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:	2026/44/90460/W
Site Address:	Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU
Description:	Discharge of details reserved by conditions 27 (BEMP), 31 (noise), 32 (Travel Plan) and 39 (cycle storage) of previous permission 2025/90105 for variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking), 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work
Recommending Officer:	Victor Grayson

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: 10-Aug-2026

Officer Report

Application: 2026/44/90460/W

Site: Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU

Proposal: Discharge of details reserved by conditions 27 (BEMP), 31 (noise), 32 (Travel Plan) and 39 (cycle storage) of previous permission 2025/90105 for variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking), 41 (access) of previous outline permission 2022/91735

Planning history

2022/91735 – Outline planning permission (with access and layout) for the erection of 80 dwellings and associated works. Concerned northern part of HS3 site. Approved 10/11/2023.

2025/90105 – Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work. Approved 29/08/2025.

2025/92242 – Reserved Matters application (including consideration of appearance, scale and landscaping) for the erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735, and the discharge of outline conditions 6, 7, 8, and 9. Approved 11/11/2025.

Consultation

KC Ecology – Submitted BEMP is acceptable and in line with the requirements of condition 27.

KC Environmental Health – Submitted report satisfies the requirements of condition 31, and confirms that a standard scheme of façade insulation for habitable living rooms and bedrooms is suitable and that no additional provisions for overheating ventilation is necessary, such that partially or fully open bedroom windows would remain acceptable at night.

KC Highways Development Management – The information provided within the Travel Plan is suitable for the discharge of condition 32. Point 4 at section 5.4.1 suggests information provided to staff will be up to date, this should be changed to “residents” and not staff. The Travel Plan is to remain in place for the lifetime of the development and remain a live document for the duration of the monitoring period and can be subject to changes with the agreement of Kirklees Council.

Kirkburton Parish Council – No comment.

Condition 27 (Biodiversity Enhancement and Management Plan)

27. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall accord with the submitted biodiversity net gain calculations dated 17/10/2022 (or amended calculations to be submitted to the Local Planning Authority) which state that the development will result in a minimum 10% net gain in habitats and a minimum 10% net gain in hedgerows. The BEMP shall also set out provisions for protected species, that are to be incorporated into the design. The BEMP shall include the following:

- *Description and evaluation of features to be managed and enhanced;*
- *Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*
- *Ecological trends and constraints on site that might influence management;*
- *Aims and Objectives of management;*
- *Appropriate management Actions for achieving Aims and Objectives;*
- *An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);*
- *Details of the management body or organisation responsible for implementation of the BEMP;*
- *Ongoing monitoring programme and remedial measures; and*
- *Confirmation that the BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.*

The BEMP shall set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

***Reason**: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.*

The applicant has submitted a Report to discharge conditions 8, 15 and 27 (SLR, 424.065417.00001, rev 2, 04/08/2025) pursuant to condition 27. Notwithstanding the document's title, only the information relevant to condition 27 is considered in the following assessment. The submitted document includes a Biodiversity Enhancement and Management Plan (BEMP) at section 4.0.

The specified requirements of condition 27 are addressed by the submission as follows:

Provisions for protected species, that are to be incorporated into the design

Appropriate provisions are set out throughout the submitted document, including specific provisions regarding bats and nesting birds.

Description and evaluation of features to be managed and enhanced

Paragraph 4.1 lists the proposed biodiversity features (that would be managed under the proposed arrangements) as native hedgerow planting, native tree planting, amenity grassland, species rich flowering lawn, species rich meadow grassland, native shrub and tree planting and Sustainable Drainage System (SuDS) detention basins. It is also noted that several existing trees within the site would be retained and managed.

Extent and location/area of proposed enhancement works on appropriate scale maps and plans

Landscaping plans are appended to the submitted document, and referred to in the document's text.

Ecological trends and constraints on site that might influence management

The submitted document notes challenges such as climatic conditions, soil conditions and "same species disease", and these have informed the management proposals.

