

**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: 2019/44/91710/W

Site Address: adj, 7, Cobcroft Road, Fartown, Huddersfield, HD2 2RU

Description: Discharge conditions 4 (Remediation Strategy) and 5 (Ventilation System) on previous permission 2014/90774 for erection of 2 storey medical centre with integral pharmacy and parking

Recommending Officer: Farzana Tabasum

DECISION – Refusal of discharge of Condition 5 (Condition 4 previously discharged 9th August 2019)

I hereby authorise Condition 5 cannot be discharged for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 03-Sep-2019

Officer report:

In the LPA's letter dated 9th August, the case officer states the information in relation to condition no. 5 was under consideration by Environmental Health (EH).

Confirmation is now received (12th August 2019) from EH who state:

2019/91710 - Has the Air Con Plant Overlay, attached, but there is no information other than the plant room location. There is no info on the location of any external vents, plant manufactures, data on noise levels, the predicted noise level of the plant at the neighbouring noise sensitive properties.

Air Conditioning Units

There is the Air Conditioning Units Product Information Sheet, attached, which has both indoor and outdoor units.

There is a Wall Mounted External Condensing Unit

Please can you request the following information from the applicant:

1. a plan with just the plant unit on it items on it, identifying whether sited internally and vented externally, or if sited externally,
1. The sound pressure level one meter from the noise source: this is provided for both indoor units and outdoor units, but the plan does not identify which units are being use,
2. The sound pressure level at the nearest noise sensitive receptor/dwelling with an open window,
3. The background noise level in the vicinity of the building, both at day time and night time.
4. The orientation of the building.

Heat Recovery Units(HRU)

There is no information on this, as whether internally or externally located.

Please can you request her following information from the applicant:

1. A plan with just the plant unit on it items on it, identifying whether sited internally and vented externally, or if sited externally,
1. The sound pressure level one meter from the noise source: this is provided for both indoor units and outdoor units, but the plan does not identify which units are being use,
2. The sound pressure level at the nearest noise sensitive receptor/dwelling with an open window,
3. The background noise level in the vicinity of the building, both at day time and night time.
4. The orientation of the building.

There are no location and orientation plans on the Planning Website.

We cannot discharge this condition until the above information has been provided to allow it to be reviewed, determined as acceptable and approved. Please call me if you need to discuss.

DECISION TEXT

CONDITION NO. 5

Subsequent to the Planning Authority's letter dated 9th August, and on receipt of Environmental Health Officer's comments being received 12th August, I can confirm condition no. 5 cannot be discharged. This is due to the insufficient level of information submitted to date.

In light of the above, the following information is required in relation to both a) Air Conditioning Units & b) Heat Recovery Units:

1. a plan with identifying the location of the plant unit, whether sited externally or internally and clearly indicating where the duct will be if sited internally
2. The sound pressure level one meter from the noise source (this is provided for both indoor units and outdoor units) but the plan does not identify which units are to be used
3. The sound pressure level at the nearest noise sensitive receptor/dwelling with an open window,
4. The background noise level in the vicinity of the building, both at day time and night time, and
5. Details of the methods to control noise emissions.

Please quote the above reference no. on all future submissions in relation to condition no. 5

Report Dated:

03/09/19

Officer Report

Permission is sought to discharge condition nos. 4 and 5 on planning permission 2014/90774 for erection of two storey medical centre with integral pharmacy and parking.

The wording of the conditions reads:

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within

2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

5. The use hereby permitted shall not begin until details of the installation and/or erection of any external plant/extract ventilation system, including details of the methods to control noise emissions, have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the premises are in use and maintained in accordance with the manufacturers instructions.

Reason: In order to protect the amenity of nearby residents from noise, in the interests of visual amenity, to accord with Policies D2 and EP4 of the Unitary Development Plan and in accordance with the guidance in the National Planning Policy Framework.

Assessment:

With regards to condition no. 4 the application form states “no contamination is found as such no need to provide further information”.

Condition No. 4

The Environmental Health Officer in considering the application form which states no contamination is found have referred to previous correspondence in relation to the matter of contaminated land stating:

“In 2012 in respect of 2009/90777 I met and discussed with NMD re the Phase II Report NE2922 dated April 2009. Agreed that the condition 2, and associated 3,4,5 and 7 could be discharge. Condition 6 must remain in the event of any unidentified contamination being discovered.”

“ In 2014 Previously approved planning permission in 2009 for larger centre. Same CL Phase I and II reports submitted for this application. These were approved in 2012 and relevant CL conditions on original permission discharged. CLC6 remained on permission. Discussed with ND, as site not classed as potentially contaminated CLC6 condition recommended”

To summarise, it has been evidenced that no contamination is found on site and as such condition no. 4 is satisfied. In light of this no further details are required in relation to remediation or validation.

Condition no. 5

With respect to condition no. 5, the application form states the only external plant are the air –conditioning chiller units. The details of a ventilation system (SEZ-MR32) ceiling concealed ducted system are also provided along with a first floor plan reference no. M04 rev A1, demonstrating the mechanical services layout.

The information is currently under consideration by Environmental Health. I will contact you again in due course on receipt of their comments.

DECISION TEXT:**Condition No. 4**

The Environmental Health Officer in considering the application form which states no contamination is found has referred to previous correspondence in relation to the matter of contaminated land stating:

“In 2012 in respect of 2009/90777 I met and discussed with NMD re the Phase II Report NE2922 dated April 2009. Agreed that the condition 2, and associated 3,4,5 and 7 could be discharge. Condition 6 must remain in the event of any unidentified contamination being discovered.”

“ In 2014 Previously approved planning permission in 2009 for larger centre. Same CL Phase I and II reports submitted for this application. These were approved in 2012 and relevant CL conditions on original permission discharged. CLC6 remained on permission. Discussed with ND, as site not classed as potentially contaminated CLC6 condition recommended”

To summarise, it has been evidenced that no contamination is found on site and as such condition no. 4 is discharged. In light of this no further details are required in relation to remediation or validation.

Condition no. 5

The application form states the only external plant are the air –conditioning chiller units. The details of a ventilation system (SEZ-MR32) ceiling concealed ducted system are also provided along with a first floor plan reference no. M04 rev A1, demonstrating the mechanical services layout.

The information is currently under consideration by Environmental Health. I will contact you again in due course on receipt of their comments.

Report Dated: 09/08/19

