

**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:	2025/44/93178/W
Site Address:	Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Description:	Discharge of details reserved by conditions 6 (sustainability), 22 (BEMP), 29 (Travel Plan), 32 (Lighting), 35 (cycle storage) on 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: 12-Feb-2026

Officer Report

Application: 2025/93178

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

Proposal: Discharge of details reserved by conditions 6 (sustainability), 22 (BEMP), 29 (Travel Plan), 32 (Lighting), 35 (cycle storage) on 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 6 (Sustainability)

6. The hereby approved development shall be undertaken in accordance with the provisions detailed within the approved Sustainability Report, by Plasmor Concrete Products. Prior to the occupation of the hereby approved dwellings, a Post Construction Report that demonstrates the measures contained within the Sustainability Report have been implemented and achieved shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: *In the interest of promoting sustainable development, in accordance with LP24(d) of the Kirklees Local Plan.*

In support of Condition 6 the following documents have been submitted:

- Sustainability Report – As Built, authored by Plasmor Concrete Products, dated 22.07.2025, received 17/11/2025.
- Building Regulations England Part L (BREL) Compliance Reports for Plots 1-68, dated 15/11/2024, received 17/11/2025.

The submitted Sustainability Report – As Built confirms that Newett Homes have implemented all the proposals found within the previously approved Sustainability Report by Plasmor Concrete Products, and that as a result each plot (1-68) has a minimum of a BEPC rating, which could be increased further by installation additional photovoltaic panels. The Sustainability Report – As Built provides a table which shows that the dwellings fabric energy efficiency as built is lower on all plots than the target energy efficiency rating (which is a benchmark set for national standardised buildings). This is all supported by the Building Regulations England Part L (BREL) Compliance Reports for plots 1 – 68.

Given the above, Officers consider that the submitted details are acceptable and therefore recommend that Condition 6 is discharged.

Condition 22 (BEMP)

22. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall detail the delivery of the Biodiversity Enhancements, as detailed within paragraph 4.33 of the Ecological Appraisal and also demonstrate how a minimum of 7.18 habitat units and 2.29 hedgerow units are to be achieved postdevelopment and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- a. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- b. Ecological trends and constraints on site that might influence management;
- c. Aims and Objectives of management;
- d. Appropriate management Actions for achieving Aims and Objectives;
- e. An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
- f. Details of the management body or organisation responsible for implementation of the BEMP;
- g. Ongoing monitoring programme and remedial measures; and
- h. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP.

Thereafter the development shall be implemented in accordance with the approved details and be so retained thereafter.

Reason: *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.*

In support of Condition 22 the following document has been submitted:

- Biodiversity Enhancement Management Plan, Rev C, authored by FPCR environment & design, dated January 2026, received 30/01/2026.

This condition has been reviewed by KC Ecology Unit who have confirmed (27/11/2025) that the above information is acceptable and is in line with the requirements of the condition.

Officers have reviewed the submitted document against the further requirements of the condition as follows:

Description and evaluation of features to be managed and enhanced

Section 5 of the submitted BEMP outlines the ecological protection and mitigation measures for habitats, flora and fauna which are relevant to the context of this site. Section 6 discusses how the habitat creation/planting will be managed. With Section 7 outlining how the developer seeks to enhance habitats for fauna, specifically in relation to bats, birds, hedgehogs and other mammals. Section 8 of the report discusses habitat retention and enhancement measures. Finally, Section 9 of the BEMP relates to habitat creation, management objectives and prescriptions that are to be implemented to ensure that the created and retained habitats achieve the target conditions that have been set of the habitat types proposed.

The above details are considered to be acceptable.

Extent and location/area of proposed enhancement works on appropriate scale maps and plans

Page 34 of the submitted BEMP shows a Proposed Habitats Plan (drawing no. Figure 2, rev C). this outlines where the proposed habitats are to be located and includes (but is not limited to) cereal crops, mixed scrub, and vegetated garden. The plan also shows proposed hedgerows, which include ornamental non-native and native species rich hedgerows. Large and small street trees are also indicated on the drawing.

The above details are considered to be acceptable.

Ecological trends and constraints on site that might influence management

Within paragraphs 5.4 – 5.10 of the submitted BEMP ecological trends and constraints on the site that might influence management are discussed. These include invasive non-native species, protected/notable species, and habitat establishment and maintenance of Habitat Condition.

