

**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:	2025/62/91168/E
Site Address:	Wilton Mills, 586, Bradford Road, Batley, WF17 8LP
Description:	Demolition of existing garage and erection of MOT bay/service area (within a Conservation Area)
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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 14-August-2025

Officer Report

2025/91168 - Wilton Mills, 586, Bradford Road, Batley, WF17 8LP

Site Description

586 Bradford Road is an L-shaped parcel of land located approximately 35.00 metres north-east of Bradford Road. The site has been cleared of previously existing buildings. A supporting structure has been erected to the north-western of the site, which is the subject of this application.

During the site visit, Officers observed an apron of self-seeded shrubbery and vegetation around the site's perimeter. A large sycamore tree is situated along the north-eastern boundary. Apart from the remaining vegetation, the ground has been returned to earth level, and hardstanding materials have been removed.

The site is accessed via a ramped track leading from Bradford Road, which is classified as a Category A road. The land levels vary across the site due to a natural slope that rises from the south-west to the north-east. These changes in elevation are characteristic of the prevailing valley landscape, of which the site forms a part.

The site is surrounded by residential development, located along Carlinghow Hill, Chinewood Avenue, and Hopewell Street. There are also commercial buildings in the surrounding area, resulting in a mix of residential and commercial uses within the vicinity.

The site is located within the Cross Bank Batley Conservation Area.

Proposal Description

The application is seeking part retrospective planning permission for the demolition of existing garages and erection of an MOT/service area.

Th garage buildings set to be removed are 9.00m(w) x 4.45(l) with an eaves height of 2.90m ridgeline height of 4.30m.

The servicing building will be 17.00m(w) x 14.20m(l) with an eaves height of 7.90m and a ridgeline height of 8.70m. The building will be constructed with brick course and dark grey metal vertical with a corrugated metal sheet roof. 3 large roller shutter which have a height of 4.30m will be installed on the south-east facing elevation.

Plans indicate the side elevation would be 4.15m above the Wilton Mills buildings to the south-west of the site due to ground level changes.

The wider site will include the formation of a car park with 14 spaces, surfaced with tarmac.

Application 2022/93360 sought planning permission for the demolition of existing garage and erection of MOT bay/service bay/storage area. The MOT building approved was 16.40m(w) x 10.00(l) to a height of 6.50m. The side elevation of the building would be 1.30m above the Wilton Mills building. The building approved was to be formed with a flat roof with external materials were brick with metal cladding and a combination of slate and corrugated sheeting to the roof.

This application therefore seeks an increase in size, scale and height of the MOT building. Increasing the width by 4.20m, length by 0.60m and the height of the building by 2.20m. Due to ground level changes, the proposed building would appear taller and more visible than the existing adjacent building. It would appear visible by 4.15m whereas the building pursuant to 2022/93360 would be 1.30m taller.

Amendments/Negotiations

Further alterations or amended plans were not requested due to concerns regarding the principle of development, however the applicant submitted land contamination documents, a further coal mining risk assessment and a noise assessment over the course of the application.

Public Representations

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

Site notice expiry: 10-Jul-2025

Press advertisement expiry: 10-Jul-2025

As a result of the publicity, there were 7 representations. 2 representations were received in support of the application; 5 representations were received in objection.

Comments in objection

- The building would overwhelm the area

- There would be an overshadowing effect and a loss of sunlight to residents of Carlinghow Hill
- The materials of the building would be inappropriate within a conservation area
- The building would be visually intrusive to the surrounding built form
- Noise and pollution will be increased due to the increase in the capacity of the site than what was previously permitted
- Openings hours should be reduced
- Development would not enhance the setting of the conservation area
- The building will affect bat populations
- There have been a number of comments received outside of the local vicinity
- The drainage works included on the proposed plan have not been constructed
- The foundation works have not been completed in accordance with the plans
- The retaining walls permitted on previous applications have not been constructed
- Tree works have not been conducted in an appropriate manner.
- The proposed buildings will have a negative impact to the health on the site trees
- The structure will be visible from the surrounding area and will not be in keeping with the local building group
- The roof structure and roof lights will be visible from land to the north-west of the site.

A number of comments were received relating development not been built in accordance with previously approved plans. Whilst these comments have been noted, this application will be assessed on its own merits and the relevant enforcement action has been undertaken by the Enforcement Team.

Comments in support

- The proposed used will provide local economic benefits
- The repurposing of the site will positively contribute to the area from being deserted
- The site is screened by surrounding trees, mitigating views from surrounding areas
- The erection of the garage will improve road safety.

