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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 04-Nov-2020**

**Subject: Planning Application 2019/94146 Erection of car showroom/office and MOT testing station land at former, 750, Bradford Road, Batley, WF17 8NL**

**APPLICANT**

C-Jay Barroughclough,  
Nextcar

**DATE VALID**

23-Dec-2019

**TARGET DATE**

17-Feb-2020

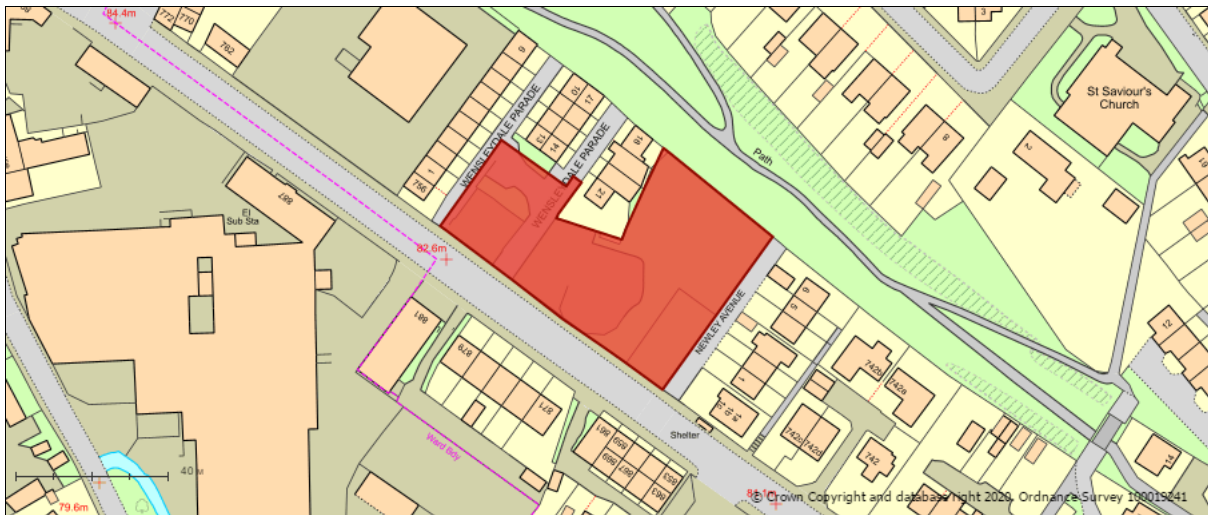
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Batley West**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE the application to the Head of Planning and Development in order to allow officers to inform The Planning Inspectorate of the Council's intention to REFUSE the application for the following reason:

1. The proposed development, by virtue of the engineering operations required, particularly in regard to the significant extent of hard surfacing and retaining features, would have a significantly harmful impact upon the visual amenity and character of the application site and wider street scene. This would be contrary to Policy LP24 of the Kirklees Local Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework which seeks to achieve well designed places and add to the overall quality of an area.

**1.0 INTRODUCTION:**

- 1.1 This application seeks permission for the erection of a car showroom/office and MOT testing station on land at the former 750, Bradford Road in Batley. The applicant has appealed on the grounds of non-determination. As such, the Council is required to inform The Planning Inspectorate of what their decision would have been, should they have been allowed to progress with the determination of the application.
- 1.2 The application is brought to Heavy Woollen Planning Sub-committee at the request of Councillor Lowe in line with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an 'L' shaped parcel of land positioned to the north east of Bradford Road in Batley. The site previously held a car showroom with vehicle repair centre and 2 cottages. The site has now been cleared but has continued in part to be used for car sales.
- 2.2 There is a change in land levels from Bradford Road to the rear of the site with a slope upwards to the residential properties on Wensleydale Parade.

**3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of a car showroom/office and MOT testing station on land at the former 750, Bradford Road, Batley.

