

---

**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 05-Oct-2017**

**Subject: Planning Application 2017/91796 Demolition of existing building and erection of Class A1 foodstore, formation of car parking, landscaping and associated works Land off, Huddersfield Road, Thongsbridge, Holmfirth**

**APPLICANT**

., Aldi Stores Ltd, C/O  
Agent

**DATE VALID**

25-May-2017

**TARGET DATE**

24-Aug-2017

**EXTENSION EXPIRY DATE**

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

---

**Electoral Wards Affected: Holme Valley South**

Y

Ward Members consulted  
(referred to in report)

---

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 This application is brought to Committee in view of the scale of the retail floor area, and in accordance with the Delegation Agreement.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises an area of approx. 0.94 ha, and is located on the eastern side of Huddersfield Road, Thongsbridge. The site drops down considerably from Huddersfield Road to a level area which contains a former factory building known as the Drill Hall, and its curtilage. The Drill Hall is in a state of disrepair, and has been vacant for several years. To the rear of the Drill Hall is a wooded area, which is adjacent to the banks of the River Holme.

2.2 To the south is a mill, and to the north an area which has the benefit of a business permission, and also a residential permission. Development of this site has commenced with the creation of the access off Huddersfield Road. This access is adjacent to the application site, and is the proposed point of access.

2.3 The site is unallocated on the Unitary Development Plan, and part of an Employment Area on the Emerging Plan. The trees and the woodland to the east of the site adjacent the River Holme are identified as part of a Green Corridor, on the UDP. The majority of the site is within Flood Zone 1, however there is a small portion of the site, to the east that is within Flood Zones 2 and 3.

**3.0 PROPOSAL:**

3.1 Full permission is sought for the erection of a class A1 retail outlet of 1911 sq.m gross external area; 1,839sqm gross internal area, and a net sales area of 1254 sq m. Access is taken off the already created access to the neighbouring site, which in turn links onto Huddersfield Road.

- 3.2. The access slopes down into the application site, serving a car park area of 103 spaces, located in between Huddersfield Road, and the retail unit, and to the north. The existing banking down from Huddersfield Road is retained and a number of trees will be retained, and there will be supplementary planting on the embankment. As such people will essentially look down into the site from Huddersfield Road.
- 3.3 The building is single storey, with the main entrances facing onto Huddersfield Road. Substantial areas of natural stone are incorporated into the elevation, together with glasswork, and cladding areas on the side and rear elevations.
- 3.4 The proposed end user is Aldi Stores Ltd.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 2014/93883 Outline application for residential -Withdrawn
- 4.2 2013/92827 Change of use to warehousing and creative studios- Deemed Withdrawn.
- 4.3. 2004/91777 Change of use of premises to hotel –Refused.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1. Updated information and analysis has been provided regarding the Retail Impact Assessment, and a greater number of sites examined as part of the sequential test.
- 5.2. Additional traffic information has been provided, and amended plans relating to the access to this site, and the neighbouring development are expected prior to the Committee.
- 5.2. A Noise assessment has been undertaken relating to potential noise nuisance for sensitive neighbours (ie dwellings) from the car park use and plant noise; also an Air Quality Assessment has been undertaken and appropriate mitigation offered.
- 5.3 A Bat Emergence Survey has been submitted.
- 5.4 The Sequential test relating to Flood Risk has been undertaken and satisfied.

