

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2025/90645 - 421, Bradford Road, Batley, WF17 5LY**
**Erection of ground and first floor restaurant with 4 flats above.**
**Date Responded:**  
**7<sup>th</sup> January 2026**
**Responding Officer:**  
**Hannah Kent**
**Responding Ref:**  
**WK/20240519**

Thank you for consulting Environmental Health following receipt of the following documents:

- Noise Impact Assessment, Ref: NIA/12378/25/12688/v1/421 Bradford Road, Batley, dated 8th December 2025, and
- Extraction Ventilation System Statement.

**OBSERVATIONS/COMMENTS**

I note that the consultation period for this application closed (to the public) on Tuesday 29 July 2025. It appears however, that Environmental Health have not previously commented on this application.

Our concerns for this application would be that the site is brownfield, located next to a large Tesco supermarket, particularly Tesco's service yard, and the main road through Batley, Bradford Road. The application is also mixed use, having a commercial food premises below the residential dwellings with a large kitchen extraction system. The use of a commercial kitchen may result in the disposal of large quantities of fats and cooking wastes into the foul drainage system which can build up resulting in blockages.

Consequently:

1. The site may be contaminated through past uses,
2. Impacted by noise resulting from the operations of the service yard, fixed plant on Tesco's roof
3. Impacted by road traffic noise
4. The residential dwellings may be impacted by noise from the commercial food business below them (extraction & ventilation noise, amplified music, noise from patrons using and leaving the premises)
5. Odours both from the Tesco store as well as odour from the commercial use impacting the residential occupants of the proposed dwelling/s.
6. The drainage system may become blocked due to commercial levels of fats and cooking wastes entering foul water systems.

**NOISE**

Noise is likely to impact the residential apartments due to the proximity of the site to Tesco's fixed plant and equipment and from noise associated with deliveries and site activities within Tesco's service yard as well as noise from road traffic on Bradford Road.

For an application of this nature, we would request that a noise impact assessment includes:

- a) A baseline noise assessment taken over a suitable time period during an average day/week (noise sources operating and typical traffic levels).
- b) Undertake noise measurements of the most intrusive noise sources – such as the fixed plant & the service yard to provide worst-case operational noise level impacts.

- c) A BS 4142:2014+A1:2019 assessment to determine the likelihood of complaints from the occupants of the dwellings (as they overlook/have line of site to some potentially significant noise sources), and if necessary, propose suitable mitigation.
- d) A BS 8233:2014 assessment of noise levels at the proposed dwellings noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development

The submitted Noise Impact Assessment (NIA) was retrospective, following construction of the proposed development, and does not include all of the above.

**Noise Impact Assessment:**

A Noise Impact Assessment was undertaken by Environmental Noise Solutions Limited for the existing residential apartments over a ground and first floor restaurant at 421 Bradford Road has now been submitted by the applicant.

The assessment proposes to detail:

- The methodology and results of a noise survey conducted at the site.
- An assessment of noise sources in the vicinity of the site which may affect the proposed residential dwellings.

The report confirms the site neighbours a large Tesco supermarket, Bradford Road (A652 through Batley), the Tesco service yard, and an electrical sub-station.

**Noise Survey & Site description:** Noise monitoring was undertaken at the site on Tuesday 11th and Wednesday 12th November 2025.

The assessment states the following noise monitoring positions were selected:

- i. Externally at the north-eastern façade at 2nd floor level
- ii. Externally at the south-western façade at 2nd floor level
- iii. Externally at the north-eastern façade at 3rd floor level
- iv. Internally within a bedroom on the south-western façade at second floor level
- v. Internally within a living room on the north-eastern façade at second floor level

The noise monitoring undertaken provided insufficient information, in that, noise monitoring positions (within the dwellings layout) have not been sufficiently detailed.

1. No photographs of monitoring positions have been provided.
2. No information is provided regarding whether the apartments were furnished or not, and/or to what extent.

