

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:	2024/62/91164/E
Site Address:	Unit 1, Spafield Mill, Upper Road, Batley, WF17 7LR
Description:	Erection of side extension
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional Permission

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18-Aug-2025

Officer Report

Reference No. 2024/91164

Site Address: Unit 1, Spafield Mill, Upper Road, Batley, WF17 7LR

Proposal: Erection of side extension

Officer Report

Site Description

2024/91164 – Unit 1, Spafield Mill, Upper Road, Batley, WF17 7LR

The application site relates to an existing warehouse which is currently used for the storage of textiles. The building is industrial in style and design with predominant use of brick and profiled metal cladding to its elevations. The site is fully hard surface.

The immediate vicinity of the site is mixed use.

The site is bounded by designated urban green space (to the south), other industrial units to the north of the site and predominantly residential areas to the west. Access to the site is from the south and southeast and parking provision is mainly located to the east.

Description of Proposal

Planning permission is sought for the erection of an extension to the existing warehouse along the southern boundary.

The extension would project 5.2m beyond the side elevation of the existing building and have a depth matching the existing building of approximately 17.8m and a maximum height of 6.1m.

There are no alterations to the existing roof and the plans demonstrate that the existing building envelope would remain intact.

History of negotiations/amendments received

Officers requested a Coal Mining Risk Assessment during the course of the application which was subsequently submitted.

Representations

The application was publicised by site notice which expired on 20th March 2025. As a result of the above publicity, no comments have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health: (Informal) No objection subject to conditions

KC Highways: No objections as existing turning facilities would be retained.

The Mining Remediation Authority: On receipt of required assessments, objection removed subject to the inclusion of an informative.

KC Ecology: Details on Biodiversity Net Gain required and an informative on bats required.

Planning 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 Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP8** - Safeguarding employment land and premises
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 4** - Decision-Making
- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of Development

The site is without notion 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.

Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;*
- or*
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

Policy LP7 of the Kirklees Local Plan refers to the effective use of land and buildings and states that proposals should encourage the efficient use of previously developed and in sustainable locations providing its not of high environmental value.

Officers consider that as the site has previously been developed and that it is enclosed by other commercial developments of varying scale and design; the proposal would extend an existing use on site. Therefore, officers consider that the proposal would accord with LP7 of the Kirklees Local Plan.

Policy LP8 states that “Proposals for development or re-development for employment generating uses... in Priority Employment Areas will be supported where there is no conflict with the established uses... in the area”, officers consider the proposals to be compliant with this aspect of the relevant policy. The site is not unallocated however would not interfere with any priority employment areas and would not be a main town centre use, merely extending a building within an established employment use. Given the above assessment, it is considered that there are many aspects to the proposals that would attract positive weight in the balance of planning considerations.

In this case, the principle of development is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

As previously highlighted, the site is currently developed, and the proposal would form an extension to the existing unit on site.

The external walls of the extension would be constructed from materials matching the host building; with the plans stating these to be profiled sheet metal cladding and facing brickwork to the walls with the cladding also being utilised on the roof. It is considered that the surrounding area has a mixed material palette and these materials will match the existing building, resulting in no harm to visual amenity..

The design of the unit is considered to be typical for a unit of this nature use and would be acceptable in this regard.

It is considered that, although the resultant structure would have a large scale, the location of the proposal would not result in the building being any more prevalent in the street scene. Officers consider that it would not appear overly intrusive within the street scene and would be appropriately scaled to be located between existing development. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

The building does not currently have a specified use class, however the application form outlines the site as being used for mattress filling. Officers would consider this to be a light industrial use falling within use class B2. It is considered reasonable to impose a condition on the application that the site is to only be used for class B2 uses to ensure that the site is appropriate for the area visually and that the works are contained within the extended building.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

It is considered that the proposal would be set a reasonable distance away from neighbouring properties to not raise any significant concerns regarding overshadowing, loss of light or overbearing as it would be an extension to an existing warehouse.

