

**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:	2022/44/93259/W
Site Address:	Land Adjacent, High Beeches, 585, Manchester Road, Linthwaite, Huddersfield, HD7 5QX
Description:	Discharge conditions 2 (materials) and 5 (noise) on previous permission 2020/90182 for erection of two semi detached dwellings and off road parking
Recommending Officer:	Katie Chew

DECISION – Details submitted for conditions 2 and 5 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: 14-Nov-2022

Officer Report

Site Address – Land adjacent High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX.

Proposal – Discharge conditions 2 (materials) and 5 (noise) on previous permission 2020/90182 for erection of two semi-detached dwellings and off-road parking.

Condition 2 (materials)

“2. The hereby approved dwelling shall be faced in natural stone and artificial roof tiles. Prior to their use, details of all the walling and roofing external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: *In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework”.*

Condition 5 (noise)

“5. Prior to the hereby approved residential unit being brought into use, a noise mitigation strategy outlining the measures to protect the future residential occupiers of the development from noise arising from road traffic and nearby commercial uses shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include, but not be limited to:

- a) Determining the existing noise climate*
- a) Predict the noise climate in 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 residential unit 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: *To mitigate against undue noise pollution, in the interest of residential amenity, in accordance with the aims and objectives of LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework”.*

Officers Assessment:

Condition 2 (materials)

The applicant obtained approval under a separate application (ref: 2020/90182) for the use of artificial roof tiles and natural stone to be used within the approved dwellings. Consent to use alternative roofing materials is now sought owing to cost considerations. The alternative roofing material now proposed (and

constructed at the site) is smoothfaced/sandfaced Staffordshire Blue tiles. The tile is a similar colour to nature slate but is thicker in depth. It was confirmed via email on the 11th November 2022 by the applicant's agent that the split faced natural stone is Johnson quarries stone, split and dressed by the main contractors Mallinsons Yorkshire Ltd.

The applicant has submitted technical information and photographic examples of the Staffordshire Blue slate and split faced natural stonework used at the site. Approval has already been granted at the adjacent site for similar materials under application ref: 2020/90574. Officers consider that the revised roofing material and split faced nature stonework would be acceptable in this location and would be sympathetic and reflective of other properties in the area.

From the information submitted in support of this discharge of condition application, and that the dwelling is already constructed from the proposed materials, officers consider that condition 2 can be discharged.

Condition 5 (noise)

The applicant has submitted an Environmental Noise Assessment authorised by Peak Acoustics dated 28th July 2022 Ref TW1205214NR. The Council's Environmental Health officers have been consulted and state that the report outlines that environmental noise monitoring was undertaken at the site from Tuesday the 6th of July through to Thursday the 8th of July 2021 from two monitoring positions, M1 & M2 which are shown in figure 2. A summary of the results, with a correction for M1 due to reflection, is given in table 4. The levels are elevated due to the location of the development site with the main contributor of noise arising from road traffic along Manchester Road. Consideration has been given to the commercial noise in the area.

In order to meet with the internal requirements of BS8233, the report proceeds to offer mitigation in the form of glazing and trickle ventilation. Based upon the existing specification, table 8 shows the development will fail to meet the night-time criteria in all of the bedrooms. Therefore, a revised glazing scheme is provided in table 9 with the introduction of passive wall vents. The results are reflected in table 10 which shows all rooms will meet with the internal criteria.

The external amenity area is elevated, and comment is made on raising the existing 1m wall to the west of the development site to at least 1.5m in height which would act as a barrier between the external amenity space and Manchester Road. This would warrant a reasonable 10 dB reduction in noise levels which would result in external amenity noise levels ranging between 55 – 56 dB, which is deemed to be a minor and negligible exceedance of the upper acceptable criteria (55dB).

Taking the above into account, Environmental Health officers accept the submitted report. However, they do note that condition 5 cannot be fully satisfied until the revised glazing and ventilation specified is installed and retained thereafter.

Environmental Health officers also require the applicant to provide details on the mitigation measures required to ensure the external amenity area meets with the requirements of BS8233. They therefore requested that the applicant submit a plan showing the location of the barrier, with the minimum height of the barrier being relative to the adjacent ground level. The construction specification of the barrier should also be provided. Following receipt of this requested plan ENVH officers concluded that the fence to no. 589 will be 1200mm in height to the front area and 1650mm in height to the rear, and the fence to no. 589A will be 1650mm in height. As both properties are raised and this mitigation should ensure the external amenity areas meet with BS8233, this is acceptable.

Within the email received from the agent on the 2nd November 2022 it also confirmed that the windows have been installed already as per the recommendations of the submitted Noise Assessment report and therefore ENVH confirm that condition 5 can be 'discharged'. Officers would agree with this conclusion, provided the barriers to the external amenity areas are erected and retained and the revised glazing and ventilation specified is retained. It is subject to those requirements that condition 5 would be satisfied.

The location and height of the barriers to the external amenity areas have been considered against the requirement for condition 8 regarding visibility splays. The positioning of the barriers would not hinder or obscure vision along the visibility splays. The location and height of the barriers would not harm the amenities of the adjoining property.

Recommendation – Approve details submitted for conditions 2 and 5.

Decision Notice Text

Condition 2 (materials)

The listed details are considered to be acceptable to discharge condition 2:

- Roof Tile Sheets 1-4, providing technical information on the proposed Staffordshire Blue roof tiles (received 4th October 2022).
- Photograph of sample of split faced natural stonework panel (received 4th October 2022).
- Email from applicant's agent dated 11th November 2022 confirming that the stone is Johnson quarries stone, split and dressed by the main contractors Mallinsons Yorkshire Ltd.
- Letter from FSC Consultants in respect of discharging condition 2 (received 4th October 2022).

Condition 5 (noise)

The listed details have been considered in the assessment of the submission.

- Noise Assessment Report by Peak Acoustics dated 28th July 2021, Report Ref: TW1205214NR Rev 0.0, (received 4th October 2022).
- Sound Insulation Test Report, Ref 15873S Version 1, dated 25th April 2022, (received 4th October 2022).
- External Amenity Spaces, drawing no. MRL/SK06, (received 2nd November 2022).
- Letter from FSC Consultants in respect of condition 5, dated 2nd October 2022, (received 4th October 2022).

Provided the barriers to the external amenity areas as set out in drawing no. MRL/SK06 are erected before the dwellings are first occupied and thereafter retained AND the windows installed in accordance with Table 9 of the Environmental Noise Assessment authorised by Peak Acoustics dated 28th July 2022 Ref TW1205214NR the requirements of condition 5 will be satisfied.

Report Dated – 11/11/2022