

**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:	2024/62/93155/E
Site Address:	former Conservative Club, Stocks Lane, Batley, WF17 8PA
Description:	Change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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: 12-JAN-2026

Officer Report

2024/93155 - former Conservative Club, Stocks Lane, Batley, WF17 8PA

Site Description

Batley Conservative Club is a large, prominent building constructed in a classical style. It stands detached within a triangular plot in a highly visible position. A busy road junction lies to the front of the building. To the east and west are retail and commercial properties lining Bradford Road, while to the south lies the grade I listed All Saints Church.

Batley Conservative Club is a large building built in a classical style with hammer dressed coursed stone block work with pedimented central break and flanks. Ground floor windows are square headed, first-floor windows are arched with architrave. The central window support cornices with balcony over. A hard surfaced area sits to the rear. Boundary treatments include stone walling and metal railings.

The site lies within the Batley Market Place Conservation Area and is located adjacent to the defined Batley Town Centre boundary. Batley Conservative Club is considered a non-designated heritage asset due to its special historic and architectural interest and contribution to the area.

Proposal Description

The application is seeking a change of use from conservative club (sui generis) to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area).

Internal floor plans indicate the following uses will take place within the building and extensions:

- Café/bar with kitchen area
- Three retail areas
- Bookshop/learning facility
- Market hall

An extension will project from the side elevation by 6.00m to a width of 15.25m, with a roof height of 3.35m. The extension will have a flat roof, it will be constructed with zinc sheet cladding walls.

An outdoor seating area will be formed to the rear of the building with canopy.

A front access ramp will be constructed with walling with railing and columns in Yorkshire stone to match existing frontage.

There is an associated planning application 2024/93139 which relates to works for the car park located directly behind the building which will be used to support the change of use.

Amendments/Negotiations

During the determination process the following was requested:

- Sequential Test & Retail Impact Assessment – Reviewed, confirming the site is sequentially preferable and the impact on Batley Town Centre is supportable.
- Transport assessment – Reviewed by KC Highways, considered the parking is sufficient to accommodate the use. Requested improvements for pedestrian crossing on Branch Road which has been reviewed by Officers in the *Highways Safety* section of the report.
- Preliminary ecological assessment including bat surveys. KC Ecology reviewed the reports finding them reasonable. Recommended conditions which are reviewed in the *Environmental Matters* section.

Public Consultation

The application was advertised by way of a site notice and a press advertisement/

Site Notice Expiry: 17 February 2025

Press Notice Expiry: 13 February 2025

As a result of the publicity, there were no representations.

Consultations Responses

The Mining Remediation Authority – No objection, subject to conditions relating to ground intrusive investigations.

KC Policy - Assessment of the sequential test and retail impact assessment. No objection.

KC Conservation & Design – No objection to the reuse of the building or extensions.

KC Environmental Health – No objection, subject to conditions relating to noise assessment, hours of use and contaminated land.

KC Ecology – No objection, recommended conditions.

KC Highways - KC Highways, considered the parking is sufficient to accommodate the use. Requested improvements for pedestrian crossing on Branch Road which has been reviewed by Officers in the *Highways Safety* section of the report.

Relevant Planning History

2024/93139 - Car park alterations to fit 58 spaces including 5 disabled parking spaces and 11 electric charging point stations (within a Conservation Area) – Pending decision.

Policy & Legislation

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 within the Batley Market Place Conservation Area in the Kirklees Local Plan. The site is also located out of the Batley Town Centre boundary, and the application is for a main town centre use, therefore Town Centre policies apply.

