

**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:	2025/62/90673/E
Site Address:	adj, 7, Halifax Road, Millbridge, Liversedge, WF15 6JQ
Description:	Erection of detached warehouse
Recommending Officer:	Edward Cheseldine

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03 March 2026

Officer Report

2025/90673 - adj, 7, Halifax Road, Millbridge, Liversedge, WF15 6JQ

Site Description

The application site relates to an open area formed of hardstanding material and loose gravel. The area has a row of self-seeded shrubbery along its south-west aspect. Boundaries include a stone wall on the south-west, fencing on the north-west boundaries. The site is access from Halifax Road, a category A road. A 4-way traffic light operated junction is located 48.00m east of the site. The surrounding buildings include a mix of commercial and residential properties.

The site is located in 3ai Flood Risk Area, a culverted river runs underneath the site (ref: 093530).

Description of Proposal

The applicant is seeking the erection of a warehouse building, with boundary treatments and two parking spaces.

The proposed building will be 15.00m(w) x 7.00m(d) with an eaves height of 5.20m and a ridgeline height of 6.50m. It will be formed with art stone brick coursing and merlin grey sheet metal. The roof will be pitched and clad in goosewing grey metal roofing.

2.00m palisade fencing will be installed on the south-eastern boundary, a 0.600m stone wall will be erected on the norther-eastern boundary. Two parking spaces will be formed within the open area to the front of the building.

Amendments/Negotiations

The applicant was requested to provide the end-use of the warehouse and the maximum vehicle size of the site. No further details were provided. The application has been determined on the basis of the submitted information, whilst appropriate conditions will be set to limit the size of the vehicle that enters the site and for a noise impact assessment.

It was requested that stone was introduced on the building and the palisade fencing was change to paladin fencing due to the strong character identity of

Halifax Road – material alterations and fencing changes were received and accepted.

Additional documents were required including a Coal Mining Risk Assessment as the site is in a high-risk area – Which was reviewed by The Mining Remediation Authority and accepted.

The applicant was requested to amend the Flood Risk Assessment (received 20 May 2025), as it stated that the proposal was a change of use from a car park to a warehouse and therefore exempt from the flood risk sequential test. However, the Council disagreed with this conclusion, as the proposal includes the erection of a new non-residential building, which is classified as non-major development under paragraph 051 of the Flood Risk and Coastal Change Planning Practice Guidance.

Amendments to the Flood Risk Assessment, along with an additional document providing site-specific details, were subsequently requested and received. These documents were reviewed by the Environment Agency and the Lead Local Flood Authority (LLFA).

The Environment Agency's consultation response requested an amended Flood Risk Assessment and advice from the LLFA that the site would likely be refused on a policy basis as the site lies in Zone 3ai in the current SFRA, was forwarded to the agent on 22 January 2026 to confirm how they wished to proceed. On 20 February, the agent confirmed that they wished to proceed with the application as submitted.

In light of this, the application has been determined as it stands.

Public Representations

The application was advertised by way of a site notice, which expired on 26 September 2025. As a result of the publicity, there was 1 representation received.

It has been considered, to what extent material weight should be afforded to the comments.

- If the council bothered to come up the road they would see the path is blocked off constantly and illegally also and the road round the corner also owned by the same company is even worse all the way on double yellow lines vans parked waking residents up at early hours if a traffic warden was to bother coming to these firms the council wouldn't have no financial problems its ridiculous that has to stand between 2 huge

vans at the bus stop after she has had to go on the busy road to get to it. If the laws of the road and the thoughts of the people who live round here was taken into account then maybe but the lack of care and the workers in the alleyway between the sites and the pollution both in the air and what there dumping in the beck in between if permission was given it would go against the law anyway

Officer Comment: The application has been reviewed by KC Highways. The access, manoeuvrability and parking facilities are considered appropriate for highways and pedestrian safety, subject to a condition to limit the size of the vehicle that access the site.

Consultation Responses

LLFA – Informal comments received on 29 December 2025. Requested a sequential test. Advised the site is in Flood Zone 3ai in the current SFRA and therefore the site cannot be greater than the footprint of the buildings already there.

KC Highways DM – Verbal comments received on 03 September they requested clarification that the swept paths indicated the largest vehicle that will enter the site. This was confirmed by the applicant. KC Highways reviewed the information on 05 November. Confirming the plans were acceptable so long as a restrictive condition was set prohibiting large vehicles from entering the site.

KC Environmental Health – Verbal comments received 04 September 2025. They confirmed the hours of use were acceptable and unexpected land contamination conditions were required. They raised comments in relation to sound, requesting an end use for the site. As details relating to the use of the building have not been provided, they recommended a condition for a Noise Impact Assessment. They confirmed the hours of operation were acceptable.

