

**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:	2022/44/93663/E
Site Address:	Help The Aged, 45, Market Street, Heckmondwike, WF16 0EU
Description:	Discharge of conditions 3 (noise survey) and 4 (odour survey) on previous permission 2021/92955 for conversion of first floor storage area and roof space to create one flat
Recommending Officer:	Edward Cheseldine

DECISION – DISCHARGE OF CONDITIONS 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.**

Emma Thompson

AUTHORISED OFFICER

Date: 14-Mar-2023

Officer Report: 2022/93663

Site: Help The Aged, 45, Market Street, Heckmondwike, WF16 0EU

The application seeks to discharge conditions 3 (noise survey) & 4 (odour survey) attached to planning permission ref, 2021/62/92955/E which was granted on 05 August 2021.

The application is accompanied by a noise report and odour report contained within the consultation reports dated October 2022 by Aval Consulting Group.

Assessment

Condition 3 Noise Survey

3. Before development work commences, 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 including road traffic and all commercial sources 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 residences (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: *This is a pre-commencement condition to ensure that adequate protection measures are incorporated into the development in order to ensure residential amenity of future residents can be maintained in accordance with Policies LP15, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

The submitted information has been reviewed by K.C. Environmental Health (see their comments dated 17/01/2023). They accept the findings of the phase

noise report and recommend that condition 3 be discharged for the purposes of the condition. However, the condition cannot be fully discharged until the works proposed in the submitted Noise Impact Assessment authored by Aval Consulting Group dated October 2022 Ref 92197 are implemented. The development should be maintained in accordance with the details in perpetuity.

Condition 4 Odour Survey

4. Before development work commences, an Odour Impact Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall:-

- Detail all of the potential sources of odour in the vicinity of the application premises
- Determine the potential of adverse impact on the proposed development from these potential sources of odour
- Detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

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: This is a pre-commencement condition to ensure that adequate protection

measures are incorporated into the development in order to ensure residential amenity of future residents in accordance with Policies LP15, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

The submitted information has been reviewed by K.C. Environmental Health (see their comments dated 17/01/2023). They accept the findings of the phase noise report and recommend that condition 3 be discharged.

The submitted information has been reviewed by the K.C. Environmental Health, who have provided their comments in the consultation response dated 23/02/2023. In summary Environmental Health accept the findings of the odour report and therefore recommend the discharge of condition 4.

Decision Text

Condition 3 - Noise

The applicant/agent has submitted:

- 92197 Noise Impact Assessment

The Noise Impact Statement was reviewed by KC Environmental Health. Environmental Health state the results of the noise testing meet the internal requirements of BS8233, as carried out over a 24hr period on 20 September 2022. Environmental Health had no objections to the discharge of condition 3. For this reason, condition 3 can be considered discharged.

Condition 4 – Odour

The applicant/agent has submitted:

- 92197 Odour Assessment Revision B

The Odour assessment was reviewed by KC Environmental Health. Environmental Health state the results of revision B meet a satisfactory outcome to the concerns raised within the set condition. As such, Environmental Health has no objections to the discharge of condition 4. For this reason, condition 4 can be considered discharged.