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 predates 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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 7 – Efficient and effective use of land and buildings
- LP 13 – Town centre uses
- LP 16 – Food and drink uses and the evening economy
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 25 – Advertisements and shop fronts
- LP 26 – Renewable and low carbon energy
- LP 30 – Biodiversity & Geodiversity
- LP 35 – Historic environment
- LP 43 – Waste management hierarchy
- LP 51 – Protection and improvement of air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

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, and 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 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Other materials considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (2019)
- Kirklees Retail Capacity Study Update (2017)

Relevant Legislation

- The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Assessment

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development:

Chapter 2 of the NPPF states that: “Planning policies and decisions should play an active role in guiding development towards sustainable solutions...” It goes on to state that objectives should: “support strong, vibrant and healthy communities... by fostering a well-designed and safe built environment...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that: ‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’ Policy LP1 continues by stating: ‘The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.’ Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Proposed Use of the Site

The proposed use of the site comprises of a mix of retail, and food and drink uses including a large café/bar area with hot food kitchen, three retail units, a ‘market hall’ (retail & food), a bookshop/library (retail/learning institution).

Policy LP13 states that town centre uses should predominantly provide shopping, leisure and local services. It resists development that would have a significant adverse impact on the vitality and viability of a centre or that would undermine a centre's established role and function.

The site is located in an edge of centre location, adjacent to the Batley Town Centre boundary. The proposal includes uses defined as main town centre uses within the NPPF and Local Plan and therefore it is considered that the proposal would need to pass a sequential test in compliance with Policy LP13.

Paragraph 92 of the NPPF states, '*When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*'

A Retail Policy Statement authored by I D Planning, dated April 2025 was submitted. The document includes a sequential test.

The statement includes a comparison of sites located within or surrounding Batley Town Centre. Within which, an assessment of suitability and availability has taken place. A sequential test has been undertaken by considering the cumulation of proposed uses that in themselves form a destination requiring 963m² of floor space with parking and accessibility requirements.

When considering the proposal, the role and function of the uses satisfy criteria set out in Table 11 of Policy LP13 which outlines appropriate uses within defined Town Centres. Officers accept that the proposed uses are well linked and appropriate marketing information has been provided demonstrating the site would operate as a retail hub requiring the proposed amount of floorspace. The development would draw in patrons to make use of the multiple retail opportunities available. Officers therefore agree the scope of the sequential test should relate to vacant units in Batley Town Centre.

The sequential test identifies 29 vacant sites within Batley Town Centre under paragraph 6.13 of the Retail Policy Statement. Details within the Retail Impact Assessment relate to one Town Centre site and five edge of centre sites which have been summarised below.

Town Centre Sites

Site 1: Discounted due to the total internal floor space measuring 221m² which would be unsuitable to meet the requirements of the proposed use.

In respect of site 1, the application building has a substantially larger floor space to this site, Officers therefore agree such this site would not be appropriate for the proposal.

Edge of Centre / Out of Town Centre Sites

Site 2/3: Substantial work would be required to convert the two units to accommodate retail and food uses. The site is further from the primary shopping area of Batley. It is not a preferential site due to its appearance.

Site 4: Discounted due to the internal floor space of 134.71m².

Site 5: The site is not well connected or visually attached to the town centre

Site 6: The site is an area of land with no existing building, it would require a large up-start cost to build a purpose-built retail space.

Sites 2-6 are located outside of the Batley Town Centre boundary some of which are edge of centre sites, as is the application site. Sites that are not preferential to the applicant's needs have been considered; however, greater weight has been afforded to a site that is preferential to the applicant's needs. When accounting for the sites within the sequential test, their drawbacks are considered sufficient in indicating a reasonable conclusion the proposed building would provide a suitable level of floorspace to meet the demands of the use when taking into account the benefits of reusing the application building.

Officers agree the use provides the conversion of a large-scale vacant building within a prominent position in an edge of centre location outside of Batley Town Centre. The site is well connected to the centre of the town and secondary shopping centre through Branch Street by accessible pedestrian routes and vehicles routes and these benefits are substantial in supporting the proposal in compliance with the sequential test and are discussed in subsequent sections.

All other available units in the town centre boundary have been discounted as the floor space would be too small to accommodate a retail area comprising of the proposed uses irrespective of the need for associated suitable car parking adjoining the unit.

