

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:	2025/44/90766/E
Site Address:	Land off, Westgate, Cleckheaton, BD19 5DR
Description:	Discharge of details reserved by conditions 28 (External Facing Materials), 31 (Noise Risk Assessment) and 40 (Acoustic Barrier) of previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 12-May-2025

Application: 2025/90766

Site: Land off, Westgate, Cleckheaton, BD19 5DR

Proposals: Discharge of details reserved by conditions 28 (External Facing Materials), 31 (Noise Risk Assessment) and 40 (Acoustic Barrier) of previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works

Assessment

Condition 28 (external facing materials)

28. Prior to their use, details of all the external facing materials for plots 5 – 178 as shown on plan ref. “18-CL2-SEGB-WE-01 rev. J” shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

Condition 28 has had details previously approved via DOC app ref. 2024/92523 in November 2024.

Plots 1 – 4, 179 and 180 are to be faced in natural stone, and are controlled via a separate condition.

The covering letter accompanying this application states that further consideration (regarding materials) has been necessary due to a change in suppliers. As a result of this, it is proposed that plots previously approved to be externally faced in ‘Ibstock Hardwick Minster Cream Blend’ brick-type would be replaced with the ‘Forterra Burwell Buff’ brick-type.

Brick and roof types, comprising of Newlay Calder Buff Pitched, Wienerberger Calderwood Claret & Russell Grampion Concrete in Slate Grey and Terracotta, would remain as per the details previously approved via the discharge of condition application 2024/92523.

The submission includes a materials plan, showing the provision of the above materials across the site, and details of the above materials for plots 5 – 178. Images where the use of ‘Forterra Burwell Buff’ brick-type has been used are also provided.

Officers consider the proposed materials (both facing and roofing) to be of an acceptable quality and would appear suitable in their setting. The proposed layout of the materials throughout the site would appropriately reflect the material pallet of streets in the area, while including sufficient variety and

interest within the street-scene. Given the above, officers recommend that the details be approved.

Condition 31 (Noise Risk Assessment)

31. Prior to the installation of fenestration glazing, notwithstanding the submitted information, a further/addendum Noise Risk Assessment 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, including road traffic and neighbouring premises, 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 (daytime), bedrooms (night-time) 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. This shall include, if necessary, identifying which rooms of which plots require a ventilation system. Where ventilation is required, the details shall include the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded.*

Each dwelling shall not be occupied until all works specified in the approved report have been carried out to the relevant dwelling 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.*

The submitted Noise Impact Assessment (NIA) has been reviewed by K.C. Environmental Health within their consultation response dated 10/04/2025.

K.C. Environmental Health advice that the report has taken account of the existing nearby noise climate which includes details from existing uses and traffic, addressing point a) of the condition. Section 3.4 of the NIA predicts the noise levels at each façade as required by point b) and Section 4 of the report details the recommendations to be incorporated into the development. As such, K.C. Environmental Health accept the findings of the report and recommend that it be approved.

Officers concur with the above assessment and recommend that the details be approved. However, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 40 (Acoustic Barrier)

40. Prior to the occupation of the hereby approved dwellings or the installation of boundary treatment, details of the locations and specifications of the acoustic barrier (as recommended in the Noise Risk Assessment authored by C80 Solutions dated 02 April 2020 Ref 10555) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include –

- *A plan showing the location of the barrier*
- *The minimum height of the barrier relative to the adjacent ground level*
- *The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.*

For each dwelling which requires an acoustic barrier, the dwelling shall not be occupied until the construction of the acoustic barrier has been completed. The acoustic barrier shall thereafter be retained.

Reason: *In the interest of securing residential amenity and protecting the operation of adjacent commercial business, in accordance with Policies LP24, LP51 and LP67 of the Kirklees Local Plan.*

The submitted Noise Impact Assessment (NIA) has been reviewed by K.C. Environmental Health within their consultation response dated 10/04/2025.

The location of the acoustic barrier/fences are shown on page 15 of the NIA. Drawing SD10.EX.33 provides height and specification details of the proposed barrier/fencing including the support structure details. K.C. Environmental Health confirm these details to be appropriate.

Officers concur with the above assessment and recommend that the details be approved. However, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Recommendation: Approve details

Report Date: 06/05/2025

Recommended Decision text

Condition 28 (external facing materials)

You have submitted the following information pursuant to condition 28:

- Materials plan by Strata Ref: BY00101-STH-B01-XX-DR-A-MP001, Rev D
- Burwell Buff brick brochure
- Cover letter dated 20/03/2025.

The cover letter identifies that details submitted pursuant to condition 28 have been previously approved, via application ref. 2024/92523. This included the following materials being approved:

Facing Materials

- Ibstock Hardwick Minster Cream Blend.
- Newlay Calder Buff Pitched.
- Wienerberger Calderwood Claret.

Roofing Materials

- Russell Grampion Concrete in Slate Grey.
- Russell Grampion Concrete in Terracotta.

It is now proposed that all plots previously comprising of 'Ibstock Hardwick Minster Cream Blend' brick-type would be replaced with the 'Forterra Burwell Buff' brick-type.

I can confirm that the submitted details, specifically the change from Ibstock Hardwick Minster Cream Blend' to 'Forterra Burwell Buff' brick-type, is acceptable and is hereby approved. All other materials remain as previously approved.

Notwithstanding the above, you are reminded that condition 28 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Condition 31 (Noise Risk Assessment) and Condition 40 (Acoustic Barrier)

You have submitted the following documents pursuant to both conditions

- Noise Impact Assessment authored by ENS, dated 28th February 2025 Ref NIA/11960/25/12178/v1/Westgate, Cleckheaton
- Acoustic fence drawing by Strata, Ref SD10.EX.33

I can confirm that the submitted details are acceptable for the initial requirements of condition 31 and 40 and are hereby approved. Notwithstanding this, each condition has an ongoing requirement which must be adhered to, to ensure ongoing compliance. These are as follows:

Condition 31

Each dwelling shall not be occupied until all works specified in the approved report have been carried out to the relevant dwelling in full and such works shall be thereafter retained.

Condition 40

For each dwelling which requires an acoustic barrier, the dwelling shall not be occupied until the construction of the acoustic barrier has been completed. The acoustic barrier shall thereafter be retained.