

**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:	2025/62/90720/E
Site Address:	Land adj, Unit C2, Carlinghow Mills, Batley, WF17 8LL
Description:	Siting of a storage container for the use as a cafe and associated works (within a Conservation Area)
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 8th October 2025

Officer Report

Land adj, Unit C2, Carlinghow Mills, Batley, WF17 8LL

Site Description

The application site is currently an undeveloped parcel of land that is located within a industrial complex. The site is set back from Bradford Road by approximately 65m and immediately adjoins Batley Fabrications and Empress Blinds to the north.

The site is enclosed by commercial units with residential properties being located cross Bradford Road to the North.

The site is located in 'Cross Bank' conservation area.

Description of proposal

The applicant is applying for planning permission for the erection of an Anthracite Grey shipping container; the proposed structure would be a 9.1m x 2.4m

The application does not consist of any signage which would require an advertisement consent.

The unit would be marginally visible from Bradford Road.

The proposal is specifically described as being 'Siting of a Storage Container for the Use as a Café and Associated Works'. Whilst the extent of the floor space is limited in terms of being utilised by users, the submitted plan details external seating to be used and it is considered that its use as a café rather than solely a hot food takeaway is feasible. The application is therefore assessed on this basis.

History of Negotiations

No alterations required.

Consultation Responses

KC Conservation & Design – No objections

KC Highways – No Objections

KC Environmental Health – No objection

These consultations were sought informally with internal consultees providing verbal advice.

Relevant Planning History

North of application site:

93/04059: Sitting of container for use as a café. Conditional full permission.

There are no other relevant or recent applications at the site / within the vicinity.

Public Consultation

The application was publicised by a site notice, press notice and neighbour notification letter which expired 6th June 2025 in accordance with the Council's Development Management Charter.

As a result of the publicity no representations have been received.

Policy

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

The site is within the Cross Bank Conservation Area on the Kirklees Local Plan Proposals Map. The site is within an area identified as hosting potentially contaminated land.

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 13** – Town centre uses
- **LP 14** – Shopping frontages
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design

- **LP 30** – Biodiversity
- **LP 35** – Historic Environment
- **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 2023, 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of development:

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

In line with the National Planning Policy Framework, 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 LP2 of the Kirklees Local Plan states: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes set out in the Local Plan.”*

The site is not within Batley Town Centre; it is located 318m to the west and therefore would also be unable to be considered as located on an edge of centre.

The proposed use for the units would be a café which would be considered a main town centre use and therefore policy LP 13 of the Kirklees Local Plan is relevant.

LP13 of the Kirklees Local Plan states that main town centre uses shall be located within defined centres and that proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered. No sequential test has been provided to support this application.

As the proposal is for the provision of food and drink, Policy LP16 of the Kirklees Local Plan is relevant which states that:

Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to:

- ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

Officers requested details of a sequential test due to the site being located outside of a local centre. The applicants agent points to the fact the development would be predominantly to serve users of the wider complex and access within large vehicles unsuitable for access into a town centre location.

In the consideration of this application in the absence of a sequential test weight can be afforded where other considerations dictate that the Local Planning Authority is able to determine this application in the absence of such information.

It is noted that the applicant submitted a Planning Statement:

'The proposal would provide a good quality food option within the wider Mill site for HGV drivers and delivery drivers who do not have smaller vehicles or time to visit the town centre for food and drinks. As such the development does not compete with town centre uses and is considered site specific. Furthermore, the proposed site is positioned 60m within the mill complex and would not attract passing traffic, or general customers. Its hours of operation are reflective of a working day and when HGV drivers would be visiting the site.'

The site would be within an existing mill complex where there is an identified clientele and limited other options within the immediate vicinity of the site. Officers consider that the site is limited in scale it is unlikely a comparable and sequentially preferable town centre location would be available in terms of providing access arrangements for vehicles. The nature and scale of the use

is not considered to be of such significance that it would lead to harm of the viability and vitality of Local Centres subject to conditions the permitted use be restricted to that as applied for (cafe).

Therefore, in this instance, it is considered unreasonable for the Local Planning Authority to require a sequential assessment of alternative sites and it is concluded that material considerations are present in this case which allow for the Local Planning Authority to determine this case, having regard to Policy LP13

In this case, the principle of development is considered to be acceptable, and the development concluded to accord with Policies LP1 and LP2 of the Kirklees Local Plan. On the basis of the inclusion of the recommended conditions the development is considered acceptable having regard to policy LP13 and LP16 of the Kirklees Local Plan and the policies within Chapters 6 and 7 of the National Planning Policy Framework.

Impact on visual amenity & historic environment

This application is situated within the Cross Roads Conservation area, The impact of development on the setting of the Conservation Area needs to be considered section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets a statutory duty for the preservation or enhancement of these designated heritage assets. Policy LP 24(a) of the Kirklees Local Plan outlines that 'all development respects and enhances the character of townscapes, heritage assets and landscapes.'

Paragraph 212 of the NPPF states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...*".

This is further supported by paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

KC Conservation and Design has been consulted on this application.

