

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2023/62/90013/W</b>
Site Address:	David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD
Description:	Installation of mechanical plant
Recommending Officer:	Tom Hunt

**DECISION – Conditional Full Permission**

**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:** «Current\_Date»

## **Officer Report**

### **Site Description**

2023/90013 – David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD

The application site lies at the southeast corner within the existing David Brown Santasalo specialist industrial complex between Yew Tree Road and Park Road in Lockwood. There are an assortment of large industrial buildings sited on elevated ground to Yew Green Road. Opposite lies a residential row of terraced back to back

residential properties ~71m distance south with an intervening industrial building providing some screening and south a warehouse building. To the very southeast corner, is a cluster of terraced properties containing a studio and a residential address (~61m separation distance); this is separated by a large industrial building. To the east is a car park which serves a mosque further northeast.

### **Description of Proposal**

Installation of mechanical plant

Planning permission is being sought for replacement fixed plant equipment that serves an existing industrial building 'Test Cell 8' at David Brown Santasalo. Fixed plant equipment will be located outdoors on a flat roof with parapet design and two main pipe works/exhausts finishing ~3.4m height above the eaves and below the pitch roof of the host building. The Plant equipment would be industrial in nature serving gas, ventilation, heat recovery and air ventilation functions. Most of the equipment would appear a maximum of ~3.3m height above the flat roof.

### **History of negotiations/amendments received**

The equipment would be bespoke so there is a degree of uncertainty around noise levels however the manufacturer claims they would have quiet or silent noise output levels. A Noise Impact Assessment was requested and supplied for review by Kirklees Council Environmental Health in the form of an Acoustic Report with predictive elements to it to evaluate the potential impacts for the assessment.

### **Relevant Planning History**

Various planning applications on the site. None similar to the proposal to be assessed in the immediate location.

### **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via Site Notice which expired: 10/02/2023

No representations have been received.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Environmental Health – Support

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 52 – Protection and improvement of environmental quality**

#### **Supplementary Planning Guidance**

- Highways Design Guide SPD

#### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. LP1 goes on further to affirming that:

*“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Chapter 6 of the NPPF relates to building a strong competitive economy. Paragraph 81 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

LP7 of the Kirklees Local Plan supports encouraging efficient use of land, of which the site is making use of a flat roof area within an existing industrial site and so is compliant with LP7 and a major local employer.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal’s impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

### 2 –Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. This aim is supported by Chapter 12 of the NPPF.

LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape...”

The proposed development would be visible from limited sections of Yew Green Road mainly from the existing access pathway which is wire fenced and in the proposed location there is existing pipework and plant equipment. The specific location would otherwise be screened by two large industrial buildings located between the site and the highway. Views would be restricted from Park Road approaching from southeast only whereby the majority of the visible development would be the chimney pipework until the viewer is closer by. There are existing examples similar to what is proposed present and so considering the limited views, Officers are in agreement that the proposal would be considered to harmonise with its setting being typically functional in appearance and therefore not detrimental to its industrial/commercial setting. In this instance, a visual screening strategy is not required to aid the acceptability of the design in terms of visual amenity. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Due to the nature of the proposed development, it is considered that the proposed development would be sited at a sufficient distance away from any neighbouring properties so as to prevent undue harm to these properties in terms of loss of light, overshadowing, loss of privacy or overlooking, or the creation of an overbearing effect.

Policy LP52 of the Local Plan seeks to protect environmental quality including, inter alia, to prevent or reduce noise pollution. Paragraph 185 of the NPPF seeks to ensure the same.

### *Environmental Health*

Turning to the likely effects of potential pollution on living conditions, paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location including mitigating against potential cumulative effects. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to

ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

The closest residential property is No. 1 Park Road which is at minimum ~61m distance and separated by a substantial industrial building within the site which would aid in visually and acoustically screening the proposed plant work. The row of residential properties on Yew Green Road would also be a minimum of ~71m distance to the proposed site and while they are screened in part by another industrial building, the open access way does provide limited potential for sound to carry.

