

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:	2025/62/91535/E
Site Address:	369, Bradford Road, Batley, WF17 5PH
Description:	Installation of extraction system and associated external grille to northern side elevation (within a Conservation Area)
Recommending Officer:	Faiza Bano

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 13 August 2025

OFFICER REPORT

Site Description

The site to which the application relates to is 369, Bradford Road, Batley, WF17 5PH; a three-storey flat roof office block. The ground floor level was previously used as a vape dispensary and has a shopfront appearance.

Description of Proposal

This application has been submitted for the installation of extraction system and associated external grille to northern side elevation (within a Conservation Area).

The proposed development consists of the installation of a new aluminium extraction system to the premises. The proposed extraction system is to exit the building to the northern side elevation and terminate above the eaves of the property.

History of Negotiations/Amendments Received

None.

Relevant Planning History

94/91703: Installation of Aluminium Roller Shutter - Refused

95/92688: Change of Use of Part Snooker Centre to Hot-Food Takeaway, Commercial Kitchen and Erection of Replacement Canopy - Refused

99/90722: Change of Use from Tyre Bay to Extend Existing Leisure/Snooker/Amusement Centre (Within a Conservation Area) - Conditional Full Permission

2025/91599: Installation of replacement shopfronts (within a Conservation Area) - Conditional Full Permission

Representations

The application was advertised by a site notice which expired on the 3rd of July 2025.

As a result of the above publicity, no representations were received.

Consultation Responses

KC Conservation and Design (informal) – No objections. However, recommend the grille is painted white and is flush against the wall.

KC Environmental Health (Pollution and Noise Control) - The applicant has submitted an Acoustic Survey and Odour Assessment authored by Martin Environmental Solutions Ltd dated April 2025 Ref 2941-1 describing the proposal along with the local environment and addressing both issues of noise and odour.

Noise

Background noise monitoring was undertaken over the 17th to the 19th of March 2025 from the second-floor façade of the neighbouring property overlooking Bradford Road and the proposed location of the extraction system. A summary of the results is given in para 3.9 with comment made that the dominant source was road traffic.

Based upon the measured levels and the recommended fixed mechanical extraction plant, a BS4142 assessment shows there to be no impact to the identified nearest residential occupier approx. 18m from the discharge. Comment is made about the impact to residential but this is to the stairwell area only.

The submitted information is accepted.

Odours

A Risk Assessment has been conducted in line with EMAQ Guidance scoring the kitchen as small and applying a score of '1'. We disagree with this and based upon the size of the premises and potential covers, we deem the kitchen to be at least a medium and a score of '3' should be applied. Nonetheless, the scoring rates the level of odour control required as high and para 3.24 specifies the mitigation measures. We note the recommendation to install a jet cowl with a discharge of $\geq 1\text{m}$ above the eaves level which is not appropriate in this install and we ask the Planning Officer to ensure the installation is as shown on the submitted plans. Maintenance is stated to be in line with the manufacturers recommended instructions and the applicant is reminded that maintenance should be in line with the EMAQ Guidance document which is based upon the level of grease loading and the number of hours the system is in use.

The submitted information is accepted.

A condition is recommended to secure these measures in the interests of protecting the amenity of neighbouring properties

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 located within the Batley Conservation Area on 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

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highway Safety**
- **LP22 – Parking Provision**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**
- **LP31 – Strategic Green Infrastructure Network**
- **LP52 – Protection and Improvement of Environmental Quality**

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local

planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change • Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Character of the Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

Sustainable Development:

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

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

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

Policy LP1 goes further and states: “The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

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

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

The submitted supporting document sets out the previous use of the site. The intended use of the site is to be a restaurant. There are no objectionable design elements associated with the proposed extraction system. The existing building has no architectural merit and the proposed extraction system would not appear incongruous in the context of the building itself and would not negatively impact the character of this main shopping area of Batley and is therefore not conflicting with any established employment uses.

The principle of development is therefore considered acceptable in this instance. A more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 –Impact on Visual Amenity and Historic Environment:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

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

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

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

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

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

LP24 states that proposals should promote good design by ensuring: ‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’ ‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

Whilst the proposed external grille would be of a relatively modest size/scale, it is considered that the proposed changes would not be out of keeping with the commercial setting of the immediate and wider site. It is also noted that the application site is located within a commercially dense area and the new grille would not negatively impact the wider context of the site. However, it has been recommended by KC Conservation and Design that the grille be painted white and be flush against the wall.

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

The site is located within close proximity to Batley Town Centre and Station Road Batley Conservation Areas. Policy LP35 states that ‘development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset’.

The application is accompanied by a planning statement which sets out the context for the proposal and its siting and appearance. The proposal is considered to result in negligible harm to the setting of the Conservation Area as a result of its siting and design. An informal discussion was undertaken with KC Conservation and Design, and they raised no objection to the proposed alterations, subject to conditions.

As such, the impact of the proposal and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 & LP35 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should: “...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”

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

Properties affected:

371 Bradford Road – This is the adjoining building. It is recognised that the dominant source of noise would come from road traffic.

367 Bradford Road – This property is the neighbouring businesses. The proposed changes to the shop front will have no impact on these properties.

Bradford Road – the new external grille will replace existing signage and will have no impact across the street scene.

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

4 – Impact on highway safety:

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

The new changes do not propose development that will affect the highway.

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

5– Other matters:

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Given the nature and scale of development, it is not considered that any

specific measures are required in terms of the planning application, with regards to carbon emissions.

6) Representations

As a result of publicity, no representations were received.

6) Conclusion

This application for the installation of extraction system and associated external grille to northern side elevation at 369, Bradford Road, Batley, WF17 5PH has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would comply with the relevant material planning considerations and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/91535

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.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP8, LP21, LP22, LP24, LP30, LP31 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The external grille hereby approved shall match the colour of the external wall and thereafter be retained.

Reason: In the interests of visual amenity and to preserve and enhance the character of the Conservation Area, in accordance with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

3. Before the development is first brought into use all works which form part of the mitigation measures as specified in the Acoustic Survey and Odour Assessment authored by Martin Environmental Solutions Ltd dated Aril 2025 Ref 2941-1 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing Elevations	25-009-SK03 - Elevations As Existing-A1	04-Jun-2025
Grouped Plans and Elevations	25-009-SK01 - Location and Site Plan As Existing-A1	04-Jun-2025
Location Plan	Location Plan	04-Jun-2025

Grouped Plans and Elevations	25-009-SK10 - Plans As Proposed Extractor Vent-A1	04-Jun-2025
General	Planning Statement – Extraction	04-Jun-2025
Noise Assessment	Noise Assessment 2941-1	04-Jun-2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were required through the course of the application.

Report Date: 11/08/2025