

**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:	2025/44/90678/E
Site Address:	5-7, Ossett Lane, Earlsheaton, Dewsbury, WF12 8LU
Description:	Discharge of details reserved by conditions 5 (noise), 8 (boundary treatments) on previous permission 2023/90833 for Reserved matters application pursuant to outline permission 2021/91695 for erection of residential development (5 dwellings)
Recommending Officer:	Nina Sayers

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 06-Oct-2025

Officer Report

Site Description

Site address – 5-7, Ossett Lane, Earlsheaton, Dewsbury, WF12 8LU

Proposal – Discharge of details reserved by conditions 5 (noise), 8 (boundary treatments) on previous permission 2023/90833 for Reserved matters application pursuant to outline permission 2021/91695 for erection of residential development (5 dwellings)

Assessment

Condition 5 – Noise

Condition 5 reads as follows:

5. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Enzygo dated March 2023 Ref SHF.1888.002.NO.R.002:

- a) shall be completed; and*
- a) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.*

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

The applicant has submitted the following documents to support the discharge of condition 5:

- Validation Report by Enzygo, ref: SHF.1888.002.NO.TL.001 – dated 11/03/2025

The report makes reference to the findings of the approved report submitted under the previous permission and the requirements of the condition. It also provides details of a noise survey which was undertaken over a 24hr period on Thursday the 13th of February 2025 from two measurement locations as shown

in Figure 1. A summary of the findings are given in tables 3 and 4 which shows that the development will meet with the requirements of BS8233 for both internal and external areas.

KC Environmental Health have reviewed this report and are satisfied that the submitted report is acceptable for the purposes of discharging condition 5.

Condition 5 can therefore be discharged at this time.

Condition 8 – Boundary Treatment

Condition 8 reads as follows:

8. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

The applicant has submitted the following documents to support the discharge of condition 8:

- 1 photograph of the front boundary wall of the properties.
- 2 screenshots from CCTV imagery of the rear and front of the properties.

Condition 8 was partially discharged under application 2023/93148 where full details of the proposed fencing was submitted to and approved by the Local Planning Authority.

Officers have therefore assumed that the submitted details are to discharge the second part of condition 8: *“The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.”*

The submitted information shows a stone retaining wall to the front of the site and timber fencing to the rear; however, it does not provide any details of the location of the fencing or details of the height. Therefore, officers cannot accept the submitted details.

Nevertheless, it should be noted that the second part of condition 8 is a prescriptive planning condition that cannot, and need not, be discharged. It sets a required standard that must be adhered to. It does not require that any details be provided, to demonstrate compliance or otherwise.

Condition 8 will therefore remain as partially discharged, as determined under application 2023/93148.

Decision Notice Text

Condition 5 can be discharged at this time.

Condition 8 must remain.

Condition 5 – Noise

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