

**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:	2025/44/93174/W
Site Address:	Land Adjacent, 2, Hoyle Ing, Linthwaite, Huddersfield, HD7 5RX
Description:	Discharge of details reserved by conditions 7 (boundary treatment), 8 (footway), 10 (bat/bird roosting), 11 (Remediation Strategy), 14 (noise), 15 (CEMP) on previous permission 2022/94124 for erection of 2 dwellings (Use Class C3) and associated landscaping and car parking (within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – DISCHARGE OF CONDITION – SPLIT DECISION

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

John Holmes

AUTHORISED OFFICER

Date: 09-Feb-2026

Officer Report

Site address – 2025/93174 - Land Adjacent, 2, Hoyle Ing, Linthwaite, Huddersfield, HD7 5RX

Proposal – Discharge of details reserved by conditions 7 (boundary treatment), 8 (footway), 10 (bat/bird roosting), 11 (Remediation Strategy), 14 (noise), 15 (CEMP) on previous permission 2022/94124 for erection of 2 dwellings (Use Class C3) and associated landscaping and car parking (within a Conservation Area) at Land Adjacent, 2, Hoyle Ing, Linthwaite, Huddersfield, HD7 5RX.

Representations:

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application is not required to be publicised.

However one representation was received it is summarised below:

- Concerns over a public footpath that runs through the land and provides access to the woodland behind.
- This is not accommodated into the development and access should be maintained.

Officer note:

Footpaths are not considered within this discharge of conditions application. Impact to the footpath has been assessed under the main application 2022/94124.

Assessment

Condition 7– Boundary treatment

Condition 7 reads as follows:

7. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: *In the interests of residential amenity and visual amenity to accord with policy LP24 of the Kirklees Local Plan and policy within Chapter 12 of the National Planning Policy Framework.*

In support of the discharge of condition 7, the applicant has submitted:

- Boundary Treatment and Details Plan Ref: LM25123-DYSE-XX-ZZ-DR-C-1002 P02

The 2022/94124 officer report stated that 'in terms of amenity space, principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance officers consider that the amount of private amenity space provided for the proposed dwelling would be adequate given the size of the dwelling and the context of the area. To secure suitable levels of privacy between the future occupiers of the dwellings with regard to private amenity space, a condition will be imposed upon any grant of approval with regard to boundary treatments, stating that the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted.'

The plan submitted as part of this application shows that there will be a 1.8m high timber fence surrounding the perimeter of the rear gardens (this fence will also be located between the rear gardens). A 1.2m high stone wall will run along the property boundary alongside the properties themselves. This boundary treatment is considered to secure suitable levels of privacy between the future occupiers of the dwellings with regard to private amenity space. The design and materials is considered to be in keeping with that of the boundary treatments for residential properties in the locality and would have an acceptable visual impact.

The boundary treatment plan is therefore considered to satisfy the information requirements of condition 7 and demonstrate an acceptable scheme. It is therefore recommended that this condition be discharged.

Condition 8 – Footway

Condition 8 reads as follows:

8. The development shall not be brought into use until a scheme detailing the provision of a 1.7-metre-wide footway to the front of the site has been submitted to, and approved by, the Local Authority. The submitted scheme shall include the surfacing material, associated surface water drainage, gradient and delineate the extent of the footway upon a 1:200 scale plan. The development shall not be brought into use until the approved scheme has been completed. The footway shall thereafter be retained as a footpath for use by the public.

Reason: *In the interests of highway safety and to accord with policies LP21, LP22 & LP24 of the Kirklees Local, policy within Chapters 9 and 12 of the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD.*

In support of the discharge of condition 8, the applicant has submitted:

- S278 Works plan Ref LM25123-DYSE-XX-ZZ-DR-C-1003 P02

The officer report for application number 2022/94124 states that a pavement is to be created to the front of the site as part of the scheme, improving pedestrian facilities in the area. Upon any grant of permission, a condition would be

imposed regarding the submission of a scheme for the footway, securing the use of this footway for the public.

The submitted scheme has been reviewed by the Highways Team, who have stated the information submitted is acceptable in principle and in terms of construction detail is sufficient.

Taking account of the response of the Highways Team it is considered that whilst a separate process would likely need to be undertaken to ensure adoption, for the purposes of discharge of this condition the submitted scheme is suitable.

It is therefore recommended this condition is discharged.

Condition 10 – Bat/bird roosting

Condition 10 reads as follows:

10. Prior to the commencement of development, a plan detailing the positioning, location and specification of two bat roosting features, two bird nesting features and 13 x 13cm gaps at the bases of fence panels or boundary features to facilitate the movement of hedgehog across the site shall be submitted to and approved in writing to the local authority. The above features shall be installed, prior to the development being brought into use, to the manufacturer's specification and retained thereafter as detailed in the approved plans.

Reason: *To provide an enhancement to biodiversity in line with policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.*

In support of the discharge of condition 10, the applicant has submitted:

- A Biodiversity Enhancement Plan Ref: 251027.

The officer report for application number 2022/94124 states that KC Ecology recommended that condition for the applicant to submit a plan detailing the positioning, location and specification of two bat roosting features, two bird nesting features for the movement of hedgehogs. KC Ecology were consulted on the Biodiversity Enhancement Plan submitted as part of this application and state that following its review it is concluded to be acceptable, and in line with the requirements of the condition.

The submitted scheme is therefore concluded to be acceptable and meet the information requirements of condition 10 and it is recommended the condition is discharged on this basis.

Condition 11 - Remediation Strategy

Condition 11 reads as follows:

11. Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

In support of the discharge of condition 11, the applicant has submitted:

- A Remedial Specification Ref GRO-25333-6133.

