

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:	2025/62/90196/E
Site Address:	Ings Road Fisheries, Ings Road, Batley, WF17 8LT
Description:	Erection of single storey extension
Recommending Officer:	Faiza Bano

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 April 2025

Officer Report.

Reference: 2025/90196

Location: Ings Road Fisheries, Ings Road, Batley, WF17 8LT

Proposal: Erection of single storey extension

Site Description.

The site relates to a plot of land which serves an existing commercial property featuring a single storey building and has an established use as a fish and chip shop. The site is surrounded by residential buildings.

Description of Proposal.

Planning permission is sought for the erection of a single storey storage unit with opening along the front elevation.

The proposed storage unit will have the following dimensions:

- Width – 4.9 metres
- Length – 4.95 metres
- Height – 2.5 metres

The external walls of the extension will be finished with off white render and the roof will be finished with concrete tiles.

History of Negotiations.

No amendments were sought or provided.

Relevant Planning History.

None

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 2 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

Final publicity date expired: 24th March 2025.

Two representations received:

1. Objection Points:

- **Traffic Concerns:** The existing traffic on Ealand Road is already dangerous, and the proposed extension will increase traffic by 110%.
- **Noise and Disturbance:** Cars will be present until late hours, causing disturbance to residents.
- **Odor Issues:** The smell of food from the extension will prevent residents from opening their windows.

1. Objection Points:

- **Location Concerns:** The proposed site is not ideal.
- **Parking Issues:** Insufficient parking provision; potential blockage of Ings Road/Ealand Road, especially during evenings.
- **Traffic Impact:** Increased traffic and congestion in an already busy area.
- **Waste Management:** Anticipated rise in litter, as evidenced by current conditions near Frankies.
- **Noise and Disturbance:** Proximity to residential homes may lead to excessive noise and disturbance due to extended operating hours.
- **Saturation of Takeaways:** The area already has a high density of takeaways within a one-mile radius.

Consultation Responses.

KC Highways Development Management – No objection

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 application site is located within the River Colne Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

The site is unallocated and shows a Low Risk Coal Area on the KLP.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 – Priority Employment Area
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network

- LP53 – 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, together with Circulars, Parliamentary 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- 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

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Chapter 6 of the NPPF relates to 'Building a strong, competitive economy'. Paragraph 85 sets out the following:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

The submitted supporting document sets out the current and proposed use of the site. The site has already been established as a Fish and Chip shop. The intended use of the site is for Ings Road Fisheries.

The proposed development would facilitate the growth of an existing employment use and would be on land which is currently developed, therefore not conflicting with any established employment uses. The proposed use for a single storey extension to be used as storage would not be considered a main town centre use so no assessment against LP13 is necessary in this instance. The scheme therefore complies with LP8 of the Kirklees Local Plan and paragraph 85 of the NPPF.

The principle of development is therefore considered acceptable in this instance and it does not conflict with the purposes of LP8 of the Kirklees Local Plan or Chapter 6 of the NPPF.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

1) 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 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."*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'

'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

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...'
'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Whilst the proposed single storey extension would be of a relatively modest size/scale, it is considered that the proposed built form would not be out of keeping with the commercial setting of the immediate and wider site. It is also noted that the application site is set down significantly from the existing buildings on the site, reducing the prominence of the building when viewed from the existing buildings.

At the time of the Case Officer's site visit, the application property appeared to be undergoing renovations. Historical aerial photographs indicate that the original finish of the existing commercial building was rendered. However, in its current derelict state, the building exhibits a combination of red brick and white render in certain areas. The materials proposed for the extension are designed to harmonise with the historic building materials. It is recommended that the finishes of both the host building and the extension match, which can be ensured through appropriate conditions.

Therefore, it is concluded that the proposed development would not appear out of place within the established built environment, in accordance with Policy LP24 of the Kirklees Local Plan.

As such, the impact of the proposal and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings 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.

Residential properties affect:

- **1 Ealing Court:** The application site is situated to the rear of this property. The proposed extension is located on the opposite side of the shared boundary and will not affect number 1.
- **1A Ealand Road:** The side elevation of this property, which has one small, non-habitable opening, faces the rear elevation of the application site. There is an 8-metre separation distance from the side elevation of number 1A to the shared boundary. Given that the proposal is single storey, there will be no impact on number 1A.
- **50 Ings Road:** Located opposite the application site, this property will experience additional massing to the commercial building. Although openings face this property, there is a separation distance of over 21 metres. As the extension is proposed for storage use, there are no concerns regarding privacy.
- **2 Carlinghow Lane:** This property will see additional massing to the commercial building. However, given the distance between the proposed extension and number 2, it is considered that there will be no impact on this property.
- **2 - 6 Ealand Road:** The front elevation of these properties faces the side elevation of the application site. These properties will see the erection of a single-storey extension. There will be no impact on these properties given the separation distance, the single-storey nature of the proposal, and the absence of openings along the proposed side elevation.

