall located adjacent to Plot 43, identified as 'Mac Wall and 1100mm metal railings' on submitted drawing 'Proposed Boundary Treatments' drawing no. Z078-003 Rev G, is not in accordance with the details submitted as part of application 2022/93154. In addition to condition 2 (approved plans), you are reminded that condition 3 of 2022/93154 reads:

3. The hereby approved development's groundworks, retaining works, and dwelling Finished Floor Levels shall be undertaken in accordance with the level details shown upon plan ref. 22/491/EXT/001 Rev. B.

Reason: *For the avoidance of doubt as to what is being permitted and in the interest of visual and residential amenity, in accordance with LP24 of the Kirklees Local Plan.*

Implementing the retaining wall as shown on the submitted plans (notwithstanding the approval of the details, in so far as they relate to conditions 25 and 30, via this Discharge of Condition submission) would be in breach of conditions 2 and 3 of 2022/93154.

Without prejudice to any future assessment, a Section 73 application would be required for this change for this change to be assessed. Nonetheless, Condition 15 of this discharge of conditions application (2025/91268) relates solely to the materiality of the retaining walls and therefore can be discharged.

Condition 27 (Landscaping)

The following plans have been submitted pursuant to condition 27:

- Plan ref. H22-0016_006 Rev. G
- Plan ref. H22-0016_007 Rev. G
- Plan ref. H22-0016_008 Rev. G
- Doc ref. Landscape Management Plan by Trustgreen

I can confirm that the submitted details are acceptable for the initial requirement of condition 27.

Notwithstanding the above, you are reminded of the following ongoing requirement to condition 27 which must be adhered to, to ensure ongoing compliance with the condition:

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

Condition 33 (Noise Impact Assessment)

You have submitted the Noise Impact Assessment authored by ENS dated 06 August 2024 Ref NIA-11597-24-11783-Penistone Road (final) pursuant to condition 33.

I can confirm that the submitted details are acceptable for the initial requirement of condition 33.

Notwithstanding the above, you are reminded of the following ongoing requirement to condition 33 which must be adhered to, to ensure ongoing compliance with the condition:

Each dwelling shall not be occupied until all works specified in the approved report have been carried out to the relevant dwelling in full and such works shall be thereafter retained.

Condition 40 (LEAP proposals)

You have submitted Plan ref. 25576rev6/WYO, Document titled Q40 PREMIER SAFE SPRUNG GATES, Document titled BOWTOP 1.0M HIGH PLAY SPEC, and Plan ref. H22-0016_006 Rev. G, pursuant to condition 40.

I can confirm that the submitted details are acceptable for the initial requirement of condition 40.

Notwithstanding the above, you are reminded of the following ongoing requirement to condition 40 which must be adhered to, to ensure ongoing compliance with the condition:

The approved scheme shall be fully implemented in accordance with Policy LP63 of the Kirklees Local Plan.