

**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:	2026/44/90139/E
Site Address:	adj, 44, Dewsbury Gate Road, Dewsbury, WF13 4DD
Description:	Discharge of details reserved by condition 6 (noise) and by Biodiversity Net Gain Informative Note on previous permission 2025/91455 for erection of detached dwelling
Recommending Officer:	Edward Cheseldine

DECISION – DISCHARGE OF CONDITIONS APPROVED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Mar-2026

Officer Report

2026/90139 - adj, 44, Dewsbury Gate Road, Dewsbury, WF13 4DD

Proposal Description

Discharge of details reserved by condition 6 (noise) and by Biodiversity Net Gain Informative Note on previous permission 2025/91455 for erection of detached dwelling.

Condition 6

Before construction work commences, a noise assessment report by a suitably competent person 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, 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: This pre-commencement condition is necessary to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Assessment

The applicant has submitted the following information:

- Noise Assessment, authored by Environmental Noise Solutions Limited, dated 4th December 2025, reference NIA-12410-25-12699-v1.

The report was assessed by KC Environmental Health. They confirmed the mitigation method details within the report were suitable to discharge Condition 6, providing they are implemented and retained thereafter. Specifications for glazing are indicated within table 4.1 of the report.

Biodiversity Net Gain

On 14th October 2025 planning permission was granted for the 'erection of detached dwelling' land adjacent to 44, Dewsbury Gate Road, Dewsbury, WF13 4DD

Under planning legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 which sets out that:

Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan

Paragraph 14 sets out the requirements of a biodiversity gain plan:

(1) For the purposes of paragraph 13(2)(a), a biodiversity gain plan is a plan which—

(a) relates to development for which planning permission is granted, and

(b) specifies the matters referred to in sub-paragraph (2).

(2) The matters are—

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

(b) the pre-development biodiversity value of the onsite habitat,

(c) the post-development biodiversity value of the onsite habitat,

(d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,

(e) any biodiversity credits purchased for the development, and

(f) such other matters as the Secretary of State may by regulations specify.

(3) The Secretary of State may by regulations make provision about—

(a) any other matters to be included in a biodiversity gain plan;

(b) the form of a biodiversity gain plan;

(c) the procedure to be followed in relation to the submission of a biodiversity gain plan (including the time by which a plan must be submitted);

(d) persons who may or must submit a biodiversity gain plan.

Paragraph 15 sets a planning authority to which a biodiversity gain plan is submitted must approve the plan if, and only if, it is satisfied as to the following matters:

(a) that the pre-development biodiversity value of the onsite habitat is as specified in the plan,

(b) that the post-development biodiversity value of the onsite habitat is at least the value specified in the plan,

(c) that, in a case where any registered offsite biodiversity gain is specified in the plan as allocated to the development—

(i) the registered offsite biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met or will be met by the time the development begins), and

(ii) the registered offsite biodiversity gain has the biodiversity value specified in the plan in relation to the development,

*(d)that any biodiversity credits specified in the plan as purchased for the development have been so purchased,
(e)that the biodiversity gain objective is met, and
(f)any other matters specified in the plan under paragraph 14(2)(f).*

Assessment

The following documents have been submitted to form the biodiversity gain plan:

- Biodiversity Metric submitted as part of application 2025/91455
- Biodiversity Unit Purchase Certificate, Environment Bank, received 19 January

The BNG metric states that Biodiversity net Gain with 0.02 habitats (12.77%) is predicted to be achieved. This is formed offsite net gain with v low to low distinctiveness and enhancement of offsite grassland from 0.04 to 0.06 habitat units (with medium distinctiveness habitats). The applicant has submitted a Biodiversity Unit Purchase Certificate from Environment Bank as proof of purchase of off-site habitat units. The uplift will be secured by Environment Bank.

Comments were received on 02 February 2026 from KC Ecology who confirmed that the uplift is appropriate and requested the submission of a Habitat Management and Monitoring Plan. Verbal comments were received from KC Ecology on 19 February 2026 confirming the purchase certificate is a Habitat Management and Monitoring Plan overseen by Environment Bank. They accepted the submitted information, and had no further objection to the discharge of the biodiversity information.

Conclusion

The submitted details are considered acceptable and constitute a biodiversity gain plan which satisfies the requirements of sections 14 and 15 of Schedule 7A of the Town and Country Planning Act 1990. The general condition of planning permission in place by virtue of section 13 of Schedule 7A of the Town and Country Planning Act 1990 is therefore considered to be satisfied and discharged by the submitted scheme.

Decision Notice Text

Condition 6

The applicant has submitted the following information:

- Noise Assessment, authored by Environmental Noise Solutions Limited, dated 4th December 2025, reference NIA-12410-25-12699-v1.

Condition 6 can be discharged under the proviso sound mitigation methods are installed as per recommendations within Noise Assessment reference NIA-12410-25-12699-v1.

Biodiversity Net Gain

The following documents have been submitted to form the biodiversity gain plan:

- Biodiversity Metric submitted as part of application 2025/91455
- Biodiversity Unit Purchase Certificate, Environment Bank, received 19 January

The submitted details are considered acceptable and constitute a biodiversity gain plan which satisfies the requirements of sections 14 and 15 of Schedule 7A of the Town and Country Planning Act 1990. The general condition of planning permission in place by virtue of section 13 of Schedule 7A of the Town and Country Planning Act 1990 is therefore satisfied and discharged by the submitted scheme.