KC Policy conducted a site assessment of vacant retail units in the Batley Town Centre in May 2025. They confirmed the available units for rent and sale would not meet the requirements for a site of the scale proposed.

It is therefore considered that there are no suitable sequentially preferable site and the sequential test meets the requirements of LP13 part B.

Part C of Policy LP13 requires a retail impact assessment for proposals located within 800 metres of the boundary of a Town Centre and is greater than 300sqm gross internal area to ensure the proposed development does not harm the vitality of existing town centres or businesses.

Part 6 of the Retail Policy Statement includes a retail impact assessment, providing a breakdown of the location and type of existing retail outlets in the town centre. It provides a reasonable summary of the vacancy rates experienced in the town centre as of March 2025 with brief comments of observed pedestrian flow, accessibility and environmental quality.

The report identifies a comparison/convenience good split of 75%/25% based on the assumption one of the vacant units would be convenience and the others two comparison goods. With an estimated turnover of £0.6m (comparison) & £0.42m (convenience).

The figures, however, omit the retail floorspace provided within the proposed library, which will include the sale of books and merchandise and is estimated to generate an additional turnover of £0.19 million. This figure should be treated as flexible, as some of the floorspace will be used for events and learning opportunities; accordingly, a flexible approach should be adopted.

The Kirklees Retail Capacity Study Update (2017) data is the most up to date retail study of Batley Town Centre held by the Council. It assumes the convenience goods turnover of the centre to be £72.81m the comparison goods turnover of the centre as £7.6m.

The retail impact assessment concludes that trade diversion from Batley Town Centre for convenience goods would result in a trade impact of -0.5%. For comparison goods, when the library is taken into account, a strict trade diversion figure of -7.8% by the identified by the Council.

Based on the proposed uses known to the Council, the 'Enchanted Library' would be used for the sale of books and merchandise and would operate as a specialist retail area, incorporating other services not directly related to retail. It is noted that there are no independent bookshops or similar providers within Batley Town Centre that would directly compete with the proposed use of this retail space. The comparison goods impact is estimated to lie between -5.9%, as identified by the applicant, and -7.8% when applying a strict trade diversion figure. For the reasons outlined above, it is considered likely that the impact would fall toward the lower end of this range.

Overall, the retail impact assessment demonstrates that the proposed development would result in an acceptable level of impact on Batley Town

Centre. The degree of trade diversion identified is limited and would not adversely affect the vitality or viability of the town centre, particularly given the specialist nature of the proposed uses and the lack of direct competition with existing retailers.

In terms of impact, the site is expected to provide benefits to Batley Town Centre. It is located along a pedestrian-friendly route via Branch Road and includes additional car parking in close proximity to the town centre. As a result, linked trips are likely, with visitors to the site also accessing nearby businesses, including the adjacent supermarket and retailers on Commercial Street offering alternative goods.

Having regard to the above matters, the provision of the proposed use(s) within the site are considered to result in an acceptable impact on the vitality of Batley Town Centre, therefore complying with LP13 of the Kirklees Local Plan & paragraphs within Chapter 7 of the NPPF.

Compliance with the requirements of the sequential test and Retail Impact Assessment does not in itself guarantee that planning permission will be granted, as all material considerations must be taken into account when reaching a decision.

Loss of a Community Facility

LP48 serves to protect from the closure of community assets, the site was formally a functioning Conservative Club which is a member's social club for the locality of Batley and is considered to fall under the category of a community asset.

Proposals which involve the loss of a community facility will only be permitted where it can be demonstrated that, there is no longer a need for the facility, it is no longer viable, there is adequate alternative provision in the locality, an alternative facility of equivalent or better standards will be provided, or a registered asset meet relevant legislation criteria. These criteria are set out under parts a-e of LP48 of the Kirklees Local Plan.

