

**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>2024/44/90291/W</b>
Site Address:	2, 4 & 6, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JQ
Description:	Discharge of conditions 4. (bin storage/collection) & 5. (noise assessment) on previous permission no. 2023/92737 for Prior notification for change of use from shop/restaurant to three dwellings
Recommending Officer:	Laura Yeadon

**DECISION – Partial Approval and Partial refusal of details submitted**

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

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 22-Mar-2024**

## Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f90291>

This application relates to planning permission 2023/92737 for the prior notification for change of use from shop/restaurant to three dwellings. The application seeks to discharge conditions 4 and 5.

### Condition 4 – bin storage/collection

*4. Before the dwellings are first occupied details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided prior to first occupation and shall be retained thereafter free of obstructions and available for storage throughout the lifetime of the development.*

**Reason:** *In the interests of highway safety and residential amenity and to accord with the Council's Waste Strategy. Further information can be found at the following weblink: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-newdevelopments.pdf>*

### Assessment of condition 4

A plan referenced 2304 – 02 – Rev: A has been submitted detailing a bin collection area to the front of the site, adjacent to the parking area of No. 6. Kirklees Waste Strategy Officers have been consulted and have confirmed that the demonstrated collection point is acceptable. However, concerns have been raised regarding the permanency of the storage of bins in this location without permanent screening due to the impact on the street scene, theft, arson or fly tipping.

Providing that the storage of bins is to the rear of the dwellings and the bins are presented at the collection point on collection day in the area demonstrated on the submitted plan and retained as such, free of obstruction, this condition shall be satisfied.

### Condition 5 – noise assessment

*5. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all noise sources that are likely to affect the proposed development including road traffic 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 living rooms, 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 protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises.*

#### Assessment of condition 5

Environmental Health Officer's have been formally consulted and state that in the interests of protecting the amenity of the occupiers, it was recommended that a condition for a Noise Assessment be submitted due to the location of the proposal in relation to the busy A62.

Officers cite that the applicant has submitted an unreferenced and undated Noise Statement questioning this requirement based on the location, previous use of the buildings and level of sound insulation afforded by modern double glazed units. Officers do not concur with the reasoning and no evidence has been submitted to support this supposition.

As such, the requirement of a submission of a Noise Assessment remains and therefore in the absence of the Noise Assessment, this condition cannot be satisfied or discharged.

#### **Decision Text**

#### Assessment of condition 4

You have submitted the following:

- A plan referenced 2304 – 02 – Rev: A

The plan demonstrates the collection of bin point to the front of the site, adjacent to the parking area of No. 6.

Providing that the storage of bins is to the rear of the dwellings and the bins are only presented at the collection point on collection day, in the area demonstrated on the submitted plan and then returned to the rear of the site - and these arrangements retained as such, free of obstruction, this condition shall be satisfied.

#### Assessment of Condition 5

You have submitted the following:

- Noise Statement

The submitted Noise Statement is unreferenced and undated which questions the requirement of the condition.

In the absence of a Noise Assessment which details the requirement of condition 5, the condition cannot be satisfied or discharged.

As such, at this time the Local Planning Authority are unable to discharge condition 5 of planning application number 2023/92737. Should you wish to submit the further information, in relation to the above, in accordance with the details required by condition 5, you can do so under this current application within 21 days of the date of this letter.

**Date:** 22<sup>nd</sup> March 2024