The opening hours of the site are not to be amended as part of this application as the proposal is for an extension.

The proposal has not been demonstrated to include any additional lighting, therefore a condition is considered necessary for a lighting scheme to be submitted should any external lighting be required. On the basis of the inclusion of such a condition, the impact of the proposal in this regard is considered to be acceptable.

The building does not currently have a specified use class, however the application forms outlines the site as being used for mattress filling. Officers would consider this to be a light industrial use falling within use class B2. It is considered reasonable to impose a condition on the application that the site is to only be used for class B2 uses to ensure that the site retains a use that is acceptable in close proximity to residential dwellings.

Having considered the above factors, the proposal is not considered the proposal would 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 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development would increase the existing footprint of the building however there would not be any additional staff on site.

The application form indicates that parking provision would be retained on site.

This has been reviewed with KC Highways and considered acceptable as existing turning facilities would be retained on site.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Land Quality /Stability/Coal mining legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site is identified as having a coal outcrop running through the site. Details of the depth of the outcrop have not been provided to support the application and officers are therefore unclear if there are combustible materials on site. Therefore, KC Environmental Health confirm that contaminated land conditions are necessary in case combustible materials are identified on site.

As the site is located within a high risk coal area, officers consulted with The Mining Remediation Authority. Initially an objection was received due to

insufficient information. However on receipt of an updated coal mining risk assessment, no further issues were raised by The Mining Remediation Authority subject to advisory notes to be attached should planning permission be approved.

It is considered that, subject to conditions the proposal would accord with LP53 of the Kirklees Local Plan.

Biodiversity

The site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, a bat survey has not been provided to support the application. The details of the application have been reviewed by KC Ecology who have requested an informative is added to any decision notice as it is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

KC Ecology have requested details of BNG; however, the site qualifies as a de minimus exemption and therefore no further details are required.

No lighting has been highlighted to be proposed as part of the scheme and therefore a condition shall be added which states no artificial lighting is to be installed without prior consent of the local planning authority. In addition, it is considered appropriate to add a condition requiring the installation of a bat box into the building. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

5. Representations

No comments were received during the course of the application.

6. Negotiations

A Coal Mining Risk Assessment was requested during the course of the application.

7. Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: - Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/91164

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The proposal shall be constructed with all materials and their colour/finish to be matching the host building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. 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.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 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.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further 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.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework.

8. 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 policies within section 15 of the National Planning Policy Framework.

9. No external lighting shall be installed unless and until a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been submitted to, and approved in writing by the Local Planning Authority. The lighting scheme will demonstrate how all artificial lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and residential amenity in accordance with Policies LP24 & LP30 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

13. At no time shall there be any external storage within the area outlined in drawing 'one of two'

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of highway safety and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

14. The floorspace of the building and the land detailed on plan 'two of two' shall not be used for any purpose other than those falling within use classes B2 and/or B8 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of highway safety and to accord with Policies LP24 and LP52 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

15. At no time shall any specific general industrial activity within use class B2 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) be undertaken externally and all activities falling within use class B2 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be undertaken within the building hereby approved.

Reason: In the interests of visual amenity and residential amenity of neighbouring occupiers to accord with policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Notwithstanding the submitted plans, one bat roosting feature shall be incorporated into the structure, located away from external windows and lighting, before the site is first operational and retained thereafter.

Reason: So as to enhance the biodiversity of the site in accordance with LP30 of the Kirklees Local Plan, the NPPF and Circular 06/2005 – Biodiversity and Geological Conservation - Statutory obligation and their impact within the planning system.

NOTE: 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.

The 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

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Existing Plans	Drawing one of two		7/02/2025
Proposed Plans	Drawing two of two		7/02/2025
Coal Mining Risk assessment			25/07/2025
Climate Change Statement			7/02/2025

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. A coal mining risk assessment was requested during the course of the application.