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Date: 20-Oct-2023
Our Ref: 2022/92957

Dear Sir,

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of conditions 3 (external facing materials), 4 (roofing materials), 5 (boundary treatment), 7 (amended elevations and sections), 8 (demolition), 11 (BEMP), 13 (noise), 17 (electric vehicle charging), 18 (CEMP), 19 (landscape) and 29 (waste collection) of previous permission 2021/94664 for demolition of existing building and development of the former dyeworks comprising 9 apartments, 4 bungalows and 2 maisonettes (within a Conservation Area)
Former Hoyle Ing Dyeworks, Hoyle Ing, Linthwaite, Huddersfield, HD7 5QS
Application Number: 2022/92957**

I write with reference to your application to discharge the conditions for the above development as submitted on 22-Sep-2022.

Condition 3 – Walling materials

Pursuant to condition 3 you have submitted:

- Samples of the materials proposed within drawing ref: PP-11512916.
- Regency Glass specification
- Composite Technical specification

The proposed 140mm Machine Pitched Walling Stone (natural stone) from Morley Quarry and Masonry, Leeds is considered acceptable for the purpose of condition 3 and is hereby approved. The proposed dark grey/anthracite finish to windows and composite doors, Regency Glass, tarmac to the highway and flagged paths (using Stretton smooth buff slabs) to pedestrian routes are also considered acceptable and are hereby approved.

Please be reminded of the requirement of condition 3 that the development shall be completed using the approved materials, prior to the hereby approved development being brought into use.

Condition 4 – Roofing materials

Pursuant to condition 4 you have submitted:

- Samples of the roof material within drawing ref: PP-11512916.

In this case, the roof tiles consist of a natural blue slate, sourced from Cupa Slate Quarry in Galicia in Northern Spain, which is considered acceptable for the purpose of condition 4 and is hereby approved.

Please be reminded of the requirement of condition 4 that the development shall be completed using the approved materials, prior to the hereby approved development being brought into use.

Condition 5 – Boundary treatment

Pursuant to condition 5 you have submitted:

- A boundary treatment plan drawing ref: HA-MRLW-005

The stone boundary walls proposed along Hoyle Ing and Manchester Road are considered acceptable, provided they are finished with heavy copings at least 50mm thick. The timber fencing to the proposed bin stores and to separate the private gardens to the bungalows are also considered acceptable, and are hereby approved.

Please be reminded of the requirement of condition 5 that the development shall be undertaken in accordance with the details so approved.

Condition 7 – Amended elevations

Pursuant to condition 7 you have submitted:

- A proposed 'street scene' plan drawing HA-MRLW-66

Officers accept the proposed re-use of the original date stone within the new stone boundary wall and the creation of a new stone within the apartment block to identify the 'Old Dyeworks'. The original kneelers will also be used as pillar cappings, which is supported.

The second bullet of condition 7 has been addressed. You have deleted inappropriate horizontal elements (continuous lintels between windows and blind windows) from the elevation facing Manchester Road.

However, you have stated that the corbels, lintels and surrounds of the existing building could not be re-used as the new apartment block would be constructed using a timber frame, which would not be strong enough to support the aforementioned features. You have also stated that the cornices, voussoirs, copings were not salvageable during demolition and therefore cannot be re-used.

Given the above, several of the requirements of condition 7 have not been addressed. An approval pursuant to condition 7 cannot be issued.

You would be required to submit a Section 73 application to vary the wording of this condition, supported by evidence regarding the corbels, lintels, surrounds, cornices, voussoirs and copings of the demolished building.

Condition 8 – Contract for demolition

Pursuant to condition 8 you have submitted:

- A confidential contact for the re-development of the site

The document sets out the agreed terms for the re-development of the site and provides a target date for completion.

As such, Officers are satisfied that the site will be re-developed for housing, with the finished scheme being appropriate to the character and setting of the Conservation Area. For this reason, condition 8 has been satisfied and is hereby discharged.

Condition 13 – Noise

Pursuant to condition 13 you have submitted:

- An unreferenced Noise Assessment from Echo Acoustics dated 06/07/2022

Figure 7 shows the internal layout of the apartments, figure 8 shows the internal layout of the bungalows and figure 9 shows the internal layout of the maisonettes. Based upon distance attenuation along with a 3dB correction for reflection, figure 10 specifies the required glazing for the apartments and figure 11 specifies the required glazing for the maisonettes. Table 4 indicates that with windows closed, the internal requirements of BS8233 would be met for all parts of the development. However, in order to achieve the BS 8233 guideline values and prevent disturbance, particularly sleep disturbance at night, the assessment shows that it will be necessary to keep habitable room windows closed. Para 4.22 states an alternative means of providing both background and cooling ventilation will be required in all habitable rooms which is typically achieved through the provision of whole-house passive input ventilation (PIV) or mechanical ventilation, either as whole-house systems (MVHR) or as through-wall solutions in individual rooms.

