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:	**2024/62/92621/E**
Site Address:	Morrisons, 17, Union Street, Heckmondwike, WF16 0HL
Description:	Removal of existing jet wash and erection of extension to the existing petrol filling station's sales building together with the creation of an EV charging zone, substation, LV enclosures, four jet wash bays, bin store and associated works
Recommending Officer:	Emma Thompson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 28 May 2025

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Site description

Morrisons, 17 Union Street, Heckmondwike

The application site forms part of the wider service area to Morrisons supermarket incorporating part of the existing car park and petrol filling station.

The site is located on the edge of Heckmondwike Town Centre. To the north and north west of the site are residential properties with retail further beyond. Heckmondwike Health Centre and car park are located to the west. The existing car park to Morrisons bounds the site to the east and a large commercial/industrial unit to the south.

Description of Proposal

Removal of existing jet wash and extension to the existing petrol filling station's sales building together with the creation of the EV charging zone, substation, LV enclosures, four jet wash bays, bin store and associated works.

The existing sales building is extended towards to the existing access roads to the south and west infilling the space to the boundary. The additional footprint measures 7.0m to include a sliding door glazed entrance and increases the depth of the existing sales building to 8.265m, albeit this is angled at the south west due to the alignment of the road adjacent. The new internal floorspace increases by 55sqm.

A new bin store is shown to the side of the sales building screened by boarded timber fence and new hedge planting.

Within the existing car parking area:

The existing jet wash and jet wash lane is to be removed from adjacent to the sales kiosk and replaced with 3 closed and 1 open jet wash bays and 2 valet bays along with plant, substation and LV enclosure (measuring 3 x 2.6 metres x 2.45 metres height) within the supermarket car park.

A new EV charging zone incorporating 6 EV bays and 3 charging points is introduced to the car park in place of 10 existing parking spaces.

There is a loss of 31 car parking spaces.

The existing pedestrian crossing is shown to be relocated.

The road network and access/egress points are to remain as existing.

Relevant History

2016/92391 – Erection of 21 illuminated and non illuminated signs – Granted
99/92271 – Erection of extension with additional retail units - Approved
99/92174 – Erection of 10 trolley shelters and new jetwash - Approved
99/92700 – Erection of signage to supermarket and petrol station - Granted
99/90907 – Erection of retail units extension - Refused
99/90906 – Erection of café and cash office – Approved
93/05404 – Formation of new entrance - Approved

History of negotiations

Clarification sought of materials for extending sales building as shown render to match but the existing is brick. Also requested confirmation of the forecourt canopy works which appears on the sales building elevations.

Bin storage screening confirmed.

Representations

The application was advertised by neighbour notification letter.

Consultation responses

KC Environmental Health: No objections subject to conditions
KC Highways DM: No objections
Coal Authority: No objections

Policy

Kirklees Local Plan (KLP)

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 located within Heckmondwike Town Centre on the LP Policies Map.

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP13 – Town centre uses
LP21 – Highway safety and access
LP22 – Parking
LP24 – Design
LP27 – Flood Risk
LP28 – Drainage
LP47 – Healthy, active and safe lifestyles
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

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 2023, 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 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 – Building a strong, competitive economy
Chapter 7 – Ensuring the vitality of town centres
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

Other

Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

Assessment

The following matters are considered in the assessment below –
Principle of development
Impact on visual amenity
Impact on residential amenity
Impact on highway safety
Other matters
Representations
Conclusion

1 – Principle of development

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposal's that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site is located within the existing Morrisons petrol filling station and supermarket car park within Heckmondwike Town Centre. The uses adjacent to the site are mixed commercial with some residential properties. The principle of extending the sales building, relocation of the jet wash and introduction of EV charging points and plant would be compatible with the ongoing commercial aspects of the site.

Due to the proximity of residential accommodation in the vicinity of the site any impact as a consequence of noise shall be further assessed in consultation with Environmental Health.

The works would result in the reduction of parking to the supermarket which will be assessed within the Highway section of the report.

Subject to no adverse impacts raised in respect of residential amenity and highway safety the principle of development can be supported.

Visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

"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, 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…"*Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
The design of the LV enclosures along with the jet wash bays are functional to the intended use. Located in linear format to the north western boundary of the existing car park decreases the openness of the space utilised for car parking. Existing trees and shrubbery mitigates any visual impact to a degree. The units are of a height and scale to avoid appearing intrusive, particularly when considering the context of the site and existing associated structures.
The EV charging points are located to the northern edge of the car park, each unit is small in scale and screened from external points by trees. Whilst the charging units would be visible these are not considered incongruous or detrimental to visual amenity given the scale and positioning. The other works required including the substation and plant are small in scale and acceptable in their respective positions.
The main sales building is shown to be extended to the south west, infilling the space where the jet wash is. The revised plans show materials to match with glazing to the front elevation. The height ties in with the existing building avoiding any additional impact. A condition requiring materials to match is imposed to ensure visual amenity is protected. The scale is considered acceptable and whilst space to the building will be lost there may be some marginal improvement visually due to the replacement of the jet wash screens with brick to match the existing.
Bin storage is shown adjacent to the sales building. The agent has confirmed the store will be enclosed within a fence and shown screened by new hedging which will mitigate impact in the wider area.
Whilst the development proposals introduce various structures of differing materials the scale and context mitigate concerns regarding impact visually. The existing landscaping also softens any impact from views external to the site. As such, the proposals are considered in accordance with Policy LP24 of the Kirklees Local Plan.

Impact on residential amenity

Policy seeks to protect the amenity of residents adjacent to development. LP24 states '*proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings'*. This complies with the aims and objectives of Chapter 12 of the NPPF.
Matters regarding the site operations and the potential for noise shall be discussed later in the report. This assessment is focused on the general works and any impact on nearby occupants.

The nearest residential properties are located on Union Street which are separated from the site by existing access roads.
Due to the location of the EV charging points, jet wash, LV and substation, along with the scale of the units individually and cumulatively there will be no impact to occupants of any residential property nearby.
The works to extend the existing sales building are confined to the existing site and remain separate from nearby dwellings due to the access roads. Whilst there will be some visual impact this will be mitigated to a degree by landscaping. Due to the scale and design and inclusion of materials to match the extension to the sales building will not detrimentally impact any nearby occupants in accordance with Policy LP24 of the Kirklees Local Plan and the NPPF.

Noise

LP52 and Chapter 15 of the NPPF require consideration of noise pollution and general disruption. There is potential for a loss of amenity to neighbouring residential occupants from the use of the jet wash bays and also from the mechanical plant and electrical substation.
Environmental Health have been consulted and assessed the details submitted. Concerns have been raised regarding the use of the jet wash bays as well as other plant and low frequency noise from the substation. In order to ensure the amenity of residents is protected a condition is recommended for the submission of a noise impact assessment.
Due to the works involved in the construction of the development a condition regarding hours is recommended to protect the amenity of residents.
Subject to the aforementioned conditions the development is in accordance with Policies LP24 and P52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Highways:

The proposals will remove 31 car parking spaces from the car park, and normally supporting information to demonstrate that the loss of these parking spaces would not affect the operation of the Supermarket would be expected. However, in this instance it is considered that the remaining supermarket car park has sufficient capacity to accommodate the loss and will not adversely affect the operation of the Supermarket and highway safety.
The provision of electric vehicle charging points is supported by Highways DM.
The proposed development will not have a detrimental impact on highway safety. The provision of access/egress is acceptable. As such, the development complies with Policy LP21 of the Kirklees Local Plan.

Other Matters:

Contaminated land:

KC Environmental Health have reviewed the site which is identified on mapping system as potentially contaminated land due to its previous use as a petrol station and mill (map ref 158/5). Contaminated land conditions are therefore necessary due to site location on and close to potentially contaminated land due to current and former uses in accordance with LP53 of

the Kirklees Local Plan and Chapter 15 of the NPPF. These are pre-commencement and have been agreed by the agent.

Coal Mining Legacy:

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (October 2024, prepared by SLR Consulting Ltd) to accompany the planning application.

