

**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:	2023/44/91656/W
Site Address:	David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD
Description:	Discharge conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report), 5 (Remediation Strategy), 8 (retaining walls), 9 (Air Quality Impact Assessment), 10 (CEMP), 11 (noise assessment), 12 (risk assessment), 13 (foul and surface water), 14 (drainage), 15 (external materials) on previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works
Recommending Officer:	Ellie Worth

DECISION – Discharge of Condition – 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: 03-Jul-2023

Application: 2023/91656

Site: David Brown Santasalo Uk Ltd, Park Works, Park Road, Lockwood, Huddersfield, HD4 5DD

Proposal: Discharge conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report), 5 (Remediation Strategy), 8 (retaining walls), 9 (Air Quality Impact Assessment), 10 (CEMP), 11 (noise assessment), 12 (risk assessment), 13 (foul and surface water), 14 (drainage), 15 (external materials) on previous permission 2022/93342 for demolition of existing building and erection of engineering building with associated external works

Condition 8 – Retaining walls

8. There shall be no commencement of the development hereby approved until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing highway, including any demolition works affecting the structural integrity of the existing retaining wall supporting Nabcroft Lane or any modification to this wall, has first been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 9.

Assessment

Drawings referenced P3857-01 Rev 03 titled Temporary Works Details to Existing Retaining Wall Adjacent to Nabcroft Road, P3857 TW1-12 Rev 02 Temporary Works Structural Calculations and the approved AIP for the temporary works ref K66041T Rev 04 have been submitted in support of condition 8.

Having reviewed the aforementioned documents and having signed the Design & Check Certificate, KC Highways Structures are satisfied with the works proposed. This will allow demolition works to commence, pending the satisfactory completion of the technical approval process for the proposed permanent works

Condition 10 - Construction Environmental Management Plan (CEMP)

10. There shall be no commencement of the development hereby permitted until a

Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.

- Dust arising from all construction and demolition related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction and demolition related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of each phase of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 15.

Assessment

To assist with the discharge of condition 10, a Construction Environmental Management Plan by Acumen Designers and Architects Ltd, dated 30/05/2023 has been submitted. This is a first issue as the document is designed to be reviewed and amended as ongoing monitoring highlights any corrective actions necessary.

Officers have reviewed the submitted document in relation to:

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

The document demonstrates how construction site noise, dust and lighting are to be controlled so as not to impact the amenity of neighbouring properties during the development. Officer note the Principal Contractor will be required to register the site under the national 'Considerate Constructors Scheme' which lists guidelines in regard to nuisance controls at building sites.

Fugitive Dust control

The Construction Environmental Management Plan confirms the Principal Contractor will be required to control and limit dust, air quality, odour and exhaust emissions during the construction works as far as reasonably practicable and in accordance with BPM. This will include reference to publications on best practice included within the following:

- Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance, Institute of Air Quality Management, January 2014 (IAQM 2014)
- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, Institute of Air Quality Management, November 2012 (IAQM 2012)
- EU Directive 97/68/EC Requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery (NRMM).

Construction Noise and Vibration

The Construction Environmental Management Plan confirms BPM (as defined in Section 72 of the Control of Pollution Act 1974 (CoPA)), will be employed at the site and works will operate in line with BS 5228: Noise and vibration control on construction and open sites Part 1: Noise and Part 2: Vibration. The Responsible person on site is to monitor activities and ensure appropriate controls are employed. Records will be kept and made available to Officers on request.

Temporary Artificial Lighting

The Construction Environmental Management Plan confirms that lighting must be directed away from residential properties and lighting will be positioned to prevent glare.

Monitoring and Communication

The Construction Environmental Management Plan sets out engagement policies and confirms that contact details will be available on-site hoardings and a communication letter will go out to local residents prior to commencement of construction.

Weekly and event-based monitoring will be undertaken with corrective actions taken, liaison with Local Authority Officers will occur as necessary to ensure compliance with BPM.

As such, the details pursuant to Condition 10 can be approved, however, the condition cannot be fully be discharged until the work has been completed.

