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:	**2022/44/91704/W**
Site Address:	land at, Orchard Street West, Longwood, Huddersfield, HD3 4TE
Description:	Discharge conditions 8 (Ventilation Scheme), 9 (Acoustic Barrier), 12 (Boundary Treatment) on previous permission 2020/94342 for erection of 5 dwellings
Recommending Officer:	Katie Chew

DECISION – Details for conditions 8, 9 and 12 approved

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Jun-2022

Officer Report

Site Address - Orchard Street West, Longwood, Huddersfield, HD3 4TE

Proposal - Discharge conditions 8 (Ventilation Scheme), 9 (Acoustic Barrier), 12 (Boundary Treatment) on previous permission 2020/94342 for erection of 5 dwellings.

Condition 8 (Ventilation Scheme)

'8. Before any of the hereby approved dwellings are first occupied, 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 show how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of any of the hereby approved dwellings and retained thereafter.
Reason: *In the interests of amenity of the occupiers of these properties, to ensure that this new development can be integrated effectively with existing businesses and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework'.*

Condition 9 (Acoustic Barrier)

'9. Before any of the hereby approved dwellings are first occupied, details of an acoustic barrier (as recommended in the report by Druk Limited dated 29th October 2019 Ref. DRUK/ACC/RS/AKOSWLH/2810) shall be submitted to an approved in writing by the Local Planning Authority. The details shall include:

- *A plan showing the location of the barrier*
- *The minimum height of the barrier relative to the adjacent ground level*
- *The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.*

Before any of the hereby approved dwellings are first occupied the acoustic barrier shall be installed in accordance with the approved details be retained thereafter.
Reason: *In the interests of the amenity of the occupiers of these properties, to ensure that this new development can be integrated effectively with existing businesses and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework'.*

Condition 12 (Boundary Treatment)

'12. Before any of the hereby approved dwellings are first occupied, a scheme detailing the boundary treatment of the site shall be submitted to an approved

in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The approved works shall thereafter be retained.
Reason: *In the interests of visual and residential amenity, to ensure a suitable design and layout, in accordance with Local Plan Policy Lp24 and Chapter 12 of the National Planning Policy Framework'.*

Officers Assessment:

Condition 8 (Ventilation Scheme)

The agent has provided details of the proposed ventilation scheme within the submitted Proposal Document from AIRFLOW dated 16th January 2022, Ref C508277 JA-1-V1-Quotation-Plots 1-3, received by the Council on the 17th of May 2022.

Environmental Health Officers advise that the submitted information meets the requirements of the condition, although this condition should not be discharged until the ventilation system is installed in accordance with the Proposal Document from AIRFLOW dated 16th January 2022, Ref C508277 JA-1-V1-Quotation-Plots 1-3, received by the Council on the 17th of May 2022. Once installed the ventilation system shall be retained thereafter.

From the information submitted in support of this discharge of condition application, officers consider that condition 8 is satisfied and would protect the amenity of the occupiers of plots 1-3 properties and ensure that the development can be integrated effectively with existing businesses. This is subject to the development being carried out in accordance with the approved details before prior occupation of the approved dwellings and its retention thereafter.

Condition 9 (Acoustic Barrier)

The agent has provided details of the Acoustic Barrier in both the submitted Detailed Site Plan – Drawing No. 01 Rev B, received 24th June 2022 and within the submitted an Assessment of the Acoustic Barrier authored by DRUK dated 02 May 2022 Ref DRUK/ACC/RS/OSWBA/3051, received by the Council on the 17th of May 2022.

At Section 2 of the submitted Assessment of the Acoustic Barrier, the report contains a further assessment of the existing noise climate in the vicinity of the permitted dwellings combined with the specification of the form and location of the acoustic fence. Two additional short term measurement surveys were made between made between 1600 to 1730hrs on Saturday 2nd April 2022 and between 1700 to 1900hrs on Tuesday 26th April 2022 to re-evaluate the current situation in the vicinity of the permitted houses. A summary of the results is shown in tables 3 and 4. Section 8 of the report proceeds to specify the location (figure 3) and specification (figure 4) of the fence to be installed to ensure the external amenity area meets with the requirements of BS8233.

The location of the acoustic barrier is also outlined within the submitted Detailed Site Plan – Drawing No. 01 Rev B, received 24th June 2022, and is to be located along the western boundary to the rear of Plots 1, 2 and 3 and the southern boundary of the rear garden of Plot 1. The acoustic barrier would be built from material with a mass of at least 10 - 15kg/m_2. In this case, a robust close boarded timber fence.

Environmental Health officers conclude that the findings of the report are accepted. Officers have no reason to disagree with these findings and it is considered that this would be in the *interests of the amenity of the future occupiers of the approved dwellings and would ensure that this new development can be integrated effectively with existing businesses.*

Therefore Condition 9 will be satisfied, provided that the acoustic barrier as specified in the submitted document and plan is constructed prior to the dwellings being first occupied and that once installed the acoustic barrier shall be retained thereafter.

Condition 12 (Boundary Treatment)

The agent has provided details for the proposed boundary treatments within the submitted Detailed Site Plan – Drawing No. 01 Rev B, received 24th June 2022. New 1.8m high close boarded timber fences are to be provided along the south-western boundary of the site, in between gardens of Plots 1, 2, 3, 4 and 5, and along the north-western boundary of Plot 4. An acoustic barrier fence is to be provided along the western boundary to the rear of Plots 1, 2 and 3. Further details of this acoustic barrier can be found within the submitted Assessment of the Acoustic Barrier authored by DRUK dated 02 May 2022 Ref DRUK/ACC/RS/OSWBA/3051. All other boundary treatments within the site relate to existing boundary walls which are to be retained.

The proposed boundary treatments are considered to be suitable and sympathetic to the area, with other examples of close boarded timber fencing found within the immediate vicinity. The proposed boundary treatment is also considered to be suitable to protect the residential amenity of both existing residents and future occupiers of the dwellinghouses.

Condition 12 will be satisfied provided the development is completed in accordance with the approved boundary treatment details before the dwellings are first occupied and thereafter retained.

Decision Notice Text

Condition 8 (Ventilation Scheme)

You have submitted the following details:

- Proposal Document from AIRFLOW dated 19 January 2022 Ref C508277JA-1-V1 - Quotation - Plots 1-3, received by the Council on the 17th of May 2022.

The submitted details are considered to be acceptable for the purposes of Condition 8. Provided that the development is carried out in accordance with the approved prior occupation of the approved dwellings and retained as such thereafter, Condition 8 will be satisfied.

Condition 9 (Acoustic Barrier)

You have submitted the following details:

- Assessment of the Acoustic Barrier authored by DRUK dated 02 May 2022 Ref DRUK/ACC/RS/OSWBA/305, received by the Council on the 17th of May 2022.
- Detailed Site Plan – Drawing No. 01 Rev B, received 24th June 2022.

The details of the acoustic barrier and its location are considered to be sufficient to meet with the requirements of Condition 9. This is subject to the approved acoustic barrier being installed prior to the dwellings being first occupied and to it being retained thereafter.

Condition 12 (Boundary Treatment)

You have submitted the following details:

- Detailed Site Plan – Drawing No. 01 Rev B, received 24th June 2022.
- Assessment of the Acoustic Barrier authored by DRUK dated 02 May 2022 Ref DRUK/ACC/RS/OSWBA/305, received by the Council on the 17th of May 2022.

The boundary treatments shown with the above drawing and assessment are considered to be acceptable to satisfy Condition 12, subject to the approved boundary treatments being installed before the dwellings are first occupied and retained thereafter.

Report dated: 24/06/2022