Planning matters relating to the points raised above will be assessed throughout the report, with a conclusion to the responses published within the *Representation* section of the report.

Relevant Planning History

2018/91945 - Partial demolition of existing garage and erection of MOT testing and service station (within a Conservation Area) – Permission granted

2019/91119 - Discharge conditions 3, 4, 8, 9 on previous permission 2018/91945 for partial demolition of existing garage and erection of MOT testing and service station (within a Conservation Area) – Split decision, Condition 9 (layout) Condition 9 (waste collection) discharged

2022/93360 - Demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area) – Permission granted

2023/91489 - Discharge of conditions 5 (noise report), 8 (Phase I Report), 9 (Phase II Report) and 10 (Remediation Strategy) on previous permission 2022/93360 for demolition of existing garage and erection of MOT bay/service bay/storage area (within a Conservation Area) – Split decision, Condition 8 (Phase I Land contamination) discharged

2023/91781 - Erection of retaining wall to north side of site (within a Conservation Area) – Permission granted

2024/90417 - Erection of retaining wall (within a Conservation Area) – Permission granted

Consultation Responses

The Mining Remediation Authority - No objection to development.

KC Conservation & Design – Informal consultation undertaken. Objection to the design of the MOT servicing building as the proposed building would not preserve or enhance the Conservation Area by virtue of its height, scale, bulk or massing. In addition, the wider site does not enhance the area due to the proposed landscaping. Materials of the buildings are not considerate of the wider building group within the conservation area.

KC Environmental Health – No objection to the development, subject to conditions relating to land contamination reports/remediation, and the submission of an up-to-date noise report.

KC Highways – No objection to development, subject to a condition for waste storage and collection scheme.

KC Trees – Informal advice undertaken in respect of the remaining trees on site. Considered the remaining trees on site, which are protected under section 211 of the Town and Country Planning Act 1990 are in a poor condition due to previous activity that has been undertaken on site. No objection raised to the proposed works.

Details within consultation responses are explored throughout the assessment of the application which is undertaken in the below paragraphs.

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 Cross Bank Batley Conservation Area in the Kirklees Local Plan.

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 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic environment
- **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
- Chapter 16 – Conserving and enhancing the historic environment

Other materials considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (2019)
- Kirklees Waste Management Design Guide, Version 5 (amended)

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) Representations
- 7) Conclusion

Principle of Development:

Sustainable 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.

The site is with the Cross Bank Batley Conservation Area on the KLP Policies Map. Policy LP2 states that:

“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 below...”

The site is located within the Cross Bank Conservation Area, therefore an assessment of the impact to the setting and its contribution of the area will be undertaken. The site is also in a mixed-use area with nearby residential dwellings surrounding the property. Access is from Bradford Road which is a category A road.

Historic Environment

As a starting point, the applicant should establish the special interest and/or significance of the heritage asset assessed in the first place (NPPF paragraph 207). A ‘heritage statement’ has been included within the submitted information however the document fails to include relevant details or consult appropriate documents which is contrary to the NPPF.

Nevertheless, as part of this assessment an identification of the particular significance of the conservation area that will be affected has been undertaken.

Buildings that form the character of this section of the conservation area pre-date the 1890s Town Plan map according to OS maps held by the Council. The application site is part of tram depot. It is indicated the two buildings set to be removed were erected at the time of the maps with the remainder of the site indicated as an open work yard. Buildings within the surrounding conservation area (west and east) are indicated on the Town Plan maps. The terrace row to the north-west pre-dates the development of the tram depot, it is present on the 1854 County Series OS maps.

The site appears relatively unchanged, notwithstanding development of previous permission linked to the site, with the access and yard area still appearing as open space.

The tram depot was converted into a garage which is noted on maps dating from 1955. It has retained its front façade including stonework details. Sections of the roof materials have been altered to include modern materials. Stone and brick dominate the materials present in the Conservation Area.

Special interest evidently originates from the historical interest and to a moderate degree the architecture of the tram depot. As well as its association with worker houses that pre-date the mid-19th century.

There is additional special interest attributed to buildings within the wider conservation area including large mills to the south-east to which the tram route is connected due to the movement of workers.

In terms of the condition of the conservation area, there have been minor introductions of modern materials on buildings, however the setting within this part of the conservation area has been preserved due to the retention of historic buildings. Generally speaking, the area has retained its original layout and the scale of each building.