Therefore, it is considered that the proposal would have no detrimental impact with regard to residential amenity, comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide also seeks to ensure acceptable levels of off-street parking are retained is also considered to be of relevance.

This proposal outlines the plan for a single-storey extension at Ings Road Fisheries, located on Ings Road, Batley. The proposed extension will add 24 square meters to the existing hot food takeaway facility. According to the floor plans, the additional space will be utilised for storage purposes.

This section of Ings Road is one-way, with double yellow lines extending to the junction with Ealand Road on the southern side, and permit holder-only parking on the northern side, including across the site frontage. There is on-street parking available on Ealand Road to the north of the junction with Ings Road. The application form confirms that there are currently four existing off-street parking spaces, which are to be retained.

KC Highways Development Management (HDM) were consulted on the proposal and whilst there are concerns regarding the lack of off-street parking

provision at this site and the potential premium on on-street parking along Ealand Road, given the scale of the proposals and the fact that the plans show the extension will be used for storage, Highways Development Management would find it difficult to justify a refusal. On balance, therefore, there are no objections to this proposal.

It is considered that the proposal would not cause harm to the safety or efficiency of the highway and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

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 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.

Given the nature and scale of development, it is not considered that any specific measures are required in terms of the planning application, with regards to carbon emissions.

5) Representations

As a result of publicity, two representations were received:

- **Objection Points:**

- **Traffic Concerns:** The existing traffic on Ealand Road is already dangerous, and the proposed extension will increase traffic by 110%.
- **Noise and Disturbance:** Cars will be present until late hours, causing disturbance to residents.
- **Odor Issues:** The smell of food from the extension will prevent residents from opening their windows.

Officer Response:

Whilst it is acknowledged that Ealand Road currently experiences significant traffic, the proposed extension is intended for storage purposes only and is not expected to generate a substantial increase in traffic. The claim of a 110% increase in traffic appears to be unsubstantiated given the nature of the extension. Additionally, the extension will not involve additional customer-

facing activities, making it unlikely to result in increased noise or disturbance from late-night car movements. As the extension is designated for storage, it will not contribute to additional food preparation or cooking activities, thus there should be no significant impact on odours emanating from the site. Given these considerations, the application is recommended for approval.

- **Objection Points:**

- **Location Concerns:** The proposed site is not ideal.
- **Parking Issues:** Insufficient parking provision; potential blockage of Ings Road/Ealand Road, especially during evenings.
- **Traffic Impact:** Increased traffic and congestion in an already busy area.
- **Waste Management:** Anticipated rise in litter, as evidenced by current conditions near Frankies.
- **Noise and Disturbance:** Proximity to residential homes may lead to excessive noise and disturbance due to extended operating hours.
- **Saturation of Takeaways:** The area already has a high density of takeaways within a one-mile radius.

Officer Response:

Whilst there are concerns regarding the location, parking, traffic impact, waste management, noise, and the saturation of takeaways, the proposed extension is intended solely for storage purposes. This means it will not generate additional customer-facing activities or significantly increase traffic and congestion. The claim of insufficient parking provision and potential blockage of Ings Road/Ealand Road is mitigated by the fact that the extension will not attract more visitors. Waste management concerns are noted, but as the extension is for storage, it will not contribute to increased litter. Noise and disturbance should not be exacerbated, given that the extension will not involve extended operating hours or additional food preparation. Lastly, while the area has a high density of takeaways, the extension does not add to this saturation as it is not for a new takeaway service. Given these considerations, the application is recommended for approval.

6) Conclusion

This application for the erection of a single storey extension to be used as storage at Ings Road Fisheries, located on Ings Road, Batley and 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.

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 comply with the relevant material planning considerations and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90196

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, LP8, LP21, LP22, LP24, LP30, LP31 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, and policies within Chapter 12 of the National Planning Policy Framework.

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	Version	Date Received
Grouped Plans and Elevations	(Location and site plan		12-Feb-2025
Grouped Plans and Elevations	Floor plans and elevations		12-Feb-2025
General	CCS		12-Feb-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 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were considered necessary in this instance.

Report Dated: 15.04.2025