

**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:	2024/62/91155/W
Site Address:	public conveniences, Station Road, Holmfirth, HD9 1AD
Description:	Installation of solar panels on the roof (within a Conservation Area)
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 10th December 2024

The Site

The application site relates to a public convenience that is constructed from stone and located in the centre of Holmfirth. It is sited adjacent to the bus station car park and Pose Office. It is in a prominent position on Towngate with a small grass and planting areas to its southern gable wall.

The Proposal

The applicant is seeking planning permission for installation of 10 solar panels on the roof of the toilet block.

5 solar panels are proposed to the front / north east facing elevation and 5 are proposed to the rear/south west facing elevation measuring approx. 1m x 0.8m. The submitted plans indicate that the panels would be set 0.1m above the roof plane.

The solar panels are made from silicon solar cells, metal frame and sheet glass. The colour of the panels would be black.

Following on from the initial response of the Conservation Team, further discussions took place with the applicant. The applicant set out that use of solar tiles would be cost prohibitive to the scheme, in addition the applicant sets out the following:

- *Benefits of adding renewable energy to the grid and powering a public service in this way.*
- *The building itself, while situated in the conservation area is of modern construction (1980s), alongside many other modern buildings such as the post office and the riverside centre, so would not be out of step with its existing design or some of the other designs in the immediate area.*

The fact a climate emergency has been declared is also set out in the applicants justification.

Planning History

Relevant planning history for this site is summarised as follows:-

2017/92605 Change of use and alterations to wc to form revised public toilets, A1 (shops/retail), A2 (professional services), A3 (cafe/restaurant) and A5 (hot food and takeaway) (within a Conservation Area)

Conditional full permission

86/01623 Erection of block of public toilets (Within Conservation Area)

Granted conditionally

History of Negotiations

After consulting with KC Conservation & Design, the applicant was informed that the proposal would cause less than substantial harm to the Conservation Area, and recommended to give consideration to amending the scheme through use of solar slates / removing the panels from the building's front elevation. The applicant has provided a justification for the application in its original form.

The above comments are discussed in more detail in the following report.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice, and a press notice.

Final publicity date expired: 13th September 2024

No representations were received as a result of the publicity.

Holme Valley Parish Council – no comments.

Consultations

KC Conservation and Design (informal) – the proposed panels would have a cumulatively harmful impact on the character or the Conservation Area and Listed Buildings including the Amiens Column which is directly south of the site. The proposal would cause less than substantial harm.

The justification set out by the applicant is taken into account in the following assessment.

Allocation & Policies

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP26 Renewable and low carbon energy
- LP35 Historic environment
- LP51 Protection and Improvement of Local Air Quality

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

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 December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Holme Valley Neighbourhood Development Plan

Legislation

The Town & Country Planning Act 1990 (as amended).

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

1 – Principle of development:

The site is within Holmfirth Conservation Area 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

The site is situated close to several Listed Buildings including the Amiens Column which is directly to the south of the building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Additionally, NPPF Chapter 12 outlines the principle of development and restrictions for designated historic assets. For development which affects a listed building or its setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Information Submitted with Regards to Significance:

Paragraph 200 of the NPPF required that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which meets the tests set out in Paragraph 200. It identifies the location of the application site within the Holmfirth Conservation area and outlines the application for solar panels to make the building energy sufficient. The solar panels in question would be located across the front/ north-east facing elevation and rear/south-west facing elevation, both elevations are visible within the locality. The application building is sited within a prominent location in the centre of Towngate, the building and its roof planes are visible from several viewpoints and it is on a prominent thoroughfare through Holmfirth.

The building is an addition constructed in the 1980's although it does form a part of the townscape. In addition to being within the Conservation Area, the building is situated close to several Listed Buildings including the Amiens Column which is directly to the south of the building. These issues along with other policy considerations will be addressed below.

On the basis the development has an acceptable visual impact, impact upon heritage assets and impact in light of all other material considerations, it is considered the principle of development is acceptable.

2 – Impact on character and appearance of the area & heritage

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case the River Holme Settled Valley Floor (LCA4).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

Policy LP35 of the Kirklees Local Plan is relevant stating that: 'Development proposal affecting a designated heritage asset should preserve or enhance the significant of the asset. In cases likely to result in substantial harm or loss will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.'

Furthermore, the NPPF sets out a principal consideration concerning design in Chapter 12, paragraph 131 which states that 'The creation of high quality, beautiful and sustainable 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 and LP2 and more 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.

Policy LP26 states that renewable and carbon energy proposals will be supported and planning permission granted would not have either individually or cumulatively unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets.

The proposed solar panels would be located across the front/ north-east facing elevation and rear/south-west facing elevation. They would be constructed from silicon solar cells, metal frame and sheet glass and would sit within the front and rear elevation of the building. They would be of a black colour finish.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In addition, with specific reference to heritage and climate change, Policy LP35 states that consideration should be given to the need to 'identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of

climate change mitigation measures with the harm caused to the heritage assets' significance.

In this instance, the application is accompanied with a Heritage Impact Assessment that acknowledges the site is within a Conservation Area and that Listed Buildings are located within the vicinity of the application site. The assessment considers that the panels would not materially impact the Listed and Historic buildings in the immediate vicinity.

Consultation has taken place with the Conservation and Design Officer and in this instance they have advised the proposal would lead to less than substantial harm. Whilst the harm to the assets is deemed less than substantial, it falls to be considered whether any factors amount to public benefits which outweigh the harm.

Those set out by the applicant and detailed in the 'proposal' section of this report are noted. The proposal would provide a small scale benefit in relation to reducing carbon emissions associated with the building and would contribute to the continued function of the building which provides public amenities. There is a direct public benefit resulting from the use of the building and the development would contribute to this continued use. The proposal would see large areas of the existing roof retained and the panels are set within the confines of the roof and are of a design which has a reduced visual impact given they are of a solely black colour finish.

Alternatives have been explored and discounted by the applicant, and justification set out as part of this application. It is therefore considered that, on balance, in terms of visual amenity / impact upon heritage assets, whilst the proposal would result in less than substantial harm it is considered this impact is outweighed by the identified public benefits of the scheme. The overall benefits when weighed up against the natures of the proposal in this case is such that it is concluded that the development proposal complies with Policies LP24, LP26 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light

and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

As the surrounding buildings are predominantly commercial there are minimal concerns regarding the impact of the panels on residential amenity and the works would therefore comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

In this case as the works would be located to the roof of the building, there would be no significant impact on the current operation of the highway and parking arrangements within the vicinity of the site.

5 – Other matters:

Ecology

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative would be provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990

(inserted by the Environment Act 2021). The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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.

Considering the nature of the proposed development, it is considered that the development would have a beneficial impact on climate change in this case.

6 – Representations:

Holme Valley Parish Council – no comments.

7 – 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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/91155

Officer Recommendation: Conditional Full Permission

Reason:

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).

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 accord with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP35, and LP51 of the Kirklees Local Plan, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and the policies within Chapters 2, 9, 12, 14 and 16 of the National Planning Policy Framework

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Planning Drawing	24 J 28	01A	01/08/2024
Heritage Statement	-	-	26/06/2024
Technical details document titled 'System Overview'	-	-	26/04/2024
Climate Change Statement	-	-	26/06/2024

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. Further justification for the scheme as submitted was provided during the course of the application.

Report Dated:

06/12/2024

Low coal