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:	**2023/62/91492/E**
Site Address:	Aldi, Branch Road, Batley, WF17 5RY
Description:	Re-roofing of existing foodstore
Recommending Officer:	Edward Cheseldine

DECISION – CONITIONAL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 14.7.23

Error! Filename not specified.

Officer Report

2023/91492 - Aldi, Branch Road, Batley, WF17 5RY

Site Description

Aldi, Branch Road is a commercial retail unit in Batley. The retail unit is built with stone exterior walls and has a high amount of glazing. The roof has a cross-gable design and is clad with dark-grey concrete roof tiles. On the roof are solar photovoltaic panels placed on the east elevation. Within the associated curtilage of the retail unit is a large car park. The retail shop is located within a strip of land with other large non-residential units, such as Batley bus station. Residential houses are located to the north of the site.

Aldi is located on the periphery of the Batley Centre Conservation Area.

Proposal Description

The applicant is seeking permission to re-roof the building with 'dunluce' concrete roof tiles in a matt black, replacing the existing tiles.

Consultations Responses

KC Conservation & Design – No comment.

Relevant Planning History

No relevant planning applications.

Representations

The application was advertised by neighbour letters, which expired on 07 July 2023. There were no representations as a result of the publicity.

History of Negotiations

No negotiations were necessary within the planning process.

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 within Batley Town Centre on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town centre uses
- **LP 22** - Parking
- **LP 24** – Design
- **LP 25** – Advertisements and shop fronts
- **LP 30** – Biodiversity
- **LP 35** – Historic environment

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, and 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 7 – Ensuring the vitality of town centres
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

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

Principle of development:

The site is within Batley Town Centre on the Kirklees Local Plan (KLP) whereby Policy LP13 is relevant to proposals with the designated town centre. The development is for replacement roof whereby the main use is maintained. In accordance with Policy LP13 the shopping needs of residents across Kirklees will be protected.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations Supplementary Planning Document and Chapter 12 of the NPPF, regarding design. 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.

Impact on visual amenity & historic environment

This application is adjacent to the Batley Centre Conservation Area which includes listed buildings close to the associated application site, though it is noted that the specific building subject of this application falls outside of the conservation area. The impact of development on the setting of the Conservation Area and the adjacent listed building needs to be considered sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets down a statutory duty for the preservation or enhancement of these designated heritage assets.

The alteration to the building focuses on the roof and would be a like for like material that is currently used for the roof tiles, albeit changing the colour from dark grey to a matt black. The change in colour is considered to be acceptable for the retail building as it is commonly used for retail units. It is noted that there are other commercial buildings within the wider area which have been roofed in a similar material. With respect to the heritage assets the building would be viewed within the context of the retail unit and the proposal is considered to have no perceptible impact on the setting of the heritage assets. For these reasons the application has not been advertised by way of site notice.

The visual amenity and heritage impact of the proposal is therefore considered to be acceptable.

Impact on Residential Amenity

The proposal is solely for the reroofing of the building and would have no impact to residential amenity.

Impact on Highway Safety

The proposal is solely for the reroofing of the building and would not impact on highway safety.

Ecology

The proposal is for alterations to a main roof which may affect bats. Bats are a protected species, although the building is not located in an area that is known to include bats, if signs of the roosting bats are found work must cease and the advice of a licensed bat worker sought.

Conclusion

This application for the re-roofing of Aldi, Branch Road and has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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

As set out above, 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**

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	18192-050	1	22/05/2023
Existing Site / Block Layout	18192-105	1	22/05/2023
Plan General	18192-119	1	22/05/2023
Proposed Elevations	18192-120	1	22/05/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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. In this instance, communication between planning officer's and the planning agent were sought to consider what amendments could be provided to seek a positive outcome. In this instance, no amendments were necessary.