

**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 – Approve Discharge of Condition 5

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 13-Jul-2021

Officer Report - Discharge of Conditions Application

The application seeks to discharge condition 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 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*
- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development*
- b) 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 revised Noise Impact Assessment by Acoustic Solutions (ref: AS21-19V2) dated 26th June 2021 has been provided alongside this discharge of condition application, following the initial refusal of this application on 25th June 2021.

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 and rear gardens, the predictions for sound levels are based on the sound measurements to the front of the site. It should be noted previously that this condition was not discharged under this same application reference because the condition specifically states that the NIA 'shall' predict the noise climate in gardens and such an exercise was not undertaken (as well as potential attenuation if necessary). The revised NIA provides discussion on the external noise climate and outlines that the building's structure will reduce the level of noise to the south and it is predicted that the noise levels would not exceed the noise levels for moderate annoyance in the daytime and evening.

The NIA notes that the structure at No.982 will protect the north facing dwelling rooms from the principle 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 Council's Environmental Protection Officer has raised concerns that opening windows will lead to occupiers of the development being exposed to noise levels in excess of the relevant standards. As noted in the NIA, Officers consider the structure will reduce some of the noise from the south of the site to these rooms, but when viewing the predicted noise figures for the rear garden there is potential that the internal noise of the north facing habitable rooms may just exceed the relevant standards with the windows open. However, this exceedance is considered to be slight, and there are dwellings

within the vicinity with a similar relationship to noise sources of the M62 and New Hey Road which have opening windows, therefore it is considered, on balance, that such an arrangement is acceptable.

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.

Recommendation – Approval

Decision Text

Approve

Condition 5 (Noise report)

With regard to this condition, the following information has been submitted:

- Noise Impact Assessment by Acoustic Solutions (ref AS21-19V2) dated 25th June 2021.

These details are agreed for the purposes of the condition. Condition 5 will be discharged upon implementation / completion of the agreed measures identified in the report. The condition also requires the measures to be retained – this requirement applies for the lifetime of the development.

Report Dated:

12/07/2021
