

**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:	2025/44/92688/E
Site Address:	67, Daisy Hill, Dewsbury, WF13 1LT
Description:	Discharge of details reserved by conditions 6 (ventilation scheme) and 7 (sound insulation) of previous permission 2022/91597 for change of use of retail unit to create residential dwellings (within a Conservation Area)
Recommending Officer:	Emma Thompson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 28-Jul-2026

Officer Report:

Discharge of details reserved by conditions 6 (ventilation scheme) and 7 (sound insulation) of previous permission 2022/91597 for change of use of retail unit to create residential dwellings (within a Conservation Area)

Condition 6 (ventilation)

6. Before construction commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information –

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
 - The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
 - The ventilation Scheme must demonstrate how habitable rooms of these apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.
- All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policies LP15, LP24, and LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that appropriate works are undertaken before any development commences on site.

Assessment:

The applicant has submitted a series of photographs showing the installation of a Vent-Axia ventilation system. This is further supported by data sheets showing a maximum flow rate of 300m³ /hr along with a SAP assessment which have been reviewed by KC Environmental Health and is accepted. As such Condition 6 can be discharged. The system shall be retained in perpetuity.

Condition 7 (sound insulation)

7. Before the development is brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party wall/floor/ceiling of the development is of a minimum of 55dB Dntw+Ctr. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been

achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policies LP15, LP24, and LP52 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

Assessment:

Despite Section 3 of the submitted Statement from Faisal Building Solution dated September 2025 stating, 'This condition requires written evidence that separating walls, floors, and ceilings achieve a minimum airborne sound insulation of 55dB Dntw+Ctr', no evidence has been provided to support this and as such Condition 7 cannot be discharged.

Decision Text:

The applicant has submitted a series of photographs showing the installation of a Vent-Axia ventilation system in order to discharge Condition 6. This is further supported by data sheets showing a maximum flow rate of 300m³ /hr along with a SAP assessment. These details are considered acceptable for the purpose of discharging outstanding matters and condition 6 is therefore discharged. However, there is a lack of evidence to support the discharge of Condition 7 which therefore cannot be discharged at this time.