

**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: 2021/44/90051/E

Site Address: 80-82, Stocks Bank Road, Mirfield, WF14 9QB

Description: Discharge condition 3 (noise report) on previous 2020/90490 permission for prior notification for change of use from office to one dwelling

Recommending Officer: Callum Harrison

DECISION – DISCHARGE OF CONDITION 3 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.

Paul Dowd

AUTHORISED OFFICER

Date: 26-Apr-2021

Officer Report

Application: 2021/90051

Address: 80-82, Stocks Bank Road, Mirfield, WF14 9QB

The application relates to planning permission 2020/90490 for prior notification for change of use from office to one dwelling. This application seeks to discharge condition 3 (noise report).

Condition 3 – Noise Report

Condition 3 is as follows:

'3. Before the development is first brought into use a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (e.g. licensed premises) 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 gardens (daytime), 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 residence (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 residential amenity of the future occupiers of the flats and to accord with policies LP 24 and LP 52 of the Kirklees Local Plan.'

The agent submitted a letter stating that given that a full noise report is unnecessary given the history related to the site. The application site was a dwelling historically. This application sees this residential use re-instated. The wider area is also primarily residential. Officers agree with the agent's statement that a noise report is unnecessary given the historical residential use of the site and wider residential area.

Officers acknowledge that there have been reports of disturbance to residential properties in the area from a public house near the application site. However, a pub would not normally be expected to cause sufficient disturbance to adversely affect the amenity of a dwelling 25m away, which is the case in this instance. Furthermore, there are also several dwellings closer to the pub than the application site, which demonstrates the application site would not be any more at risk to noise disturbance than these dwellings. If the noise disturbance from the pub adversely affects the amenity of nearby

dwellingings to the point where a new dwelling 25m away would be unacceptable, then the noise disturbance from the pub would fall outside the scope of planning legislation and it would be more appropriate for action against of the pub to be taken through non-planning routes, such as Environmental Health legislation regarding noise pollution.

Given the above, the submission of a full noise report is deemed unnecessary and the information provided is deemed sufficient for condition 3 to be discharged.

Decision Text:

Condition 3 – Noise Report

The agent submitted a letter stating that given that a full noise report is unnecessary given the history related to the site. The application site was a dwelling historically. The associated planning permission would see this residential use re-instated. The wider area is also primarily residential. Officers agree with the agent's statement that a noise report is unnecessary given the historical residential use of the site and wider residential area.

Officers acknowledge that there have been reports of disturbance to residential properties in the area from a public house near the application site. However, a pub would not normally be expected to cause sufficient disturbance to adversely affect the amenity of a dwelling 25m away, which is the case in this instance. Furthermore, there are also several dwellings closer to the pub than the application site, which demonstrates the application site would not be any more at risk to noise disturbance than these dwellings. If the noise disturbance from the pub adversely affects the amenity of nearby dwellingings to the point where a new dwelling 25m away would be unacceptable, then the noise disturbance from the pub would fall outside the scope of planning legislation and it would be more appropriate for action against of the pub to be taken through non-planning routes, such as Environmental Health legislation regarding noise pollution.

Regarding Condition 3 (Noise Report), it is considered that the submission of a full noise report is unnecessary, and the information provided is deemed sufficient for condition 3 to be discharged.