

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/90707/E
Site Address:	Victoria Works, 446, Bradford Road, Batley, WF17 5LW
Description:	Formation of vehicular access and one way system
Recommending Officer:	Nina Sayers

DECISION - REFUSED

I hereby authorise the refusal 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: 28-Oct-25

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Officer Report

Site Description

The application site relates to an existing industrial unit on Bradford Road in Batley. The site fronts Bradford Road (A652) and is bounded by Caledonia Road to the east and Bridge Street to the west. The properties surrounding the application site are all serve commercial uses of a variety of designs, sizes and materials. The site is unallocated within the Kirklees Local Plan.

Description of Proposal

The applicant is seeking permission for the formation of vehicular access and one-way system.

The scheme proposes a new access off Bridge Street and a one-way system running along the north-western boundary of the site, exiting onto Bradford Road on the western corner of the site.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Officers outlined the concerns regarding highway safety and gave the applicant the opportunity to address these concerns. No amended plans were received.

Relevant Planning History

2022/93258 Formation of vehicular access. Refused.

Representations

The application was advertised by neighbour notification letter and online. Final publicity expired 27/04/2023.

No representations were received.

Officer comments will be made in section 6 of this report.

Consultation Responses

KC Highways – objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The application is for a new access to an existing commercial unit and therefore, in the broadest terms, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The surrounding area lacks uniformity and there are a number of existing vehicular access within the street scene. The overall appearance of the new access from the highway would have no significant impact on the general appearance of the area.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or

the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers. There are no nearby residential properties and due to the nature of the works no harm would be caused to residential amenity as a result of the proposal. Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would include the installation of a vehicular access off Bridge Street and then a one-way internal road exiting onto Bradford Road, a classified A road (A652). The proposed access would be directly adjacent to the junction of Bridge Street with Bradford Road. KC Highways Development Management (HDM) were consulted on the proposal and raised concerns regarding the proposed access. Bridge Street is a narrow, predominantly residential street which would not be suitable for HGV use. The proposed point of access onto Bridge Street also does not appear possible for anything bigger than a standard car given the width between the back of existing footway and the face of the existing building. No widths are specified and a swept path analysis has not been provided. KC HDM also believe a one-way system could not be reasonably enforced and therefore access could potentially be taken from Bradford Road. The works would result in conflict between a vehicle accessing/egressing the site and vehicles turning out of Bridge Street, to the detriment of road safety at this location.

It must be noted that the previous application at this site ((2022/93258) was partly refused due to concerns regarding the proximity of the junction to the adjacent junction where Bridge Street meets Bradford Road and the impact this would have on highway safety. The proposed vehicular exit onto Bradford Road, proposed under this application is in the same location as that proposed under application 2022/93258. Therefore, officers do not consider the applicant has overcome the reasons for refusal.

Officers sought additional information from the agent, including reviewing draft amended plans. Officers clearly outlined to the applicant that the draft revisions could potentially be supported but that additional information would need to be supported including swept paths for a skip waggon. No amendments were received.

Therefore the proposal is considered to cause harm in terms of highway safety and as such fails to comply with Policy LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

This application was submitted prior to 12th February 2024 so BNG is not a mandatory requirement in this instance.

6 - Representations

No representations were received.

7 – Conclusion

This application for the formation of vehicular access and one way system at 446 Bradford Road, Batley has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations.

The proposal is considered to caused significant have to the safe operation of the highway network and therefore cannot be supported.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Refusal

Decision Authorisation - Delegated Powers**Application Number:** 2023/90707**Officer Recommendation:** Refusal**Reasons for refusal**

1. The proposed development by virtue of its siting in close proximity to the junction at Bridge Street/Bradford Road, as well as the unsuitability of the access off Bridge Street for the large vehicles expected to use the proposed access, would result in significant harm to the safe operation of the highway network. Therefore, this application fails to comply with LP21 of the Kirklees Local Plan and the aims of Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location plan		13/03/2023
Aerial Image		13/03/2023
Street View		13/03/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. acOfficers outlines the concerns regarding highway safety and gave the applicant the opportunity to address these concerns. No amended plans were received.

Report Dated: 21/10/2025

