

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:	2025/44/92024/E
Site Address:	457, Bradford Road, Batley, WF17 8LB
Description:	Discharge of details reserved by conditions 9 (acoustic report) and 10 (ventilation scheme) of previous permission 2018/90459 for erection of restaurant and two second floor apartments
Recommending Officer:	Edward Cheseldine

DECISION – APPROVE DISCHARGE OF CONDITIONS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 17-Sep-2025

Officer Report

2025/92024 - 457, Bradford Road, Batley, WF17 8LB

Proposal Description

The proposal is for a discharge of details reserved by conditions 9 (acoustic report) and 10 (ventilation scheme) of previous permission 2018/90459 for erection of restaurant and two second floor apartments.

Condition 9

9. An Acoustic Report to specify how occupiers of the proposed residential flats shall be protected from noise from the proposed restaurant, road traffic noise from Bradford Road and noise from Batley Bus Station and other nearby noise sources shall be submitted to and approved in writing by the Local Planning Authority before works to commence the superstructure of the building commence. The report shall: (i) Determine the existing noise climate (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). Thereafter the development shall be undertaken in accordance with the approved report and the approved mitigation measures shall be implemented prior to occupation of the apartments and thereafter retained.

Reason: To protect future occupants of the residential development from elevated levels of noise from the proposed restaurant, road traffic from Bradford Road, noise from Batley Bus Station and other nearby noise sources and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

Condition 10

A ventilation scheme to show how habitable rooms of the apartments hereby approved shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority before works to commence the superstructure of the building commence. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the apartments and be retained and maintained in accordance with the manufacturer's instructions. Reason: To protect future occupants of the residential development from elevated levels of noise from the proposed restaurant, road traffic from Bradford Road, noise from Batley Bus Station and other nearby noise sources and to accord with Policies D2 and EP4 of the

Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

Assessment

The applicant has submitted a Noise Impact Assessment authored by ENS dated 16 July 2025 Ref NIA-12125-25-12397-vA Bradford Road, Batley which covers both conditions 9 and 10. The report covers technical information for the apartments set above the restaurant building of the application site.

The report was assessed by KC Environmental Health.

It considers the immediate environment identifying the main road to the front and the bus station to the rear. Noise monitoring was carried out from Thursday the 19th of June through to Friday the 20th of June 2025 from two monitoring locations as shown in Appendix 2. A summary of the findings is given in table 3.1 with comment made that the dominant source was road traffic and that no significant noise from Batley Bus Station was noted throughout the course of the survey. In order to meet with the internal requirements of BS8233, para 4.2 specifies glazing and ventilation with a colour coded façade plan in Appendix 4. A higher level of sound insulation is required where commercial and residential share a party wall/ceiling and the report states the development exceeds our requirement.

KC Environmental Health accepted the details in the report under the proviso the mitigation measures outlined in the approved Noise Impact Assessment are implemented and retained.

Decision Notice Text

Conditions 9 and 10

The applicant has submitted a Noise Impact Assessment authored by ENS dated 16 July 2025 Ref NIA-12125-25-12397-vA Bradford Road, Batley. Following the consultation response from KC Environmental Health, the details within the report are acceptable, at this stage, conditions 9 and 10 can be discharged so long as the mitigation measures are implemented and details retained thereafter.