The above is considered to be acceptable.

Aims and Objectives of management

Paragraph 3.1 of the BEMP states that the following strategic objectives for the site are set out to provide a steer for the detailed management objectives and prescriptions including:

- Provision of specific features of faunal value located where most appropriate for the target species/group;
- To enhance biodiversity throughout the site and contribute towards an overall no net loss in biodiversity as a result from proposals; and

- Provide measurable and achievable targets appropriate to each habitat to ensure condition targets are met as set out in the Management Target tables in the report in accordance with the Metric Guidance.

The above is considered to be acceptable.

An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years)

Section 10 of the submitted BEMP provides details on the work schedule and monitoring procedure. Noting that a detailed work programme will be set annually by the landscape contractor or other parties managing the site, and that results taken from regular monitoring will be used to inform changes to the management plan including the rolling five-year work programme. Table 10 provides an indicative management timetable, which includes an aftercare period for up to 30 years.

The above details are acceptable.

Details of the management body or organisation responsible for implementation of the BEMP

Section 2.0 of the BEMP sets out that during the construction phase, Newett Homes or their approved contractor(s) will be responsible for the creation of the habitats and landscaping for the development, which will be subsequently maintained by Newett Homes or their appointed management company. Monitoring of the successful establishment will also be the responsibility of Newett Homes or their appointed management company.

Contact details have been provided for Newett Homes.

The above details are acceptable.

Appropriate management Actions for achieving Aims and Objectives & Ongoing monitoring programme and remedial measures

Section 10 of the submitted BEMP details the proposed works schedule and monitoring. Noting that, all habitats are to be monitored annually by the appointed landscape contractor. With regular monitoring undertaken by a suitably experienced ecologist during the habitat establishment stage to ensure that creations measures are suitable to achieve the objectives. Results of the monitoring will inform changes to the management plan, which will be altered if required in agreement with the landscape contractor, Kirklees Council and other stakeholders.

Where objectives are not being adequately met, appropriate action will be put in place to amend management prescriptions, with any refinements incorporated into the updated management plan and annual work programme.

The above details are considered to be acceptable.

The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

Paragraph 2.5 notes that the management of created habitats on site will run for a period of 30 years following its initial creation (year 1). The habitat creation will be monitored annually for the first 5 years to ensure effective establishment. Following this, towards the end of each five-year period the management will be reviewed and amended as necessary to provide a five-year rolling programme until at least year 30.

The above is acceptable.

Officers concur with the above assessment and recommend that the details of Condition 22 are approved. However, please note that Condition 22 has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition:

Thereafter the development shall be implemented in accordance with the approved details and be so retained thereafter.

Condition 29 (Travel Plan)

29. Prior to the first occupation of any part of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: *In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.*

In support of Condition 29 the following documents have been submitted:

- Travel Plan, ref: P2841_20250319_Fenay Bridge, Kirklees – Travel Plan, authored by TPS, dated 19/03/2025, received 17/11/2025.

This condition has been reviewed by KC Highways Development Management (HDM) who have confirmed in their comments received 04/02/2026:

There isn't a Travel Plan Co-ordinator name indicated within the TP but there are contact details for TPS Transport Consultants who are administering the TP with their Travel Choices Team. However, the

document is to be kept “live” and so a contact name can be provided when the work of the TPC starts.

The Travel Plan Aims and Objectives are acceptable.

The Travel Choices Programme details and Travel Choices Guide are acceptable.

The support for sustainable Travel Choices is acceptable.

Metro Card details are acceptable (and should be fully promoted)

The length of time for TP monitoring is acceptable

The SMART targets are acceptable with a reduction of trips generated by the site in the peak hours reduced by 10% being acceptable, although we accept that these figures may change with the initial travel plan survey (baseline counts).

It is acceptable that traffic counts will be carried out instead of travel plan surveys, although this may reduce the amount of information provided to ascertain how best to promote sustainable travel and what types of promotion/travel assistance to concentrate on.

The Action Plan in Appendix D and the proposed timescales are acceptable, although it is noted that there is no indication of an Action Plan strategy if the targets are not met, however this can be provided during the lifetime of the TP when the baseline surveys have been completed, and any occupier feedback has been received.