Raw noise data has not been provided so we are unable to verify the noise monitoring results.

Monitoring of variable noise sources such as the service yard is insufficient. Noise levels in the service yard will vary quite considerably during the day, with certain activities being significantly louder than others.

We are therefore unable to identify if the noise monitoring positions are appropriate or relative to the noise sources. This information is key to identifying appropriate noise monitoring locations and the potential for sound absorption within the dwellings.

Section 3.1 of the report confirms that the windows were closed during internal noise monitoring. However, the windows are likely to be open during hot weather.

Indeed, during hot weather, windows have been observed to be wide open (see below), which will reduce any noise attenuation provided by the windows, and therefore, the assessment must consider this.



#### **Noise Assessment:**

Further details of the noise monitoring:

1. Including the layout of dwellings, monitoring position within room (including photographs), details of any furnishing and the raw noise data has been provided,
2. In view of the location of the dwellings – having a direct line of site into
  - a. the service yard at the rear of the Tesco's superstore and
  - b. the fixed plant, a BS 4142:2014+A1:2019 assessment is necessary.

The potential noise impacts need a worst-case assessment, that is, when noise from fixed plant is operating at full capacity and when service yard noise levels are worst-case such as during a noisy delivery.

The submitted noise assessment is not sufficiently robust, does not make all the necessary assessments required, such as the potential for noise complaints, in view of the location, and does not present all the relevant information to enable Environmental Health to verify the submitted data and to provide an informed response to planning.

Environmental Health does receive noise complaints from residents living near to fixed plant, from delivery vehicles and the operations of service yards. We have concerns that the dwellings overlook a variety of noise sources that could result in significant adverse impacts for the occupants of the new dwellings. A robust noise assessment is required to demonstrate that all nearby noise sources will not detrimentally impact the occupants or result in noise complaints.

Furthermore, the dwellings require open windows during hot weather, the windows are clearly wide open in the attached Streetview image, demonstrating the need for an assessment with the windows wide open.

#### **ODOUR**

An Extraction Ventilation System Statement has been provided in support of the application. It is not clear who authored the statement, (possibly Jasun Envirocare Plc - as information from Jasun Envirocare Plc is appended to the statement from pages 7 through to page 21).

### **Extraction Ventilation System Statement**

The submitted statement does not present the all the relevant information required to enable Environmental Health to make an informed assessment, for example, page 3 presents a brief risk assessment that states:

#### **Risk Assessment**

Dispersion: 15

Proximity of receptors: 10

Size of kitchen: 1

Cooking type (odour  
and grease loading): 7

**Total: 33**

There is no evidence/information detailing how the above values have been determined - to enable Environmental Health to repeat this assessment and verify the data. For example, Dispersion is given a value of 15 – but there is no context to justify this, or any of the other information supplied.

Bearing in mind that this application is now retrospective, evidence can be provided that can demonstrate why a value of 15 is given. Further detailed information will be required before we can accept this assessment.

### **CONTAMINATED LAND**

As a brownfield site, the developer is required to determine the suitability of the site for its proposed end use. In this instance, at the very least, a phase I (Desk) and II (Intrusive), Contaminated Land Assessment is required to determine the suitability of the site for its intended use. This must be provided along with any certification of excavated materials taken off site to demonstrate that materials have been suitably disposed of.

### **CONCLUSIONS**

The information submitted is insufficient to enable Environmental Health to consider the application and make an informed and detailed response.

The location of the proposed dwellings could result in significant noise and odour impacts. Whilst we acknowledge that the application is supported by a Noise Impact Assessment and an Extraction Ventilation Statement, the information supplied within these reports does not demonstrate that future occupants of the proposed dwellings will not suffer significant detrimental noise or odour impacts.

National Planning Policy Framework (NPPF) paragraph 193 states: “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of

change’) should be required to provide suitable mitigation before the development has been completed.” The applicant has not demonstrated this.

