

**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:	<b>2025/62/92786/E</b>
Site Address:	485, Bradford Road, Batley, WF17 8LB
Description:	Change of use of yard to car wash and erection of associated buildings
Recommending Officer:	Elenya Jackson

**DECISION - Refused**

**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:** 15-May-2026

## **Officer Report – 2025/92786**

485, Bradford Road, Batley, WF17 8LB

### **Site Description**

The application site is located on the southern side of Bradford Road, 165m west of Batley Town Centre. The site comprises a predominately hard surfaced parcel of land formerly used informally as for car breaking/storage. The sites vehicular access is taken from an established access point on the northern boundary of the site, but also has access from Bond Street to the east of the site.

The site is broadly rectangular in form. At the time of the site visit in March 2026, works had commenced on site to erect the structures on the southern and western boundary of the site with large amounts of rubble deposited on the site.

The site is enclosed by commercial properties to its east south and west, with Bradford Road bordering the site to the north.

### **Description of Proposal**

#### *The Scheme*

The current application seeks planning permission to change the use of the site to a car wash and the erection of associated buildings to facilitate the proposed use.

The proposal includes the utilisation of the existing access on Bradford Road and the re use of an existing access point on Bond Street. This would create separate entrance and exit points, enabling a one-way circulation system within the site.

In addition to the change of use, the proposal includes the erection of three buildings. Building A would be erected to the east of the site and would have a height of 5.4m and a width of 5.5m and would be the main location for the cleaning of vehicles.

Building B would border onto Bradford Road to provide a valeting service for three vehicles and would have a width of 15m and have a maximum height of 5m.

Building C would be located to the west of building B to provide a waiting area for future users of the site. This would have a depth of 6m and a width of 3.5m

The resultant business would operate Monday to Friday between 08:00 and 18:00, on Saturdays between 08:00 and 18:00, and on Sundays between 08:00 and 17:00.

Officers have not been provided with the details of the number of staff employed.

### **History of Negotiations / Amendments Received**

Officers requested confirmation that an updated Flood Risk Assessment (FRA) was provided following comments received by The Environment Agency. Despite repeated attempts to secure updated information, this was not received, therefore, the application was progressed to a decision.

### **Relevant Planning History**

**Ref:** 2014/90992

**Description:** Change of use from general industry to breakers yard

**Decision:** Refused

**Ref:** 2009/93411

**Description:** Change of use of bedding factory to vehicle breakers and repair garage

**Decision:** Conditional Full Permission

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024).

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 12th April 2026.

No public letters of representation were received.

### **Consultation Responses**

**KC Highways Development Management (15.04.2026 – Informal) –** No objection, visibility splays are not shown but the site has previously been used for the storage of cars and would use existing access points.. Forming the new access may require works within the adopted highway, which need separate written approval from the Local Highway Authority. A standard access condition and informative are requested to secure the approved access design and ensure the applicant enters into the necessary Section 184 agreement.

**The Environment Agency:** The site lies within Flood Zone 3, with a high probability of flooding from rivers and/or the sea. The application is for a change of use for proposed car wash and associated buildings, which is/are considered to be a 'less vulnerable' land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and to be supported by a site-specific flood risk assessment, which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. In particular, the FRA fails to:

- Adequately assess risk to site
- The FRA does not assess risk arising from blockage of the culvert
- Provide details of appropriate mitigation
- Provide finished floor levels
- Provide details or location of the proposed silt tank
- Demonstrate that the proposed development will not increase flood risk to others

**The Mining Remediation Authority:** No objection

**KC Ecology:** No objection

### **Allocation and Policy**

The site is subject to following planning policy designations and constraints:

- Bat Alert Layer
- Development High Risk Coal
- Flood zone 2 and 3

The following legislation, policy and guidance is considered relevant to the determination of this application: -

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design

- LP26 Renewable and low carbon energy
- LP27 Flood Risk
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 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, 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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)  
The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)  
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Ecology and Biodiversity
5. Ground Conditions
6. Climate Change
7. Other matters
8. Representations
9. Conclusion

### **1.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.

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'.