With this we are happy to see the discharge of Condition 29.

Officers concur with the above assessment and recommend that the details of Condition 29 are approved. However, please note that Condition 29 has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition:

The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Condition 32 (Lighting)

32. Prior to the installation of any external lighting (excluding that within the highway), a ‘lighting design strategy’ giving due regard to amenity, biodiversity, and security, shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:

- a. *identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- a. *show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: *To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, while ensuring appropriate crime mitigation without prejudicing the amenity of residents, to comply with Policies LP24 and LP30 of the Kirklees Local Plan.*

In support of Condition 32 the following documents have been submitted:

- Lighting Design Strategy, ref: THFB-BWB-ZZ-XX-RP-E-0001_LIA, authored by BWB, dated 11/07/2025, received 17/11/2025.
- Brackenheath Datasheet, received 17/11/2025.

This condition has been reviewed by KC Ecology Unit who have confirmed in their comments received 04/12/2025 that the above information is acceptable and that Condition 32 can be discharged. Officers also note that the proposed external lighting is of a design that is typical of new residential housing estates and given its location is not considered to result in negative impacts on residential amenity. In terms of crime, comments were received from the KC Designing Out Crime Officer on 09/12/2025 & 15/01/2026.

KC DOCO - 09/12/2025:

PIR-enabled external dwelling lights are not supported from a crime reduction perspective due to operational inconsistency, proneness to criminal damage, enhancing the fear of crime due to false activations and contributing to neighbour tensions due to the lights flashing on and off.

I note the remarks suggesting that the proposed luminaires would have a manual override function however, from open source research, I believe they will automatically revert to the PIR mode daily, making it somewhat cumbersome for homeowners who wish to regularly use the override facility. Could they be replaced with dusk till dawn sensor luminaires instead?

Additionally, all external doorsets- not just the front one- should be illuminated by dusk till dawn enabled lighting so the doorways are observable and intruders easier to spot in the hours of darkness. This includes patio doors.

Following receipt of the above comments, the applicant responded via email on the 19/12/2025 with the below:

In my experience, unless a planning condition or informative explicitly requires compliance with Secure by Design, applicants are not obligated to meet that standard in full, as it is a police-approved initiative rather than a mandatory requirement.

For clarity, I have reviewed the decision notice, and Secure by Design standards are not referenced.

From a regulatory perspective, the baseline requirement for new dwellings is Part Q of the Building Regulations, which you have confirmed is being met through the specification of doors and windows to the appropriate British Standards and security ratings. On that basis, the Crime Prevention Officer's comments do appear to go beyond the mandatory requirements.

Similarly, the approach to external lighting aligns with Part L (Conservation of Fuel and Power), which prioritises energy efficiency and low-carbon outcomes. This is a statutory requirement, and the proposed lighting strategy appears compliant while still providing a reasonable level of security. The provision of lockable rear gates also represents a proportionate and recognised crime prevention measure.

KC DOCO responded, 15/01/2026, as follows:

I appreciate that the development is not seeking SBD accreditation. My comments and recommendations are based around good practice and guidance crime prevention wise so it should not be surprising that they go beyond basic requirements.

Lighting wise- surveillance is one of the principles of Crime Prevention Through Environmental Design (CPTED), increasing chances of catching offenders is one of the principles of Crime Prevention- appropriate security lighting plays a vital part here.

The condition mentions external lighting in the context of amenity, biodiversity and security, in the interests of ecological and crime mitigation. Rear doorsets are a vulnerable entry point for acquisitive offenders which is why they should be illuminated- to deter criminals, make them more visible, avoid creating concealment opportunities and provide enhanced surveillance opportunities in the hours of darkness.

Looking at dwelling burglaries in Fenay Bridge from 14/01/2022 (due to the initial application for this development dating back to 2022) until 14/01/2026 on Police crime and incident database- out of 24 offences: 10 dwellings were entered through rear doors (predominantly patios), 6 by attacking a window, 6 by attempting the front door (usually opportunistic with suspects trying the door handle before walking away), 2 via garage doors.

As it stands, rear doorsets- particularly patios- are the most popular method of entry for residential burglaries within the area local to this development. My view- that these doorsets should be illuminated with dusk till dawn lighting- remains unchanged.