Aims and Objectives of management

The submitted document notes the intention to achieve gain in both habitat units and hedgerow units, with 54.17% and 105.63% gains targeted respectively. Other aims and objectives relate to the protection of species (and their habitats) and the adjacent Great Lepton Wood.

Appropriate management Actions for achieving Aims and Objectives

Appropriate management actions are set out in section 4.4. These include pruning, gapping up (of hedges), surveys, watering, tree replacement, cutting, thinning and weeding.

An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years)

Section 4.5 (and table 4-4) set out an annual work programme for the first five years of management. This can be extended to cover a 30-year period.

Details of the management body or organisation responsible for implementation of the BEMP

Section 4.6 states that Miller Homes Limited will be responsible for the implementation of the BEMP, including initial habitat creation and enhancement and the subsequent management and maintenance of on-site habitats. Following the completion of construction activities on site, Miller Homes Limited

may choose to hand on the management responsibilities to qualified management company.

Ongoing monitoring programme and remedial measures

Section 4.0 sets out appropriate monitoring and remedial measures, including reviews of tree conditions, and tree replacement.

Confirmation that the BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years

Section 4.4.2 of the submitted document refers to corrective tree surgery works after 10 to 20 years of maintenance (this is the latest date referred to in the document). There is no confirmation in the submitted document that the BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. However, there are provisions in Schedule 1 of the relevant Section 106 agreement dated 07/11/2023 (associated with the outline planning permission 2022/91735), as revised by the Deed of Variation dated 27/08/2025 (associated with the Section 73 application 2025/90105), that secure the management and maintenance of on-site public open space, and that secure details and a programme for the management and maintenance of the development's Biodiversity Net Gain Area for a period of 30 years. That submission will need to include provisions for reviews and updates every five years. Given the provisions of the Section 106 agreement, and to avoid duplication, it is not considered necessary for the conditions-stage submission to address this requirement of condition 27.

(Where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP.

Remedial actions are detailed in section 4.4 of the submitted document. These would ensure that the aims and objectives of the BEMP are still delivered in the event of problems arising.

In comments dated 25/02/2026, KC Ecology advised that the submitted BEMP is acceptable and in line with the requirements of condition 27.

Given the above assessment, it is considered that the details submitted pursuant to condition 27 are acceptable, and it is therefore recommended that they be approved, subject to the applicant being reminded of the further requirement of condition 27, which states:

> *The approved BEMP will be implemented in accordance with the approved details.*

Condition 31 (noise)

31. Prior to the installation of windows, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels, as detailed within the Acoustic Planning Report (Lighthouse Acoustics, ref 0752/APR1, rev 2, 30/09/2022), shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- *Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system; and*
- *The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded*
- *The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.*

All works which form part of the approved scheme shall be completed prior to occupation of that dwelling and retained and maintained thereafter.
***Reason**: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise pollution, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.*

The applicant submitted a Noise Impact Assessment (SLR, 403.065678.00001, rev 01, 18/11/2024), a Part O Dynamic Thermal Modelling Report (Energy and Design, 20/06/2025) and L553 Denford (drawing CAS 21081 _14) pursuant to condition 31.

In the submitted application form, the applicant stated:

> *The approved Noise Impact Assessment (403.065678.00001_Hermitage Park, Lepton_Noise Impact Assessment_Issued) confirms that there are no plots constrained by noise in relation to overheating and compliance with Part O of the Building Regulations. Notwithstanding this, in order to achieve compliance with Part O, mechanical ventilation is required to plots identified as the Denford house type to ensure minimum ventilation requirements are met. This requirement is identified within the submitted TM59 assessment, and an appropriate ventilation design has been provided.*

The "submitted TM59 assessment" is the Part O Dynamic Thermal Modelling Report (Energy and Design, 20/06/2025).

The specified requirements of condition 31 are addressed by the submission as follows:

Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system

Based on new environmental sound surveys (carried out 04 to 06/11/2024) and modelling, the author of the submitted Noise Impact Assessment has concluded that no additional provisions for overheating ventilation in bedrooms would be necessary, and that residents would be subject to acceptable noise levels with partial or fully open bedroom windows at night.