Chapter 11 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improvement the environment and ensure safe and healthy living conditions. As well as this, Local Planning Authorities have the responsibility to help create the conditions, in which businesses can invest, expand, and adapt. It follows that 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.

This site is unallocated within the Kirklees Local Plan.

In this case, the proposal would represent a more effective use of land than the current, derelict site, contributing positively to the local economic growth through creation employment opportunities. With these factors in mind, officers are satisfied that the proposal accords with chapters 6, 9 and 11 of the NPPF. The principle of re-using/re-developing the land could be considered favourably, so long as it contributes to the improvement of the environment and ensures safe and healthy living conditions of the neighbouring residents.

The proposed development is not considered a main town centre use and is located just outside Batley Town Centre boundary. Therefore, the location of the proposal is considered to encourage people to visit Batley without harming the viability and vitality of Batley Town Centre.

Taking the above into consideration, in the broadest form, the development of this site is considered acceptable in accordance with Local Plan Policies LP1 and LP2. However, the development must now be assessed against all material considerations.

## **2.Impact on character and appearance of the area**

### Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*.

It is considered that due to the previous use of the site as a car breakage facility and its current derelict state, the change of use of the land for car washing would not in itself give rise to significant harm to visual amenity.

Officers initially had concerns regarding the proposal introducing two blank elevations along Bradford Road, which was compounded by the proposed materials. In the event that planning permission be approved, it is recommended that a condition be attached for the use of red brick so as to be in-keeping with the site and characteristic of the area. The north-western elevation of the site has an existing building which is red brick and would result in the development, if conditioned to be finished in red brick, not being overly discordant. Therefore, subject to conditions, it is considered that it would not be inappropriate in this instance. It is considered reasonable and necessary, in the interests of visual amenity and in accordance with LP24 of the Kirklees Local, to secure by condition the submission and approval of details of the proposed materials and colour finish prior to installation to ensure the proposal would not give rise to unacceptable harm to the character or appearance of the area.

It is therefore considered that subject to the above conditions, the development would not give rise to significant harm to visual amenity or the character of the area, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Sections 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 130 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 site is located within a mixed commercial and residential area, with neighbouring dwellings to the north of the site. It is acknowledged that hand car wash operations and valeting services have the potential to generate noise, including from pressure washing equipment, vehicle movements and air compressors

#### Noise

A Noise Impact Assessment has not been provided at this time and the site is in close proximity to residential properties. It is considered that the proposed operating hours of from 8am on Sundays and Bank Holidays would not be considered appropriate and officers therefore recommend conditioning the hours of operation to 8am to 6pm Monday to Saturday, and 10am to 5pm on Sundays and Bank Holidays in order to be commensurate within this mixed-use context.

Furthermore, officers consider it necessary and proportionate to condition the submission of a noise report prior to the commencement of works on site to ensure the proposal would not result in unacceptable disturbance to the residential amenity of neighbouring properties.

#### Daylight/Sunlight and Enclosure

The proposed structures would be located 17m to the south of 528-534 Bradford Road. It is considered that this maintains adequate separation and the structures would not result in significant overshadowing or loss of light to these properties

#### Conclusion on amenity

Subject to conditions requiring the submission of a noise assessment and mitigation by condition relating to hours of operation, it is considered that the development would not give rise to unacceptable harm to residential amenity. Subject to the imposition of appropriate conditions, the proposals accords with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **4. Impact on Highway Safety**

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate

any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The application site fronts Batley Road and would utilise existing access points.

The Highways Development Management Team has confirmed that there is no objection to the proposal however note that any works within the adopted highway will require separate approval from the Local Highway Authority, likely via a Section 184 agreement under the Highways Act 1990. In the event that planning permission be approved, an informative is recommended to be attached to advise the applicant of this requirement.

Further to the above, a condition is recommended to be attached should planning permission be approved to secure construction of the approved access prior to the first use of the development in the interests of highway safety. Also, the site should be drained in such a way that water would not enter the highway.