In this case, the applicant has provided details addressing part (d) of Policy LP48, demonstrating that an alternative facility of equivalent or better standard will be provided on-site, in the form of literature groups. While the proposal includes areas for children and adults to engage in charitable and community activities, the main floorspace will remain dedicated to retail. These community opportunities are a positive addition to the area, but they are ancillary to the building's predominant retail use.

The Conservative Club formally closed in early 2020, and the building has remained vacant since. As a large-scale building with multiple spaces, it is acknowledged that its former use may no longer be viable.

Considering the proposed use, which combines community elements with retail opportunities, and the long-term vacancy of the building, it is concluded that the former use is no longer viable. On this basis, a partial community use is considered acceptable under Policy LP48.

Historic Environment

The site is located in the Batley Marke Place Conservation Area, therefore an assessment on the impact of the setting of the conservation area must be undertaken. As a starting point, the special interest and/or significance of the heritage asset should be established as per paragraph 207 of the NPPF. The applicant has submitted a Heritage Statement to support the proposal.

The Batley Conservative Club was built in the late 19th century by millowner Mr. George Sheard. The 1907 County Series indicates the building as 'Victoria Hall', it was used as a public hall for banquets and events in the main ballroom, other rooms included a billiard room, card room and newsroom. The ballroom was converted into a public cinema in the 1930s before becoming a function room for the Club.

Appearing on the 1907 County Series OS map, the building occupies the footprint present today, whilst a bowling green sits to the rear of the site and public road to the front. The 1980 OS map indicates the site as it stands today with the front area and car park as one site.

Buildings within the conservation area are typically of grand scale, erected in local sandstone. Many of the positive contributing buildings within the conservation area are designed in a classical in design, typical of the late Victorian period. Stone walls and iron railings are present throughout the area.

Buildings within the locality of the Conservative Club have architectural merit, including the Grade I listed All Saints Trinity Church which sits behind the site, however the most striking building is the Conservative Club. There are open spaces and mature tree groups which further adds character within the locality.

The site appears relatively unchanged, notwithstanding development of previous permissions linked to the site, with the rear and front sections still appearing as open space. There are some modern materials present as

replacement metal railings and tarmac has been used to cover the front and rear areas of the application site.

The building is notable for its historical and architectural significance, making a strong contribution to the identity of the Batley Market Place Conservation Area. It is impressive in scale, detailing, and prominence, reflecting the character of the grand civic buildings in the area. Positioned on a highly prominent site, it is visible from multiple public viewpoints and is set within open space to the front and rear, bounded by a low stone wall and railings. The building appears relatively distant from areas to the south due to the separation and existing vegetation within the All Saints Trinity site. Key architectural features, including hammer-dressed coursed masonry, pediments, and detailed window treatments, further reinforce its grand character and value. There is a high degree of special historical interest due to the cultural use of the club throughout its existence.

Both LP35 & Paragraph 212 of the NPPF makes clear that considering the impact of a proposed development on the significance of a designated heritage asset which in this case is the Batley Market Place Conservation Area, great weight should be given to the asset's conservation.

LP35 is also relevant in respect of a landmark building that contributes to the local distinctiveness of an area. In this case, given the building's contribution to the sense of place when entering Batley Town Centre and from public aspects to the north of the site, the building is considered a non-designated heritage asset.

'Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset.'

Paragraph 14.3 of the Local Plan states, *'Local distinctiveness is defined by the particular positive features of a locality that contribute to its special character, the sense of place and distinguish one local area from another'*.

Application's which affect a non-designated heritage asset's contribution to this sense of place should be sympathetic wider area and the building itself which hold architectural and historic value to accord with LP35.

Development will result in erection of black aluminium canopy with clear roof to the rear of the building and zinc sheet extensions with flat roof to the side of the building. Solar panels will be fitted to the south and east facing roof

planes. Landscaping includes planting of native trees, hedging and installation of grass paving system.