3.2 The proposed MOT testing station would be located on the north western part of the site, whilst the car showroom/office would be located on the opposite side of the access road to the south of residential properties on Wensleydale Parade. A car display area on two levels would comprise the north eastern part of the site. A retaining wall would be required to facilitate this.

3.3 The external areas of the site would be hard surfaced in tarmac.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 There have been several applications on the site for residential development. None of the approvals have been implemented.

2017/92762 – Erection of 13 dwellings – approved

2011/90550 – Extension to time limit for implementing previous permission ref 2008/90163 for erection of 20 apartments and 5 dwellings and associated infrastructure - approved

2008/90163 – Erection of 20 apartments and 5 dwellings and associated infrastructure - approved

2006/90866 – Demolition of existing building and erection 17 no. 2 bed and 24 no. 1 bed apartments in 3 blocks and associated works 0 refused

2005/91522 – Erection of 24 dwelling units in 3 blocks with associated highway access - approved

2004/94398 – Erection of 31 no 2 bed apartments in 3 blocks with associated highway access – withdrawn

#### Enforcement

COMP/20/0018 – Unauthorised commencement of works (excavation/clearing) – ongoing

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 Amended plans have recently been received from the applicant since the appeal was lodged. However, as the appeal was lodged in relation to the original plans, it is these which are the subject of this assessment.

#### **6.0 PLANNING POLICY:**

6.1 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 27<sup>th</sup> February 2019).

## Kirklees Local Plan (2019)

- 6.2 **LP1** – Presumption in favour of sustainable development  
**LP2** – Place shaping  
**LP21** – Highways and access  
**LP22** – Parking  
**LP24** – Design  
**LP28** - Drainage  
**LP53** – Contaminated and Unstable Land

### National Planning Guidance:

- 6.3 **Chapter 2** – Achieving sustainable Development  
**Chapter 9** – Promoting sustainable transport  
**Chapter 12** - Achieving Well Designed Places  
**Chapter 14** – Meeting the challenges of climate change, flooding and coastal change  
**Chapter 15** – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of the publicity process, 15no. representations have been received on the application. The comments raised in the representations are summarised as follows:

- Work started, trees felled and fencing erected before planning permission has been granted
- Potential impact on residential amenity arising from floodlighting of forecourt
- The previous car sales company experienced a high level of crime from vehicle break-ins which affected neighbouring residents due to noise of car alarms, smashed windows and frequent police presence
- Insufficient parking provision is proposed for both car sales and MOT uses on the site
- Will result in displacement of parking for residents
- The development is too close to the junction and will result in highway safety issues with people parking on Bradford Road
- Query how emergency vehicles would access the residential properties
- Design and materials of proposed car showroom building are in keeping with its surroundings
- Concern regarding commencement of ground works, given high level of land contamination, without consultation with residents
- There is another car showroom and MOT testing centre within 200 yards of the site; may be left with another empty plot of land here
- Were supportive of application for residential development which could still be implemented; more housing is needed here.
- Development would result in obstruction of right of way for properties on Wensleydale Parade, and therefore result in a breach of covenant
- Privacy for residents will be removed
- Development will result in noise nuisance to residents

- 7.2 Councillor Lowe has also been involved in discussions during the course of the application.

## 8.0 CONSULTATION RESPONSES:

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

### 8.1 Statutory:

**KC Highways DM:** no objection following receipt of further information, subject to conditions

**The Coal Authority:** no objection

### Non-statutory:

**KC Lead Local Flood Authority:** no objection following receipt of further information subject to condition

**KC Trees:** no objection subject to condition

**KC Environmental Health:** no objection subject to conditions

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Landscape issues
- Drainage issues
- Land contamination
- Representations

## 10.0 APPRAISAL

### Principle of development

10.1 The site is unallocated land within the KLP, and this section of Bradford Road is characterised by a mix of development types, comprising both residential, commercial and industrial uses. Part of the site has previously been used for car sales.

10.2 The principle of development is considered to be acceptable. This is subject to all material considerations being adequately addressed. An assessment of the application in relation to these material considerations is set out below.

