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:	**2022/44/93957/E**
Site Address:	adj, The Hollins, Laburnum Road, Dewsbury Moor, Dewsbury, WF13 4QF
Description:	Discharge conditions 3 (Ground Investigation Report), 8 (Noise Assessment) on previous permission 2022/90843 for erection of detached dwelling
Recommending Officer:	Sarah Longbottom

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

I hereby authorise the split decision 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: 23-Jun-2023

Discharge conditions 3 (Ground Investigation Report), 8 (Noise Assessment) on previous permission 2022/90843 for erection of detached dwelling.

Condition 3 (Phase 1 Desk Study Report)
3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
Reason: *This is a pre-commencement condition required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.*

Assessment
Condition 3 on previous permission 2022/90843 requires the submission and approval of a Phase I report. No Phase I report has been submitted. Instead, a Phase 2 Ground Investigation Report by Michael D Joyce Associates LLP dated November 2022 (ref: 4260) has been submitted. The submitted document refers to a Phase 1 report. Notably, no copy of the Phase 1 report was provided with the original submission.

Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the site's historical land use, site setting and the associated risks from contaminants to receptors are unspecified. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed.

Notwithstanding the above, the Phase I Report has been received subsequently on the 23rd June 2023 and sent to KC Environmental Health for re-consultation. A response in this respect will be provided in due course.

Condition 8 (Noise Assessment)
8. Before development begins on the superstructure of the dwelling hereby approved, a report specifying the measures to be taken to protect the development from noise from the nearby sports pitches 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: *To ensure appropriate attenuation measures are incorporated in to the development to protect the amenity of future occupiers, in accordance*

with Policies LP24 and LP52 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide Supplementary Planning Document.

Assessment

The applicant has submitted a Noise Assessment authored by RP Acoustics Ltd dated 24 November 2022 Ref CDIS/1113/22/136 V1.0. A noise survey was undertaken between 0700hrs and 1410hrs on Sunday the 20th of November, to capture the use of the sports pitches for a Sunday League match. For the purpose of the assessment, a single monitoring positions (MP) was used, located at the location of the proposed western façade of the dwelling. A summary of the findings is shown in table 3.1.

It is accepted the report has used a shorter measuring period (4 hours) based upon the use of the sports pitches, and the findings show that both internal and external amenity areas meet with the requirements of BS8233 and no specific mitigation measures are required. This is based upon an assumption that typical double glazing will be installed along with a solid perimeter fence which should maintain or improve this level of amenity.

The findings of the report are accepted. This condition can therefore be discharged

Decision Notice Text

Condition 3

I acknowledge receipt of the Phase I Report today 23rd June 2023, which has been sent to KC Environmental Health for re-consultation. As such, a subsequent decision letter will be issued in due course once this information has been assessed.

Condition 8

The applicant has submitted a Noise Assessment authored by RP Acoustics Ltd dated 24 November 2022 Ref CDIS/1113/22/136 V1.0.
The findings of the report are accepted. This condition can therefore be discharged.