This particular site is set back from the Bradford Road, with an access leading down the side of the tram depot. The site has a steep bank and partition from development to the north. Buildings, especially to the south, are condensed. It is not considered that a building that is appropriately designed would be against the fabric of the area.

The addition of the proposed building is set at a much greater height than surrounding buildings including the tram depot and worker houses. It would draw the eye away from these buildings even when viewed from medium and long distances. Aspects along Carlinghow Hill include vantage points of the building from a short distance, resulting in a near total loss of connection with the rest of the conservation area due to its dominating presence. The

connection between worker houses and development would be lost. A change in material to stone or brick side would not harmonise the development with the conservation area when considering the height, bulk and roof form which only extenuates the harm to the special interest/setting of the conservation area.

Overall, the proposal does not preserve the Cross Bank Conservation Area, its setting or any features of special historical or architectural interest. It would therefore fail to satisfy the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990, section 66(1) & section 72 (1) and in doing so would cause harm to the significance of the designated heritage assets.

The proposal would also be contrary to paragraph 212 of the NPPF. These make clear that 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.

Given the scale of development, the proposal would substantially harm the significance of a designated heritage asset. Paragraph 215 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

To this regard, it has been considered what public benefits are brought forward through development. The applicant's planning statement fails to address any public benefits from the proposal. The application is for an MOT servicing which may be of some benefit to the local community. However, there is no evidence that the increase in the size of the building, than what has previously been permitted, is intrinsically linked to these benefits. Furthermore, the public benefits to the local community are limited given its use and would not amount to public benefits that outweigh such harm.

It is noted that KC Conservation & Design objected to the proposal due to the design of the MOT servicing building as the proposed building would not preserve or enhance the Conservation Area by virtue of its height, scale, bulk and massing. In addition, the wider site does not enhance the area due to the proposed landscaping. Materials of the buildings are not considerate the wider building group within the conservation area.

In comparison to the building previously approved under application 2022/93360, the building has a greater prominence within the conservation area. It will appear 4.15m above the tram depot due to the increase in height and changes to the ground level. In addition, there is additional mass due to the increase in length and changes to the roof form. Permission 2022/93360

related appropriately to the surrounding building group, setting the approved building in a relative height to the adjacent buildings, being sunk into the landscape. This application, however, competes with the surrounding buildings and the increase in vertical mass and scale would appear at odds with the surrounding built form in the conservation area.

The proposal would therefore be contrary to section 66(1) & section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Framework paragraph 212 & 215.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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.

The site sits behind a row of building that lines Bradford Road. There is a natural rise in land levels to the north-east due to the valley landscape. Applications should work in harmony with the surrounding townscape and landscape.

The structure rises well above the roof height of the two-storey buildings present on Carlinghow Hill. The visual presence of the building, when considered from street level, appears stark and intrusive. From medium

distances, south of the site, the building appears to dwarf buildings that line Bradford Road. The shape of the building fails to consider the style of pitched roof shapes that are present within the area, appearing visually jarring. A residential garden sits adjacent to the north-west of the site. The structure will appear above this area, highlighting its scale in consideration of the wider townscape and landscape. Its scale and vertical massing fail to consider the valley landscape and the views possessed throughout the area. In addition, the proposed materials will create a utilitarian appearance which only adds to the contrast between residential development and the modern commercial property.

Under application 2022/93360, the building was set within the building group at a relative height to the adjacent two-storey buildings and tram depot, therefore appreciating the valley landscape. This application changes the relationship between the surrounding townscape and landscape, due to its vertical massing and scale by visually enclosing Carlinghow Hill and towering above buildings when viewed from the south of the site. These changes are due to the dimensions of the building proposed and changes to land levels.

The proposal therefore fails to harmonise with the surrounding townscape and landscape by virtue of its scale, height, massing, roof shape and materials, appearing stark when considering the terrace row on Carlinghow Hill and buildings on Bradford Road, therefore failing to accord with Policy LP24 of the Chapter 12 of the NPPF.

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.

Impact to 27 Carlinghow Hill

This dwelling is located to the north-west of the site. The property is located 25.50m from the application building, however its residential garden shares a boundary with the site.

In terms of an impact to privacy, skylights are proposed on the roof of the building however there are no internal levels within the building. The skylights

are high level. Due to the low pitch of the roof the skylights would not have a view towards the neighbouring building.

