

**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:	2022/44/92955/E
Site Address:	141, North Road, Kirkburton, Huddersfield, HD8 0RR
Description:	Discharge conditions 6 (noise impact assessment) and 7 (extraction) on previous permission 2020/92986 for change of use from class c3 (dwellinghouses) to sui generis and associated works to create a cafe/wine bar (within a Conservation area)
Recommending Officer:	Olivia Roberts

DECISION – APPROVE DISCHARGE OF CONDITION 6

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22-Dec-2022

Officer Report

This application relates to planning permission 2020/92986 for change of use from class C3 (dwellinghouse) to sui generis and associated works to create a cafe/wine bar (within a Conservation Area). The application seeks to discharge planning conditions 6 and 7. A split decision was issued on 8th December 2022. Condition 7 was discharged, whilst additional information was required in relation to condition 6. This report relates to condition 6.

Condition 6 (Noise Impact Assessment):

6. Before the change of use commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: -

- a) an assessment of all the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of 139 and 143 North Road, Kirkburton, Huddersfield, HD8 0RR.
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interest of the amenity of the adjacent properties and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Assessment

At the time of the original submission, the submitted plans and details were not considered sufficient to satisfy the requirements of the condition. A Noise Impact Assessment prepared by Nova Acoustics and dated 6th October 2022 was submitted. Whilst the positioning of the microphone during the noise survey was permitted, the position was not considered to be free-field, and a correction for reflections the building façade needed to have been applied. However, despite a correction for distance and screening being considered,

no correction for reflection was noted in the proceeding comments or data. As this would affect predicted noise levels, it was advised that this would need to be addressed within a further/addendum report before the Environmental Health officer could comment further on the findings of the submitted report.

A revised report by Nova Acoustics dated 9th December 2022 has been submitted. The report has been reviewed by the Environmental Health officer and notes that a correction has been applied. The report concludes by recommending that the existing hit and miss type fence is replaced with a close boarded fence and extended to a height whereby there is no line of sight for the residential receptors. Whilst this is accepted and the attenuation of 5dB would meet with the requirements of BS8233, it was noted that a specification of the fence and details of its height were required. Details of the specification and height of a wall and fence, along with photographs which show that they have been installed at the site have been submitted by email received 13th December 2022. The Environmental Health officer considers the submitted information to be acceptable for the purposes of the condition.

The condition requires the development not to be brought into use until all works associated with the measures specified in the approved report have been carried out in full and thereafter retained.

Decision Notice Text

Condition 6 (Noise Impact Assessment):

You have submitted a revised report by Nova Acoustics dated 9th December 2022 along with details of the specification and height of an acoustic fence and wall that have been installed at the site. The additional information is considered acceptable.

The condition requires the development not to be brought into use until all works associated with the measures specified in the approved report have been carried out in full and thereafter retained.

Report Dated:

21/12/2022
