

**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:         | <b>2026/62/91108/E</b>   |
| Site Address:         | The Swan Service Station, 962, Huddersfield Road, Mirfield, WF14 9HS |
| Description:          | Installation of air conditioning unit and associated works           |
| Recommending Officer: | Elenya Jackson   |

**DECISION – Full Conditional Permission**

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

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 16-JUN-2026

## **Officer Report**

**Reference: 2026/91108**

**Location: The Swan Service Station, 962, Huddersfield Road, Mirfield, WF14 9HS**

**Proposal: Installation of air conditioning unit and associated works**

### **Site Description**

The application relates to 'The Swan Service Station' which is comprised of a petrol court, associated kiosk and three vacant retail units to the east.

The site is accessed adjacent to the retail units and can be exited adjacent to the 'Nisa Local' unit.

The site is located on an area at high risk of instability due to the coal mining legacy.

### **Description of Proposal**

The application seeks planning permission for the erection of one air conditioning condenser units to the rear of the site and alterations to the front façade of the building to provide a location for proposed signage.

The proposed air conditioning units and would be enclosed from Huddersfield Road by the existing building and would be located on an area of hard standing.

This application does not extend to any proposed signage as an advertisement consent would be required for this under a separate application.

### **History of negotiations/amendments received**

No amendments have been sought in this instance.

### **Relevant Planning History**

2026/90095: Certificate of lawfulness for proposed use of building as veterinary surgery E (e). Granted.

2025/92568: Variation of condition 3 (operating hours) of previous permission 2025/90284 for change of use of existing retail units to retail use (Class E(a)), food and drink (Class E(B)) and hot food takeaway (Sui Generis). Pending withdrawal.

2025/90284: Change of use of existing retail units to retail use (Class E(a)), food and drink (Class E(B)) and hot food takeaway (Sui Generis). Conditional full permission.

2024/91234: Erection of illuminated sign. Conditional full permission

2024/91233: Retention of automated teller. Conditional full permission

2022/94081: Erection of illuminated sign. Approved

2022/93980: Discharge of condition 13 & 15. Approved

2022/93495: Variation of condition 3. Removal of condition

2021/94005: Variation of condition 2. Removal or modification of conditions

2021/93721: Discharge of condition 9 and 10. Discharge of conditions approved

2021/90644: Variation of condition 9 and 10. Removal or modification of conditions

2020/94003: Discharge of conditions 9, 12, 12, 14, 18, 19, 22, 25 and 27. Discharge of condition split decision.

2019/94003: Erection of petrol filling station kiosk, convenience store, commercial retail units and associated works. Conditional full permission

## **Representations**

Final publicity date expires: 4<sup>th</sup> June 2026.

No representations have been received to date.

**Officer note:** We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice only, details of which are outlined above.

## **Consultation Responses**

N/A

## **Local Ward Members**

N/A.

## **Parish/Town Council Comments**

N/A.

## **Planning Policy Background**

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).

The application site is unallocated within the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

### **Other Guidance Documents:**

- Kirklees Highway Design Guide (2019)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

updated December 2024 the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- 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

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

#### **1 - Principle of Development:**

The site is without notation in the Kirklees Local Plan. 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. 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”.

The proposal would be for alterations to an existing building and would not result in a change of use. Therefore, as the proposal would be within a commercial vicinity it can be stated that the principle of development is acceptable subject to the assessment of other impacts, such as visual and residential amenity as well as highway safety.

## **2 - Impact on Visual Amenity:**

Kirklees Local Plan Policies LP1, LP2 and most significantly LP24 all 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.

In terms of visual amenity, it is considered that the proposals would have a limited impact in this instance. The scheme proposes one air conditioning unit, positioned in a locations which would be predominantly hidden from public view. The proposed unit would not be highly visible from Huddersfield Road due to being situated behind an existing building. As such, the units would be in a location with little visibility from public vantage points and therefore would cause little visual harm.

The proposed alterations to the shop front to provide fascia boards are considered acceptable given the proposals commercial setting. Advertisement consent would be required to be applied for separately for the display of any signage.

The proposed development is therefore considered to comply with the aims of Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF, as it would not adversely affect the character and appearance of the area.

## **3 - Impact on Residential Amenity:**

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

Chapter 15 of the NPPF, 'Conserving and Enhancing the Natural Environment' is also of relevance to residential amenity and sets out that, planning policies and decisions should contribute to and enhance the natural and local environment by *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information...”*

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

With regard to the proposed change of use, the site is located in a mixed use commercial and residential area.

970 Huddersfield Road adjoins the site to the west and would be located 35+ metres away from the proposed extraction units.

It is considered that due to the separation distance between the proposed air conditioning unit, and there not being a direct relationship between the two units, the recommendation of a standard condition to control the level of noise generated from the fixed mechanical plant and equipment would be sufficient to protect the residential amenity of neighbouring residents.

It is considered that given the nature of the works proposed, the development would not result in undue harm to neighbouring properties in terms of loss of light, loss of privacy, loss of outlook or the creation of an overbearing effect.

As such, taking into account the above, and subject to the recommended condition, the proposals are considered to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **4 - Impact on Highway Safety:**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF

states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As no changes are proposed to the existing parking and access at the site and the proposals will not see an increase in those using the property, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within Chapter 9 of the National Planning Policy Framework.

## **5 - Other Matters:**

### Biodiversity

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 application site is located within a Bat Alert Area, given the small scale and nature of the proposals it is considered unlikely that roosting bats would be disturbed during construction works. However, an informative is to be provided should the application be recommended for approval.

Therefore, the proposal is considered to accord with Policy LP31 of the Kirklees Local Plan.

### Contaminated Land/Coal Mining Legacy

Officers have reviewed the proposal and understand the air conditioning unit would be located on a section of hardstanding and would result in minimal ground disturbance. Therefore, a consultation with the Mining Remediation Authority was not considered necessary in this instance and the proposal would accord with LP53 of the Kirklees Local plan.

### Climate Change

On 12<sup>th</sup> 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.

Given the size, scale and nature of the proposals no special measures were considered to be required with regards to carbon emissions. The proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

## **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 proposed development would constitute sustainable development and is therefore recommended for approval.

## **Recommendation:**

Approve.

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## **Decision Authorisation - Delegated Powers**

**Application Number:** 2026/91108

**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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as many 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity and to comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 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 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

**NOTE:** An application for advertisement consent will be required for the proposed signage. This should be submitted prior to the signage being installed on the building.

**Plans and specifications schedule:-**

| Plan Type           | Reference   | Revision | Date Received |
|---------------------|-------------|----------|---------------|
| Location Plan       | 734/01/001  |          | 23/04/2026    |
| Proposed Site Plan  | 4734/04/001 | A        | 23/04/2026    |
| Existing Elevations | 4734/01/002 |          | 23/04/2026    |
| Proposed            | 4734/04/002 | A        | 23/04/2026    |

|                          |  |  |            |
|--------------------------|--|--|------------|
| Elevations               |  |  |            |
| Climate Change Statement |  |  | 23/04/2026 |

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No further details requested.