

**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:	2025/44/90257/E
Site Address:	145, Westgate, Heckmondwike, WF16 0EW
Description:	Discharge of conditions 4 (materials), 7 (AIP), 10 (ventilation), 11 (noise) on previous permission 2023/90553 for change of use of 2 dwellings and 2 commercial units to form 6 flats with associated extensions and alterations
Recommending Officer:	Edward Cheseldine

DECISION – Discharge of Conditions - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21-May-2025

Officer Report

2025/90257 – 145, Westgate, Heckmondwike, WF16 0EW

Proposal Description

Discharge of details reserved by conditions 4 (materials), 7 (AIP), 10 (ventilation), 11 (noise) on previous permission 2023/90553 for change of use of 2 dwellings and 2 commercial units to form 6 flats with associated extensions and alterations

Condition 4

4. Prior to construction above slab level of the development hereby approved, details of the red brick of the external walls, stone slates roofing tiles of the dwelling and shade of render shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Assessment

During the determination process, the applicant requested a change of external walling material to darkened tumbled natural stone. The applicant has submitted material samples. The building group comprises of buildings formed with red-brick and stone. The use of natural stone will link the development to the dwellings opposite and other properties along Westgate. The original building was formed of natural stone. The applicant has supplied samples of the roof tiles, which are concrete in anthracite grey. There is no objection to the materials given the existing building group as it complies with LP24 of the Kirklees Local Plan.

Condition 7

7. Before development commences, details of the proposed demolition/ modification of existing retaining walls/building retaining walls supporting the highway together with the design of all new building retaining walls adjacent to the highway shall be submitted via an Approval in Principle (AiP) document and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and there are retained during the life of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

Assessment

The applicant has submitted the following information:

- Drawing (Ref Ely St ES1061 - 06a - Retaining Wall Detail)

The documents were reviewed by KC Highways Structures, *'Following a review of your submitted amended drawing (Ref Ely St ES1061 - 06a - Retaining Wall Detail) and associated structural calculations in connection with the above, they would appear to be satisfactory.*

They determined an AIP was not necessary now the details of the wall are now satisfactory, therefore recommended the discharge of Condition 7.

Condition 10

10. Before construction commences, a ventilation scheme for habitable rooms where windows need to be kept closed to prevent occupants from being exposed to high levels of pollutants and excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which habitable rooms that face onto the A638 require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned apartments and retained and maintained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Assessment

The applicant has submitted the following information:

- Noise Assessment, authored by Clement Acoustics, ref: 18144-NEA-01, dated 13 February 2023.

KC Environmental Health initially reviewed the submitted information, raising the point that the information did not specify how the ventilation system would avoid pulling air from Westgate and noise producing area.

In response, the applicant submitted the following:

- Ventilation Specification Details, by Blauberg Ventilation, received 8th April 2025
- Ventilation Plan, authored by the applicant, received 31 January 2025 with additional information received on 19 May 2025

KC Environmental Health accepted the new details, on the proviso the ventilation equipment is installed as per the specification details and ventilation plan and retained thereafter.

Condition 11

11. Before construction work commences, a further/addendum report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Assessment

- Noise Assessment authored by Clement Acoustics dated 13 February 2023 Ref 18144.

KC Environmental Health reviewed the report and made the following comments:

In order to meet with the internal requirements of BS8223, glazing and trickle ventilation is specified in tables 9.2 and 9.3. Para 9.3 states it is understood the proposal on this site it to use System 4 ventilation as summarised in Table 4.4 and it is imperative that all mechanical extract ventilation is designed to not exceed the internal noise criteria stated in Table 4.3. The external amenity area meets with the external requirements of BS8233 and therefore, no mitigation measures are required. The findings of the report are accepted.

They therefore recommended the discharge of condition 11.

Decision Notice Text

Condition 4

The application includes the submitted photographic material samples of masonry exterior materials and roof tiles. The material samples are acceptable for the discharge of Condition 4 given the surrounding building group.

Condition 7

KC Highways Structures have confirmed an AIP is no longer required, therefore Condition 7 is considered to be discharged.

Condition 10

The applicant submitted the following:

- Ventilation Specification Details, by Blauberg Ventilation, received 8th April 2025
- Ventilation Plan, authored by the applicant, received 31 January 2025 with additional information received on 19 May 2025

The details are acceptable given ventilation is to be drawn from the rear of the building away from Westgate, therefore Condition 10 can be discharged on the proviso that the ventilation equipment is installed as per the specification details and ventilation plan and retained thereafter.

Condition 11

The applicant has submitted the following:

- Noise Assessment authored by Clement Acoustics dated 13 February 2023 Ref 18144.

The report states the external area meets the requirements of BS8233 and no mitigation is required. KC Environmental Health agreed with the report and recommended its discharge. Therefore Condition 11 is deemed suitable for discharge.

