

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

30 JANUARY 2025

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**Planning Application 2023/91405**

**Item 9 Page 15**

**Erection of foodstore (class E) with associated access, parking, servicing area and landscaping**

**Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA**

**Correction of retail impact**

The following is stated in paragraph 10.10 of the committee report:

*10.10 The applicant has provided a Sequential & Impact Assessment Report which has been reviewed by a council appointed independent assessor (Nexus Planning). It should be noted that these documents specifically related to an earlier revision of the proposal, which was marginally smaller than the scheme was eventually amended to be (an increase of 79 sqm sales area and 90sqm total). Officers have considered the report in the context of the changes made to the proposal and are satisfied that the methodology and findings are not materially affected by the amendments, which are considered nominal in the scope of the reports.*

As a point of correction, the applicant provided an updated Retail Assessment in December 2023. This document provided responses to several points raised by the council's independent assessor, which are considered in the committee report.

However, it also included an updated convenience goods retail impact assessment, which considered the amended proposal's impact following the increase in floorspace of 79sqm, contrary to the comments in paragraph 10.10. This assessment concluded that there would be no different impact to that set out within paragraphs 10.16 – 10.30, which officers concur with.

The document did not update the sequential test assessment (i.e., the assessment considered within paragraphs 10.8 – 10.15), however, as per the comments within paragraph 10.10, officers remain of the view that the increase in floorspace would have no material impact with regard to the sequential test undertaken, therefore an update was not necessary.

## Sunday hours of opening

Paragraphs 10.66 and 10.67 of the committee report consider the proposed development's hours of operation. No specifics regarding Sunday hours of operation had been provided, with the applicant simply stating they would operate within 'Sunday trading laws'. The applicant has now provided further comments, stating:

*...the applicant is content for the condition to state: "on Sundays the development shall comply with the Sunday Trading Act (1994) and shall not be open to the public after 17:00" (or similar wording to that effect).*

In the interest of precision and enforceability, officers consider it appropriate to impose a condition controlling the Sunday operating hours. However, there are no concerns of operations outside of current the Sunday trading hours (1000 to 1800), with the applicant free to choose which six-hour period within this they operate to (to comply with the Sunday Trading Act (1994), which this condition would not override). Therefore, the condition would limit the development's operation to:

- Monday to Saturday: 0800 to 2200.
- Sunday: 1000 to 1800

## Update on recommended conditions

Section 12 of the committee report sets out the recommended conditions, for the reasons detailed throughout the assessment in section 10. Following the committee report being published, updates are provided regarding the following recommended conditions:

### Details and the delivery of a 2m wide footway along Turnstone Way to be submitted, approved and implemented

In paragraph 10.80 of the committee report, the following is stated:

*A condition requiring the delivery of a 2m wide footway along the site's frontage onto Turnstone Way is recommended: this was partly implemented as part of the residential development, pending delivery of the retail element.*

It transpires that the footway along the site frontage has now been installed, sometime since officers' site visit. Accordingly, this recommended condition is no longer necessary and is recommended to be removed.

### Updated AQIA to be submitted, approved and implemented

In paragraph 10.100 of the committee report, which considers the application's Air Quality Impact Assessment (AQIA), the following is stated:

*10.100 K.C. Environmental Health broadly agree with the methodology, findings, and recommendations of the submitted AQIA. However, an error is noted that the nearest Air Quality Management Area, AQMA 10 (Manchester Road), is not considered. Given the information available,*

*there are no fundamental concerns that the proposal would cause substantial harm to this AQMA, however, a condition is recommended requiring an updated AQIA which includes an assessment on AQMA 10 is recommended, to ensure any mitigation is accurate, and is thereafter implemented.*

Following the committee report being published, the applicant has provided an addendum to the AQIA, which considers the previously missing AQMA 10. K.C. Environmental Health have been unable to review the document prior to the committee meeting.

It is recommended that resolving this matter be delegated to officers, pending receipt of K.C. Environmental Health's further comments. In the scenario that the addendum is accepted, the condition shall be amended to 'development to be implemented in accordance with the approved Air Quality Impact Assessment'. Should the addendum not be accepted by K.C. Environmental Health, the condition would be retained as currently proposed.

## **Representations**

Paragraph 7.6 of the committee report states:

*7.6 The end date for public comments is 28/01/2025, prior to the committee meeting but after this report is due to be published. This is the end of an additional public representation period, with several publicity periods having taken place due to various amendments / further details being provided during the course of the application's life. The amendments pursuant to the final period of publicity principally relate to the procedural matter of land ownership, following the applicant's red-line boundary being extended to Blackmoorfoot Road (the nearest adopted road). A summary of any additional comments received after the date of this report shall be included within the committee update.*

The period for publicity has now ended, with 16 additional representations received following the committee report being published, resulting in a total of 60 during the life of the application. The below is a summary of the additional comments received, which should be read alongside the representations outlined and considered in the committee report.

- The application should ensure sufficient parking is provided for the site.

**Response:** This is considered and concluded to be the case within the committee report.

- A customer toilet should be provided.

**Response:** It is outside the remit of the planning system to consider such matters.

- The proposal will regenerate an eyesore location and help improve the appearance of the wider area.

**Response:** This is noted and aligns with officers' assessment.

- The development will generate jobs in the local area, which is welcomed.
- A new shop here will help local residents with competitive shopping and greater choice. There are limited comparable facilities in the area and the development will promote walking for nearby residents, including the elderly.
- A shop in the location was originally intended with the residential estate, with residents still expecting and waiting for it.
- Crosland Moor and the surrounding area is expanding with all the new housing developments, so this store is greatly needed infrastructure for the area.

**Response:** The above comments, each of which set out a general support for facets of the proposal, are noted and broadly align with officers' assessment of the proposal.

- There are too many Lidl stores in the area, with Blackmoorfoot Road already having six shops. More shops are excessive and unwarranted.

**Response:** Due regard to the retail environment has been given through the sequential test and retail impact assessment, within paragraphs 10.8 – 10.30 of the committee report.

- The proposal, cumulative with other developments in the area, will overwhelm the road network.
- Turnstone is an existing issue, being uncomplete and frequently parked up, causing issues. The proposal will exacerbate the problem.

**Response:** The highway implications of the proposal, including the above matters, are considered within paragraphs 10.73 – 10.83 of the committee report.

- When residents of the Avant Homes development purchased their properties, they were told the site would host a bistro, not a supermarket. This development will detract from the character of the area and lower property values.

**Response:** Property values are not a material planning consideration. Design and amenity matters have been considered in the committee report.

- The proposal will lead to air, light, litter, and visual pollutions.

**Response:** The residential amenity implications of the proposal, including the above matters, are considered within paragraphs 10.59 – 10.72 of the committee report.

- The site should be used for a dentistry or doctors' surgery, both of which are lacking in the area.

**Response:** The LPA must assess the proposal before them. Consideration must be given to whether the current proposal complies with the relevant policies and not consider alternative uses.

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that educational and health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice.

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