Extensions and alterations are subservient to the host building. The materials incorporated with the building are modern striking a contrast between old elements and new that complement each other. Extensions will be formed on the east elevation. This elevation contains hammer dressed stonework, there are no further stone details within the façade until the stone corbels within the roof form. The canopy is attached below the lintels of the first-floor windows. The building will retain its architectural features and grandeur. Landscaping features blend the parking area with the dense greener of the site behind. The roof planes of the building are set within the parameters of the external walls due to hipped shape, solar panels will therefore only be visible from medium/long distances. Additionally, the proposed use will provide a sustainable use for the vacant building which will maintain the building over time (LP7).

Overall, the proposal preserves the Batley Market Place Conservation Area, its setting and features of special historical or architectural interest. It would therefore satisfy the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990, section 66(1) & section 72 (1).

In this case, given the level of intervention of the original building, taking into consideration the enhancement to the landscaping and reuse of an important prominent building, the proposal will not result in harm to the Batley Market Place Conservation Area, therefore complying with Policies LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Impact on Visual Amenity

The NPPF 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Notwithstanding an assessment to the historic environment which has been undertaken in the paragraph above, an impact to the wider building group and landscape is required.

Development includes modifications to the host building including a rear canopy and side extension. These will provide a covered outdoor area for the enjoyment of the café and three new retail areas. The application building sits in a relatively independent area due to the adjacent roads. The nearest buildings are located to the west of the site. Neither the canopy nor the side extensions will compete with built form surrounding the site. Additionally, landscaping enhancements in the car parking will contribute the greenery of the area. In terms of the host building a ramped access will be formed with matching stone, it will meet accessibility requirements and appear as an in keeping addition.

Considering the additions, the proposed plans accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in respect of the impact on the surrounding townscape and landscape.

Impact on Residential Amenity

Section B and C of LP24 states that alterations to development should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The nearest residential building is located 19.00m to the south-west of the site. There are no other residential buildings in a proximity where the amenity of occupants will be impacted.

Impact on 1 Church Steps

In terms of privacy, the site benefits from a large stone wall on its western elevation, the open section of which will be rebuilt to match the height of the

existing wall. There is a rear canopy which will be used however it is not considered that the occupancy of this area will lead to a material decrease in the level of privacy observed by occupants of the dwelling due to the short lead time of its use, as well the changes in height level and angle.

There are no overbearing structures that would lead to a loss of light or outlook.

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources and seeks to compliment LP24b in terms of an impact to neighbouring occupiers. LP16 seeks limit disturbances from food and drink premises.

There are residential properties in the immediate area and consideration must be given to minimising any noise from the proposed use. The proposed covered outdoor seating area to the rear of the building will be used by the café to serve hot food and drinks, has the potential to generate noise which may lead to a loss of amenity. The proposed development will include the installation of fixed plant machinery to accommodate servicing of hot food. The kitchen and storage area is located in the west wing of the building. Details of the machinery, including their noise output during the night, have not been provided consequently conditions for a noise assessment report will be required, to protect the amenity of neighbouring occupiers from nearby noise generating premises to accord with the aims of Policies LP16, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

In order to limit noise disturbance to residential properties a condition to limit hours of operation, deliveries and waste collection are recommended to be limited to 0800hrs to 2000hrs Mon to Sun.

There are no other properties to consider.

Impact on Highway Safety

Policy LP21 states all proposals should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development will include the reconfiguration of the car park to the rear of the site. Whilst this is not included within the redline boundary of this application, a separate proposal has been submitted under reference 2024/93139, as the

uses of the building and car park are linked an assessment of the highway's requirements will be formed under this application.

The proposed car park will provide 58 spaces with an in-and-out access from Branch Road. The applicant's Transport Statement, prepared by Paragon Highways (July 2025), assesses current site use, accessibility by different transport modes, local road safety, parking and servicing provision, and potential traffic impacts, and concludes with a summary of key findings.