Kirklees Council Environmental Health were formally consulted and advised a noise report to be submitted to analyse the potential effects of noise on those potential residential receptors. An Acoustic Assessment was submitted by competent persons, and evaluated background noise which was reviewed by the Environmental Health Officer. There was an acknowledgement that as the equipment was bespoke to the needs of the manufacturer that there was a degree of uncertainty whilst assessing the scheme. There was also confirmation that the assessment was carried out without any mitigation measures such as screening or acoustic barriers being operated.

The report commented that there may be some habituated acceptance of industrial sound however the cumulative impacts should not be underestimated when adding to the existing industrial plant equipment. It is noted that the site is compliant with noise levels. It was advised to balance the needs of the business with its locality by limiting the cumulative noise levels to an overall BS4142 Rating Level to be equal to or less than the nighttime background sound level. Subject to a compliance condition, Officers are in agreement that this would adequately control the potential noise levels to not exceed the background sound level using BS 4142:2014+A1:2019 as a control.

Considering whether a condition is necessary for further acoustic screening for visual reasons as commented in the Environmental Health response following discussion in page 23-24 of the submitted Acoustic Report, if the condition limiting noise levels is adhered to, then this would be sufficient by itself to avoid problems with acoustic levels and therefore the acoustic screening would not appear necessary at this time. Should there be issues arising with noise post installation, Kirklees Council still has regulatory powers to enforce over noise nuisance, and there appears to be a practical possibility to install a noise barrier around the surface of the flat roof where the plant is mounted and a specification is given....this could be undertaken to ensure future compliance with proposed condition 3, as this relates to information provided in the 'approved' acoustic report. As such, Officers recommend that the potential condition be effective and enforceable to control potential noise levels, including additional mitigation in the future if this is required.

Two footnotes have been attached to the Decision controlling hours of activity during installation and reminding the applicants of KC statutory powers over

noise and nuisance controls to aid in preserving the low levels of noise currently enjoyed by the surrounding residents for residential amenity.

Subject to the condition on limiting noise levels, the proposal would therefore be in general conformance with LP24b and LP52 of the Kirklees Local Plan and Chapter 12 and paragraph 185 of Chapter 15 of the NPPF.

#### 4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site being contained within the existing roof, nor intensify use and therefore would not cause additional harm to highway safety. The proposal would be compliant with LP21 and LP22 of the Kirklees Local Plan.

#### 5 – Other matters:

##### *Climate Change*

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement was not submitted as part of this application as it was submitted prior to the new KC validation requirements commencing from 6th February 2023. The proposal would add bespoke plant equipment to an existing industrial site meeting modern standards of efficiency regarding gas, ventilation, heat recovery and air ventilation. As such, this would not require specific mitigation measures to meet carbon zero emissions.

#### 6 – Representations:

No representations had been received.

#### 7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated**

**Application Number:** 2023/90013

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP07, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan, and Policies within Chapters 2, 4, 6, 11, 12 and 14 of the National Planning Policy Framework

3. The combined noise from the new fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not contribute to exceeding the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations in accordance with the Test Cell 8 Fixed Plant Acoustic Report by S.& D. Garritt Ltd, in the interest of

amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and paragraph 185 of Chapter 15 of the National Planning Policy Framework.

**FOOTNOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

**FOOTNOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Drawing No. LOC.	Unamended.	04/01/2023
Existing Site Plan.	Drawing No. 2823_ACU(100)01.	P1	04/01/2023
Proposed Site Plan.	Drawing No. 2823_ACU(100)03.	P1	04/01/2023
Existing Elevation Plans.	Drawing No. 2823_ACU(100)02.	P1	04/01/2023
Proposed Elevation Plans.	Drawing No. 2823_ACU(100)04		04/01/2023
Acumen, DB Santasalo Test Cell 8 Fixed Plant Acoustic Report by S.& D. Garritt Ltd.	BS4142 Sound Impact Assessment of Proposed Fixed Plant Installation Test Cell 8. Dated: 29th June 2023.	Original	05/07/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Kirklees Council Environmental Health requested that the applicant submit further details regarding noise levels to assess the scheme to ensure the scheme minimised the impact on

noise for residential amenity. This was reviewed and a condition imposed pursuant to the findings of the report received.

**Report Dated:**