The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded

Given the above-mentioned conclusion regarding there being no need for ventilation provisions, no ventilation system is proposed for the majority of the development's dwellings, and therefore no acoustic specification of such a system has been submitted.

Notwithstanding the findings of the Noise Impact Assessment, the applicant has proposed a Vent Axia ventilation product for the development's Denford house types. 12 such dwellings are to be built, and of these only one is to be built along the site's northern boundary (adjacent to existing residential properties). All Denford units would be within relatively large plots. The fans of the ventilation equipment would be installed on acoustic mats within well-insulated attics, and would exhaust via 125mm-diameter vents installed in roofslopes. Given their number, designs, locations and distances from adjacent (existing and future) dwellings, it is not considered necessary to require acoustic specifications for the equipment proposed at the Denford units.

In their comments of 30/03/2026, KC Environmental Health did not ask for such information to be provided.

The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.

For the 12 Denford units that would be provided with ventilation equipment, all air intakes are proposed in elevations located away from sources of noise. There are no known areas or sources of poor air quality surrounding the application site.

In comments dated 30/03/2026, KC Environmental Health advised that the submitted Noise Impact Assessment satisfied the requirements of condition 31, and confirmed that a standard scheme of façade insulation for habitable living rooms and bedrooms was suitable and that no additional provisions for overheating ventilation were necessary, such that partially or fully open bedroom windows would remain acceptable at night.

Given the above assessment, it is considered that the details submitted pursuant to condition 31 are acceptable, and it is therefore recommended that they be approved, subject to the applicant being reminded of the further requirements of condition 31, which state:

> *All works which form part of the approved scheme shall be completed prior to occupation of that dwelling and retained and maintained thereafter.*

Condition 32 (Travel Plan)

> *32. Three months prior to the occupation of any of the hereby approved dwellings, a Full Travel Plan for the site, produced in accordance with the*

Travel Plan (Optima, 13015, Rev 3, 13/01/2022), shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- *Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;*
- *The provision of Travel Plan Co-ordinator including roles, responsibilities, annual monitoring, and contact details;*
- *The provision of travel Information;*
- *Implementation and review timescale; and*
- *Enforcement, sanctions and corrective / review mechanisms.*

The measures contained within the Full Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

***Reason**: To promote sustainable methods of travel, in accordance with Policy LP21 of the Kirklees Local Plan.*

The applicant submitted a Travel Plan (Optima, 13015, rev 2, 28/07/2026). This addressed the one concern of KC Highways Development Management (regarding an erroneous reference to “staff” instead of “residents” at point 4 at section 5.4.1.

The specified requirements of condition 32 are addressed by the submission as follows:

Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets

Overarching targets are to be set once baseline travel surveys have been carried out, however the submitted Travel Plan sets out the following initial targets which are to be met within five years from first occupation of the development:

- 10% reduction in driving in a car without any passengers.
- For any school trips, the target is for a maximum of 20% of school children to taken to school by car where that is the sole purpose of the journey.

Pedestrian connections, public footpath improvements, distribution of travel information, organising events, provision of cycle storage, and the encouragement of car sharing and working from home are among the measures proposed in the Travel Plan.

Paragraph 3.1.2 defines the Travel Plan’s objectives as:

- Promoting walking, cycling and public transport as the primary modes of travel;
- To deliver mode shift from car journeys to alternative modes including multi-occupancy vehicle trips;

- To reduce vehicle emissions through the take up of alternative transport modes; and
- To deliver education and promotion of walking and cycling as options for a healthier lifestyle.

The provision of Travel Plan Co-ordinator including roles, responsibilities, annual monitoring, and contact details

An interim Travel Plan Co-ordinator is named at Table 4.1, and contact details are provided. Her duties are listed at paragraph 4.2.3. Monitoring details are set out at section 5. Miller Homes will appoint a Travel Plan Co-ordinator prior to first occupation of the development.

The provision of travel Information

This is proposed in relation to walking, cycling and public transport use, as well as in relation to other measures such as car sharing. Leaflets and newsletters are the proposed methods of distributing this information.

