

**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:	2023/44/91210/W
Site Address:	Thornton And Ross Ltd, Manchester Road, Linthwaite, Huddersfield, HD7 5QH
Description:	Discharge condition 6 (noise barriers), 7 (finishes colour of plant and dimensions of pump and chiller) on previous permission 2021/92779 for erection of plant deck consisting of new heating, ventilation and air conditioning system (HVAC) with associated works
Recommending Officer:	Teresa Harlow

DECISION – Approve details for condition 6

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.

Farzana Tabasum

AUTHORISED OFFICER

Date: 04-Apr-2024

Officer Report

The application seeks to conditions 6 (noise barriers) and 7 (finishes colour of plant and dimensions of pump and chiller) on previous permission 2021/92779 for erection of plant deck consisting of new heating, ventilation and air conditioning system (HVAC) with associated works.

The details for condition 7 have been previously approved in a decision letter dated 5th June 2023. This report is to solely address outstanding issues with condition 6.

Condition 6 (noise barriers)

Wording

6. Prior to the first operation of the plant hereby approved, full design details of the noise barriers, including location, elevations, colour, materials and acoustic specification, shall be submitted to and approved in writing by the Local Planning Authority. The barriers shall be installed in accordance with these approved details prior to the first operation of the plant hereby approved, and retained as such thereafter.

Reason: In the interest of the visual amenities of the locality and residential amenity, and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Information Originally Submitted:

- Proposed elevations and sectional elevations (details of noise barriers). Plan Ref: AAA5581-RPS-XX-XX-DR-A-0010
- Noise Impact Assessment RPS dated 6th July 2021. Ref: JAJ02698-REPT-01-RO

Officer Assessment

The information originally submitted in support of condition 6 included, in part, the original Noise Impact Assessment. In the original planning application assessment, it was concluded, following consultation with Environmental Health, that whilst the findings of the NIA were accepted, there was uncertainty regarding the final installation of mechanical plant and its respective attenuation. As such the requirements of condition 6, in part, require details of the acoustic specification to be submitted in an addendum report. This is not included in this discharge of condition submission. At that time, it was not possible to discharge condition 6 as the acoustic specification of the noise barriers was not known. The other elements submitted (design details of the noise barriers, including location, elevations, colour, materials) could not be assessed until final details of the acoustic specification are submitted.

An up to date NIA (addendum) to address the uncertainty in the original and submitted NIA was required.

Comments on latest information submitted

Condition 6 requires the submission of further details of the proposed fixed mechanical plant to be installed along with the proposed acoustic barriers. The applicant has submitted a Technical Note from RPS dated 05 March 2024 which states an updated background noise survey has been conducted from

two measurement positions as shown in the plan dated March 2024. It also identifies the nearest noise sensitive receptors (NSRs). Acoustic modelling has been conducted based upon the identified plant in table 2 and the acoustic barriers with table 5 showing a +4dB exceedance at night at NSR1. The report caveats this is based upon the assumption that all plant items will operate at maximum capacity for 24hrs a day which is unlikely.

The addendum report was shared with Environmental Service who accept its findings as acceptable.

The addendum includes details of 2no. acoustic barriers which would be of a lightweight construction with a superficial mass of approximately 9 kg/m² and comprise a steel composite panel with a louvred outer profile. These details are acceptable to preserve visual amenity as they would be sited in the midst of the manufacturing complex.

Recommendation: Approve Condition 6
Decision Notice Text

Condition 6 (Noise Barriers)

You have submitted:

- Proposed elevations and sectional elevations (details of noise barriers).
Plan Ref: AAA5581-RPS-XX-XX-DR-A-0010
- Noise Impact Assessment RPS dated 6th July 2021. Ref: JAJ02698-REPT-01-RO
- Technical Note Addendum from RPS dated 05 March 2024

The findings of the above documents and the technical note addendum are accepted.

The requirements of condition 6 are that the acoustic barriers (as detailed in the approved Technical Note Addendum from RPS dated 5th March 2024) are installed in accordance with the approved details prior to the first operation of the plant hereby approved, and retained as such thereafter.