

**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:	<b>2023/44/91489/E</b>
Site Address:	Wilton Mills, 586, Bradford Road, Batley, WF17 8LP
Description:	Discharge of conditions 5 (noise report), 8 (Phase I Report), 9 (Phase II Report) and 10 (Remediation Strategy) on previous permission 2022/93360 for demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

**DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION**

**I hereby authorise the partial 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: 20-Feb-2024**

## **Officer Report**

**Reference No.** 2023/44/91489/E

**Site Address:** Wilton Mills, 586, Bradford Road, Batley, WF17 8LP

**Proposal:** Discharge of conditions 5 (noise report), 8 (Phase I Report), 9 (Phase II Report) and 10 (Remediation Strategy) on previous permission 2022/93360 for demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area)

## **Assessment**

### **Condition 5 – Noise Report**

*5. Before construction work 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 of the noise emissions from the proposed development*
- b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises*
- 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 measures shall be thereafter retained.*

**Reason:** *To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

### **Assessment of Condition 5**

The applicant has submitted an Environmental Noise Survey authored by Paul Horsley Acoustics (dated 5<sup>th</sup> October 2018, Ref J2770), which is over four years old. Background noise monitoring was conducted on the 26<sup>th</sup> of November 2018 from two monitoring positions as shown in Appendix A-1. A summary of the results are shown in Table 10. The report states that there are residential premises located beyond the western site boundary at a distance of 7m from the existing garage rear façade, the closest of which are at No 3 and No 25 Carlinghow Hill. Furthermore, No 10 Hopewell Street is located directly beyond the eastern site boundary, having the gable end overlooking the site with no windows or apertures present within the façade.

Paragraph 12.1 describes the proposal, detailing the operational hours of use and lists the primary sources of noise. The internal noise levels are calculated and based upon the sound insulation of the building, a BS4142 assessment was conducted resulting in a low impact to both of the nearest noise sensitive

receptors. Paragraph 12.1.4 does caveat the results by stating the calculations have assumed that the building will be constructed using a composite panel construction throughout, however, it has not included the proposed roller shutter doors. It states the roller shutter doors will need to possess a similar sound reduction index, SRI, to the building as a whole and specifies a suitable door (542 composite acoustic panel type construction door from Crawford Doors. It proceeds to state that the doors remain closed at all times when not in use in order to minimize internal noise from emanating towards the noise sensitive residential premises. Any noisy operations taking place within the building should not commence whilst the doors are open. Doors should only be opened to allow access and egress of vehicles and should become a condition of the site operations.

The report proceeds to consider the external yard activities based upon typical use and this is accepted. It then considers the fixed mechanical plant and as the development proposals were incomplete at that time, gives an upper noise limit for any plant finishing by stating that provided that the limits are adhered to, there will be no loss of existing amenity for the residents. The findings of the report are based upon a number of assumptions and there is also some uncertainty due to the limitations in place at that time. Therefore, due to the date of the report, KC Environmental Health ask the applicant to submit further information to confirm the works will be implemented as per the submitted Environmental Noise Survey authored by Paul Horsley Acoustics dated 5<sup>th</sup> October 2018 Ref J2770.

### **Condition 8 – Phase I Desk Study Report**

*8. 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 to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

### **Assessment of Condition 8**

A Phase 1 Geoenvironmental Risk Assessment, authored by MDJA, (dated April 2023, ref: 4293) has been received in support of the application to discharge Condition 8. The report evaluates historical maps dating back to 1890, identifying potential contaminative land uses on and off-site, such as mills, a garage, tram depot, and workshop. While the site walkover date is unclear, the photographs depict the site adjacent to the existing residential areas. The report asserts the absence of visibly contaminated material or distressed vegetation indicating significant contamination. The environmental

setting information has also been provided and evaluated. A preliminary conceptual site model was presented, and several potential pollutant linkages have been identified with a low to moderate risk to receptors. The report recommends further ground investigation involving soil sampling, laboratory analysis, and groundwater and ground gas monitoring. After reviewing the report, KC Environmental Health concur with the need for an intrusive investigation. However, the provided investigation proposals are limited. Future investigations should follow good practice guidance. Despite this, there is adequate information to fulfil the condition's requirements, and Officers recommend that Condition 8 is discharged.

### **Condition 9 – Phase II Intrusive Site Investigation Report**

*9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

#### **Assessment of Condition 9**

No Phase II Report appears to have been received in support of the application to discharge Condition 9 on previous permission 2022/93360. Therefore, Condition 9 should remain until further notice.

### **Condition 10 - Remediation Strategy**

*10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.*

**Reason:** *This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

#### **Assessment of Condition 10**

No information has been submitted in support of the application to discharge Condition 10 on previous permission 2022/93360. Therefore, Condition 10 should remain until further notice.

## **Decision Notice Text**

### **Condition 5 – Noise Report**

The following has been submitted:

- Environmental Noise Survey authored by Paul Horsley Acoustics (dated 5<sup>th</sup> October 2018, Ref J2770)

The findings of the report are based upon a number of assumptions and there is also some uncertainty due to the limitations in place at that time. Due to the date of the report, KC Environmental Health ask the applicant to submit further information to confirm the works will be implemented as per the submitted Environmental Noise Survey. However, further information in relation to Condition 5 can be considered under the current application if received within 6 weeks from the date of this letter.

### **Condition 8 – Phase I Desk Study Report**

The following has been submitted:

- Phase 1 Geoenvironmental Risk Assessment, authored by MDJA, (dated April 2023, ref: 4293)

In conclusion, the submitted details are considered acceptable for the purposes of the Condition 8 and therefore the condition can be discharged.

### **Condition 9 – Phase II Intrusive Site Investigation Report**

No Phase II Report appears to have been received in support of the application to discharge Condition 9 on previous permission 2022/93360. Therefore, Condition 9 should remain until further notice.

### **Condition 10 – Remediation Strategy**

No information has been submitted in support of the application to discharge Condition 10 on previous permission 2022/93360. Therefore, Condition 10 should remain until further notice.

**Dated: 19/02/2024**