KC Ecology – Comments received 08 September. Recommended conditions for habitat and ecological protection, given the existing level of habitats conditions will not be set. Recommended a S106 to secure off-site BNG uplift.

The Mining Remediation Authority – Comments received 21 October 2025. Reviewed the Coal Mining Risk Assessment, raised no objection. Did not recommend conditions.

The Environment Agency – Comments received 20 January 2026. Objection to development.

Confirmed the proposed development classification is less vulnerable and the proposed site is in Flood Zone 3a(i) which is defined by SFRA as having a high probability of flooding.

Objected in the absence of an adequate flood risk assessment (FRA) following paragraph 20 & 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist.

Stated the applicant should submit a revised FRA, and demonstrate the development will not compromise the structure of the culvert or prevent access for maintenance.

Relevant Planning History

No planning history on this site relevant to this application.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The site is however located in Flood Zone 3a(i) in the Calder Catchment Strategic Flood Risk Assessment (SFRA) – map D.

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 3** – Location of new development
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity & Geodiversity
- **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 9 – Promoting sustainable transport
- 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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other material considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (2019)

- UK Gov Biodiversity Netgain PPG (2024)
- Environment Agency - National flood risk standing advice for local planning authorities (2025)
- UK Gov Flood Risk and Coastal Change PPG (2025)
- Kirklees Strategic Flood Risk Assessment (SFRA)

Assessment

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

Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

LP3 of the Kirklees Local Plan states that development will be permitted where it meets local employment needs and sustainable growth. The development proposed will contribute to these aims.

Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, highway safety and environmental matters.

Impact on Visual Amenity

Visual amenity is assessed through Policy LP24 of the Kirklees Local Plan, that relates to design. Within which, the policy specifies proposals should

promote good design by ensuring *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*, amongst other factors.

The proposed building is a relative in scale to the adjacent buildings and units. It fits with the profile of the terrace row with a rectangular footprint and pitched roof. The area has a mix of residential and commercial buildings. The predominant material is stone, however brick and metal cladding is present within buildings.

Materials will consist of a mix of art-stone and metal cladding. There is a strong character identity due to the use of stone and traditional style buildings set along Halifax Road. The building will appear in keeping with these traditional buildings due to its use of stone, in addition it is set back from the roadside. The character of this section of Halifax Road will be preserved.

The application building will be set back from the roadside by 8.60m, a shrub border will be planted to the north-west aspect of the building. Given the placement of the building it is considered it will have an acceptable impact on the amenity of Halifax Road and will not compete with the terrace row. It will be conditioned the shrub boarder is planted and maintained for the lifetime of the development.

Fencing will be black paladin panels; it will provide an additional level of security whilst separating the site from the adjacent car park. The fencing will be erected on the east side of the site. It is a suitable colour when considering the historic streetscene.

Given the scale, materials and sitting of the building, the proposal complies with LP24 in terms of visual amenity.

Impact on Residential Amenity

Section B of LP24 states development should:

'...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.

Impact on 7 Halifax Road

7 Halifax Road sits to the north-west of the application building. It is a residential terraced property. The dwelling is located 5.00m from the proposed warehouse building. There is currently a fence between the property separating the site from resident's parking area. In terms of privacy, there are minimal windows. Due to the boundary treatment and direction of outlooks, there will be no impact to privacy.

In terms of a loss of light and outlook, the proposed building is to be located to the west of the residential garden space. There is a side driveway area that separates the dwelling from the rear garden space. There is a distance of 5.00m due to the side parking area. It is considered that there may be a loss of light during months of low sunlight, however this will be minimal. There is a 10.00m distance between habitable windows and the building. The proposal will not lead to a loss of sunlight which would be unacceptable in this instance. Due to the angle of the outlook of rear facing windows, there will not be a loss of outlook.

Due to the spatial layout of the terrace row, there are no other properties to consider.

Noise

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.

The applicant is seeking permission for the erection of a warehouse with a B2 use class. There are residential buildings in close proximity set along Halifax Road. Details of the operation of the building were requested by Officers as general industrial uses are more likely to require noise control measures. Information on the end-use of the warehouse has not been provided. KC Environmental Health therefore recommended a Noise Impact Assessment be set as a condition in order to predict the noise generation of the site and to submit any noise mitigation measures that may be required. As it is not possible to determine the noise output of the operation this will be conditioned in order to protect the amenity of neighbouring occupiers. Opening hours will also be conditioned in order to protect the amenity of neighbouring occupiers.

Subject to the condition for a Noise Impact Assessment, the proposal will satisfy the requirements of LP24 & LP52 of the Kirklees Local Plan and Chapters 12 & 15 of the NPPF.

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.