In terms of a loss of light or outlook, due to distance, the residential property would not be impacted from the building. It has been considered if the building would affect the amenity space of 27 Carlinghow Hill. The building is 3.20m from the shared boundary. It appears 3.70m above the fence which has been erected as a boundary. From the sun's orientation, the building is within the path of the building during mid-late afternoon and early evening. Whilst there may be some overshadowing impact, particularly in the winter months when the sun is low, development will not result in a total or significant loss of light observed in the garden space.

Impact on 25 Carlinghow Hill

This property is located to the west of the application building. It is currently separated from the site by a high brick wall. Occupants of the property have a front outdoor space on the opposite side of Carlinghow Hill and a space to the side of the property. This is the applicant's only outdoor space. There are two windows on the side elevation which appear to be secondary or serve non-habitable spaces.

In terms of an impact to privacy, there are no proposed windows with a view towards the property.

In terms of a loss of light or overshadowing impact, the building would result in a near total loss of sunlight. The building will have a block like appearance due to the high eaves of the building. Due to the increase in height and changes to the silhouette of the building to that which previously stood on site, development would result in the total loss of sunlight currently observed by the occupants of 25 Carlinghow Hill within their sole outdoor area until the late afternoon. Such an impact would significantly materially impact the amount of sunlight enjoyed within the outdoor space, which would in turn create an overbearing impact.

Due to the increase in ground height, vertical massing and changes to the roof form the loss of sun would be considered greater than what would have occurred from the erection of the building approved under planning application 2022/93360.

Impact on 4-10 Hopewell Street

These properties are located 18.50m to the east of the application building. There are rear facing windows within the property. The courtyard/parking area

sits between these buildings. It is not considered there will be an impact to privacy from the proposed use as a mot/serving area as the site will have a commercial use. In terms of a loss of light or outlook, changes above ground level are located away from the outlooks and are not considered to cause an impact that would be to the detriment of amenity due to the distance.

Conclusion

Due to the impact to the occupants of 25 Carlinghow Hill, arising from a loss of sunlight to the sole outdoor area of the property, by virtue of the buildings height, mass and roof shape, the application fails to accord with LP24c of the Kirklees Local Plan.

An assessment on the impact of noise is explored within the *Environmental Matters* section of the report.

Impact on Highway Safety

Policy LP21 states all proposal 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 application proposes a courtyard area to the front of the building with provisions for 14 car parking space. The area will be surfaced with tarmac and parking bays marked with white lines. Plans indicate a movement of a vehicles with a length of 7.70m.

Policy LP45 of the Kirklees Local Plan, seeks to safeguard waste management facilities. KC Highways were consulted on the proposed plans. They noted the swept paths are not for a 11.85m refuse vehicle and due to the gradient of the land it has not been demonstrated a bin truck could access the site. They therefore recommended a condition that details of waste storage and access for the collection of waste was submitted in writing to the Local Planning Authority. Given the ability for the removal of commercial waste has not been demonstrated this would be set as a condition should the application be approved.

KC Highways raised no objection to the internal layout and number of designated parking spaces. For this reason, the plans accord with LP21 & LP22 of the Kirklees Local Plan in terms of impact to the existing highways network and parking.

Environmental Matters

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 site is located in a mixed-use area, near residential and other commercial properties. The proximity to the residential properties is a concern in relation to noise especially at noise sensitive hours and due to the nature of the proposed use.

KC Environmental Health were consulted in relation to a noise impact. The applicant submitted a Noise Impact Assessment, authored by Paul Horsley Acoustics dated 26 September 2018 Ref J2770. The report is 7 years old and is based upon the partial demolition of the existing garage, whereas this application is for its full demolition. KC Environmental Health rejected the report given its date and inaccuracies in terms of the relevance of this application.

The site is in a highly sensitive area when considering the proximity to neighbours and the noise producing elements of the use should be accurately detailed before any form of mitigation is proposed. Therefore, it is necessary that a condition relating to an up to date Noise Impact Assessment is provided, with predicated noise levels, alongside any necessary mitigation measures is provided which is recommended to be conditioned if the application be approved.

Hours of Use

To mitigate any impact to neighbouring properties arising from noise and due to the use of the site, it is necessary to restrict the openings hours of the site in respect of LP24b and LP52.

The applicant has applied for opening hours of:

Monday to Friday: 08:00-18:00

Saturday: 08:00-16:00

Sunday & Bank Holidays: Close

These openings hours are suitable, avoiding noise sensitive hours in the evening time, which would be conditioned.