The officer report for application number 2022/94124 stated that KC Environmental Health were satisfied that the site has been characterised to a level that demonstrates that the site can be made fit for development following the necessary remediation. Following the submission of a remediation strategy as part of this application KC Environmental Health were consulted.

They stated that the submitted Remedial Specification Report Ref: GRO-25333-6133 satisfies the requirements of condition 11 and therefore this condition can be discharged.

The submitted information is considered to satisfy the information requirements of condition 11 and demonstrate an acceptable scheme. It is therefore recommended that this condition be discharged.

Condition 14 – Noise

Condition 14 reads as follows:

14. Before construction work commences or completion of enabling works a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall: a. Determine the existing noise climate b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

In support of the discharge of condition 14, the applicant has submitted:

- A Noise Impact Assessment Report Ref: 31295.NIA.01
- An updated Noise Impact Assessment Report Ref: 31295.NIA.01 Rev A

Within their [response](#) of 5th January 2026 the Environmental Health Team set out that condition 14 is not considered to be able to be discharged on the basis of the submitted information.

Following on from this, a revised noise impact assessment (RevA) has been submitted. The Environmental Health Team have reviewed this and provided further comments in their [response](#) of 21st January 2026.

Within their response of 21st January they set out:

‘The noise survey was undertaken for a 3-hour period, but only “representative” noise levels have been supplied. We would expect more evidence to demonstrate that the presented noise levels are indeed “representative”.

The above noise levels need clarification, along with the provision of all the noise data as evidence of the noise climate on site. Furthermore, the development site is located near to an existing industrial site, the Linthwaite Business Centre. Where several businesses operate, which could result in noise impacting the proposed development.... The submitted noise assessment has failed to demonstrate that the proposed development will not be impacted by noise associated with the nearby Linthwaite Business Centre, and we therefore cannot recommend discharge of condition 14 for noise.’

In light of the responses of the Environmental Health Team condition 14 must remain and cannot be discharged.

Condition 15 – CEMP

Condition 15 reads as follows:

15. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.*
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction.*
- Artificial lighting used in connection with all construction related activities and security of the construction site. A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of the development.*

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and policy LP52 of the Kirklees Local Plan.

In support of the discharge of condition 15, the applicant has submitted:

- A Construction Environmental Management Plan (CEMP), prepared by Home Valley Brickworks

KC Environmental Health were consulted on the Plan and stated that it presents the measures that will be taken to control the potential environmental impacts during construction. Section 2 describes the site and the hours the site will be operational. Section 3 provides the layout of the site, and section 4 presents the environmental control measures that are to be adopted on site. Section 5 describes community liaison; section 6 presents the emergency procedures on site and section details the monitoring and procedures for reviewing the procedures on site should this be necessary.

Therefore, the submitted Construction Environmental Management Plan, by Home Valley Brickworks satisfies the requirements of condition 15 and this condition can be discharged.

Decision notice text

Conditions 7 – Boundary Treatment

In support of the discharge of condition 7, the applicant has submitted:

- Boundary Treatment and Details Plan Ref: LM25123-DYSE-XX-ZZ-DR-C-1002 P02

The boundary treatment plan is considered to satisfy the information requirements of condition 7 and demonstrate an acceptable scheme. This condition is therefore discharged. It is a requirement of this condition that the development shall not be brought into use until the works comprising the approved scheme have been completed and that they are retained thereafter.

Condition 8 Footway

In support of the discharge of condition 8, the applicant has submitted:

- S278 Works plan Ref LM25123-DYSE-XX-ZZ-DR-C-1003 P02

The submitted information is considered to satisfy the information requirements of condition 8 and demonstrate an acceptable scheme. This condition is therefore discharged. It is a requirement of this condition that the development shall not be brought into use until the approved scheme has been completed. In addition it is a requirement of condition no.8 that the footway is retained as a footpath for use by the

public.

Condition 10 – Bat/bird roosting

In support of the discharge of condition 10, the applicant has submitted:

- A Biodiversity Enhancement Plan Ref: 251027.

The submitted scheme is considered to satisfy the information requirements of condition 10 and demonstrate an acceptable scheme. This condition is therefore discharged. It is a requirement of this condition that the development shall not be brought into use until the approved scheme has been completed.

Condition 11 – Remediation Strategy

In support of the discharge of condition 11, the applicant has submitted:

- A Remedial Specification Ref GRO-25333-6133.

The submitted information is considered to satisfy the information requirements of condition 11 and demonstrate an acceptable scheme. This condition is therefore discharged.

Condition 14 – Noise

In support of the discharge of condition 14, the applicant has submitted:

- A Noise Impact Assessment Report Ref: 31295.NIA.01
- An updated Noise Impact Assessment Report Ref: 31295.NIA.01 Rev A

Within their [response](#) of 5th January 2026 the Environmental Health Team set out that condition 14 is not considered to be able to be discharged on the basis of the submitted information.

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submitted noise assessment has failed to demonstrate that the proposed development will not be impacted by noise associated with the nearby Linthwaite Business Centre, and we therefore cannot recommend discharge of condition 14 for noise.'

In light of the responses of the Environmental Health Team condition 14 must remain and cannot be discharged.

Condition 15 – CEMP

In support of the discharge of condition 15, the applicant has submitted:

- A Construction Environmental Management Plan (CEMP), prepared by Home Valley Brickworks

The submitted Construction Environmental Management Plan, by Home Valley Brickworks satisfies the requirements of condition 15 and therefore this condition is discharged. It is a requirement of this condition that the Construction Environmental Management Plan be adhered to throughout the construction of the development.