

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:	2026/62/90513/E
Site Address:	232 , Bradford Road, Batley, WF17 6JD
Description:	Change of use of part of existing warehouse (B8) to motorcycle showroom (sui generis)
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: 5-MAY-2026

Officer Report.

Reference: 2026/90513

Location: 232 , Bradford Road, Batley, WF17 6JD

Proposal: Change of use of part of existing warehouse (B8) to motorcycle showroom (sui generis)

Site Description.

232 Bradford Road is a large warehouse unit in Batley. The building is a single-storey structure that has been used primarily for distribution of motorbike parts. As it stands, the unit is single storey with brick walls and a dual pitched roof clad in corrugated iron. Although the building stands single storey in height, there is an access door at a scale for HGV deliveries on the front of the building. The site is located off Bradford Road which is a classified A road. To the east of the site is Batley Beck, to the south and north are other similar type buildings, to the west of the site are residential dwellings.

Planning permission has previously been granted for an extension on the northern and eastern elevation of the building to connect it to Padgets Suzuki Garage.

Description of Proposal.

Planning permission is sought for the change of use of the property from storage to a motorcycle show room (sui generis). This would create 470m² of show room space.

History of Negotiations / Amendments.

N/A

Relevant Planning History.

2018/91530: Erection of single storey extension to warehouse – Full permission granted.:

2023/62/90766/E: Erection of single storey wrap-around extension. Conditional full permission.

Representations.

The application was publicised by site notice, which expired on 30th April 2026. As a result of the above publicity, no representations have been received.

Consultation Responses.

KC Highways Development Management – Informal consultation on 14.01.2025. – No objection

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

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 unallocated on the Kirklees Local Plan.

The site is located within an area identified by the Mining Remediation Authority, as being at low risk of ground movement as a result of former mining activity and within Flood Zone 3A.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Transport
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and improvement of Environmental Quality

Supplementary Planning Documents:

- Kirklees Highway Design Guide (adopted November 2019)

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 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

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.

Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 The Planning and Compulsory Purchase Act 2004. .

Supplementary Planning Documents / guidance

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

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'.

This site is unallocated within the Kirklees Local Plan and is reasonable distance from Batley Carr local centre and Batley Town Centre,

Policy LP13 of the Kirklees Local Plan states, in brief, that main town centre uses shall be located within defined centres, which should provide a mix of uses whilst retaining a strong retail core.

Policy LP13 designates Batley as a Principal Town Centre whose role and function is to provide for the shopping needs of residents across Kirklees, particularly for non-food goods. Principal Town Centres like Batley should also be the main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services. It is considered that the proposal would be a sui use and although the NPPF definition of town centre uses is not exhaustive in its list, officers consider that a car show room would not constitute a main town centre and it is typical to find these outside of main town centres. Therefore, the proposal would be considered to accord with LP13 of the Kirklees Local Plan.

In addition, the proposal would be a change of use to an established use on Bradford Road and would not be considered to result in the proliferation of business outside of defined centre boundaries.

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, as well as highway safety. These issues along with other policy considerations will be addressed below.

The proposed development is not considered a main town centre use and is located just outside defined centre boundaries. Therefore, the location of the proposal is considered not to result in harm to 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 in association with vehicular use and its appearance has been agreed via application 2023/90766 for the addition of a wraparound extension, the change of use of the land for car show room would not in itself give rise to significant harm to visual amenity.

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 neighboring dwellings to the north-west of the site. It is acknowledged that a vehicle show room has the potential to generate noise and an assessment of this is undertaken below.

Noise

A Noise Impact Assessment has not been provided at this time and the site is in close proximity to residential properties. However, it is considered that the proposal would operate as an extension to the existing Padgets vehicle showroom to the north of the site and would not introduce a new use into the area. The residential dwellings are also across a reasonably busy road.

The proposed operating hours are proposed from 9:00 to 17:30 Monday to Friday 9:00-16:00pm on Saturdays, with no opening Sundays and Bank Holidays. These are considered reasonable within the mixed-use context of the surrounding area.

