

**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:	<b>2023/44/91210/W</b>
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 – DISCHARGE OF CONDITION SPLIT DECISION**

**I hereby authorise the part discharge and part refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date: 05-Jun-2023**

## 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.

### **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 Submitted:

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

## Officer Assessment

The information submitted in support of condition 6 includes, 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 this time, it is not possible to discharge condition 6 as the acoustic specification of the noise barriers is not known. The other elements submitted (design details of the noise barriers, including location, elevations, colour, materials) will 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 is required. If this results in amendments to the submitted Proposed elevations and sectional elevation drawing, these should form part of the amended submission.

## **Condition 7 (finishes colour of plant and dimensions of pump and chiller)**

### Wording

7. Prior to the installation of the plant hereby approved, details of the finished colour of the plant and dimensions of the 4no. pumps and 1no. chiller shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be installed in accordance with these approved details and retained as such thereafter.

**Reason:** In the interest of the visual amenities of the locality, to preserve the significance of the Linthwaite Conservation Area and in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Information submitted

- Proposed elevations and sectional elevations (details of noise barriers). Plan Ref: AAA5581-RPS-XX-XX-DR-A-0010 (reference for colour RAL 9006 only)
- Details of Tetris 2 plant 29.4 drawing (003) - dimensions
- Details of chiller and buffer tank skid P-030-103 Rev 0 - dimensions

### Officer Assessment

The officer's report noted that:

*'the proposed development would be visible from Manchester Road to the South the sports fields to the West and across the valley to the North. However, the plant proposed is in an industrial site comprising functional buildings which appear to have been developed in a piecemeal fashion and the plant would be sited adjacent to existing plant. In addition to this, whilst dimensions of the pumps and chiller have not been provided, it is noted in the submission that the plant would not exceed the maximum height of the building (being sited adjacent to this highest part of the building).*

*The plant area would also be set back from Manchester Road being centrally sited on the building. Overall, it is considered that the functional plant area, whilst visible on the roof of the building, would be largely read against the existing industrial development at Thornton and Ross, especially with the use of colours to blend in with the existing buildings, and would not be appear as a visually jarring feature from the public domain. Details of the colour of the plant can be conditioned as can the full design details of the 4no. pumps and 1no. chiller for completeness.*

### *Historic Environment*

*For the reasoning provided in the design section above, and fact that the proposed siting of the plant is outside the Linthwaite Conservation Area*

*/ over 140 metres from the nearest listed buildings, it is considered that the proposal would not cause harm to the significance of the Linthwaite Conservation Area or the nearest Grade II listed buildings or their setting. It is noted that the Conservation Officer has also raised no objections to the proposal.*

*Thus, the proposal is considered to comply with Local Plan Policy LP35 policies within Chapter 16 of the National Planning Policy Framework and Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990).'*

The submitted information provides section and elevation details (which explicitly states that RAL9006 – grey colour would be used for noise barriers alone), and functional detail of the dimensions of the plant. Sufficient information is considered to have been provided to conclude that the dimensions of the 4no. pumps and 1no. chiller would preserve the visual amenities of the area and designated heritage assets. They would be seen against the mass of the sprawling industrial complex and would be located in a central location within the site.

No explicit details of the external colours of the plant have been provided, however if these are finished in an off-white or grey colour – as the online details suggest for the accompanying noise barriers, this would be acceptable for the requirements of condition 3. This would also align with the original details provided on the application form which stated that the plant would be 'Clad in a grey material to match existing buildings and structures' or be in galvanised steel.

<https://www.swegon.com/siteassets/product-documents/chillers-and-heat-pumps/technical-catalogues/en/tetris-2---technical-catalogue---en---rev01.pdf>

#### **RECOMMENDATION – SPLIT DECISION.**

**Approve details for condition 7, refuse details submitted for condition 6.**

#### **Approve**

#### **Condition 7 (finishes colour of plant and dimensions of pump and chiller)**

You have submitted:

- Details of Tetris 2 plant 29.4 drawing (003) - dimensions
- Details of chiller and buffer tank skid P-030-103 Rev 0 – dimensions
- Original application form submitted with planning application no. 2021/92779 stating that the plant would be clad in a grey material to match existing buildings and structures' or be in galvanised steel.

The proposed dimensions and originally stated colour finish are approved. The requirements of condition 7 now require that the plant be installed in accordance with these approved details and retained as such thereafter.

#### **Refuse**

## **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 6<sup>th</sup> July 2021. Ref: JAJ02698-REPT-01-RO

The information submitted in support of condition 6 includes, 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 this time, it is not possible to discharge the requirements of condition 6 as the acoustic specification of the noise barriers is not known. The other elements submitted (design details of the noise barriers, including location, elevations, colour, materials) will not be assessed until final details of the acoustic specification are submitted.

You are invited to submit an up-to-date NIA (addendum) to address the uncertainty in the original and submitted NIA under this application (ref 2023/91210). If this results in amendments to the submitted proposed elevations and sectional elevation drawing ref AAA5581-RPS-XX-XX-DR-A-0010 , this should form part of the amended submission.