The report was assessed by KC Highways, who provided comments for highway improvements along Branch Road in the form of a 3.50m buildout to aide pedestrian crossing from areas from the west of the site including the adjacent supermarket car park.

Branch Road is a one-way street, 8.5m wide and straight. The proposed site will provide 58 parking spaces, including 5 designated disabled bays.

It is recognised that the site has moderate to high retail capacity, which could lead to parking overspill at peak times. This may result in on-street parking along Branch Road or use of nearby car parks, with patrons needing to cross the street.

In terms of existing pedestrian crossings along Branch Road, a pelican crossing is located 21m north of the front gate access and 61m from the supermarket car park exit. No other formal pedestrian crossing facilities are provided along the road.

The transport statement submitted as part of this application is noted as is the identified use within the building. Whilst the vehicle traffic identified and the modes of travel along Branch Road noted, there are other factors applicable, notable the size of the car park and pelican crossing system. The established use of the building would result in foot traffic along its primary entrances and at peak times these are not considered to be too dissimilar.

Having regard to the fact the proposal would see a reconfiguration of the car parking which includes 5 disabled parking bays and crossing systems from the supermarket car park are accessible, it is considered, on balance, a reason for refusal on the proposal in relation to highway safety could not be substantiated in this case.

Having regard to the response of the Council's Highways DM Team it is considered that weighing up the applicable factors in this case, on balance and subject to the proposal being considered in light of all other applicable material considerations (discussed in the following sections of this report), the

proposal is acceptable in terms of highway safety. However, it is recommended the car park is constructed prior to the first use of the building set to be approved with a condition recommended to be attached should the application be approved.

Environmental Matters

Biodiversity & BNG Net Gain

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The applicant has submitted a Preliminary Ecological Assessment to support the application, authored by Whitcher Wildlife Ltd. It also contains results of two bat presence/absence surveys. The report is reasonable and accepted by KC Ecology.

KC Ecology have recommended conditions for a lighting strategy and enhancement in the form of bat/bird boxes. The site is adjacent to a dense shrub area where nesting birds may inhabit. Additionally, the site is within a swift alert layer and bat layer. If construction work takes place during the night lighting may disturb bird and bat species in the area. A lighting strategy is therefore recommended to be secured via condition should planning permission be approved.

The proposal when including the car park will provide native shrubs and trees to provide additional habitats, it regards a change of use to an existing building, therefore it is not considered necessary to require an additional habitat uplift.

The site is currently hard surfaced and there are minimal existing habitats which would be impacted by construction works. Habitats in the church site are separated by a bank and stone wall which will provide protection therefore a CEMP is not required.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) the applicant must provide a biodiversity uplift of at least 10%. Whilst a BNG uplift has been applied to application 2024/93155, this application is considered to benefit from the *Di*

Minimis exemption as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

Land Contamination

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 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.

The development site sits adjacent to potentially contaminated land (our map refs 73/5, 75/5, 553/5 and 78/5). Conditions are recommended for any unexpected, contaminated land encountered during any groundworks should planning permission be approved.

Historic Coal Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 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.

The Mining Remediation Authority assessed the report, conclude, 'The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings... Having reviewed the available evidence, the report author considers that there is currently a risk to the proposed development from possible shallow coalmine workings.'

They therefore requested further land intrusive investigations which are recommended to be attached should planning permission be approved.

Carbon Budget

The proposal includes the installation of solar panels which are supported by LP26, providing mitigation to carbon emissions produced ensuring the clean energy sources reduce their reliance on sources of non-renewable energy. The measures are suitable in complying with the policies to reduce carbon emissions.

Conclusion

The application for change of use and alterations 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 principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed change of use is considered to be 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.

