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:	2021/62/93534/W
Site Address:	The Co-operative Food, Huddersfield Road, Honley, Holmfirth, HD9 6LT
Description:	Erection of replacement forecourt canopy
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 27th October 2021

Officer Report.

Reference: 2021/93534

Location: The Co-operative Food, Huddersfield Road, Honley, Holmfirth, HD9 6LT

Proposal: Erection of replacement forecourt canopy.

Site Description.

The Co-operative Food, Huddersfield Road, Honley, Holmfirth, HD9 6LT

The Co-operative Food is a single-storey building with a petrol filling station located just outside of the Honley Conservation Area along Huddersfield Road. The building itself is of a simple design, constructed from stone with an active commercial frontage and appropriate labelling on the side elevation. The existing canopy to the petrol filling station forecourt is a functional feature commonly associated with this use. It has a mock hipped roof.

The buildings within the surrounding vicinity also predominantly function for commercial and industrial purposes to the ground floor and from observation, seem to mostly function with the same purpose to the first floor. Some residential properties are located to the rear of the site, set behind the petrol filling station forecourt.

There is a Grade II listed former woollen mill to the north west of the site.

Description of Proposal.

Planning permission is sought for the erection of a replacement forecourt canopy.

The proposed canopy will be erected to the front and eastern side elevation of the Co-operative Food building. The canopy will have a width of 14 metres and a height of 5.2 metres, with steel posts for support. The canopy would incorporate an aluminium concave fascia, powder coated to match blue pantone with LED through downlighter. Advertising is shown on this canopy but this does not fall to be assessed within this application.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

- **2020/90047** – Alterations to shop front window frames, goal post and entrance doors, installation of two AC units to rear, Amazon lockers to side on concrete base, infill sides of existing canopy with cold room panels and extension of existing canopy. *Approved in 2020.*
- **2021/91204** – Variation of condition no. 2 (plans), pursuant to previous permission no. 2020/90047… *Approved in 2021.*
- **2021/92669** – Discharge of Condition 4 (Noise Assessment) on previous permission 2021/91204… *Approved in 2021.*

Other relevant planning permissions granted on site under previous use as 'Somerfield Stores'

- **2011/90183** – Erection of 2 no. illuminated fascia signs and 1 no. pole sign' – *Withdrawn.*
- **2010/91858** – Co-op Store, Huddersfield Road, Honley, Holmfirth, HD9 6LT – *Advertisement Consent Granted in 2010.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, expiring on 20th October 2021 – no representations were received.
Although there is a Grade II listed former woollen mill to the north west of the site, given the development proposed (which simply replaces an existing forecourt canopy for a new canopy of similar scale and serving the same purpose) it was considered that the development would have no impact on the setting of this building, or the character or appearance of the Conservation Area; the boundary of which is around 40m west of the site.

Consultation Responses.

Holme Valley Parish Council – support the application.

KC, Highways Development Management – considered there to be no increase in the highway safety concerns and therefore offered no objection, so the proposals are deemed acceptable with no specific conditions.

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP14** – Shopping Frontages

- **LP21** – Highway Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP25** – Advertisements and Shop Fronts
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated Land

Holme Valley Neighbourhood Development Plan
The Holme Valley Neighbourhood Development Plan (HVNP) has reached an advanced stage of preparation and the independent Examiner's Report has been received and it will be put to referendum in November 2021. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The emerging Policies relevant to this application, following receipt of the independent Examiner's Report which are to be put forward to referendum, including key considerations from these Policies, are:

- **Policy 1** – Protecting and Enhancing the Landscape Character of Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 7** – Supporting Economic Activity
- **Policy 12** – Promoting sustainability

The site is within Landscape Character Area 7: River Holme Wood Valley. The river is to the west of the site. In the plan LCA7 is described as:

Key landscape characteristic of the area are

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.

- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

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, 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 12 –** Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1. **Principle of Development**

The site is without notion on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to state that *"the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Chapter 2 of the NPPF 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. Chapter 2 of the NPPF goes on further to state that:
"to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment". As well as *"making effective use of land."*

In this instance, it can be stated that, subject to considerations regarding material planning considerations below, the proposal for the replacement canopy at the petrol filling station is acceptable in principle.

1. **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality 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."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…
'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."
Policy 2 of the HVNP, inter alia, states that:

Development proposals should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets including conservation areas.

Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.

Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment.
The proposed forecourt canopy is to be constructed to the front and eastern side elevation of the building, seeking to enhance the overall design of the building that can be seen from the adjacent Huddersfield Road. Given that the building is utilised commercially, the principle of developing a replacement