As such, the findings of this report are accepted, subject to the works recommended within the submitted Noise Assessment being installed and retained thereafter.

NOTE: Notwithstanding the above, it is recommended that the applicant be advised that the ventilation system must meet with the internal requirements of BS8233 along with any requirements of the Building Regulations.

Condition 17 – Electric vehicle charging

Pursuant to condition 17 you have submitted:

- A plan by Highstone titled Land Off Manchester Road, Linthwaite, Proposed EVCP Plan

The plan illustrates the location of four electric vehicle charging points within the site boundary. These details are considered acceptable for the purpose of condition 17, and are hereby approved.

Please be reminded of the further requirement of condition 17, which states that buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Condition 17 also requires the charging points to be retained thereafter.

Please also note that this approval pursuant to condition 17 does not override any relevant requirements of the Building Regulations Document S.

Condition 18 – Construction Environmental Management Plan

Pursuant to condition 18 you have submitted:

- A Demolition & Construction Method Statement, Site: Land Off Hoyle Ing, Linthwaite, HD7 5QS, Application Ref: PP-11512916
- A plan dated 16-09-22, Drawing Ref: HA-MRLW-800, Titled Proposed Construction Management Plan

In this case, additional site-specific information is required, particularly in relation to noise, dust, lighting. Therefore, Environmental Health Officers have outlined the following documents within their response which provide useful guidance regarding the control of construction dust and noise:

- Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.
- British Standard BS 5228 “Noise and vibration control on construction and open sites”, particularly Parts 1, 2 and 4, provides a good design and management guide for control of noise and vibration.

- CIRIA project report 70 “How much noise do you make? A guide to assessing and managing noise from construction sites” – an informally-written booklet providing accessible advice on the assessment and control of site noise (no ISBN – please refer to CIRIA, tel. 0207 549 3300).

For the above reasons, condition 18 cannot be discharged at this time.

Officers would like to offer 21 days from the date of this decision for you to submit the required information in relation to condition 18 under the current Discharge of Conditions application. Any information submitted after the 21 days would require a new submission.

Condition 19 – Landscaping

In support of condition 19 you have submitted:

- A detailed landscape plan drawing HA-MRLW-004

In this instance, details set out in the above drawing are considered acceptable and are hereby approved, subject to implementation and the site being maintained in accordance with the information for the lifetime of the development.

Condition 29 – Waste management and collection

In support of condition 29 you have submitted:

- A Waste Management Plan drawing HA-MRLW-801

The plans show four bin stores for the bungalows 10-13 and two storage areas (1-9 and 14/15) for the residential blocks in orange and three bin collection points shown in green (one adjacent to the turning head and one either side of the site entrance from Manchester Road).

The submitted boundary treatment plan also shows the bin stores to be constructed from a 1.8m timber fence which is also considered acceptable, as they would screen any unsightly views of bins within the site.

These proposals are considered acceptable and are hereby approved. However, please note the further requirements of condition 29 which state that the works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Informative:

Details relevant to condition 14 have been submitted as part of this application but have not, however, been included as a condition to discharge within the application form.

Nonetheless, Environmental Health Officers have reviewed the document submitted and have offered the following advice.

“As part of our comments to previous permission 2021/94664 and 2022/92957 in November 2022, we reviewed Combined Stage 1/2 Geo-Environmental Report by ARP dated 12th March 2021 (ref: HIG/01/r1). Within that report there was a Contamination Remediation Statement (ref: HIG/01rem). In our response dated 11th May 2022 we stated: ‘we do not accept the Contamination Remediation Statement (ref: HIG/01rem) which can be found in the appendix of the Combined Stage 1/2 Geo-Environmental Report.

We asked for additional clarification relating to the additional sampling at the locations TP2 and TP11. This still does not appear to have been provided and is required.

Notwithstanding, a letter by RGS dated 4th February 2023 (ref: C3012/22/E/4934) has been provided. The letter includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the letter.

The letter details an investigation in January 2023 where four trial pits were dug and soils were taken for laboratory analysis. The results were compared against screening criteria and confirmed the presence of PAHs in HDTP11. The report concluded the building footprints should not be in this area and precautionary measures should be taken in the other sampled areas.

We do not accept the letter as there is missing and unclear information. Along with our previously raised point (see above) we require:

- (1) Confirmation on the final site levels and justification for the additional sample depths in the new report*
- (2) Clarification as to why the clay and sand layers were not sampled*
- (3) A plan to support the commentary*
- (4) Commentary and justification as to why samples were noted by the laboratory as deviating due to the use of the incorrect samples containers. The results, therefore, may be invalid.*
- (5) A revised CSM”.*

As such, a new discharge of condition application would be required for condition 14.

Yours faithfully

Mathias Franklin
Head of Planning and Development