Whilst the above assessment and comments from DOCO has been considered, given that the applicant has been made aware of KC DOCO's concerns and this advice may be passed on to future occupiers of the properties, who if they wish to do so, could seek to install additional lighting to the rear of their property in the interests of security. In so far as Condition 32, Officers consider sufficient external lighting has been provided to meet with this condition. Therefore, it is recommended that Condition 32 be discharged.

However, please note that Condition 32 has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition:

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Condition 35 (cycle storage)

35. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.

Reason: *To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.*

In support of Condition 35 the following documents have been submitted:

- Image of 6x4 Timber Cycle Store, received 17/11/2025.
- Typical Shed Arrangement, Drawing No. NH/SD/S200/B/01, received 17/11/2025.
- Planning Layout, drawing no: Z078-002 Rev R, received 23/01/2026.

KC DOCO commented, via consultation dated 09/12/2025:

Could the applicant please clarify what security measures are proposed.

The shed/ cycle store should be securely fixed to the substrate foundation. Windows should be avoided. Hinges should be coachbolted through for extra security. Cycle store should contain a rated storage device inside, such as a ground anchor, stand or a rack. Minimum security standards are as per below:

Sold Secure SS104 Bronze, STS 225 Issue 2 Burglar Resistance BR1(S), STS 205 Issue 8 Burglar Resistance BR1, STS 225 Issue 2 Burglar Resistance BR1(S), LPS 1175 Issue 8 Security Rating A1, STS 501 Security Rating TR1 or STS 503 Security Rating TR1.

Following receipt of the above comments, the applicant responded via email on the 19/12/2025 with the below:

With regard to the cycle storage, the confirmation that the sheds are securely fixed to their foundations and include a Sheffield stand fixed into the base should satisfy reasonable security expectations for cycle provision.

KC DOCO - 15/01/2026:

With regard to cycle storage- now that further clarification has been provided, the condition can be discharged as it mentions a secure and covered cycle storage.

Taking the above into consideration, Officers concur with the above assessment made by KC DOCO and note that visually the sheds proposed appear to be of a scale, size and material that is typically found in residential areas and would not detract from the visual appearance of the area. The sheds are also shown to be located within those plots which do not benefit from a garage and therefore a shed/cycle store is required. It is therefore recommended that the details of Condition 35 are approved. However, please note that Condition 35 has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition:

No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.

Recommendation: Approve details.

Report Dated: 05/02/2026.

Recommended Decision Notice Text

Condition 6 (Sustainability)

Pursuant to Condition 6 you have submitted:

- Sustainability Report – As Built, authored by Plasmor Concrete Products, dated 22.07.2025, received 17/11/2025.

- Building Regulations England Part L (BREL) Compliance Reports for Plots 1-68, dated 15/11/2024, received 17/11/2025.

The above details are acceptable and condition 6 is hereby discharged.

Condition 22 (BEMP)

Pursuant to Condition 22 you have submitted:

- Biodiversity Enhancement Management Plan, Rev C, authored by FPCR environment & design, dated January 2026, received 30/01/2026.

The submitted details are deemed to be acceptable for the initial requirements of Condition 22 and are hereby approved. However, Condition 22 has the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

Thereafter the development shall be implemented in accordance with the approved details and be so retained thereafter.

Condition 29 (Travel Plan)

Pursuant to Condition 29 you have submitted:

- Travel Plan, ref: P2841_20250319_Fenay Bridge, Kirklees – Travel Plan, authored by TPS, dated 19/03/2025, received 17/11/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 29 and are hereby approved. However, Condition 29 has the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Condition 32 (Lighting)

Pursuant to Condition 32 you have submitted:

- Lighting Design Strategy, ref: THFB-BWB-ZZ-XX-RP-E-0001_LIA, authored by BWB, dated 11/07/2025, received 17/11/2025.
- Brackenheath Datasheet, received 17/11/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 32. However, Condition 32 has the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Condition 35 (cycle storage)

Pursuant to Condition 35 you have submitted:

- Image of 6x4 Timber Cycle Store, received 17/11/2025.
- Typical Shed Arrangement, Drawing No. NH/SD/S200/B/01, received 17/11/2025.
- Planning Layout, drawing no: Z078-002 Rev R, received 23/01/2026.

The submitted details are deemed to be acceptable for the initial requirements of Condition 35. However, Condition 35 has the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.