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 applicant submitted the following information:

- A letter by AN Consulting Engineers, dated 10th of July 2025
- A Coal Mining Risk Interpretation Report by CMC Lyons, dated the 4th of July 2025
- A Coal Mining Risk Assessment by Holdgate Consulting, undated

The documents were assessed by KC Environmental Health.

'The letter dated 10th of July 2025, includes a response by Environmental Health in relation to an earlier discharge of condition application. Comments were made in relation to a Phase 1 Contaminated Land Report. Whilst this report was accepted at the time, a phase 2 intrusive investigation was required.'

A Phase II report has not been submitted as part of the application. A Phase II must be completed by a suitable professional if it is to be verified by KC Environmental Health.

'The reports are not contaminated land intrusive investigations, as they only consider potential mine gas. Ground gas from made ground and other potential contaminants are not considered.'

Given the comments and assessment by KC Environmental Health, the reports are unsuitable for a conclusion of potential land contamination, therefore as per their recommendation, further conditions relating to land contamination are recommended to be attached should the application 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 applicant submitted the following information:

- A Coal Mining Risk Interpretation Report by CMC Lyons, dated the 4th of July 2025
- A Coal Mining Risk Assessment by Holdgate Consulting, undated

The Mining Remediation Authority were consulted twice. A Coal Mining Risk Interpretation Report by CMC Lyons, dated the 4th of July 2025 was submitted on 17 June which preceded the report by Holdgate Consulting.

They stated the report by CMC Lyons was suitable and they had no objections to the application (unconditionally).

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Advice from KC Trees was undertaken as the trees onsite are protected under section 211 of the Town and Country Planning Act 1990 and appear to be mature. There has been extensive work on site including groundwork and changes to an embankment where the trees rest. KC Trees considered the current health of the mature trees and likely impact from the development.

They concluded that, whilst the trees on site are of important significance the current health of them is poor due to previous ground disturbances and contamination. This application does not seek their removal. Given their current condition and based on previous root disturbances, KC Trees held no objection to the proposal.

Biodiversity Net Gain and 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 development is considered to benefit from exemptions as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The applicant has indicated that the proposal is exempt from providing a habitat uplift due to the di minimis exemption category.

At this stage, due to the previous proposed works, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being di minimis or other relevant categories for the scale of the development, then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

The site is located in a bat and swift alert layer according to the Council's GIS mapping systems. Previous buildings on site have been removed, which this application is the subject of. For these reasons, the submission of habitat surveys was not requested. However, given the context of the site, it would be conditioned that a bat box and swift box are installed to provide a habitat uplift should planning permission be approved.

To conclude, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF, due to a condition for bat/swift boxes.

Drainage

Policy LP28 of the Kirklees Local Plan, seeks to promote sustainable drainage options providing a hierarchy of the disposal of surface water, to mitigate flood risk.

A drainage line will be constructed along the south of the building to the existing drainage that runs to Bradford Road. The slope runs southward, the drainage is suitable for the land changes to dispose of surface water. Given the amount of hardstanding and land slope, it is recommended a condition be attached that the drainage is installed prior to the commencement of the superstructure, should planning permission be approved.

Representations

It has been considered whether the objections brought forward would have a material weight in the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- The materials of the building would be inappropriate within a conservation area
- Development would not enhance the setting of the conservation area
- The structure will be visible from the surrounding area and will not be in keeping with the local building group

Officer Comments: These comments relate to the impact to the historic environment (conservation area). Full details are explored within the *Principle of Development* section of the assessment.

Visual Amenity

- The building would overwhelm the area
- The building would be visually intrusive to the surrounding built form
- The roof structure and roof lights will be visible from land to the north-west of the site.

Officer Comments: It has been considered in the assessment on visual amenity, the new building does not respect the surrounding townscape and landscape due to its height, scale, bulk, massing and materials.

Residential Amenity

- There would be an overshadowing effect and a loss of sunlight to residents of Carlinglow Hill

Officer Comment: Development will result in a near total loss of light to the amenity space of 25 Carlinglow Hill.

Environmental Matters

- Noise and pollution will be increased due to the increase in the capacity of the site than what was previously permitted
- Openings hours should be reduced

Officer Comments: A Noise Impact Assessment with appropriate mitigation measure would be conditioned if the application was to be approval. Openings hours avoid noise sensitive hours. It is noted there would be an increase in the number of vehicles from what was previously permitted, KC Environmental Health raised no concerns in relation to pollution from vehicle fumes.