#### **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and

designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

#### 6.1. Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- G1 Regeneration through development
- G4 New development shall achieve high standard of design
- G5 equality of opportunity for access
- D2 Unallocated land
- D6 Green Corridor
- B4 Existing employment uses
- BE1 – Design principles
- BE2 – Quality of design
- BE22 Disabled parking
- BE23 – Crime prevention.
- T10 – Highway safety
- T19 – Parking standards
- G6 – Land contamination
- EP4 – Noise sensitive development
- NE9 – Retention of mature trees
- S4 – Large stores
- EP11 Ecological Landscaping

#### The Emerging Local Plan

#### 6.4

- KR10 Priority Employment Area
- PLP7- Efficient use of land and buildings
- PLP8- Safeguarding employment land and premises
- PLP13- Town centre uses
- PLP20- Sustainable travel
- PLP21- Highway safety and access
- PLP22- Parking
- PLP24- Design
- PLP26 -Renewable and low carbon energy
- PLP27- Flood Risk
- PLP28 –Drainage
- PLP30- Biodiversity and geodiversity
- PLP33- Trees
- PLP 51- Protection and improvement of local air quality
- PLP59- Infilling and redeveloping of brownfield sites

## National Planning Guidance

6.5

- Part 1 Building a strong and competitive economy
- Part 2 Ensuring the vitality of town centres
- Part 4 Promoting sustainable transport
- Part 7 Requiring good design
- Part 8 Promoting healthy communities
- Part 10 Meeting the challenge of climate change, flooding and coastal change
- Part 11 conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This scheme has been publicised by site notice and neighbour letter. To date 146 letters of support have been received, the main reasons being:

- The scheme will be a benefit to the people of Holmfirth and neighbouring residents, and will save car journeys that currently go to Meltham or Waterloo;
- The proposal will improve the range of choice within Holmfirth, which is a benefit to the residents;
- The scheme will tidy up an unkempt, brownfield site;
- Additional jobs will be provided.

4 letters of objection have been received, the main reasons for objecting being;

- The site is an out of centre location, which is contrary to both National Policy guidance and the Unitary Development Plan; this site is further away from the centre than the Midlothian garage site which was the subject of the Tesco appeal.
- The scheme will be harmful to the Holmfirth town centre and its vitality;
- There is no requirement for additional capacity in the Councils Retail Capacity report;
- The scheme will result in traffic congestion and dangerous highway manoeuvres, also there is a route to school very close to this site which will be adversely affected by the additional traffic.

Objections on behalf of the Cooperative Group; LIDL and Keep Holmfirth Special, were received which:

- Question the conclusions and methodology of the Retail Impact Assessment; Indicate sites that have not been included within the search area that are sequentially preferable;
- A sequential test for flood risk purposes has not been satisfactorily undertaken;
- The proposal would result in the loss of valuable employment land without any robust justification.

Holme Valley Parish Council: Support the application in principle although concerns regarding highway issues on Miry Lane( already difficult for parking and horrible junctions), so impact on traffic. Members recommend that a zebra crossing be installed close to bus stop nearer petrol station/ post office

end. This needs to be slightly away from the main entrance to the store, with a separate pedestrian/cycle access where the current access is.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**Environment Agency-** No objections recommend condition. The Sequential Test needs to have been properly carried out.

**Forestry Commission.** No adverse comments

**Yorkshire Water Authority-** No objections recommend conditions

### 8.2 Non-statutory:

**KC Highways DM** Views awaited.

**KC Environmental Health-** Recommend conditions regarding remediation, and noise from any on site plant

**KC Strategic Drainage-** Support the scheme subject to additional information, and appropriate conditions.

**KC Trees-** No objections in principle. Some trees may be affected as a result of the access arrangements. If this is the case appropriate replacements should be provided as part of an agreed landscape scheme

**KC Conservation and Design-** No objections in principle. It is important that the principle elevations of this scheme incorporate natural stone given the character of the area, and the main road location.

**KC Environment** Unit the bat survey undertaken is acceptable, and additional conditions ( particularly relating to lighting in relation to the woodland area to the rear of the proposed store are recommended)

**Police Architectural Liaison Officer-** No objections in principle recommend conditions to submit crime prevention measures , and CCTV for the car park

## 9.0 MAIN ISSUES

- Principle of development
- Highways Issues
- Impact on amenity
- Flood Risk/Drainage
- Environmental Issues( noise, contamination/ remediation, air quality)
- Bio diversity/ Landscape
- Crime Prevention.

