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:	**2022/44/90071/E**
Site Address:	490, Bradford Road, Batley, WF17 5LE
Description:	Discharge of conditions 4 (sound attenuation) and 5 (bin provision) of previous permission 2017/94117 for alterations to convert warehouse to 10 flats (part within a Conservation Area)
Recommending Officer:	Victor Grayson

DECISION – Discharge of Conditions - Approved

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

David Wordsworth

AUTHORISED OFFICER

Date: 07-Apr-2022

Officer Report

Discharge of conditions 4 (sound attenuation) and 5 (bin provision) of previous permission 2017/94117 for alterations to convert warehouse to 10 flats (part within a Conservation Area)

Decisions to date

2017/94117 – Alterations to convert warehouse to 10 flats (part within a Conservation Area) approved 02/07/2018.

2018/92358 – Application to discharge condition 3 (ventilation scheme). Refused 16/08/2018.

Consultation

The comments of KC Environmental Health are referred to below.

Condition 4

Condition 4 reads as follows:

> *4. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated 01.12.17 produced by Paul Horsley Ltd- reference (J2682):-*
>
> > *I. shall be completed; and*
> > *II. written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.*
>
> *If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further 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 and retained thereafter.*
>
> ***Reason:** In the interests of the residential amenity of the future occupiers of the flat and to accord with Policies BE1 and EP4 of the Kirklees Unitary Development Plan, Policy PLP52 of the Publication Draft Local Plan and Government policy in the National Planning Policy Framework, Chapter 11.*

In comments dated 05/04/2022, KC Environmental Health noted that the applicant had submitted a letter from Paul Horsley Acoustics Ltd dated 16/06/2021 (ref: PH/J3034) along with 18 test certificates. KC Environmental Health accepted that this information – which provides a summary of the

Sound Insulation Test Results for both Airborne and Impact sound testing at the development site – demonstrates that the testing meets with the requirements of condition 4.

Given the above information and assessment, condition 4 can be discharged.

Condition 5

Condition 5 reads as follows:

> *5. The development shall not be occupied until appropriate storage for domestic bins has been provided within the site as shown on plan ref: 17/105 and such provision retained thereafter.*
> ***Reason:** In the interests of highway safety and residential amenity and to accord with Policies BE1 and T10 of the Kirklees Unitary Development Plan.*

Condition 5 does not require the submission of information to the council. The applicant has, however, submitted an image of a bin store area.

Recommendation

Approve details pursuant to condition 4. Note that condition 5 does not require the submission of information to the council.

Decision Notice Text

Condition 4 – Information set out in the letter from Paul Horsley Acoustics Ltd dated 16/06/2021 (ref: PH/J3034), and the accompanying test certificates, is considered acceptable for the purpose of condition 4. Condition 4 is hereby discharged.

Condition 5 – This is a compliance condition, and does not require the submission of information to the Local Planning Authority. The submitted image of a bin store is, however, noted.

Report Dated: 06/04/2022