

**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:** 2021/44/91811/W

**Site Address:** 982 , New Hey Road, Outlane, Huddersfield, HD3 3FJ

**Description:** Discharge conditions 4 and 5 on previous permission for change of use from public house (Sui Generis) and 1st floor living accommodation C3(A) to 2 dwellings C3(A) with erection of extension and exterior alterations

**Recommending Officer:** Stuart Howden

**DECISION – Details for condition 4 acceptable, details for condition 5 partly acceptable.**

**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: 25-Jun-2021**

## **Officer Report - Discharge of Conditions Application**

The application seeks to discharge conditions 4 and 5 on previous permission no. 2020/94283 for change of use from public house (sui generis) to 2 dwellings with erection of extension and external alterations at rear of 982 New Hey Road, Outlane, Huddersfield, HD3 3FJ.

### **Condition 4 (Boundary treatment details):**

#### Wording

*4. Prior to the first occupation of the dwellings hereby approved, and notwithstanding the details of boundary treatments in Drawing Number 10 revision B, a scheme detailing the boundary treatments of all the site, including the boundary between the two approved dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the position, height and materials of the boundary treatments. Thereafter, and prior to the first occupation of the dwellings hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.*

**Reason:** *In the interests of visual and residential amenity, to safeguard the special character of the Green Belt and to comply with Policies LP24, LP57 and LP60 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.*

#### Officer Assessment

In the planning application, details regarding boundary treatments were considered to be limited and further details were requested.

Alongside the discharge of condition application a proposed site layout plan has been provided outlining the siting of the boundary treatments. This displays that a new 1.8 metre high timber fence is to be provided between the rear gardens of the proposed properties, elevations of which have been provided. No other new means of enclosure are proposed and existing walls enclosing the side and rear boundaries of the site are to be retained. It is considered that such an arrangement as proposed would preserve the openness of the green belt, would prevent detrimental harm to the visual amenities of the locality, and would not cause undue harm to the amenities of existing and future occupiers of any residential properties.

Given the above, it is recommended that Condition 4 will be satisfied provided the development is undertaken in accordance with the approved details and retained thereafter.

### **Condition 5 (Noise report):**

#### Wording

5. Prior to the first occupation of the dwellings hereby approved, a report specifying the measures to be taken to protect the development from noise from the A640 New Hey Road, the M62 motorway and the nearby commercial premises (farm) 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 gardens (daytime), 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:** In order to provide a good standard of amenity for future occupiers of the proposed development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### Officer Assessment

A Noise Impact Assessment by Acoustic Solutions (ref: AS21-19) dated 20<sup>th</sup> April 2021 has been provided alongside this discharge of condition application.

This Noise Impact Assessment (NIA) identifies that New Hey Road to the front of the site and the M62 Motorway (~100 metres to the south/front of the site) are the noise sources likely to affect the future occupiers of the development.

The NIA outlines that a baseline noise survey was undertaken on two consecutive days between 7:00 and 23:00 (day) and 23:00 and 7:00 (night). A series of hourly 15 minute noise measurements were undertaken using a Type 1 integrating sound level meter. One noise monitoring position was used, this being outside the front elevation of the building, over 1.5 metre above ground and over 3 metres away from any vertical reflective surface.

The NIA notes that the dominant noise source throughout the entire measurement period was road traffic travelling along New Hey Road and the M62. Following the measurement process, the NIA predicts that the Observed Effect Levels from the measurement point would be Significant (SOAEL). The NIA predicts that even with a -15dB attenuation provided by a slightly open window, the internal noise levels would not meet the good indoor ambient noise levels within BS8233 and advised by the World Health Organisation.

Given the above, the NIA recommends that all habitable ground and first floor south (front) facing rooms have 10mm laminated glass, 20mm argon filled cavity, 8.8mm Pilkington (or similar) 'Opiphon' toughened glass, the datasheet

for which cites an insulation level of 40 dB (window closed). The NIA recommends closed window trickle ventilation on this front elevation.

For the north elevation, the NIA notes that the structure at No.982 will protect the north facing dwelling rooms from the principal noise sources, but recommends a glazing with the following specification: 6mm/16mm argon/6.8mm Pilkington Optiphon, the datasheet for which cites an insulation value of 32dB (window closed). However, the NIA outlines that open-window ventilation on the north elevation is acceptable so as to prevent overheating.

The NIA also states that the slates on the roof will afford 15dB sound attenuation, while the ceiling void will provide a further 3dB attenuation. Within the ceiling void, the NIA recommends 22mm or thicker MDF boarding to be attached to the top of the ceiling joists, 150mm Isowool APR 1200 rolled out between the joists, and 2x layers of 12.5mm sound board attached to the underside of the ceiling. The NIA states that such ceiling treatment will provide a sound attenuation value of between 50 and 55dB (thereby the additional attenuation provided by roof tiling and the void will provide an overall value of 60-75dB).

The findings and the recommendations for the habitable rooms within the dwellings are accepted so as provide an adequate standard of amenity for future occupiers internally. However, the condition also specifically states that the NIA 'shall' predict the noise climate in gardens and such an exercise has not been undertaken (as well as potential attenuation if necessary). Given the relatively high noise levels measured to the front of the site, it is considered important that assessed. Therefore, whilst certain requirements of this condition are fulfilled, further information is required so as to discharge Condition 5.

## **Recommendation – Split Decision**

### **Decision Text**

#### **Approve**

##### **Condition 4 (Boundary treatment details)**

The boundary treatments as per:

- Drawing No.52 submitted alongside the discharge of condition application.
- Drawing No. 10 Revision C received from the applicant's agent by e-mail on 5<sup>th</sup> May 2021.

The listed details are considered acceptable for the purposes of condition 4. The condition will be satisfied upon completion of the development in accordance with these approved details and its retention thereafter.

#### **Refuse**

##### **Condition 5 (Noise report)**

The findings and the recommendations within the Noise Impact Assessment by Acoustic Solutions (ref: AS21-19) dated 20<sup>th</sup> April 2021 for the habitable rooms within the dwellings are deemed acceptable so as provide an adequate standard of amenity for future occupiers internally. However, Condition 5 specifically states that the noise report predicts the noise climate in gardens and such an exercise has not been undertaken (as well as potential attenuation if necessary), therefore Condition 5 of 2020/94283 cannot be fully satisfied at this time.

The applicant is advised to provide a revised noise report with details of the predicted noise climate in the gardens, and attenuation measures if deemed necessary. This can be accepted under this application no.2021/91811 if it is provided within 21-days of the date of the decision letter.

**Report Dated:**

25/06/2021
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