## 10.0 APPRAISAL

### Principle of development

- 10.1. The site is currently occupied by a vacant factory building (known as the Drill Hall).ie the site was last used for employment purposes. The site has been vacant for some time, and the site is in a neglected condition. As a site last in employment use Policy B4 of the UDP is relevant, and also it should be noted be that the site is part of an employment priority area on the emerging local plan.
- 10.2 The NPPF indicates that Local Planning Authority's should avoid protecting employment sites that are unlikely to come forward for that purpose, and that in such circumstances an appropriate alternative use can be considered. This site has been vacant for some time, and as can be seen from the history section, there have been a number of applications of different types on this site over the last 12/13 years, including for housing. The location, and nature of neighbouring users indicates that an appropriate alternative use to that B1,B2/B8 use, would be an alternative commercial use, rather than a residential use.
- 10.3 The site is part of a larger allocation on the Emerging Local Plan, as a Priority Employment Area. The use of the site as retail would not prejudice the delivery of the balance of the allocation for employment type uses, and the retail unit is in itself an economic driver in the area, providing inward investment and a significant amount of employment (applicants state up to 40 full and part time jobs when operational).
- 10.4. The Emerging Local Plan policies, carry considerable weight, but are still to be the subject of public scrutiny through Inquiry. It is not considered that the non B1. B2, B8 of this part of the site ( less than 1 ha in size) will significantly prejudice the Local Plans aims in terms of employment delivery, and as such no objection is raised to the principle of non B1, B2 B8 use.
- 10.5. The alternative proposed use in this case is a class A1 retail outlet. The principle of retail development on this site requires consideration of the proposal against retail policy contained within the NPPF. Paragraph 24 indicates that a sequential test should be undertaken for town centre uses, that are not within a town centre. This site is categorised as an edge of centre location and therefore a sequential test is required to be undertaken. Additionally paragraph 26 of the NPPF requires Retail Impact Assessments to be submitted for developments over 2,500 sq m if there is no proportionate, locally set floorspace threshold. Kirklees do not have such a threshold so in this case a retail impact assessment is required by policy.
- 10.6 A Retail Impact Assessment and sequential test has been submitted by the applicants by consultants- Planning Potential.
- 10.6. **The Sequential Test**- this search initially identified edge of centre and out of centre sites and at the request of the Council 4 additional sites were examined, some of which were in centre locations in Holmfirth and an additional site in Honley, put forward as sequentially preferable by an objector.

10.7 The sites searched included;- Ribbleden Mills, Dunford Road; Bamforth Warehouse; Council Car park, Bridge Road; Bridge Mills, Huddersfield Road; Crossley Mills; Moorhouses Haulage;Market Hall, Holmfirth; Holmfirth Cricket Club; Holmfirth Post Office and Keith Drakes site, Honley.

10.8. It is considered that the Sequential test has been carried out in a robust manner, and that appropriate sites have been examined as is required in paragraph 22 of the NPPF.

10.9.. **Retail Impact Assessment** In accordance with the guidance contained in paras 24 -26 of The NPPF a Retail Impact Assessment has been submitted by the applicants consultants -Planning Potential. A number of the initial assumptions were questioned, additional work was requested, and the third party comments and objections received on behalf of the Co-op; Lidl and *Keep Holmfirth Special* have all been considered as part of the analysis, before arriving at the conclusion. A assessment of the application carried out on behalf of the council was undertaken by White Young Green (WYG) who have advised the council independently and impartially on the relevant retail issues.

