

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:	2025/44/92614/E
Site Address:	Dixon Hall And Co Ltd, Grafton Street, Batley, WF17 6AR
Description:	Discharge of details reserved by conditions 4 (noise), 10 (delivery management plan) on previous permission 2025/91841 for variation of condition 2 (plans and specifications) on previous permission 2024/93177 for change of use from office building to residential apartments and associated alterations
Recommending Officer:	Edward Cheseldine

DECISION – DISCHARGE OF CONDITION – SPLIT DECISION

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Nov-2025

Officer Report

2025/92614 - Dixon Hall And Co Ltd, Grafton Street, Batley, WF17 6AR

Application Proposal

The applicant is seeking the discharge of details reserved by conditions 4 (noise), 10 (delivery management plan) on previous permission 2025/91841 for variation of condition 2 (plans and specifications) on previous permission 2024/93177 for change of use from office building to residential apartments and associated alterations.

Condition 4

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, 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 (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

The applicant has submitted the following information:

- Residential Noise Assessment authored by Nova Acoustics dated 21 May 2025 Ref NP-012659 Rev01

The document was assessed by KC Environmental Health.

An environmental noise survey was undertaken between the 7th and the 9th of May 2025 from two measurement positions (MPs) as shown in figure 2 and a

summary of the findings is given in table 2. The report considers the neighbouring acoustic climate referencing the motor garage, restaurants/takeaways and the applicants adjoining commercial/light industrial premises. Comment is made that during site visits, noise levels within the building were not considered to be significantly influenced by the surrounding commercial activities with occasional operational activity, such as deliveries, observed at the rear of the site.

Aside from traffic noise originating from the adjacent road network, no notable noise emissions were detected at the front of the site. In order to meet with the internal requirements of BS8233, glazing and ventilation is specified dependent on the façade and this is shown in colour coded format in figure 3. The specification is given in table 4.

There is a party wall between the proposed development and the adjoining commercial/light industrial premises, part of which has an interlinking roller shutter door. It is stated that this will be removed and a construction specification is given for the infill which the author states will achieve 55dB DnT,w + Ctr which slightly exceeds our requirement of 53dB and this is welcomed and accepted.

KC Environmental Health have reviewed the submitted information and confirmed the details were suitable for the discharge of the condition. The condition can be discharged providing the development is constructed in accordance with the details and mitigation set out and retained in perpetuity.

Condition 10

No development shall take place until a Delivery Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include details of the use of Banksman to supervise the safe access and egress of all vehicles exceeding 7.5 tonnes. The plan so approved shall be implemented before the development is brought into use and retained thereafter. Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 & LP22 of the Kirklees Local Plan.

The applicant has submitted the following information:

- Delivery Management Plan, authored by Unitech Industries, dated September 2025.

The document was assessed by KC Highways DM. They objected section 2.2 of the Delivery Management Plan due to the intensification of the machinery

used within the shared access in reference to the use of forklifts, telehandlers and cranes.

This Delivery Management Plan now refers to multiple deliveries, including kerb-side deliveries from Grafton Street possibly using Forklifts, telehandlers and cranes from the highway and through the residential development which is unacceptable.

Given the safety implications of machinery present during kerb-side deliveries through the residential site, it is not possible to discharge condition 10. A new application should be submitted to discharge Condition 10 and any other outstanding matters.

Decision Notice Text

Condition 4

The applicant has submitted the following information:

- Residential Noise Assessment authored by Nova Acoustics dated 21 May 2025 Ref NP-012659 Rev01

KC Environmental Health have reviewed the submitted information and confirmed the details were suitable for the discharge of the condition. The condition can be discharged providing the development is constructed in accordance with the details and mitigation set out and retained in perpetuity.

Condition 10

The applicant has submitted the following information:

- Delivery Management Plan, authored by Unitech Industries, dated September 2025.

The document was assessed by KC Highways DM. They objected section 2.2 of the Delivery Management Plan due to the intensification of the machinery used within the shared access in reference to the use of forklifts, telehandlers and cranes.

Given the safety implications of machinery present during kerb-side deliveries through the residential site, it is not possible to discharge condition 10 and a new application will be required.