Condition 11 – Noise assessment

11. There shall be no commencement of the development hereby permitted (other than for demolition of the existing building) until a noise assessment report by a suitably competent person has first been submitted to and approved in writing by the Local Planning Authority.

The report shall include:

- a) an assessment of all the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

Each phase of the development shall not be brought into use until all works comprised within the measures specified in the approved report for that phase have first been carried out in full, and such measures shall thereafter be retained for the lifetime of the development.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Assessment

A BS4142 Sound Impact Assessment authored by S & D Garritt dated 22 May 2023 has been submitted in support of condition 11.

The report lists the fixed mechanical plant which are proposed within a plant pit to the southwest of the new facility as -

- Heat Pump Roof Unit
- Two Air Handling Units
- Cooling Tower
- Air Conditioning Condenser
- WC Extract Fan

A plan roof view and 3D model map are included, and a specification is given for the plant pit being constructed using a solid impermeable material such as block work or Kingspan KS1000. The main west elevation between the plant pit and the environment will be constructed using an acoustic louvred system (Ducowall Acoustic W300) and all sides of the plant pit will be constructed to a height that is at least 0.5 m above the top of the tallest plant item.

The report identifies the nearest noise sensitive receptors (NSRs) at para 3(b) and 3(e) being residential properties opposite the proposed development area on Nabcroft Lane.

Noise monitoring was conducted from 22 September 2022 through to 29 September 2022 and a summary of the findings is given in para 3(m). A BS4142 assessment was conducted without any penalties for the fixed mechanical plant and the findings at para 3(o) indicate there to be a low impact to the nearest NSRs. The report states there are locations where the new building itself will provide barrier effect to fixed plant sound being transmitted through the louvres which have not been included in the calculations but will provide a margin of comfort or tolerance.

The findings of the report are therefore accepted.

Decision notice text

Condition 8 – Retaining walls

In support of condition 8, you have submitted:

- A drawing reference P3857-01 Rev 03 titled Temporary Works Details to Existing Retaining Wall Adjacent to Nabcroft Road,
- A drawing reference P3857 TW1-12 Rev 02 Temporary Works Structural Calculations
- The approved AIP for the temporary works ref K66041T Rev 04

Having reviewed the aforementioned documents and having signed the Design & Check Certificate, KC Highways Structures are satisfied with the works proposed. This will allow demolition works to commence, pending the satisfactory completion of the technical approval process for the proposed permanent works.

Therefore, whilst the temporary works can be approved, condition 8 must remain.

Condition 10 – Construction Environmental Management Plan

In support of condition 10, you have submitted:

- A Construction Environmental Management Plan by Acumen Designers and Architects Ltd, dated 30/05/2023.

This is a first issue as the document is designed to be reviewed and amended as ongoing monitoring highlights any corrective actions necessary.

The document demonstrates how construction site noise, dust and lighting are to be controlled so as not to impact the amenity of neighbouring properties during the development.

In this case, Officers accept the CEMP, however, condition 10 must remain in place for the whole period of construction.

INFORMATIVE

Officers would also like to remind the applicant that no construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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.

Condition 11 – Noise Assessment

In support of condition 11, you have submitted:

- A BS4142 Sound Impact Assessment authored by S & D Garritt dated 22 May 2023

The report lists the fixed mechanical plant which are proposed within a plant pit to the southwest of the new facility as -

- Heat Pump Roof Unit
- Two Air Handling Units
- Cooling Tower

- Air Conditioning Condenser
- WC Extract Fan

In this case, the report provides a plan roof view and 3D model and a specification for the plant pit. The report identifies the nearest noise sensitive receptors (NSRs) at para 3(b) and 3(e) being residential properties opposite the proposed development area on Nabcroft Lane.

Noise monitoring was conducted from 22 September 2022 through to 29 September 2022 and a summary of the findings is given in para 3(m). Having reviewed the submitted information, Officers accept the findings of the report.

Therefore condition 11 can be approved, however, the condition cannot be discharged until the acoustic mitigation measures as specified in the report are installed and retained thereafter.

Dated: 30th June 2023