

Enquiries to: Katie Chew

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Date: 09-Oct-2025
Our Ref: 2025/91268

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 17 (Retaining walls adjacent to highways), 25 (Boundary Treatments), 30 (Retaining Wall Materials) on 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: 2025/91268**

I write with reference to your application to discharge the conditions for the above development as submitted on 08-May-2025.

Condition 17: Retaining Walls adjacent to Highways

Pursuant to Condition 17, you have submitted:

- Private Burr Wall Details, Drawing No. 2079/22/1000 Rev A, received 08/05/2025.
- Design and Check Certificate, received 08/05/2025.
- Approval in Principle for Design of Proposed Private Masonry Faced Mass Concrete Burr Wall supporting Unadopted Highway off A629 Penistone Road, Fenay Bridge, dated 18/03/2025, Rev 01, received 08/05/2025.
- Section 38 Legal Plan, Drawing No. 22/491/S38/001 Rev C, received 11/06/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 17. However, Condition 17 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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

Notwithstanding the above, you are reminded that a Construction Compliance Certificate" together with "As built" drawings upon the construction of burr wall supporting Road 5 are required to be submitted to KC Structures prior to works commencing on site.

Condition 25: Boundary Treatments and Condition 30: Retaining Wall Materials

Pursuant to Conditions 25 & 30, you have submitted:

- GeoWall with Feather Edge Fence, Drawing No. NH/SD/PL/101 Rev A, received 08/05/2025.
- GeoWall with Railings (Metal/Timber), Drawing No. NH/SD/PL/102 Rev A, received 08/05/2025.
- MACWALL with Metal Railings, Drawing No. NH/SD/PL/103 Rev A, received 08/05/2025.
- Macwall with Timber Fence, Drawing No. NH/SD/PL/104 Rev A, received 08/05/2025.
- Timber Clad sheet piling 1.8m Fence, Drawing No. NH/SD/PL/105 Rev B, received 10/07/2025.
- Natural Stone retaining wall & railings, Drawing No. NH/SD/PL/106, received 08/05/2025.
- 2m Natural Stone Masonry Wall Detail, Drawing No. NH/SD/S120/A/02, rev B, received 10/07/2025.
- 1.8m Art. Stone Masonry Wall Detail, Drawing No. NH/SD/S120/A/02.01, received 10/07/2025.
- 2.0m Acoustic Timber Fence, Drawing No. NH/SD/S120/A/30, received 08/05/2025.
- 450mm Timber Knee Rail, Drawing No. NH/SD/S120/B/01, received 08/05/2025.
- 1.5m Metal Railing Detail Standard, Drawing No. NH/SD/S120/B-02, received 08/05/2025.
- 1.8m Feather Edge Fence Detail, Drawing No. NH/SD/S120/B/06, received 08/05/2025.
- Sheet pile timber cladding detail, Drawing No. SHT-S-DAWG-A001, received 08/05/2025.
- Proposed Boundary Treatments, Drawing No. Z078-003 Rev H, received 02/10/2025.
- Sheet Pile Retaining Wall, Drawing No. 24219-PS-XX-XX-DR-Y-0001 Rev D, received 08/05/2025.
- External Works, Drawing No. 0013-EXTWKS Rev J, received 08/05/2025.
- Macwall Spec Sheet, received 08/05/2025.
- GeoWall Spec Sheet, received 08/05/2025.

- Source for Natural Stone for boundary/retaining walls, received 08/05/2025.
- Justification email from applicant's agent, dated 10/07/2025.

The submitted details are deemed to be acceptable for the initial requirements of Conditions 25 & 30 (and only the requirements of these conditions). However, Conditions 25 & 30 do have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

Condition 25:

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

Condition 30:

The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

In addition to the above, also of relevance to the details provided is condition 37, which states:

37. Prior to the occupation of plots 36 – 42, further to the details approved pursuant to condition 25, the approved boundary treatment to all of the southern landscaped area as identified by green chequers between plots 42 and 43 on plan ref. Z078-002 Rev. P shall be fully installed. Thereafter the southern landscaped area's boundary treatment so installed shall be retained.

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 30 of this discharge of



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conditions application (2025/91268) relates solely to the materiality of the retaining walls and therefore can be discharged.

Yours faithfully

Mathias Franklin
Head of Planning and Development