#### Impact on Vitality and Viability

10.10. WYG assessed the retail impact assessment originally submitted with the application and confirmed that they were satisfied with the following elements of Planning Potential's impact assessment commenting as follows (italics for clarity of WYG comments )

- *The assumed catchment area;*
- *The assumed turnover of the proposed development; and*
- *The assessment year for the purposes of the impact assessment*

10.11. *As such, WYG's principal concerns with regard to Planning Potential's assessment related to the assumed trade diversion levels from existing stores, and the resultant impact on these existing destinations and particularly on defined centres. In terms of trade diversion assumptions, WYG's main concerns relate to:*

- *The level of assumed diversion from the Morrisons in Meltham;*
- *The level of assumed diversion from the Lidl in Holmfirth; and*
- *The level of assumed diversion from the Co-op in Holmfirth.*
- *Of those new shoppers who chose to shop at the Aldi in Harworth (as surveyed in August 2015),*



10.12. *Planning Potential provides additional analysis with regard to the trade diversion assumptions at pages 3 and 4 of their August response. They state that the assumed diversion levels are based on other examples of stores, at which customers were surveyed to find out where they previously shopped, before altering their habits to shop at the new Aldi stores. Details of these stores are then provided at Appendix 1.*

10.13. *No further detail is provided regarding the number of surveys undertaken, where the surveys were undertaken, what the questions were and particularly how the questions were phrased (i.e. did they relate just to 'main food' shopping or both 'main' and 'top-up' food shopping and were they asked whether they had altered their habits permanently). WYG commented that without the detail behind the methodology, we are treating the results cautiously in this instance and overall, the details provided by Planning Potential are ambiguous and lack any real detail. This is also the case in light of the results and the summary now being over three years old in some cases and the potential for shopping habits to have altered since those dates. Furthermore, it is important to note that the Co-op store in Holmfirth is substantially larger than those stores identified by Planning Potential in their analysis at Appendix 1, and therefore shopping patterns will be materially different.*

10.14 However, we do consider that it is useful to summarise the key findings of these survey results as part of this appraisal, particularly as the applicant is relying on the results to justify the trade diversion assumptions:

- Of those new shoppers who chose to shop at the Aldi in Harworth (as surveyed in August 2015), 36% used to shop at Asda, 34% at an alternative Aldi, 21% at the Tesco, 7% at Morrisons and just 2% at the Co-op.
- Of those new shoppers who chose to shop at the Aldi in Ecclesfield (as surveyed in October 2014), 38% previously shopped at Morrisons, 30% at Asda and 13% at Tesco, with no respondent stating they previously shopped at the Co-op. 2.6 Regardless of the overall inability to rely on the results due to the lack of information provided by Planning Potential, the results would appear to demonstrate that high proportions of shoppers who visited the Aldi stores on the day of the survey, previously shopped at the 'big four' or an alternative Aldi, rather than Co-op foodstores. We agree that this is likely to be the case as the two operators offer a qualitatively different range of goods, at different margins.

10.15. Planning Potential has revised their trade diversion assumptions for the stores queried by WYG, plus a number of other store, and we provide a comparison of the two sets of figures below for ease of reference. We consider that the 'sensitivity test' is more accurate and are therefore the figures of relevance in assessing the acceptability of the proposal in impact

**Table 2.1: Planning Potential's Sensitivity Assessment Assumed Levels of Trade Diversion (Convenience) – Original and Sensitivity Assessments**

<b>Store</b>	<b>Trade Diversion (%)</b>	<b>Trade Diversion (£m)</b>	<b>Trade Diversion (%)</b>	<b>Trade Diversion (£m)</b>
<b>Holmfirth Centre</b>				
Co-op, Holmfirth	0.5%	£0.05m	6.0%	£0.65m
Local Shops, Holmfirth	0.1%	£0.01m	1.0%	£0.11m
<b>Other</b>				
Morrisons, Meltham	35%	£3.82m	27.5%	£3.00m
Aldi, Milnsbridge	20%	£2.18m	12.5%	£1.36m
Sainsbury's, Shorehead	16%	£1.74m	18.0%	£1.96m
Aldi, Ghallagher Retail Park	15%	£1.64m	12.5%	£1.36m
Lidl, Holmfirth	10%	£1.09m	17.5%	£1.91m

10.16. As we previously identified, it is clear that the highest proportion of shopper from Zone 7 shop at the Morrisons in Meltham for main food shopping, and the highest proportion of shopping trips for top-up shopping purposes are attracted by the Co-op in Holmfirth. Whilst these market shares will have likely reduced as a direct result of the presence of the Lidl, they are likely to still attract the highest proportions of main and top-up food shopping trips respectively.

