

# **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:         | <b>2026/44/91170/E</b>                                                                                                                                                                                                                                                                      |
| Site Address:         | Modern Mortgages, 16, Branch Road, Batley, WF17 5RY                                                                                                                                                                                                                                         |
| Description:          | Discharge of details reserved by conditions 5 (Noise Management Plan) and 7 (drainage) on previous permission 2026/90051 for change of use from retail unit (Class E) to hot food takeaway (sui generis) and installation of extract and ventilation equipment (within a Conservation Area) |
| Recommending Officer: | Danielle Cooper                                                                                                                                                                                                                                                                             |

### **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: 13-Aug-2026**

## DISCHARGE OF CONDITIONS

**Site:** Modern Mortgages, 16, Branch Road, Batley, WF17 5RY

**Proposal:** Discharge of details reserved by conditions 5 (Noise Management Plan) and 7 (drainage) on previous permission 2026/90051 for change of use from retail unit (Class E) to hot food takeaway (sui generis) and installation of extract and ventilation equipment (within a Conservation Area).

The merits of the application have previously been assessed under reference 2026/90051 and permission granted for the change of use from retail unit (Class E) to hot food takeaway (sui generis) and installation of extract and ventilation equipment (within a Conservation Area).

### Condition 5 (Noise Management Plan)

*5. 'Before the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing, by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. The plan shall include a scheme to deal with noise from, but not limited to:*

- music and/or other amplified sound at the premises*
- loud voices from customers at the premises including those at outside areas (inc.*
- smoking shelters) and those leaving the premises*
- disposal of glass bottles and removal of waste from the premises*
- outdoor equipment such as chillers, and air conditioning plant*
- deliveries of supplies to the premises*

*The approved Noise Management Plan shall be fully implemented before use commences and operated in accordance with the approved 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.'*

### Condition 7 (Drainage)

*7. '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 Policy LP44 of the Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.'***

The following details have been submitted:

- Cover Letter, received 29/04/2026
- Grease Management Plan, received 29/04/2026
- Noise Management Plan, received 29/04/2026
- letter from Grease Guru, dated 23rd April 2026, received 29/04/2026
- Invoice for grease box installation, received 14/07/2026
- Invoice for grease box installation, received 14/07/2026
- Photos showing the installation of the grease trap, received 11/08/2026

Assessment:

Condition 5

The submitted Noise Management Plan has been reviewed by KC Environmental Health and consider the information provided to be acceptable. Condition 5 can therefore be discharged. The details is acceptable for the discharge of condition 5 of previous permission 2026/90051. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.

Condition 7

The submitted Grease Management Plan, letter from Grease Guru, invoices for the installation of the grease box and photos showing its installation have been reviewed by the case officer and KC Environmental Health. The information provided is considered to be acceptable. Condition 7 can therefore be discharged. The details is acceptable for the discharge of condition 7 of previous permission 2026/90051. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.

### **Decision Notice Text**

#### **Condition 5 (Noise Management Plan)**

The following details have been submitted:

- Noise Management Plan, received 29/04/2026

The submitted Noise Management Plan is considered to satisfy the requirements of condition 5 and therefore condition 5 is discharged on the basis of the submitted document. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.

#### Condition 7 (Drainage)

The following details have been submitted:

- letter from Grease Guru, dated 23rd April 2026, received 29/04/2026
- Invoice for grease box installation, received 14/07/2026
- Invoice for grease box installation, received 14/07/2026
- Photos showing the installation of the grease trap, received 11/08/2026

The submitted information is considered to satisfy the requirements of condition 7 and therefore condition 7 is discharged on the basis of the submitted document. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.