## **RECOMMENDATIONS**

In light of the aforementioned, we are currently unable to determine this application.

We would recommend the following pre-determination conditions are applied to enable our full and detailed consideration:

### **NOISE**

#### **Noise Assessment Report Required Before Determining the Application (new noise sensitive use next to existing noise sources)**

Before the application can be determined, details of an assessment of all significant noise sources likely to affect the proposed development including the overlooked service yard area – including deliveries, fixed plant (worst-case operational levels), road traffic noise, noise from extraction system, by a suitably competent person (see note) must be submitted in writing to the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in the 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. If the noise attenuation measures include windows being kept closed, then details of alternative ventilation over background ventilation will be required.

If levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify attenuation measures as conditions of consent.

#### **NC7 Ventilation of habitable rooms if windows need to be kept closed - Condition**

Before occupation of the residential dwellings, a ventilation scheme for rooms where windows need to be kept closed to prevent 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 rooms of which plots referenced back to the approved Noise Assessment 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 for each apartment shall be completed prior to occupation of the apartments and retained thereafter.

#### **NF7 Footnote to accompany condition NC7**

A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable.

#### **NC6 For use where proposed commercial and residential share a party structure (floor / ceiling or wall etc) – Condition**

Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a

minimum of 55dB  $D_{nTw} + C_{tr}$  shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**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.

#### **Competent Person - Footnote**

All Noise Assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

#### **ODOUR**

##### **Odours Impact Assessment Report Before Determining the Application**

Before determining the application, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall:

- detail all the potential sources of odour in the vicinity of the application premises
- determine the potential of adverse impact on the proposed development from these potential sources of odour
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

If odour levels predicted in the report are unacceptable, it may be necessary to refuse the application. Otherwise, it may be necessary to specify mitigation measures as conditions of consent.

##### **OC1 Kitchen Extract Scheme - Condition**

Before food cooking commences, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours (details required to justify the values given in the odour risk assessment).
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor. Evidence shall be provided.
- Details showing the proposed location of all the major components of the extract system.

- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commence, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

**Reason:** To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises 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.

#### **OC1F Kitchen Extract Scheme - Footnote**

Detailed advice is available in *“Control of Odour and Noise from Commercial Kitchen Exhaust Systems”* by EMAQ May 2022 (2<sup>nd</sup> Edition).

#### **OCF2 Odour Impact Assessment - Footnote**

All Odour Impact Assessments shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2023. Reports must be prepared in accordance with ‘Detailed advice is available in *“Guidance on the assessment of odour for planning”* by the Institute of Air Quality Management (IAQM) version 1.1 July 2018’ guidance.

### **CONTAMINATED LAND**

#### **CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition**

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

#### **CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition**

[Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1)] G/groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

#### **CLC3 Submission of Remediation Strategy - Condition**

[Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further] G/groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

#### **CLC4 Implementation of the Remediation Strategy - Condition**

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks 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 shall not recommence until

proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**CLC5 Submission of Verification Report - Condition**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 2021. 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.

**DRAINAGE**

**DR08 Pollution Prevention (for food outlets including take-aways/restaurants)**

Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP44 of the Local Plan and paragraph 120 of the NPPF

The above 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.

**FOOD SAFETY & HEALTH & SAFETY**

**FS1 Food Safety - Footnote**

It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety

and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).

**HSF1 Health & Safety - Footnote**

All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety Team on 01484 221000 (ask for health and safety) or by email at [healthandsafety@kirklees.gov.uk](mailto:healthandsafety@kirklees.gov.uk)

**HSF3 Smoke-free Footnote:**

All areas open to the public including workplaces, are considered smoke free zones where they are enclosed or substantially enclosed. It is therefore illegal to smoke in an enclosed public space, or a space that's mostly enclosed. It is recommended that prior to development commencing, the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss smoke free requirements including an appropriate structure. The Food Safety Team can be contacted on 01484 221000 or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).