10.17. We welcome the amendments to the trade diversion assumptions applied by Planning Potential as set out in Table 2.1 above, and consider that these more accurately reflect what is likely to happen in practice in terms of trade diversion and impact.

10.18. We previously raised a concern with regard to the level of transparency relating to the trade diversion assumptions for the commitment (Lidl in Holmfirth), and therefore how Planning Potential had arrived at the 2022 estimated turnovers for the existing stores.

10.19. In any event, we have reviewed the figures provided by Planning Potential and consider that they broadly reflect how we estimate the existing destinations to be trading, having regard to the commitments but also the growth in population and expenditure in the area. Furthermore, as the policy test is whether the impact on defined centres would be significant, the principle stores of relevance in this case are those located within Holmfirth town centre, which we consider to be broadly accurate.

10.20. The implications of trade diversion and impact on a town centre depends on how well the centre is performing. In some cases, even low levels of trade diversion and impact can have significant impacts on centres where the overall health is poor, and the centre is struggling (vacancy rates, lack of footfall, poor environmental quality etc). Planning Potential provides an up-to-date healthcheck at Appendix 5 of their original Planning and Retail Statement. A summary of their findings are set out below:

-The overall vacancy rate in terms of the proportion of units is 1.5%, or 2 units. This is substantially below the national average of 11.5%.

-There are ten convenience operators in the centre, including the Co-op (edge of centre) and Sainsbury's Local, along with a bakery newsagent and independent operators. This is slightly below the national average at 7.3% compared to 8.3%

-The proportion of Class A3, A4 and A5 Uses is above the national average at 26.1% of the total units, compared to 18.3%. This demonstrates the attraction of the centre from a tourism point of view.

-The centre is accessible by public transport and the overall environmental quality of the centre is good, with the landscaping well maintained

10.21 The overall conclusion from the healthcheck is that Holmfirth town centre is performing well and is a vital and viable centre. These latest findings from Planning Potential compare to WYG's findings as part of the Retail Study in 2013, at which time the centre had a vacancy rate of 3.3%, or four units, and there was an acknowledgement that there was a good mix of retail and leisure uses and that the centre was an attractive historic town, providing a popular tourist destination. We therefore agree with the applicant's analysis of the overall vitality and viability of the centre and consider that the centre is performing well, and particularly provides an important tourist destination with a range of leisure facilities alongside the convenience and comparison operators.

10.22. As such, it is on the above basis that the potential implications of the assumed trade diversion must be assessed. Planning Potential's revised sensitivity test provided in their latest submission estimates that the impact on the Co-op foodstore would be -13.2% and on other local shops would be -4.9% (which includes the Sainsbury's Local). Overall, the impact on

convenience operators in the town centre would be -10.6%. Whilst this is at the upper limit of what would typically be deemed acceptable in impact terms, we do also consider that the diversion levels applied by Planning Potential represent a 'worst case scenario'. The impact is also only being experienced on the existing convenience goods sector which represents just 7.3% of the town centre composition.

10.23 We also note that Planning Potential has assumed that no trade will be diverted from existing operators in Honley local centre and a limited diversion (0.1%) will be taken from Thongsbridge local centre. Whilst we consider that in both cases this level of diversion may have been slightly underestimated, we do not consider that in either case, the level of diversion would be at a level which could have a significant adverse impact on the centres due to the qualitatively different offer of the proposal in comparison to the existing centres.

10.24. Whilst the -10.6% impact at 2022 on the Holmfirth convenience stores is considered high, it is also important to consider what the overall impact on the town centre would be, also having regard to the location of the Co-op on the edge of Holmfirth town centre in planning policy terms.