The report indicates that, whilst the proposed development is underlain at shallow depths by two coal seams, including one seam projected to subcrop 20m beyond the western limits of the site, these seams are considered unlikely to have been mined by underground methods locally given the urban setting, no historical indicators of mining and unfavourable mining conditions due to localised folding of the shallow strata. The report advances to state that, ‘Based on the information reviewed, SLR considers that there is no requirement for further assessment from a mining perspective as the risks are low for a development of this nature. In addition, should the ground conditions beneath the development be considered suitable and an appropriate foundation design implemented following geotechnical assessment, this should be sufficient to prevent residual stability risk from mining from impacting the development’. The author concludes that the site is likely to be minerally stable.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning and Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development, and do not make any further recommendations in terms of conditions, in accordance with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Air quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

The development proposals include the installation of EV charging points which will address matters of air quality mitigation and to comply with the above policies.

Drainage and flood risk

As the proposal includes a jet-wash, a condition is also to be imposed requiring details of the washing area's drainage to prevent harmful effluent entering the drainage network. For the same reasons as above, this is required pre-commencement.

Subject to this condition, officers are satisfied that the proposal would comply with the aims and objectives of LP27 and LP28.

Crime prevention

The works proposed will not result in any additional concerns regarding crime prevention. The proposal is deemed to comply with the objectives of LP24(e) in regard to crime mitigation.

Representations:

No representations were received.

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.

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.

Decision Authorisation - Delegated Powers

Application Number: 2024/92621
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 with the aims of Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to ensure adequate measures are incorporated into the development, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.
4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (3), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is a pre-commencement condition to ensure adequate measures are incorporated into the development, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (4) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: This is a pre-commencement condition to ensure adequate measures are incorporated into the development, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local

Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.
6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (5). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework
7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework
8. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:
a) an assessment of all noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation
The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.
Reason: This is a pre-commencement condition to ensure adequate measures are incorporated into the development to avoid harmful noise pollution within neighbouring noise sensitive locations, in the interest of

amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.
9. The hours of opening of the sales kiosk shall be 06:00 – 10:30pm Monday to Saturday and 09:00 – 20:00 pm on Sundays.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.
10. Petrol/oil/silt interceptors shall be fitted in all car parking/washing/repair facilities hereby approved. Use of the wash facilities/parking areas/hard standings shall not commence until the works comprising the treatment scheme have been completed. The treatment scheme shall be retained, maintained to ensure efficient working and use thereafter. Roof water shall not pass through the interceptor.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
11. Notwithstanding the submitted details the extension to the sales kiosk hereby approved shall be completed using materials to match the existing.
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 with the aims of Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
12. Notwithstanding the submitted details the bin storage shown on drawing number 14314-2042-201 Rev A shall be enclosed with close boarded timber fencing and gates at a height of 1.8metres.
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 with the aims of Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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:
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:
- Land Contamination 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 & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.
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. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.
NOTE:
All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.
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	14314-2042-LP		13th September 2024
Block plan	14314-2042-LP		13th September 2024
Existing site layout	14314-2042-200		13th September 2024
Proposed site layout	14314-2042-201	REVA	1st May 2025
Existing sales building	14314-2042-202		13th September 2024
Existing sales building elevations	14314-2042-203		13th September 2024
Proposed sales building elevations	14314-2042-204		13th September 2024
Proposed sales building elevations	14314-2042-205	REV A	1st May 2025
EV charger details	14314-2042-206		13th September

Plan Type	Reference	Version	Date Received
			2024
Substation Enclosure Details	14314-2042-207		13th September 2024
LV enclosure details	14314-2042-208		13th September 2024
Meter cabinet details	14314-2042-209		13th September 2024
Jet wash elevations	14314-2042-210		13th September 2024
Air/water and vac elevations	14314-2042-211		13th September 2024
Coal Mining Risk Assessment	SLR Consulting Limited 10th October 2024	Rev: 01	14th October 2024
Climate Change Statement			13th September 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 clarification was sought regarding materials for construction of the sales building as well as agreement to pre-commencement conditions.

Report Dated: 22nd May 2025

COAL HIGH