

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:	2025/44/93460/E
Site Address:	Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU
Description:	Partial discharge of details reserved by condition 18 (noise survey) of previous Reserved Matters approval 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Approve (partial)

**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.**

Victor Grayson

AUTHORISED OFFICER

Date: 27/01/2026

Application: 2025/93460

Site: Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU

Proposal: Partial discharge of details reserved by condition 18 (noise survey) of previous Reserved Matters approval 2022/91047 for development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)

Condition 18: Noise survey

18. Prior to the occupation of the first dwelling in each phase of the development hereby permitted, all works which form part of the sound attenuation scheme in that phase, as specified in the Noise Survey authored by FES Acoustics dated September 2022 Ref A001264 - Issue 3 –

- a) Shall have first been completed; and*
- b) written evidence to demonstrate that the specified noise levels have been achieved shall have first been 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 protect the amenity of neighbouring occupiers of the proposed development from noise or disturbance from nearby noise generating premises, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

In support of condition 18 the following documents have been submitted:

- Noise Validation Testing (reference: A001264 version 1.1)
- Overview Site Layout (reference: 4035-20-AWSM-XX-XX-DR-A-1000 rev P23)

A previous approval relating to noise was issued on 12/05/2023 under application 2023/90581. That approval related to a different condition (namely, *outline* condition 18).

Consultation Response

KC Environmental Health – Response Received 14/01/2026

A Noise Validation Testing report authored by FES Group dated December 20256 Ref A001264 v1.1 has been submitted in support of the application to discharge condition 18. It is accompanied by a Site Layout plan from Vistry Partnerships dated 23 January 2022 Ref 4035-20-AWSM-XX-XX-DR-A-1000 which shows Plots 1 and 12 as the two monitoring positions (MPs) used to represent Plots 1-56 (MP1) and 71-77 (MP2) as a representation of worst-case exposure to the A58 and M62 road noise sources.

Comment is made that plots 1-56 and 71-77 have now been completed and form the assessment and to then provide an updated report with a third measurement position in the approximate location of Plot 70 to represent plots 57-70 once the development has reached a sufficient level of completion. This measurement position will further assess exposure to the M62, and also analyse the impact of the Blue Hills Farm shop commercial noise source.

The findings of the monitoring exercise show MP1 meets with the internal requirements of BS8233 with a slight exceedance of +1dB for the 50dB desirable guideline external amenity area. Similarly, MP2 meets with the internal requirements of BS8233 but with a +4dB exceedance for the 'desirable' guideline external amenity area but under the 55dB upper guideline value.

The findings of the report are accepted.

Recommendations

The submitted information is accepted. However, as has been stated, a further/addendum report will be required to represent noise levels to plots 57-70 and therefore, the condition cannot be discharged at this time.

Assessment

As set out within KC Environmental Health's comments, the survey submitted assesses the impact on Plots 1-56 and 71-77, with a further update to the report to be submitted for Plots 57-70, once the development has reached a sufficient point of completion.

Nevertheless, the information submitted for Plots 1-56 and 71-77 has been considered acceptable and would ensure that a high level of amenity would be achieved for the occupiers of those plots. As such, the information submitted can be approved.

However, as set out above, the condition cannot be fully discharged at this time, until a further/addendum report is submitted to represent noise levels at Plots 57-70.

Recommendation: Split decision

Report Dated: 27/01/2026

Recommended Decision Notice Text

Condition 18: Noise survey

Pursuant to Condition 18, you have submitted:

- Noise Validation Testing (reference: A001264 version 1.1)
- Overview Site Layout (reference: 4035-20-AWSM-XX-XX-DR-A-1000 rev P23)

Based on the information submitted for Plots 1-56 and 71-77, officers consider the information to be acceptable, and is hereby approved.

However, condition 18 cannot be fully discharged at this time, until a further/addendum report is submitted to represent the noise levels for the final/remaining Plots 57-70.

As such, condition 18 must remain undischarged at this time.

Please note a new Discharge of Condition application will be required for any future submission in relation to condition 18.