

**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:	2024/44/91028/W
Site Address:	Manashay Cottage, Upper Brow Road, Paddock, Huddersfield, HD1 4UP
Description:	Discharge conditions 10 (Validation Report) & 17 (Noise) for Plots 1 - 3 only, of previous permission 2021/91795 for erection of 7 dwellings with formation of associated access and parking
Recommending Officer:	Katie Chew

DECISION – Partial Approval of conditions (for plots 1-3 only)

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 14-May-2024

Application: 2024/91028

Site Address: Manashay Cottage, Upper Brow Road, Paddock, Huddersfield, HD1 4UP.

Proposal: Discharge conditions 10 (Remediation Strategy) & 17 (Noise) for Plots 1-3 only, of previous permission 2021/91795 for erection of 7 dwellings with formation of associated access and parking.

Condition 10 (Validation Report)

‘10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework’.*

Condition 17 (Noise)

‘17. Before the development is first brought into use, all works which form part of the Environmental Noise Survey authored by Paul Horsley Acoustics Ltd dated 20 June 2017 Ref J2624 - a) shall be completed; and b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: *To ensure that future occupants do not suffer loss of amenity arising from noise disturbance and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan’.*

Officers Assessment

Condition 10 (Validation Report)

The applicant has submitted a Validation Report authored by Subsurface Northeast Limited, dated March 24 (ref: NE4160C) in support of the application to discharge Condition 10. Condition 10 on previous permission 2021/91795 requires the submission and approval of a validation report.

The report relates to Phase A (Plots 1, 2 & 3) only. A number of hand dug pits in the side, front and rear of plots 1, 2 and 3 confirmed the placement of between 600 and 800mm depth of imported topsoil. The topsoil was confirmed as suitable for the intended use. Trail pit logs, photographic evidence of cover placement, laboratory results, screening results and topsoil consignment notes have been provided in the appendices.

The Council's Environmental Health Officers were consulted on the proposals and note that they accept the Validation Report authored by Subsurface Northeast Limited, dated March 24 (ref: NE4160C) received and recommend that Condition 10 is discharged **for plots 1, 2 and 3 only**. Officers concur with this conclusion and therefore Condition 10 is discharged **for plots 1, 2 and 3 only**.

Condition 17 (Noise)

The applicant has submitted a Noise Assessment authored by DRUK Limited dated 22 March 2024 Ref DRUK/ACC/RS/SHMHUBR/3275 in support of discharging condition 17. This condition required the submission of information to demonstrate that the specified noise levels within the approved Environmental Noise Survey authored by Paul Horsley Acoustics Ltd dated 20 June 2017 Ref J2624 have been achieved.

The submitted Noise Assessment refers to the findings of the Paul Horsley report and evidence to support the construction specification (glazing and ventilation) is shown in photographs 3 & 4. An assessment of the internal noise climate within plot 2 was undertaken between 0815hrs on the 11th of March to 0815hrs on the 12th of March 2024 and the results are given in the tables within section 7 considering the reverberation due to being unoccupied and unfurnished. The results show it meets with the internal requirements of BS8233. The results from the Paul Horsley report are used and comment is made on the results being obtained in 2017 but it is understood that no other changes to the locality have occurred in the intervening period, and they are therefore still applicable. This is accepted by the Council's Environmental Health Officers who consulted on this application, and they state that the measured results show the external amenity area meets with the requirements of BS8233, therefore the submitted information is accepted. Officers concur with this conclusion and therefore Condition 17 is discharged **for plots 1, 2 and 3 only**.

Decision Notice Text

Condition 10 (Validation Report)

You have submitted the following details:

- Validation Report authored by Subsurface Northeast Limited, dated March 24 (ref: NE4160C), received 11th April 2024.

The findings of the submitted report are accepted and therefore Condition 10 is discharged **for plots 1, 2 and 3 only. It remains in force for the remaining plots within the development.**

Condition 17 (Noise)

You have submitted the following details:

- Noise Assessment authored by DRUK Limited, dated 22 March 2024 Ref DRUK/ACC/RS/SHMHUBR/3275, received 11th April 2024.

The findings of the above Noise Assessment are accepted and therefore Condition 17 is discharged **for plots 1, 2 and 3 only. It remains in force for the remaining plots within the development.**

Report Dated:

14th May 2024.