Daylight/Sunlight and Enclosure

The proposal would not increase the physical scale of development on site and would retain existing separation distances between the properties; therefore, no significant issues would be raised regarding overlooking, overshadowing loss of light or overbearing.

Conclusion on Residential Amenity

It is considered that due to the proposal extending an existing use in the area, retaining separation distances and having appropriate hours, 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 Bradford Road and would utilise existing access points. The proposal would extend an existing use within the vicinity of the site and would therefore be unlikely to generate a substantial amount of additional trips to the site.

The Highways Development Management Team has confirmed that there is no objection to the proposal on these merits and reminds the applicant 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.

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 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.

The site is for a change of use with no external works.

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.

7. Drainage and Flood Risk

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.

LP27 of the Kirklees local plan refers to flood risk and 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.

The building is located within Flood Zone 3a and planning permission was previously granted for an extension to the building. The LLFA were consulted

on this application and raised no objections and the extension was assessed as follows:

‘The proposed extension is wholly within EA Flood Zone 3a. There will not be an increase in hardstanding therefore there will be no increase to the drained area. Predicted flood levels within the beck indicate that the 1 in 100 year plus climate change river level will be contained by the existing wall alongside the beck and therefore the site is unlikely to flood during this event’s return period. The LLFA have been consulted on the application and raised no objection.’

The proposal would change the use of this building from a storage unit into a car show room and storage. This would be considered a less vulnerable use.

With regard to flood resilience measures, the supporting Flood Risk Assessment states that: ‘Top of Batley Beck wall is 48.94mOD, Flood barriers to door openings towards Beck, solid concrete floor, raised fixtures and fittings and services Registration with EA Flood Warning Service’ would be used to mitigate the development against flooding and that an evacuation plan should be designed for occupants to exit the site to access Flood Zone 1’.

In the event that planning permission be approved it is recommended that a condition be attached to ensure an evacuation plan is designed for the site and displayed in a visible area as the site is changing to a use more likely to be occupied by visiting members of the publ

Subject to the suggested condition, it is considered that 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. Given the scale of development, opportunities for additional

renewable energy provision are limited. The site has previously been conditioned to include an EV charging point and it is considered this would be appropriate in this instance.

Having regard to the nature and scale of the proposal, it is considered a proportionate response to climate change objectives and it is not considered to conflict with the Council's aims in achieving net zero nor would the proposal conflict 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 constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/62/90513/E

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

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 (as amended).

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 accord with policies Policy LP21, 22, 24, 34 and 52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of:

- 09:00 – 17:30 Monday - Friday
- 09:00 - 16:00 Saturday
- No opening on Sundays and Bank Holidays

Reason: To ensure that the proposed uses do not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

3. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

4. Prior to first occupation of the site, a flood risk evacuation route plan shall be created and displayed on the company's Staff Notice Board and shall be adhered to in a flood event.

Reason: To alleviate potential flood risk concerns and accord with Policy LP27 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway

Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 184 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The developer is reminded that, notwithstanding the granting of planning permission, the development will require a permit from the relevant water undertaker (in this case Yorkshire Water) to discharge trade effluent into the public sewer network.

NOTE: This application does not include any permissions for signage / advertisements. Separate permission will be required for any signs / advertisements via an Advertisement Consent application.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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 electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. • 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 in relation to Approved Document S.

NOTE: The granting of permission does not override the requirements of the Wildlife and Countryside Act 1981 (as amended) or the Conservation of

Habitats and Species Regulations 2017 (as amended). The applicant is reminded that, under these Acts, it is an offence to kill, injure or disturb bats, or to damage or destroy the breeding sites or resting places of bats or wild birds. If bats or evidence of bats are discovered during works, all works should cease immediately, and the advice of a suitably qualified ecologist should be sought.

NOTE: No construction related noise shall 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 Bank/Public Holidays.

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan and Previously Approved Plans	(25432)1_Scheme as approved	-	6/03/2026
Proposed Plans	(25432)2_Scheme as proposed	-	6/03/2026
Flood Risk Assessment		-	6/03/2026
Supporting Statement	25432	-	6/03/2026

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. No amendments or negotiations were required.

