

**Ing 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: 2019/44/90440/W

Site Address: Workshop, King Cliff Road, Birkby, Huddersfield, HD2 2RR

Description: Discharge condition 4 (noise) and 12 (site investigation) on previous permission c for erection of extensions and alterations to workshop to form one dwelling (within a Conservation Area)

Recommending Officer: Farzana Tabasum

DECISION – SPLIT DECISION (Condition 12 discharged only)

I hereby authorise the discharge of Condition 12 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: 20-Mar-2019

Assessment & decision text

This application seeks approval for the discharge of condition nos. 4 and 12 of previous permission on application no. 2018/90332.

The assessment below will refer to the wording and reason of each condition as set out on the decision notice, followed by an assessment of the information submitted to date.

The information accompanying the application is:

Geotechnical Report ref no. 1979/02, dated January 2019

Noise report

Condition no. 4 – Noise

4. Before development commences to construct the superstructure of the hereby approved extension a report specifying the measures to be taken to protect the development from noise from adjacent commercial/industrial premises 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 garden (daytime) bedrooms (night-time) and other habitable rooms of the development, and
- (iii) details of the proposed attenuation/design (including ventilation if required) to protect the amenity of the future occupants of the approved dwelling

Thereafter the development shall be carried out in accordance with the approved details and verified as complete in writing to the Local Planning Authority before occupation of any of the dwelling.

Reason: So as to protect the residential amenity of the future occupants of the approved dwelling and to avoid potential prejudicing of the continued operations of the adjacent businesses, in accordance with Policy EP4 of the Kirklees Unitary Development Plan, Policy PLP52 of the Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework

Officer Assessment

Awaiting comments from Environmental Health

Condition no.12 – Intrusive site investigations - coal

12. Before development commences, details and the conclusions of appropriate intrusive site investigations undertaken in order to identify the presence/absence of any unrecorded bell pit entries along with any remedial works to be carried out shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and prior to the occupation of the

approved dwelling and written confirmation shall be submitted to the Local Planning Authority, verifying the works have been fully completed in accordance with the approved details.

Reason: This is a pre commencement condition to ensure any pollution/risk identified is dealt with appropriately, to ensure the users of the new development are protected from being put at unacceptable risk and to accord with Policies D2 and G6 of the Kirklees Unitary Development Plan, PLP52 and PLP53 of the Publication Draft Local Plan as well as guidance in the National Planning Policy Framework.

Officer Assessment

On assessment of the submitted report, the Coal Authority states:

“the report is able to conclude that there would be sufficient competent rock cover above any workings in the shallowest coal seam to afford the stability of the development and that as a result of window sample boreholes no evidence of any b0332ell pits was encountered, The Coal Authority would have no objections to the LPA discharging Condition 12”.

In light of the Coal Authority’s comments subject to the development being carried in accordance with any recommendations set out in the Geotechnical Report accompanying this application, condition no. 12 is discharged.

Finally, I will contact you again on receipt of Environmental Health Officers comments in relation to condition no. 4 .

Report Dated: 20/03/19