

**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: | 2025/62/91847/E |
| Site Address: | land adj, City Electrical, Staincliffe Mills, Halifax Road, Staincliffe, Batley, WF13 4AR |
| Description: | Erection of garage for car repairs and car sale (sui generis) |
| Recommending Officer: | Edward Cheseldine |

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 October 2025

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Officer Report

2025/91847 - land adj, City Electrical, Staincliffe Mills, Halifax Road, Staincliffe, Batley, WF13 4AR

Site Description

The application site is a plot of land surfaced with loose gravel with sparse self-seeded shrubbery. The site is currently partially fenced on the north and east boundaries of the site. Residential dwellings rest to the south and west of the site. To the north and east are commercial units.

Access to the application site leads from Halifax Road, through the commercial estate.

Proposal Description

The applicant is seeking permission for the erection of an MOT building and car sales site (sui generis).

The building will be 8.20m x 6.50m with an eaves height of 4.50m and a ridgeline height of 6.00m. Exterior walls will be formed of brick courses and blue sheet cladding. The roof will also be formed of sheet cladding. Roller shutter doors will be installed on the on the north elevation.

The internal facility contains a single MOT bay, storage, office, toilet room and waiting area. The forecourt includes 4 parking bays and a cycle rack.

1.80m palisade fencing will be installed around the perimeter of the site.

Negotiations/Amendments

The applicant was requested to confirm the use of the site and opening times which are suitable for the location of development. Further details are set out in the *Assessment* section below.

Public Representations

The application was advertised by way of a site notice which expired on the 19 September 2025. As a result of the publicity, 5 representations were received. These were all made in support of the development.

Supportive comments submitted in relation to the application have been reviewed and noted. The matters raised have been taken into account in the assessment of the proposal.

Relevant Planning History

None relevant.

Consultations Responses

KC Environmental Health – An informal consultation took place on 04 September 2025 & 02 October 2025. The site is adjacent to potentially contaminated land. There has previously been dumping on the site. They recommended full land contamination conditions. The site is located close to residential properties, due to the proposed use, they requested a condition for the submission of a noise impact assessment. They confirmed the openings hours were acceptable.

KC Highways – No objection to the proposal.

KC Ecology – Informal consultation on 28 August 2025. Confirmed BNG was not required.

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.

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 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

Other materials considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (2019)

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 modestly sized unit when compared to the adjacent units within the commercial estate. It is located towards the rear of the wider estate tucked behind other units and is not highly prominent from the public domain. It sits below the height of the building to the north. In terms of its appearance, it will appear utilitarian, however it sits on the edge of a commercial estate and will not be out of character. In addition, there is a sufficient distance of separation from residential dwellings, whilst being relative in scale.

Materials will match the existing commercial buildings with brick courses and a blue sheet cladding.

Fencing, will appear utilitarian, however it will not contrast with the prevailing character of the area.

Given the scale, material and character of the wider area, the proposal complies with Policy 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.

The closest residential property, 15 Lemans Drive is 25.00m from the application building. It is therefore not considered there will be an impact to privacy, a loss of outlook, light or an overbearing impact to neighbouring properties.

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 proposal will lead to a building that will be used to service motor vehicles. Openings times will be Monday to Friday: 09:00 – 18:00, Saturday: 09:00 – 17:00, Sunday & Bank Holidays: Closed.

Due to the use there will be a level of noise which may affect the amenity of neighbouring properties located a moderate distance away from the site. These properties are located along Lemans Drive and Spinner Fold.

KC Environmental Health were consulted on the proposal. They requested a Noise Impact Assessment be submitted to determine the existing noise climate, detail the proposed attenuation/design necessary to protect the amenity of the occupants of the nearby residences. This will be controlled by condition. Opening hours will also be conditioned in order to protect the amenity of neighbouring occupiers.

There are not considered to be other impacts to the amenity of neighbouring residences.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants. The proposal therefore complies with Policy LP24 of the KLP (b) and Chapter 12 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.

Development will lead to the erection of an MOT bay and 4 parking spaces. Access to the site is existing. It will be retained from Halifax Road through the commercial site to the application site.

KC Highways were consulted on the proposal. They confirmed there will only be a modest increase in traffic from the development, and there is ample room for manoeuvring and waiting. In addition, they raised no concerns with access.

Following their response, it is considered the development accords with LP21 & LP22.

Environmental Matters

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 site has been checked against the Council's GIS mapping system for land contamination. The area of development is located close to land identified as potentially contaminated. In addition, the site is currently an area of neglected wasteland. Aerial imagery confirms there has been dumped of waste which may have led to ground contamination. KC Environmental Health were consulted on the development and recommended full land contamination conditions considering the previous activity which will be set.

Biodiversity Net Gain & 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.

There is a mixture of loose gravel and self-seeded shrubbery on the site. Advice was sought from KC Ecology, who agreed the self-seeded shrubbery was limited to only a few areas and the development meets the *de minimis* exemption category.

In terms of Policy LP30, a biodiversity uplift is required. Plans indicate a bird box will be installed on the building, which is a suitable uplift for the development.

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.

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: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/91847

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP3, LP21, LP22, LP24, LP30, LP51, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external materials shall be constructed with brick coursing and a blue sheet material which shall match the appearance of the adjacent commercial units.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

4. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that potential land contamination is investigated at an appropriate time.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (4) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that potential land contamination is investigated at an appropriate time.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that potential land contamination is investigated at an appropriate time in order to inform suitable remediation measures.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation

Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

9. The use hereby approved shall not take place outside the hours of: 09:00 to 18:00 hours Mondays to Fridays, 09:00 to 17:00 hours on Saturdays, with no opening on Sunday & Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

10. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- An assessment of all noise emissions from the proposed development
- Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- Written scheme of how the occupants of neighbouring dwellings in noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

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. This is a pre-commencement condition to ensure that the potential impact arising from noise disturbance is investigated at an appropriate time in the development

process to enable all appropriate noise mitigation measures to be incorporated.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours Saturdays. With no construction related noise audible beyond the site boundary on Sundays or Public Holidays. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

| Plan Type | Reference | Version | Date Received |
|-----------------------------|------------------|----------------|----------------------|
| Location plan | AR-01 | - | 01 August 2025 |
| Grouped plans | AR-02 | - | 01 August 2025 |
| Design and access statement | - | - | 01 August 2025 |

| Plan Type | Reference | Version | Date Received |
|--------------------------|------------------|----------------|----------------------|
| Climate change statement | - | - | 01 August 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.

The applicant was requested to confirm the use of the site and opening times which are suitable for the location of development.

