

**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:	2025/62/92430/E
Site Address:	Cleckheaton Fire Station, Hightown Road, Cleckheaton, BD19 5HD
Description:	Change of use from fire station (Sui Generis) to use class B2/B8 to allow for metalwork and the storage of metals
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 30-Oct-2025

Officer Report

Reference No. 2025/62/92430/E

Site Address: Cleckheaton Fire Station, Hightown Road, Cleckheaton, BD19 5HD

Proposal: Change of use from fire station (Sui Generis) to use class B2/B8 to allow for metalwork and the storage of metals

Officer Report

Site Description

The application relates to an existing building which was formerly Cleckheaton Fire Station.

The property is located on the corner plot between Hightown Road and Westgate and benefits from ample parking to the north and east of the site.

To the south of the site is the existing premises 'The Metal Store', under the applicants ownership.

The wider area comprises mixed use, with commercial and industrial properties being located to the west and south (there is a metal fabricator immediately adjoining the site to the west) and residential properties to the north and east across the road.

There are no allocations within the immediate vicinity of the site; however, the site is within 200m of a former landfill site and in a low risk coal area.

Description of Proposal

The application seeks planning permission for the change of use of the existing building from a fire station (sui generis) to a mixed storage and industrial building (B2/B8)

There are limited alterations to the existing building envelope, merely the reinstatement of boarded up windows and doors.

The plans indicate signage is proposed to the building; however, this would require the submission of a separate application for advertisement consent and is not under consideration within this planning application.

History of negotiations/amendments received

N/A

Representations

The application was publicised by site notice which expired on 24th October 2025. As a result of the above publicity, one comment has been received. The following comments have been raised:

- Nose from existing company
- Limited access
- Highway safety concerns

Consultation Responses

The following is a brief summary of consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health: (Informal on 27/10/2025) No objection subject to conditions requiring all industrial processes to be kept within the building.

KC Highways: No objections as turning facilities would be retained.

Planning Policy Background

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.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality

- **LP 53** - Contaminated and Unstable Land

In this case, the following Supplementary Planning Documents are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 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

Assessment

1. Principle of Development

The site is without notion on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;*
- or*
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

Policy LP7 of the Kirklees Local Plan refers to the effective use of land and buildings and states that proposals should encourage the efficient use of previously developed and in sustainable locations providing it's not of high environmental value.

The site contains previously developed land consisting of the existing fire station and associated structure however is currently vacant; it is enclosed by other commercial developments of varying scale and design, some in a similar sector to the proposal. Officers consider that the proposed use would not be significantly out of keeping in principle with the area and would utilise a previously developed site, preventing a building from remaining as vacant in a prominent position. Therefore, officers consider that the proposal would accord with LP7 of the Kirklees Local Plan.

Policy LP8 of the Kirklees Local Plan states that "Proposals for development or re-development for employment generating uses... in Priority Employment Areas will be supported where there is no conflict with the established uses... in the area", and officers consider your proposals to be compliant with this aspect of the relevant policy. The site has no allocations in policy terms and would therefore not interfere with any priority employment areas nor would be a main town centre use. Given the above assessment, it is considered that there are many aspects to the proposals that would attract positive weight in the balance of planning considerations.

In this case, the principle of development is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also 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, 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.”*

As previously highlighted, the site is currently developed, and the proposal would be for a change of use to the site from Sui Generis to Class B2/B8 with minimal changes to the building fabric.

It is considered that due to the existing uses within the vicinity being characteristically similar to the proposed scheme, including a site adjoining the application property to the south, the scheme would not appear out of keeping with the character of the area.

There are limited alterations to the buildings fabric and therefore the proposal would not result in the building being any more prevalent in the street scene. The proposal will in fact bring a vacant building back into use which would ensure that any damage/disrepair is prevented.

On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and 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 proposal would retain separation distances with all neighbouring residential properties and would not have any extensions; therefore, the proposal would not raise any significant concerns regarding overlooking/overshadowing/loss of light/overbearing to that which exists.

The residential properties within the vicinity of the application site are as follows:

64-66 Westgate: located 43m north of the application site, across Westgate (A643) which is an A Road.

52 Westgate: located 40m north-east of the application site and is also across the A643.

Flat above 50 Westgate: located 51m north east of the application site across the A643.

7-14 Wilton Court: located 76m east of the application site.

1-6 Wilton Terrace: located 65m away from the application site.

Officers have reviewed the proposal in conjunction with the development in the immediate vicinity of the site.

To the south of the site is under the ownership of applicant and is of a similar use to the proposal with the opening hours of 8-5pm on weekdays, however, it should be noted that this has never been subject to planning permission for its use, a metal fabricator adjoins the site to the west with the opening hours of 9-5pm on weekdays and the wider area also has powder coating companies and other industrial type businesses.

