

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:	2026/44/90592/W
Site Address:	Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Description:	Discharge of details reserved by conditions 6 (retaining wall spec) and 10 (retaining wall appearance) on previous permission 2024/90058 for Reserved Matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment), 15 (noise impact assessment)
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: 26-Jun-2026

Officer Report

Application: 2026/90592

Application Site: Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS.

Proposal: Discharge of details reserved by conditions 6 (Retaining Wall Spec) and 10 (Retaining Wall Appearance) on previous permission 2024/90058 for Reserved Matters application, including considerations of appearance, scale, layout, and landscaping, for erection of 67 dwellings, pursuant to outline permission 2020/92307 for erection of residential development (up to 75 units) and discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (Arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment), 15 (noise impact assessment).

Kirkburton Parish Council: No comment.

Assessment

Conditions 6 (Retaining Wall Spec) and 10 (Retaining Wall Appearance)

6. Prior to above ground works commencing, a scheme detailing the locations, and including cross-sectional information, the proposed designs and construction details, of the proposed new retaining walls adjacent to the north and west boundaries of the site, as shown on plan ref C005-BT2, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: To ensure the structural stability and safety of the site, in accordance with Policies LP24 and LP53 of the Kirklees Local Plan.

*10. The western retaining wall, as identified on plan ref C005 – BT2, shall be faced in the artificial stone 'Anchor Vertica – Canelletto'. Prior to the erection of the western retaining wall, details of the wall's coursing and mortar, along with a management and maintenance strategy for the retaining wall, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include confirmation of the party responsible for the ongoing management and maintenance. Thereafter the development shall be undertaken, and thereafter operation, in accordance with the approved details. **Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.*

The applicant has submitted the following pursuant to Conditions 6 & 10:

- AIP Submission Road 2/Highway Burr Wall, Drawing No. 5011, Rev F, received 25/06/2026.

- MacWall Vertica Retaining Wall Highway Burr Wall, Ref: 24-5915-F2, Rev 0, authored by Geoman Ltd, dated 11/02/2026, received 02/03/2026.
- MacWall Vertica Retaining Wall, Ref: 24-5915-F1, Rev 0, received 27/03/2026.
- Vertica Macwall Plan, Drawing No. SK24-5915-F1-01, Rev C, received 25/06/2026.
- Vertica Macwall Elevation, Drawing No. SK24-5915-F1-02, Rev B, received 25/06/2026.
- Vertica Macwall Sections, Drawing No. SK24-5915-F1-03, Rev B, received 25/06/2026.
- Vertica MacWall Sections, Drawing No. SK24-5915-F1-04, Rev B, received 25/06/2026.
- Approval in Principle for Design of Proposed Masonry Faced Reinforced Earth Highway Burr Wall Supporting Road 2 off A629 Penistone Road, Fenay Bridge, Ref: K35173, Rev 06, authored by Kirklees Council, dated 08/06/2026, received 12/06/2026.
- Design and Check Certificate, Ref: K35173, dated 19/06/2026, received 19/06/2026.
- Email from applicant's agent confirming the specification of the wall in the D&C certificate applies to the whole wall, received 25/06/2026.
- Email from applicant's agent confirming walls coursing, mortar, management and maintenance, received 27/03/2026.

This condition has been reviewed by KC Highway Structures who have provided the following response in their consultation dated 17/03/2026:

Condition 6 (retaining walls)- This condition can be partially discharged pending the submission of a satisfactory "Construction Compliance Certificate" and "As Built" drawings upon the completion of the works.

Condition 10 (retaining wall appearance) – This condition can now be discharged.

It is noted that the above assessment by KC Highway Structures relates solely to retaining walls which required Approval in Principle (adjacent to the adopted highway), as outlined within the submitted plans. Whereas condition 6 refers to the whole of the retaining wall and not just these sections submitted. Nevertheless, the applicant's agent confirmed via email on the 26/06/2026 that the specification of the retaining walls as noted in the submitted and approved Design and Check Certificate applies to the whole wall. This is deemed to be acceptable.

In terms of the wall's coursing and mortar, and management and maintenance, the applicant's agent confirmed via email on the 27/03/2026, that:

With regard to the wall, this does not have mortar so the coursing is as per the snippet below (from their brochure)...the maintenance will be undertaken by our management company, Trust Green.



Officers consider the walls coursing (and lack of mortar) to be appropriate and sympathetic to the character and appearance of the area, and that the management and maintenance shown within the submitted MacWall Vertica Retaining Wall, Ref: 24-5915-F1, Rev 0 report, to be suitable.

Officers also support the above assessment by KC Highway Structures and recommend that the details be approved. However, Conditions 6 & 10 do have the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

Condition 6 –

The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Condition 10 –

The strategy shall include confirmation of the party responsible for the ongoing management and maintenance. Thereafter the development shall be undertaken, and thereafter operation, in accordance with the approved details.

Recommendation: Approve details.

Report Dated: 26/06/2026.

Recommended Decision Notice Text

Conditions 6 (Retaining Wall Spec) and 10 (Retaining Wall Appearance)

Pursuant to Conditions 6 & 10, you have submitted:

- MacWall Vertica Retaining Wall Highway Burr Wall, Ref: 24-5915-F2, Rev 0, AIP Submission Road 2/Highway Burr Wall, Drawing No. 5011, Rev F, received 25/06/2026.
- MacWall Vertica Retaining Wall Highway Burr Wall, Ref: 24-5915-F2, Rev 0, authored by Geoman Ltd, dated 11/02/2026, received 02/03/2026.
- MacWall Vertica Retaining Wall, Ref: 24-5915-F1, Rev 0, received 27/03/2026.
- Vertica Macwall Plan, Drawing No. SK24-5915-F1-01, Rev C, received 25/06/2026.
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- Email from applicant's agent confirming the specification of the wall in the D&C certificate applies to the whole wall, received 25/06/2026.

- Email from applicant's agent confirming walls coursing, mortar, management and maintenance, received 27/03/2026.

The submitted details are acceptable for the initial requirements of Conditions 6 & 10 and are hereby approved. However, please be aware that Conditions 6 & 10 have the following ongoing requirements which must be adhered to, to ensure ongoing compliance:

Condition 6

The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Condition 10

Thereafter the development shall be undertaken, and thereafter operation, in accordance with the approved details.