The proposal will result in a warehouse that will be accessed by vehicles and two parking spaces. The site will be accessed by motor vehicles. Officers requested a track diagram for the largest vehicle to enter the site. The applicant has submitted vehicle tracking diagrams for a vehicle of 5.00(l) x 2.00m(w). In addition, the applicant was requested to submit visibility splays for vehicles exiting the site. Splays show a 32m & 34m of visibility.

The submitted highway safety details were reviewed by KC Highways. They confirmed vehicles can manoeuvre and exit the site in a forward gear with suitable visibility. Halifax Road is a category A road. The access for the site is close to a 4-way junction connect with Wakefield Road. In terms of safety, it has been demonstrated vehicle of 5.00(l) x 2.00m(w) can safely use the site. They recommended a condition prohibiting larger vehicles from entering the site. Given the location of the site, in order to ensure the safe and efficient flow of traffic this will be conditioned. Subject to the condition, it is considered the plans accord with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

BNG & Ecology

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.

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%.

The applicant has submitted a BNG report and metric that was reviewed by KC Ecology. It confirms there will be a shortfall of 0.27 habitat units to secure the statutory 10% uplift. Due to this it was recommended that a S106 was agreed to secure the uplift however, the habitat units lost does not meet the threshold set by Kirklees LPA, therefore a footnote will be set, for the LPA to

be provided with the details of the off-site habitat uplift to satisfy the statutory requirements. The uplift satisfies the requirements of Policy LP30.

Historic Coal 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.

The site is located in a high-risk coal area. A Coal Mining Risk Assessment was submitted which was reviewed by The Mining Remediation Authority. They raised no objection to the development; they requested an informative footnote was added relating to burning of material on the site.

Land Contamination

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.

An informal consultation with KC Environmental Health took place on 04 September, they reviewed the development site for land contamination. They recommended a condition be set in the case unexpected contamination was uncovered during ground works.

Flood Risk

Paragraph 170 of the NPPF states '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).*'

Kirklees Local Plan Policy LP27 ensures applications are supported by an appropriate site specific Flood Risk Assessment in line with national planning policy where necessary, taking into account of all sources of flooding so that proposal do not increase flood risk elsewhere and where possible should reduce flood risk.

It goes on to state in the case of sites within Flood Zone 3a(i):

Less vulnerable uses may only be permitted provided that the sequential test has been passed and;

- i. where extensions are linked operationally to an existing business or,
- ii. where redevelopment of a site provides buildings with the same or a smaller footprint;

The application site is located within Flood Zone 3a(i). The use of the site is categorised as less vulnerable. The proposal includes a modest amount of soft landscaping to the front of the plot to mitigate surface water runoff.

Paragraph 175 of the NPPF makes clear applications for non-major development (excluding householder and non-residential extensions) in identified flood risk areas, should be accompanied by a sequential test *except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*

The applicant has submitted a Flood Risk Assessment (4472B) and an accompanying letter titled Flood Risk Assessment Addition which was reviewed by the Environment Agency and the Lead Local Flood Authority (LLFA).

Taking onboard their comments which have previously been discussed in section titled *Consultation Responses*, the suitability of the submitted information is inadequate for concluding if development on the site is suitable, if the site is sequentially preferable and if the development will impact upon the culvert structure under the ground.

Given the submitted FRA it cannot be established that reasonably available sites appropriate for the proposed development do not exist in areas with a lower risk of flooding and the Sequential Test is not passed. The PPG states that the Exception Test need only be applied if required and after the Sequential Test, and that both elements need to be satisfied to grant planning permission.

The proposal would not be acceptable in terms of its risk of flooding. It would conflict with policy LP27 of the Kirklees Local Plan which states less vulnerable uses may only be permitted provided that the sequential test has been passed. It would also conflict with the objections of Chapter 14 of the NPPF relating to flooding due to none compliance of the mentioned paragraphs.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

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

Conclusion

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2025/90673

Officer Recommendation: Refuse

Reason(s) for Refusal

1. The application site lies within Flood Zone 3a(i), an area at high risk of flooding. The applicant has failed to satisfactorily apply the Sequential Test and has not demonstrated that there are no reasonably available alternative sites at lower risk of flooding. Furthermore, the Exception

Test has not been passed. As such, the proposed development would place people and property at an unacceptable risk of flooding. The proposal is therefore considered contrary to Policy LP27 of the Kirklees Local Plan and the guidance set out in Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	14 August 2025
Proposed grouped plans	25/26/A	RevD	04 December 2025
Flood Risk Assessment	4472	RevB	01 December 2025
Flood Risk Assessment Additional Document	-	-	04 December 2025
Coal Mining Risk Assessment	4502	-	03 October 2025
Biodiversity Metric	-	-	14 August 2025
Biodiversity Appraisal	SQ-3418	-	14 August 2025
Design & Access Statement	-	-	14 August 2025
Climate change statement	-	-	14 August 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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 information / amendments have been requested by Officers throughout the application process.

