

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90448 - Batley Bulldogs RLFC, 7 Heritage Road, Batley, WF17 7NZ		
Conversion of derelict bowling green to 2 padel courts and associated works		
Responding Date: 12 June 2025	Responding Officer: Mohammed Nasim	Responding Ref: WK202517216
<u>Comments</u> <u>Noise</u> The applicant has submitted an undated Noise Impact Assessment authored by MZA Acoustics Ref 1701943 ~ Padel Courts Batley/Noise Impact Assessment. The report assesses the potential for noise impact from the outdoor padel courts on the nearest noise-sensitive receptors (NSRs) as shown in figure 2. An environmental noise survey was undertaken over a period of 5 days between 1600hrs on Wednesday the 12th and 1430hrs on Monday the 17th of March 2025 from a single monitoring position as shown in figure 3 and a summary of the findings is shown in table 4. Para 4.6 describes the noise climate and observations made on the activities in the area during the monitoring period. There is no previous guidance or assessment methodology in the UK specifically relating to noise from the proposed uses at the site and reference is made to the Sport England Design Guidance Note: 'Artificial Grass Pitch (AGP) Acoustics – Planning Implications' 2015 which recognises the value of good acoustic design. Para 3.3.2 references the Netherlands Padel and Sound Guidance Document January 2023 and whilst this is based upon Dutch Planning Frameworks and Legislation, it provides a useful insight and background for padel impact assessments and technical guidance on modelling these noise sources and this is accepted. The typical padel use is described para 5.2 and based upon the findings of the monitoring exercise, the report determines a worst-case increase in noise level due to use of the padel courts of circa 1-3dB. The findings of the report are accepted. A condition is recommended for the submission of a Noise Management Plan to deal with the management of the courts and the viewing/picnic areas. A condition is also recommended to ensure all perimeter fastenings/fixings assist with limiting the transmission of any sound. Note - The Planning Officer is advised that these comments are based upon the proposed use of two courts. The submitted plan ref A/47/PL-02 shows two additional courts marked 'future expansion' and the site will need to be considered as a whole should an application be made to utilise this additional space. <u>Hours of Use</u> The application form states the proposed hours of use to be 0900hrs to 2300hrs 7 days a week which is contrary to the hours within para 6.1 of the Noise Impact Assessment which states 0900hrs to 2200hrs weekdays and 0900hrs to 2100hrs weekends. We recommend a		

condition to secure the latter hours in the interests of protecting amenity.

Contaminated Land

This site has been identified on our mapping system as being adjacent to potentially contaminated land. Conditions for unexpected contamination encountered during any groundworks are therefore necessary.

Lighting

The applicant has submitted an unreferenced Lighting Impact Assessment authored by DfL dated April 2025. It assesses the impact of the lighting from the proposed lighting design upon the nearest sensitive receptors. Reference is made to the Institute of Lighting professional Guidance notes which provides detailed information regarding types of obtrusive light and the mitigation that can be implemented to help prevent obtrusive light occurring.

Based upon the type and specification of lighting as shown in section 4 which is as per Lawn Tennis Association (LTA) requirements, along with its proposed location as shown in figure 5, the report determines the light levels are within the limits prescribed by the guidance for minimising obtrusive light as shown in table 6.

The findings of the report are accepted and a condition is recommended to secure this scheme in the interests of protecting amenity.

Para 4.2.1 states the lighting would be switched off when the padel club is closed at 2200hrs, thus allowing compliance with the post curfew obtrusive light limits for E3 Environmental Zones. A condition is recommended to secure this timing in the interests of protecting amenity.

Construction

A condition is recommended to control the hours of construction in order to protect the amenity of neighbouring properties during this phase.

Recommended Conditions

SP1 Noise Management Plan – Condition

Before the use of the pitch commences, a site-specific Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- a method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the courts and ban their future use.
- a facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt, and appropriate action taken promptly, and the complainant kept informed of progress.
- a system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the courts.

The approved Noise Management Plan shall be fully implemented before the use of the pitch commences and shall be operated in accordance with the noise management plan thereafter.

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

SP2 Ball impact sound mitigation - Condition

All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.

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

HUC1 Hours of Use - Condition

The courts shall not be used outside the hours of 0900hrs to 2200hrs weekdays and 0900hrs to 2100hrs weekends..

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in

accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

LC5 Installation of the Agreed External Artificial Lighting – Condition

No external artificial lighting shall be used unless the lighting has been installed in accordance with the details provided in the Lighting Impact Assessment authored by DfL dated April 2025. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LC2 Lighting Hours of Use – Condition

The artificial lighting hereby approved shall not be operated outside of the hours of 0900hrs to 2200hrs weekdays and 0900hrs to 2100hrs weekends.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan

CSC1 Construction Site Working Times - Condition

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 Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

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.