



Kirklees Council
Planning and Development Service
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Date: 11-Dec-2025
Our Ref: 2024/93220

Dear Sir/Madam

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

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)

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

Application Number: 2024/93220

I write with reference to your application to discharge the conditions for the above development as submitted on 11-Nov-2024.

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



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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.

Yours faithfully

Mathias Franklin
Head of Planning and Development