

Enquiries to: Ellie Worth

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Date: 04-Jul-2023
Our Ref: 2023/91656

Dear Sir,

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

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

Application Number: 2023/91656

I write with reference to your application to discharge the conditions for the above development as submitted on 05-Jun-2023.

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



Kirklees Council
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- 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.

Yours faithfully

Mathias Franklin
Head of Planning and Development