- Previous tree works have not been conducted in an appropriate manner.
- The proposed buildings will have a negative impact to the health on the site trees

Officer Comment: The effect to the trees on site has been assessed by KC Trees. The trees are currently in poor health due to previous earth works. They raised no objection to the development.

- The drainage works included on the proposed plan have not been constructed

Officer Comment: Officers noted on site, the ground had been returned to earth level, drainage is part of the proposal and is suitable for the discharge of surface water.

- The building will affect bat populations

Officer Comment: The land has been cleared with structures removed. It would be conditioned, if the application was approved, that new bat and swift boxes are installed on the building.

Other Matters

- The foundation works have not been completed in accordance with the plans

Officer Comment: Structural concerns relating to the integrity of the building are outside the remit of the planning system. The building will be required to adhere to building control regulations.

- The retaining walls permitted on previous applications have not been constructed

Officer Comment: The applicant does have permission for retaining walls. Paragraph 197 of the NPPF states, 'Where a site is affected by contamination

or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. From a planning perspective, the appropriate permissions have been sought for a retaining wall.

- There have been a number of comments received outside of the local vicinity

Officer Comment: Comments noted, there is a statutory notice to publicly advertise applications within Conservation Areas through site notice and press advertisements. There is currently no requirement that representations should be from set localities.

Supportive Comments

- The proposed use will provide local economic benefits

Officer Comments: 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. Public/economic benefits have been weighed up in respect of the harm to the conservation area. Officers considered the economic benefits do not outweigh the harms.

- The repurposing of the site will positively contribute to the area from being deserted

Officer Comments: Officers consider a building that is appropriately designed could be developed within the site and has been through planning application 2022/93360. However, the harm from the design of this proposal would outweigh the benefits of this proposal.

- The site is screened by surrounding trees, mitigating views from surrounding areas

Officer Comments: Due to the height, mass, scale and roof shape, the building will be visually prominent from public aspects surrounding the site.

- The siting of the garage will improve road safety.

Officer Comments: KC Highways did not object to the proposal on matters of highway safety.

Conclusion

The application at 586 Bradford Road 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.

Development would be harmful to the special interest of the conservation area with limited public benefits from the proposed development. It is considered that such harm would not be outweighed by these benefits. In addition, the building would appear stark and neither integrates with the surrounding built form or valley landscaping. Due to its scale, height and roof form, the building would result in a near total loss of sunlight to 25 Carlinghow Hill which would be detrimental to amenity.

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 not constitute sustainable development and is therefore recommended for refusal.

Reasons for Refusal

1. By reason of its height, scale, bulk, roof form and materials the proposed building would appear stark, dominating the surrounding built form including the tram depot and worker houses, harming the special interest of the Cross Bank Conservation Area. Development fails to preserve or enhance the character, or setting of the designated heritage asset, being contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would result in substantial harm to the significance of designated heritage assets to which great weight must be given. No public benefits have been demonstrated that would outweigh this harm being contrary to NPPF paragraph 212 & 215.
2. The proposal fails to harmonise with the surrounding townscape and landscape by virtue of its scale, height, massing, roof shape and materials, appearing stark when considering the terrace row on Carlinghow Hill and buildings on Bradford Road, therefore failing to accord with Policy LP24 of the Chapter 12 of the NPPF.
3. The proposed development, by reason of height, scale and roof shape would result in a near total loss of sunlight observed within the sole

outdoor areas which would result in an overbearing impact contrary to Policy LP24 LP24c of the Kirklees Local Plan and paragraph 135 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan / Existing Plans and Elevations	WK-01	-	28 April 2025
Existing Site Layout / Land Survey	-	-	28 April 2025
Proposed Elevations and Block Plan	WK-02	-	28 April 2025
Proposed Floor Plans	WK-03	-	28 April 2025
Proposed Internal Sections	WK-04	-	28 April 2025
Foundation Plan and Baseplate Details	P24032-01	-	28 April 2025
Land Contamination Review	-	-	11 June 2025
Noise Assessment Report	J2770	-	10 June 2025
Coal Mining Risk Assessment	SI 00405	-	09 June 2025
Coal Mining Risk Assessment	-	-	14 May 2025
Heritage/Design and Access Statement	-	-	13 May 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.

Further alterations or amended plans were not requested due to concerns regarding the principle of development, however the applicant submitted land contamination documents, a further coal mining risk assessment and a noise assessment over the course of the application.

