

**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>2023/44/91632/W</b>
Site Address:	land south of, The Lodge and north of Church Lane, Linthwaite, Huddersfield
Description:	Discharge of conditions 16 (ventilation) and 30 (pedestrian routes) of previous permission 2021/91571 for erection of residential development for 125 dwellings
Recommending Officer:	Victor Grayson

**DECISION – Discharge of Conditions- Split Decision**

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

**David Wordsworth**

***AUTHORISED OFFICER***

**Date: 18-Sep-2023**

## **Officer Report**

### **Discharge of conditions 16 (ventilation) and 30 (pedestrian routes) of previous permission 2021/91571 for erection of residential development for 125 dwellings**

#### **Decisions to date**

2021/20583 – EIA Screening Opinion issued 09/09/2021, confirming EIA was not required for a residential development of 125 dwellings.

2021/91571 – Planning permission granted 20/12/2021 for the erection of 125 dwellings.

2022/90991 – Non Material Amendment approved 07/04/2022 to permission ref: 2021/91571.

2023/91252 – Non Material Amendment approved 05/07/2023 to permission ref: 2021/91571.

2021/94742 – Approvals issued 08/04/2022 and 13/03/2023 pursuant to conditions 3 (Construction Environmental Management Plan) and 4 (temporary surface water drainage).

2022/90565 – Approvals issued 17/04/2023 pursuant to conditions 11 (cycle parking), 15 (sound insulation), 26 (boundary treatments), 28 (ball strike risk) and 33 (biodiversity enhancement and management). Refusals issued 17/04/2023 pursuant to conditions 7 (internal roads), 8 (Church Lane crossing), 12 (electric vehicle charging), 13 (waste storage and collection), 16 (ventilation), 17 (attenuation basin), 18 (flood routing), 23 (crime prevention), 30 (pedestrian connections) and 32 (landscaping).

2022/92580 – Approvals issued 13/02/2023 and 13/03/2023 pursuant to conditions 5 (temporary waste storage and collection) and 24 (electricity substations).

2022/91501 – Approval issued 11/04/2023 pursuant to conditions 19 (ground investigation), 25 (materials) and 29 (external lighting).

2023/91431 – Approvals issued 28/07/2023 pursuant to conditions 12 (electric vehicle charging), 13 (waste storage and collection), 17 (attenuation basin), 18 (flood routing), 23 (crime prevention) and 32 (landscaping). Consideration of conditions 7 (internal roads) and 8 (Church Lane crossing) is ongoing.

#### **Current application**

This application (ref: 2023/91632) relates to some of the conditions pursuant to which refusals were issued on 17/04/2023 under application ref: 2022/90565.

## **Consultation**

The comments of KC Environmental Health are referred to below, where relevant.

### **Condition 16 (ventilation)**

Condition 16 reads as follows:

*16. Prior to the commencement of superstructure works, a ventilation scheme for rooms where windows will need to be kept closed to prevent excessive internal noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall:*

- *Identify which rooms of which units (referenced back to the approved Noise Impact Assessment) require a ventilation system;*
- *Provide the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded; and*
- *Demonstrate how habitable rooms of these units shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. This shall include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes per hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.*

*All works which form part of the approved ventilation scheme shall be completed prior to occupation of the aforementioned units and shall be retained thereafter.*

**Reason:** *In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.*

A refusal pursuant to condition 16 was previously issued on 17/04/2023 (application ref: 2022/90565). The decision letter noted that details of a ventilation scheme had not been submitted. It was, however, accepted that acoustic measures would only be relevant to unit 125.

For the current application (ref: 2023/91632), the applicant submitted:

- Covering Note in Relation to Application for Discharge of Condition 16 – Acoustic Ventilation Measures
- Noise Impact Assessment (Environmental Noise Solutions Ltd, ref: NIA/9248/20/9221/v3/ Church Lane, 01/03/2021);
- MIV Air Source product sheet;
- PIV Air Source and PIV Inline Installation and User Guide; and
- 2500EA / 5000EA acoustic window ventilator product sheet.

The applicant's covering note confirms that unit 125 would be constructed in accordance with the specification for acoustic protection and subsequent ventilation set out in paragraphs 5.05 and 5.10-14 and Table 5.1 of the submitted Noise Impact Assessment.

KC Environmental Health have reviewed the submitted information, and have advised that it meets with the requirements of the condition.

Given the above assessment, it is recommended that the details submitted pursuant to condition 16 be approved, subject to advice to the applicant that details of boundary treatments are not approved pursuant to condition 16, and that condition 16 requires all works which form part of the approved ventilation scheme to be completed prior to occupation of unit 125 and retained thereafter.

### **Condition 30 (pedestrian connections)**

Condition 30 reads as follows:

*30. Prior to the commencement of superstructure works, details of:*

- the pedestrian connection between the site and The Lodge;*
- the footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10; and*
- other pedestrian connections between the site and public footpath public footpath HUD/235/10*

*shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, construction methods, any steps, any handrails, and boundary treatments and gates. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.*

***Reason:*** *In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the provision of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.*

Various drawings have been submitted by the applicant pursuant to condition 30. Consideration of these (and consultation with relevant officers and teams) is ongoing, and a decision pursuant to condition 30 cannot be made at this stage.

### **Recommendation**

Split decision:

- Approve details pursuant to condition 16 with advice regarding boundary treatments and the further requirements of the condition; and
- Advise applicant that a decision pursuant to condition 30 cannot be made at this stage.

### **Decision Notice Text**

**Condition 16 (ventilation)** – You have submitted the following documents pursuant to condition 16:

- Covering Note in Relation to Application for Discharge of Condition 16 – Acoustic Ventilation Measures
- Noise Impact Assessment (Environmental Noise Solutions Ltd, ref: NIA/9248/20/9221/v3/ Church Lane, 01/03/2021);
- MIV Air Source product sheet;
- PIV Air Source and PIV Inline Installation and User Guide; and
- 2500EA / 5000EA acoustic window ventilator product sheet.

Details set out in the above documents are considered acceptable for the purpose of condition 16, and are hereby approved. However, please be advised that details of boundary treatments are not approved pursuant to condition 16, and that condition 16 requires all works which form part of the approved ventilation scheme to be completed prior to occupation of unit 125 and retained thereafter.

**Condition 30 (pedestrian connections)** – You have submitted various drawings pursuant to condition 30. Consideration of these (and consultation with relevant officers and teams) is ongoing, and a decision pursuant to condition 30 cannot be made at this stage.

**Report Dated:**

15/09/2023
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