

**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: 2018/44/93136/E

Site Address: land adj, 710, Bradford Road, Birkenshaw, BD11 2AE

Description: Discharge conditions 4 (noise), 6-9 (intrusive site investigation) and 11 (materials) on previous permission 2018/91253 for erection of two dwellings

Recommending Officer: John Ritchie

DECISION – APPROVE DISCHARGE OF CONDITION 4

I hereby authorise the discharge of condition 4 of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Rebecca Drake

AUTHORISED OFFICER

Date: 17-Jan-2020

OFFICER REPORT 2018/93136

This application relates to planning permission for the erection of two dwellings on land adj 710 Bradford Road, Birkenshaw – 2018/91253. The application seeks to discharge conditions:

- 4 – traffic noise mitigation
- 6, 7 & 8 – mitigation of coal mining legacy
- 9 – completion of remediation
- 11 – materials

Split decisions have been issued to discharge these conditions except for condition 4 as follows:

4. Before development commences a report specifying the measures to be taken to protect the development from noise from road traffic on Bradford Road shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- (i) Determine the existing noise climate*
- (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development*
- (iii) 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: *In the interests of the amenity of the future occupiers of the properties and to accord with the aims of Policies D2, BE1 and EP4 of the Kirklees Unitary Development Plan, Policy PLP52 of the Kirklees Publication Draft Local Plan as well as the aims of chapter 11 of the National Planning Policy Framework.*

Discussions have been ongoing between the agent and the KC Pollution & Noise Officers to achieve satisfactory technical details. These have now been received and were agreed with the P&N Officer on 16 January 2020.

Decision Text

Condition 4 (Noise Protection)

You have submitted undated drawing no 18/36/x titled 710 Bradford Road which was received by this Authority on 28th October 2019. The plan now clearly shows suitable ventilation proposals for the first floor bedrooms, and details the 2nd floor ceilings to have 2 layers of 15mm soundbloc with 50mm Kingspan wall board. It also advises that glazing is to be 4mm glass, 20mm argon filled cavity and 4mm glass. It also shows the ground floor kitchen lounge through room to have openable windows equivalent to 1/20th of the floor area.

This plan now clearly shows acceptable noise mitigation measures and also sufficient ventilation proposals that will prevent overheating without the need to open noise affected windows. The details are sufficient for the requirements of condition 4 and the commencement of development. The condition requires the proposed measures to be implemented and retained thereafter.

Report Dated:

17 January 2020