Subject to the imposition of the recommended conditions and informative, the proposal is considered acceptable in highway safety terms and accords with Policy LP21 of the Kirklees Local Plan, the Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## **5. Ecology and Biodiversity**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

Policy LP33 of the Kirklees Local Plan sets out the Councils approach to the protection and integration of trees in new development, recognising their contribution to visual amenity and biodiversity.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

Officers conducted an informal consultation with KC Ecology on the application who had no objections in principle therefore no further comments are required.

In light of the above, the proposal is considered to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework, in so far as it does not result in harm to biodiversity or ecological interests.

## **6. Contaminated Land and Coal Mining Legacy**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process. Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site is not identified as contaminated nor potentially contaminated land. The site lies within Coal Authority Development Low Risk Area. In accordance with the Mining Remediation Authority's Standing Advice, no further assessment or mitigation required. In light of the above, it is considered that the development would comply with Policy LP53 of the Kirklees Local Plan and with Paragraphs 196 and 197 of the National Planning Policy Framework.

## **7. Drainage**

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

There is the potential for contaminated wash water entering the public sewer network and it is recommended the provision of appropriate interception and silt management measures are provided on site.

The submitted information does not clearly demonstrate the full drainage arrangement or confirm how the gullies and interceptor connect prior to discharge.

Officers consulted The Environment Agency (EA) on this application who have raised an objection and stated that:

*'The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. In particular, the FRA fails to:*

- *Adequately assess risk to site*
- *The FRA does not assess risk arising from blockage of the culvert*
- *Provide details of appropriate mitigation or provide finished floor levels*
- *Provide details or location of the proposed silt tank*
- *Demonstrate that the proposed development will not increase flood risk to others'*

Officers requested confirmation that the above details would be provided with a subsequent extension of time on the application to discuss the details with The EA. Neither of these were forthcoming therefore in order to reach a timely determination on the application, it has been progressed on the basis of the information submitted.

It is therefore considered that insufficient information has been provided to ascertain if the proposal would accord with LP27 and LP28 of the Kirklees Local Plan.

## **8. 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.

The applicant has submitted a Climate Change Statement in support of the application.

It is considered that EV charging points can also be conditioned on site.

However, the site is located in Flood Zones 2 and 3 and officers are unable to confirm surface water and pollution control measures or water reuse measures.

At this time, the proposal is considered to conflict with the Council's aims in achieving net zero and would fail to accord with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

## **9. Representations**

There were no public letters of representation received.

## **10. 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; the proposed development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**Refuse**

**Decision Authorisation: Delegated Powers**

**Application Number: 2025/92786**

## **Officer Recommendation: Refuse**

### Reasons:

1. By reason of insufficient information provided, the application has failed to demonstrate that appropriate foul and surface water drainage arrangements can be provided or that the development would be safe from flooding for its lifetime without increasing flood risk elsewhere. The development therefore fails to accord with Policies LP27 and LP28 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework.
1. The proposed development fails to adequately address climate change mitigation and adaptation measures, particularly in the context of its location within Flood Zones 2 and 3. Insufficient information has been provided regarding surface water management, pollution control, and opportunities for water reuse, and therefore the Local Planning Authority is unable to confirm that the development would be resilient to the impacts of climate change or contribute positively towards the Council's adopted net zero carbon objectives. As such, the proposal is considered to conflict with the Council's climate change ambitions and fails to accord with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			24/02/2026
Proposed Site Plan	D02	a	24/02/2026
Proposed Elevations and Floor Plans	D03	a	24/02/2026
Silt Tank Details		-	24/02/2026
Flood Risk Assessment		-	24/02/2026
Climate Change Statement		-	24/02/2026
Design and Access Statement		-	24/02/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a 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. Officers requested confirmation that the details requested by The Environment Agency were provided and an extension of time to assess the requested information. As neither were forthcoming, the application was progressed in order to reach a timeous conclusion.