As set out above, 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: 2024/93155

Officer Recommendation: Approve

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP7, LP13, LP16, LP21, LP22, LP24, LP25, LP26, LP30, LP35, LP43, LP47, LP51, LP52 & LP53 of the Kirklees Local Plan, the Council's adopted Hot Food Takeaway Supplementary Planning Document (2022) and the policies within Chapters 2, 4, 6, 7, 8, 11, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework. To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

5. Prior to first use of the development hereby approved, 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 drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and NPPF15.

6. 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 and those leaving the premises
 - disposal of glass bottles
 - outdoor equipment such as chillers, and air conditioning plant
 - deliveries of supplies to the premises and removal for waste from 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.

7. The use hereby permitted shall not be open to customers outside the hours of 0800hrs to 2000hrs Monday to Sunday and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

8. Prior to the first use of the development hereby permitted, all works within the blue line boundary shown on the approved plan HEBR-MWA-XX-XX-DR-A-0007 P4 shall be fully constructed and completed. This shall include the proposed on-site car parking, turning and waiting areas, which shall be levelled, laid out, demarcated and surfaced in accordance with the car park within the blue line boundary indicated on the approved plan. Access from Stocks Lane shall be permanently closed, the In/Out access on Branch Road shall be formed prior to first use and thereafter kept clear of obstruction at all times. The parking and manoeuvring areas shall thereafter be retained and maintained and kept available for that specific purpose for the lifetime of the development.

Reason: To ensure the permanent availability of the parking and manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Policies LP21, LP22 & LP24 of the adopted Kirklees Local Plan.

9. The development hereby permitted shall be carried out in strict accordance with the approved hard and soft landscaping scheme and maintenance plan (plan ref: LDP-24-P262 revC (Landscape Plan) prior to its first use. The

approved details shall thereafter be retained and maintained as such for at least five years following the date of planting.

Reason: To ensure that the approved landscaping scheme is maintain in the interest of protecting the visual amenities of the area and to sustain Biodiversity Net Gain on the site, in accordance with Policies LP24, LP30, and LP35 of the adopted Kirklees Local Plan and Chapter 12, 15 & 16 of the National Planning Policy Framework.

10. Notwithstanding the submitted plans, any new external materials used in relation to the repair of the existing building shall in all respects match the materials used in the construction of the section of the existing building to which it relates.

Reason: In the interests of visual amenity and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, and the aims of chapter 12 & 16 of the National Planning Policy Framework.

11. The external materials of the extensions and alterations shall accord with the materials key on drawing HEBR-MWA-XX-XX-DR-A-0005-P06 and retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, and the aims of chapter 12 & 16 of the National Planning Policy Framework.

12. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraph nos. 196 and 198 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety Team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulations within the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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 bats 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: 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.

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	HEBR-MWA-XX-XX-DR-A-0001	P1	18 December 2024
Existing Site Plan	HEBR-MWA-XX-XX-DR-A-0003-S2	P2	18 December 2024
Proposed Site Plan	HEBR-MWA-XX-XX-DR- A-0007	P4	09 May 2025
Existing Elevations	HEBR - MWA - XX - XX - DR - A - 0003	P2	18 December 2024
Existing Floor Plan	HEBR - MWA - XX - ZZ - DR - A - 0004	P2	18 December 2024
Proposed Elevations	HEBR - MWA - XX - XX - DR - A - 0005	P6	09 May 2025
Proposed Floor Plan	HEBR - MWA - XX - ZZ - DR - A - 0006	P5	18 December 2024
Proposed Landscape Plan	LDP-24-P262 1001	RevC	28 August 2025
Transport Statement	2462	-	29 August 2025
Preliminary Ecological Appraisal & BNG	240816/1	-	29 October 2025
Retail Policy Statement	-	-	15 April 2025
Conservation / Heritage Appraisal	HEBR_MWA_XX_XX_RP_A_001	-	18 December 2024
Coal Mining Risk Assessment	G24350	-	18 December 2024

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Further details were requested by Officers throughout the decision-making process which were received and accepted.