Their comments are that, the proposal would be of limited prominence in the Conservation Area, in close proximity to commercial units of similar design and limited in scale. It is therefore considered in this instance that the

proposal would have a neutral impact on the conservation area. The Conservation and Design Team therefore has no objection to this application.

The proposal would see a portable building which is of a dark grey colour finish to the walls, with the application of cladding to ensure this is the case. Access point would have security metal grills and there would be an external flue to the rear. The building is sited adjacent to a large industrial building which is of a low quality design in terms of materials of construction and no openings are to the elevation of the building it would be sited adjacent to.

Whilst within the Conservation Area, it is at the edge of this allocation, close to unallocated land. The building it is sited adjacent to is not sympathetic to the historic character of the locality and when viewed in this context it is concluded the proposal would not lead to harm in this case. A condition to ensure the cladding of the building is recommended.

Therefore, the proposal would be acceptable in terms of visual amenity and comply with policies LP 24 and LP35 of the Kirklees local plan as well as Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

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

The application site is enclosed by commercial properties. KC Environmental Health have been consulted on the application and have not raised any concerns regarding noise or odours due to the proposals location a substantial distance from residential dwellings.

The proposal is at ground floor level and next to an existing building; therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

It is considered that a 24 hour use of the site has the potential to cause noise / disturbance from resultant comings / goings and therefore a condition to restrict the hours of operation to those as applied for (7am – 6pm) is recommended.

Given the distance of the proposal from neighbouring residential occupiers, with the nearest being identified upon the Council's mapping system as being 90m (to the north east) and the site is within an area surrounded by other

commercial premises it is not considered necessary to insist upon an odour control scheme to be submitted to the LPA in this case.

Subject to condition the proposal is considered to be acceptable in this case.

Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

KC Highways have been consulted on the application and have not raised any objections given the predominant use would be for the proposal to serve / accommodate existing employees at neighbouring commercial premises.

The scale of the development is not considered to create significant additional traffic movements with the majority of users being linked trips. Waste storage is set out in the submitted plan, to the rear of the premises, accessible from the adjacent vehicular access. The collection of wastes is not considered to have a significant impact given the scale of the development and storage of wastes is adjacent to an area they can be collected.

Parking is demonstrated upon the plan, which allows for employee parking as well as some level of parking for users of the site.

Having regard to the scale of the proposal and response of the Highways Team it is therefore concluded that the proposal would accord with LP21 and LP22 of the Kirklees Local Plan.

Other matters

Land Quality

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is in a location of potentially contaminated land. The site is hard surfaced and would not involve significant intrusions into the grounds, as such the proposal is considered to be acceptable in this regard and it is considered it would be unreasonable of the LPA to insist upon submission of a full assessment of land quality in relation to the site in this case.

Flood Risk

The site is located just outside flood zone 2, a flood risk assessment has been provided to support the application due to its proximity to flood zone 2 The site

is currently hardstanding and the new unit would not be located in the flood zone. Therefore, the proposal is considered acceptable having regard to flood risk.

Ecology / Biodiversity

Chapter 15 of the National Planning Policy Framework is 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.

Within the submitted application form the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) as the proposal relates to a site which comprises of entirely hardstanding/built development therefore no habitats would be affected.

Taking the above into consideration, Officers consider the proposals to fall under the de minimis threshold which applies to development that does not impact a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. As the site wholly consists of hardstanding and the proposals would be erected on said hardstanding, it is not considered that there will be any loss of habitat at the site, the proposals are considered to be exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric

The site is situated in a Bat Alert layer in the Council's GIS system. It has not been deemed necessary to request any additional information relating to bats due to the proposal relating to the addition of a new shipping container which would not adjoin the existing building. A note will be added to the application advising of the possible presence of bats should the application receive permission.

Conclusion

The application for the Siting of a shipping container for Land adj, Unit C2, Carlinghow Mills, Batley, WF17 8LL is considered acceptable. The proposal is considered to accord with the aims of sustainable development set out in the NPPF and the requirements of the Kirklees Local Plan.

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.

Decision Authorisation - Delegated Powers

Application Number: 2025/90720

Officer Recommendation: Approve

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP13, LP16, LP20, LP21, LP22, LP24, LP35, LP47, LP51 of the Kirklees Local Plan and LP52 and Chapters 2, 4, 7, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 7:00 and 18:00.

Reason: To ensure that the proposed development does not cause harmful noise pollution to neighbouring premises or a unacceptable increase to vehicular traffic in the interest of amenity and to accord with Policies LP16(b) and LP52 and LP21 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The development shall not be brought into use until the anthracite grey composite cladding panels to the exterior walls of the container have been installed to all elevations of the container. The anthracite grey composite cladding panels shall be completed prior to the development being brought into use and retained thereafter.

Reason: To ensure the visual impact of the development is acceptable and does not lead to harm within the Conservaiton Area to accord with policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	REVISION	Date Received
Location Plan	PP-13856708v1	-	10/04/2025
Existing plans and elevations	01	B	10/04/2025
Proposed plans	01	C	10/04/2025

and elevations			
Flood Risk Assessment			11/04/2025
Heritage Statement			10/04/2025
Planning Statement			10/04/2025
Climate Change Statement			10/04/2025
Application Form			10/04/2025

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are considered to be acceptable at submission stage.