

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:	2026/44/90593/W
Site Address:	Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Description:	Discharge of details reserved by conditions 25 (retaining walls) and 26 (highway structures) on previous permission 2020/92307 for outline application including consideration of access, for erection of residential development (up to 75 units)
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: 23-Mar-2026

Officer Report

Application: 2026/90593

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

Proposal: Discharge of details reserved by conditions 25 (retaining walls), 26 (highway structures) on previous permission 2020/92307 for outline application including consideration of access, for erection of residential development (up to 75 units).

Assessment:

Condition 25 (Retaining Walls) and 26 (Highway Structures)

25. Prior to development commencing, a scheme detailing the location and crosssectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway for that phase 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 that suitable and safe means of access is available for the development

26. Prior to development commencing, a scheme detailing the location and crosssectional information together with the proposed design and construction details for all new surface water attenuation pipes/manholes located within the proposed highway footprint for that phase 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 that suitable and safe means of access is available for the development.

The applicant has submitted the following pursuant to Conditions 25 & 26:

- 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.
- Condition 25 & 26 Road 3/ Attenuation Tank, Drawing No. 5010, received 02/03/2026.
- Approval in Principle for Design of Proposed Masonry Faced Reinforced Earth Highway Burr Wall Supporting Road 2 off A629 Penistone Road, Fenay Bridge, authored by Kirklees Council, Ref: K35173 Rev 04, dated 27/01/2026, Received 02/03/2026.

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

Condition 25 (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 26 (internal roads/footways/footpaths) – *This condition can not be discharged pending the submission and approval of a “Construction Compliance Certificate” and “As Built” drawings for oversize manholes.*

Regarding condition 25, Officers support the above assessment by KC Highway Structures and recommend that the details be approved.

For condition 26, Structures are noted as saying the details cannot be approved ‘pending the submission and approval of a “Construction Compliance Certificate” and “As Built” drawings for oversize manholes’. This does not match the requirements of the condition, which requires a technical strategy prior to development commencement. The technical strategy has been submitted and found to be acceptable, and therefore, officers recommend that the details be approved, although with a note of the condition’s ongoing requirement. The request for an “Construction Compliance Certificate” and “As Built” relates to Structure’s own processes and cannot be reasonably required as part of the condition as imposed.

Both conditions 25 & 26 have an ongoing requirement, as follows, which must be adhered to, to ensure ongoing compliance:

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.

Specific to condition 26, a note regarding the need to submit the “Construction Compliance Certificate” and “As Built” direct to Structures is recommended.

Recommendation: Approve details.

Report Dated: 17/03/2026.

Recommended Decision Notice Text

Condition 25 (Retaining Walls) and 26 (Highway Structures)

Pursuant to Conditions 25 & 26, you have submitted:

- 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.
- Condition 25 & 26 Road 3/ Attenuation Tank, Drawing No. 5010, received 02/03/2026.
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The submitted details are deemed to be acceptable for the initial requirements of Conditions 25 & 26 and are hereby approved. However, Conditions 25 & 26 do have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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.

Notwithstanding the above, you are reminded of the separate requirement to provide "Construction Compliance Certificate" and "As Built" drawings to K.C. Structures on completion of the works, at highways.structures@kirklees.gov.uk