

**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:	2024/44/90291/W
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 – Discharge of Condition - 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Jun-2024

Officer Report – No. 2

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This application relates to planning permission 2023/92737 for the prior notification for change of use from shop/restaurant to three dwellings.

A previous application was submitted under application 2024/90291 for the discharge of conditions 4 (bin storage/collection) and 5 (noise assessment) in relation to the 2023 prior approval application. Whilst condition 4 was discharged 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, condition 4 shall be satisfied.

With regard to condition 5 (noise assessment), in the absence of a Noise Assessment which details the requirement of condition 5, the condition could not 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

Following the submission of a Noise Impact Assessment authored by Peak Acoustics dated 13 May 2024, Ref: 0404248NR Environmental Health Officers were formally consulted with regard to the findings of the report. The comments received cite that noise monitoring was undertaken from the 22nd to the 23rd of April 2024 from a single monitoring location as shown in figure 1 of the Assessment. A summary of the findings is given in table 1 with comment made

that noise affecting the development was determined to be primarily from road traffic.

The comments continue to cite that in order to meet with the internal requirements of BS8233, a glazing and ventilation scheme is specified in table 4 for both the front and rear façades. Comment is made on the use of the loft space and an example of the roof construction is provided within Appendix J should this be considered. There is no external amenity space to assess.

Officers consider that the findings of the report are accepted and it is considered that subject to the works within the Noise Impact Assessment being implemented and retained thereafter, the condition shall be satisfied.

Assessment of Condition 5

You have submitted the following:

- Noise Impact Assessment authored by Peak Acoustics under reference number 0404248NR

The submitted Noise Impact Assessment findings are accepted and it is considered that subject to the works recommended within the Noise Impact Assessment being implemented and retained thereafter, the condition shall be satisfied.