forecourt canopy is acceptable visually and in keeping with the function of the site at present.
The canopy itself is of a relatively simple design and the proposed dimensions are considered to be appropriate to the size and scale of the host building and footprint of the site entire curtilage. It would remove the rather dated mock-roof on the existing canopy and reduce the overall height and mass of the structure.
For reasons of having a sympathetic projection and height, the canopy is considered to be a subservient addition to the existing commercial unit and the use of one block colour is considered to further promote this subservience. Although the colour of the canopy will be blue, the use of bold colours on the site has previously been established e.g. on existing signage and within the petrol pump area.
The installation of LED trough downlighters above the canopy is also considered to be acceptable visually, especially given the existing extent of lighting on site, resulting in this further illumination been a relatively minor addition to the site as a whole. Trough lighting is also welcomed visually given its illumination of only the canopy rather than the wider area, due to the angle to which the illumination will align. Resultantly, serving this commercial unit whilst illuminating its intended purpose only, as to avoid any impacts to the wider streetscene of adjacent Huddersfield Road. The use of LED lights also reduces the energy requirement and would comply with the thrust of Policy 12 of the HVNP.
Overall therefore, despite the canopy being a prominent addition to the visible front and side elevations of the existing building, it is considered that as a replacement structure this would be a harmonising feature that complements the existing commercial functioning of the site and will not impact negatively upon the wider streetscene, designed sympathetically to the existing setting of the site itself and the surrounding area. This also takes into account the relevant extracts from Policy 2 of the HVNP. There would be no material impact on the key characteristics of LCA7.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Policies 2 & 7 of the Holme Valley Neighbourhood Development Plan.

2. Impact on Residential Amenity

LP24 states that alterations to existing buildings should provide the following: *“high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distance between buildings and the creation of development-free buffer zones between housing… and means of screening where necessary”.*

The properties most likely to be affected by the proposed development are those which neighbour the site, these being No.’s 7, 8 and 9 Newton Woodhead Road. It is considered that the site and proposed canopy would be a sufficient distance away from any other properties to prevent undue harm to

residential amenity in terms of loss of light, loss of privacy or overlooking, the creation of an overbearing affect or any potential impacts of light pollution.

The proposed canopy is considered not to result in any material harm to the neighbouring properties with regard to overbearing or overshadowing, as it is of a simple design that involves no solid walls to be constructed and set away from the site of these neighbouring properties given its position of erection upon the host building.

Chapter 15, Paragraph 185 of the NPPF states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

b) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation"

LED lights and forms of trough lighting have previously been established on site in conjunction with both the host building itself and the petrol station fronting it. Therefore, the addition of LED trough lighting in conjunction with the new canopy is not considered to pose increased detriment to the existing relationship between the site and surrounding dwellings and would not result in the production of light pollution. This is further reinforced through the form of trough lighting itself, which ensures produced illumination is retained only to its intended purpose and within the confined area of intended illumination, in this instance the canopy. Overall therefore, given that the principle of trough lighting and other forms of lighting have previously been established on site and that the illumination of the canopy will not effect the wider area, it is considered that the illumination of the proposed canopy will not detriment residential amenity.

As such, the erection of the proposed replacement canopy on site is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapters 12 and 15 of the NPPF, LP24 of the Kirklees Local Plan and the Holme Valley Neighbourhood Plan.

3. Impact on Highway Safety

A formal consultation with KC Highways Development Management confirmed that the LED's proposed on the canopy will not distract the highway users and therefore will not increase highway safety concerns.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Chapter 9 of the NPPF and policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

Biodiversity – the application site is within the 'Bat Alert' layer on the council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The existing roof is well sealed with no gaps or cervices. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the NPPF, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice be sought.

Flood Risk – the site is identified within Flood Zone 2 on the Environment Agency's flooding map. As part of the information accompanying the application, the applicant has submitted a site specific flood risk assessment. The information submitted has been considered to be of a satisfactory level for this type of development and would address the aims of Chapter 14 of the NPPF. This clarifies that the proposed canopy is to be elevated above ground level by the use of steel posts. The information submitted also states that the proposals will have a negligible impact on surface water drainage regime as water will drain into the existing channel drainage. This will ensure there is no or minimal increase in rainwater runoff from the application site. The site has an impermeable concrete surface as it is a petrol filling station.

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 instance the applicant has provided suitable measures to mitigate any risk of flooding and would use LED downlighters in conjunction with the new canopy. As such the proposed scheme would comply with Policy LP24 (d) of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan, as the scheme would be environmentally friendly.

Contamination
The proposed development would require very little ground works. However, given the longstanding use of the site as a petrol filling station as a precaution it is recommended that a condition requiring the reporting of unexpected contamination encountered during construction be imposed. This would accord with Policy LP53 of the Local Plan.

5. Representations

No representations were received.

6. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers
Application Number: **2021/93534**
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 Policy LP24 of the Kirklees Local Plan.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the

site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority. **Reason:** To ensure that any contamination is appropriately remediated so as to ensure the well-being of residents and the natural environment and to comply with Policy LP53 of the Kirklees Local Plan.

Note: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:
- Land contaminated Risk Management (LCRM)
- BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination – Technical Guidance for Developers, Landowners and Consultants – (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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: Noisy construction related activities shall not take place outside of the hours of:

07:30 to 18:30 hours Mondays to Fridays

08:00 to 13:00 hours Saturdays

With no noisy activities on Sundays or Public Holidays

Note: Separate advertisement consent is also required to be submitted and approved in writing prior to the canopy and illuminated trough lighting been brought into use.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Elevations/Site Plan	20012	-	8.9.21
Site Location Plan	90002	-	7.9.21
Proposed Site Plan	90001	-	7.9.21
Flood Risk Assessment	-	-	7.9.21

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No amended plans were sought or submitted.

Report Dated: 26.10.21