

**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: 2019/44/90723/W

Site Address: Land to rear, 42, West Street, Lindley, Huddersfield,
HD3 3JT

Description: Discharge conditions 3, 4, 5, 10 on previous
permission 2016/92922 for erection of 1 detached
dwelling and demolition of 5 garages

Recommending Officer: Laura Yeadon

DECISION – DISCHARGE OF CONDITION 4

**I hereby authorise the approval of details submitted in respect of
Condition 4 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: 11-Sep-2019

Condition 4 – noise report

4. Prior to the superstructure of the hereby approved dwellinghouse commencing an Acoustic Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: (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) If it cannot be demonstrated that the noise levels are acceptable it may be necessary to request a further report to specify attenuation measures. Should any attenuation measures be required, all measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The measures implemented shall be retained thereafter. Reason: In the interests of the protection of future occupiers amenity from noise disturbance arising from the sites location adjacent to the boundary with the adjacent public house/licensed premises and associated outdoor drinking area and car park, and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

Assessment of Condition 4

As part of the previous application to discharge Condition 4, a noise report was submitted. However, the Environmental Service Officers considered that they would require suggestions and look at further mitigations on how levels in the external garden areas would meet WHO guidelines and this information would need to be provided to discharge condition 4. Therefore, the condition was not discharged.

Subsequently, the applicants have put forward further information stating that to mitigate the noise externally that they propose the planting of a hedge of cypress trees or similar to grow to around 10 ft high along the boundary and the pub car park (western boundary). This is due to the cypress trees being relatively fast growing and should work as a sound barrier. It is proposed that the hedge can be trimmed to a suitable height.

K.C. Environmental Services were sent this information and have confirmed that the proposal for a hedge of cypress trees at the boundary is acceptable.

As such, Condition 4 is considered acceptable for the purposes of determination of the condition, however is not discharged as the condition is for the lifetime of the development.

Dated: 11th September 2019