Implementation and review timescale

Paragraph 5.3.1 states that the Travel Plan will be monitored on an annual basis during the appointment of the developer's Travel Plan Co-ordinator, and that this monitoring will include a full survey of all residents.

Enforcement, sanctions and corrective / review mechanisms

Paragraph 5.3.4 states that, following the annual monitoring report, the Travel Plan will be reviewed as appropriate and any further actions/measures will be identified and implemented to progress (and, if necessary, improve) the Travel Plan to meet objectives and targets. Potential secondary measures/actions are listed.

In comments received 14/07/2026, KC Highways Development Management advised that – subject to the above-mentioned correction – the information provided within the Travel Plan was suitable for the discharge of condition 32.

Given the above assessment, it is considered that the details submitted pursuant to condition 32 are acceptable, and it is therefore recommended that they be approved, subject to the applicant being reminded of the further requirement of condition 32, which states:

> *The measures contained within the Full Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.*

Condition 39 (cycle storage)

39. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained. ***Reason****: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.*

The applicant submitted a Value Apex – Technical Data Sheet (Woodlands, undated) and an image of a timber shed pursuant to condition 39. In the submitted application form, the applicant stated:

Cycle storage will be provided via garages. Where garages are not provided to plots, a 6ft x 4ft shed will be provided to address cycle storage. The specification and an example photograph has been provided. Please refer to the approved layout for shed locations.

These details are considered acceptable. The shed's design is typical of such structures often found in suburban gardens.

On 30/04/2026, KC Highways Development Management advised that the proposed cycle parking was acceptable.

Given the above assessment, it is considered that the details submitted pursuant to condition 39 are acceptable, and it is therefore recommended that they be approved, subject to the applicant being reminded of the further requirements of condition 39, which state:

The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Recommendation

Approve details pursuant to conditions 27, 31, 32 and 39.

Report Dated: 10/08/2026

Recommended Decision Notice Text

Condition 27 (Biodiversity Enhancement and Management Plan)

You have submitted a Report to discharge conditions 8, 15 and 27 (SLR, 424.065417.00001, rev 2, 04/08/2025) pursuant to condition 27. Notwithstanding the document's title, only the information relevant to condition 27 has been considered under this Discharge of Conditions application. The submitted document includes a Biodiversity Enhancement and Management Plan (BEMP) at section 4.0.

The details contained therein are considered acceptable for the purpose of condition 27 (having regard to the relevant provisions in Schedule 1 of the

relevant Section 106 agreement dated 07/11/2023 (associated with the outline planning permission 2022/91735), as revised by the Deed of Variation dated 27/08/2025 (associated with the Section 73 application 2025/90105)), and are hereby approved.

Please reminded of the further requirement of condition 27, which states:

> *The approved BEMP will be implemented in accordance with the approved details.*

Condition 31 (noise)

You have submitted a Noise Impact Assessment (SLR, 403.065678.00001, rev 01, 18/11/2024), a Part O Dynamic Thermal Modelling Report (Energy and Design, 20/06/2025) and L553 Denford (drawing CAS 21081 _14) pursuant to condition 31.

Details set out therein are considered acceptable for the purpose of condition 31 and are hereby approved.

Please be reminded of the further requirements of condition 31, which state:

> *All works which form part of the approved scheme shall be completed prior to occupation of that dwelling and retained and maintained thereafter.*

Condition 32 (Travel Plan)

You have submitted a Travel Plan (Optima, 13015, rev 2, 28/07/2026) pursuant to condition 32.

Details set out therein are considered acceptable for the purpose of condition 32 and are hereby approved.

Please be reminded of the further requirement of condition 32, which states:

> *The measures contained within the Full Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.*

Condition 39 (cycle storage)

You have submitted a Value Apex – Technical Data Sheet (Woodlands, undated) and an image of a timber shed pursuant to condition 39.

These details are considered acceptable for the purpose of condition 39 and are hereby approved.

Please be reminded of the further requirements of condition 39, which state:

The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.