The associated application form states that the following works will be undertaken on site:

- Picking and packing scaffolding clamps and associated scaffolding products (e.g. Acrow props/builders trestles/base jacks/strair treads)
- Cutting and packing scaffolding tubes using a band saw Cutting and packing scaffolding boards with a circular saw
- Film packing machines will be used to wrap the scaffold tube and boards

It has not been considered necessary to request any formal assessment in terms of noise in these circumstances as the proposal would be a continuation of the types of works in the vicinity. There are other examples of noise generating sources in close proximity to the site and residential properties are either located a reasonable distance from the application site or across an A road. However, in the event that planning permission be approved, it is considered necessary to attach a condition that the opening hours are consistent with operations in the immediate vicinity. This is in order to limit disruption to neighbours. Further to this, it is also recommended that a condition be attached to limit when the cutting of metal can be undertaken on site, starting no earlier than 9am, as this is considered more reasonable as this element of the development would be located closer to the residential properties to the north.

Having considered the above factors, the proposal is not considered the proposal would result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development would not increase the footprint of the building on site and there has been no details of additional storage requirements on site.

The application has been reviewed with KC Highways and considered acceptable as turning facilities would be retained on site as there are no additional structures proposed nor alterations to the site layout.

In order to ensure this arrangement is retained in perpetuity, it is therefore considered necessary to impose a condition preventing additional structures being erected on site without planning permission and to prevent works from being undertaken outside of the building structure. This is to prevent the displacement of vehicles onto the highway.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. 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 pre-dates 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.

In this case, a climate change statement has been provided in support of the application. As the proposal is for the change of use of a vacant building, this is considered acceptable in this instance.

Land Quality / Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site is identified as being in close proximity to a former landfill site; however, the proposal would not be creating a residential use and would be used for storage and industrial purposes with no ground works being outlined on site.

In line with paragraph 197 of the NPPF, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

It is therefore considered that the proposal would accord with LP53 of the Kirklees Local Plan.

Biodiversity

The site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, a bat survey has not been requested in this instance to support the application as there are no works proposed to the roof of the building. As it is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

Due to the proposal not increasing the footprint of the building, the site qualifies as a de minimus exemption in relation to BNG and therefore no further details are required.

No lighting details been highlighted to be proposed as part of the scheme and therefore a condition shall be added which states no artificial lighting is to be installed without prior consent of the local planning authority. In addition, it is considered appropriate to add a condition requiring the installation of a bat box into the building. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

5. Representations

One representation was received which raised the following concerns:

- Nose from existing company
Officer response: This is addressed in the above report under the 'Impact on Residential Amenity' section.
- Limited access
Officer response: The proposal would not be increasing the footprint of the building and all access arrangement are therefore to be retained.
- Highway safety concerns

Officer response: This is addressed in the above report under the 'Impact on Highway Safety' section.

6. Negotiations

N/A

7. Conclusion

This application 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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

Recommendation: - Approve

Decision Authorisation - Delegated Powers

Application Number 2025/62/92430/E

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, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. No external lighting shall be installed unless and until a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been submitted to, and approved in writing by the Local Planning Authority. The lighting scheme will demonstrate how all artificial lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and residential amenity in accordance with Policies LP24 & LP30 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

4. At no time shall there be any external storage within the area outlined in the red boundary on drawing 'Location Plan'.

Reason: In the interests of Highway safety and visual amenity to accord with policy LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The floorspace of the building and the land detailed on the Proposed Floor Plan, plan reference '004', shall not be used for any purpose other than those falling within use classes B2 and/or B8 of Schedule 1 and/or use class E(g)(iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

6. At no time shall any use falling within use class B2 of Schedule 1 and/or use class E(g)(iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) be undertaken externally and all activities falling within use class B2 of Schedule 1 and/or use class E(g)(iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be undertaken within the building which this application relates.

Reason: In the interests of Highway safety, visual amenity and residential amenity of neighbouring occupiers to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. 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 8:00 and 17:00.

Reason: To ensure that the proposed development does not cause harmful noise pollution to neighbouring premises in the interest of amenity, an unacceptable increase to vehicular traffic to accord with Policy LP16(b) of the Kirklees Local Plan or have an unacceptable impact on public health in accordance with LP16 of the Kirklees Local Plan and HFT3 of the Hot Food Takeaway SPD and Chapters 12 and 15 of the National Planning Policy Framework.

8. Notwithstanding the submitted details and condition 7 above, no cutting of metal shall be undertaken at the premises outside the hours of 9:00 and 17:00.

Reason: To ensure that the proposed development does not cause harmful noise pollution to neighbouring premises in the interest of amenity, an unacceptable increase to vehicular traffic to accord with Policy LP16(b) of the Kirklees Local Plan or have an unacceptable impact on public health in accordance with LP16 of the Kirklees Local Plan and HFT3 of the Hot Food Takeaway SPD and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: 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: 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill,

injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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	Revision	Date Received
Location Plan	001	A	4/09/2025
Existing Elevations	003	A	4/09/2025
Existing Floor Plans	002	A	4/09/2025
Proposed Elevations	005	A	4/09/2025
Proposed Floor Plans	004	A	4/09/2025
Planning Statement	D05	A	4/09/2025
Climate Change Statement			4/09/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No alterations required.