### Urban Design issues

10.3 Due to site topography, there is a change in levels between Bradford Road and the rear of the application site. The submitted plans indicate that the MOT garage and car showroom would be located on the lower part of the site close to Bradford Road, whilst the development would involve the provision of a further raised level, supported by a retaining wall, on the eastern part of the site which would serve as the car sales/display area. This upper level would be accessed via a ramp alongside Newley Avenue, on the eastern boundary of the site.

- 10.4 The proposed development would involve the full extent of the site being hard surfaced in tarmac in addition to extensive retaining features. As such, Officers have concerns in relation to the nature of the engineering operation required to form the raised car display area, in addition to the extent of hard landscaping proposed and the harm that this would cause to the visual amenity and character of the streetscene.
- 10.5 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, which is considered to be the case, by officers, in this case. As such, and on the basis of the above, the application fails to comply with the aims of Policy LP24 of the KLP as well as chapter 12 of the NPPF in terms of the impact on visual amenity.

#### Residential Amenity

- 10.6 The site is located adjacent to residential properties to the north west and south east, although it is noted that there are a mixture of other commercial and industrial uses along this section of Bradford Road.
- 10.7 The proposals are considered to have no significant impact upon residential amenity, and KC Environmental Services raise no objections to the development, subject to the imposition of conditions relating to details of artificial lighting and hours of use. Imposition of such conditions would ensure that the proposals were in accordance with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

#### Highway issues

- 10.8 The site is situated off the A652 Bradford Road approximately 2.3 km east of the centre of Batley and 200m to the south east of the signalised junction of the A62 Huddersfield Road and A652 Bradford Road. At this location, the A652 Bradford Road is a single carriageway primary route with centre hatch markings along the site frontage. Bradford Road provides access to many side roads and is lit and subject to a 30mph speed limit in the vicinity of the site frontage.
- 10.9 Vehicular and pedestrian access to the application site is directly from Bradford Road.
- 10.10 To the rear of the site there are 22 terraced properties on Wensleydale Parade, which will be served via the new site access from Bradford Road and the existing unmade road to the western flank of the application site.
- 10.11 KC Highways DM initially raised a number of concerns with the proposals with respect to access and parking provision for the residential properties and proposed development, visibility and servicing arrangements. Through the course of the application, further information was submitted in relation to these matters. This was considered to address the previous concerns, and as such, the proposed development is now considered to be acceptable from a highway safety perspective, in accordance with Policies LP21 and LP22 of the KLP.

### Landscape/Trees issues

- 10.12 KC Trees have reviewed the application. They state that having assessed the tree information that has been provided, and taking account of the planning history on site, there are no objections to the proposals. However, a landscaping scheme, to include some mitigating tree planting, would be required should permission be granted.
- 10.13 Subject to this, the application is considered to accord with the aims of Policy LP33 of the KLP and the aims of the NPPF.

### Drainage issues

- 10.14 The application has been reviewed by the KC Lead Local Flood Authority (LLFA). Following receipt of further information, the LLFA raise no objections subject to condition. The application therefore complies with the aims of Policy LP28 of the KLP.

### Contaminated Land

- 10.15 The supporting information has been reviewed by KC Environmental Health. No objection is raised subject to conditions.
- 10.16 The Coal Authority has also been consulted and raises no objections.
- 10.17 The application therefore complies with the aims of Policy LP53 of the KLP and Chapter 15 of the NPPF subject to conditions

### Representations

- 10.8 15 no representations have been received in relation to the application. With respect to material planning considerations, the concerns raised primarily relate to the impact of the development on residential amenity and highway safety matters which have been addressed above.

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2 The proposed development is considered to be harmful to visual amenity and the character of the streetscene due to the extensive engineering operations that are proposed.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

## 12.0 RECOMMENDATION

The application is recommended for refusal for the reason set out at the beginning of this assessment.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/94146>

Certificate of Ownership –Certificate A signed