10.25. The relevant planning policy test is the impact of the proposal on the overall vitality and viability of the centre. In the case of Holmfirth, this includes the comparison operators but also the other leisure and service uses within the centre, which all comprise a high proportion (60.3% of the total provision of units) of the centre's overall offer. The proposed Aldi foodstore is unlikely to materially alter the current performance of these other uses.

10.26. In this regard, the 2016 Retail Study Update identified that the comparison turnover of Holmfirth town centre is £10.5m, which would be approximately £11.5m at 2022, more than doubling the overall turnover of the town centre. As such, taken as a whole, the percentage impact on the centre is likely to be less than the -10.6% figure set out by Planning Potential and more likely to be between -5% to -6% (i.e. a diversion of approximately £1m when taking account of potential comparison diversion, from a total town centre retail turnover of approximately £18.7m).

10.27. Furthermore, it is important to consider the qualitatively different nature and offer of both the Co-op and Sainsbury's stores within Holmfirth town centre, along with the offer of the independent operators when compared to the offer of the proposed Aldi. This conclusion was confirmed by Pegasus Group in providing their representation on the application on behalf of the Co-op Group in July 2017, which states at paragraph 6.21 in referring to the difference between an Aldi and Lidl to a Co-op: **'As neither store carries a comparable range of goods to the Co-operative store, it is difficult to see why an additional, limited-range, discount food store on the Huddersfield Road would have the effects claimed by Planning Potential in terms of clawing back expenditure from Zone 7 that currently flows to Morrisons at Meltham, Sainsbury's in Huddersfield, or elsewhere.'** (our emphasis)

10.28. *In this case, whilst we consider there to be the potential for the store to divert some trade away from the Co-op, we do agree with Planning Potential that the highest proportions of trade diversion would be from the comparable foodstores primarily situated in out of centre destinations (the Morrisons, existing Aldi stores and the Lidl in Holmfirth). This is also the case in considering the Co-op's location on an edge of centre location.*

10.29. *We therefore do not consider that the level of diversion from the Co-op would be at a level which would have a significant adverse impact on the store or the wider town centre as a whole. This conclusion is supported by the Inspector in relation to a dismissed appeal (on sequential grounds) for a substantially larger Tesco foodstore on the former Midlothian Garage Site (appeal reference APP/Z4718/A/13/2191213), who stated in that case at paragraph 53 that: **'harsh as it may seem to some, however, what planning policy seeks is to protect the vitality and viability of town centres, not to protect one commercial interest against another'**, and then concluded at paragraph 54 that: **'Overall, the conclusion on retail impact has to be that the proposed supermarket would have no significantly adverse impact on Holmfirth town centre, or indeed on the edge-of-centre Co-op supermarket which acts as the town centre's anchor store.'***

### **Summary**

10.30. Planning Potential's updated submission and the additional information provided to respond to WYG's queries has been reviewed. The particular concerns raised previously by WYG related to the levels of trade diversion and the resultant impact of the scheme, particularly on existing convenience facilities in Holmfirth town centre. Similar concerns were also raised by other 3rd party objectors.

10.31. Following Planning Potential's submission of a sensitivity test in respect of the quantitative impact tables, Officers are satisfied with the figures provided and consider that the trade diversion assumptions provided in the latest submission better reflect what could happen in practice.

10.32 It is concluded that the proposed development is unlikely to have a significant adverse impact on the vitality and viability of the defined centres, and particularly on Holmfirth town centre. As such, Officers are satisfied that the proposed development complies with the relevant impact policy tests as set out under Policy S4 of the UDP and paragraphs 26 and 27 of the NPPF.

### **Highways Issues**

10.33 The application is a full planning application for the demolition of existing buildings and construction of an Aldi Foodstore together with car parking, landscaping and associated works on land at Thongsbridge, Holmfirth. Highways related documents submitted with this application are as follows:

- Transport Assessment dated May 2017;
- Transport Assessment Addendum dated May 2017;
- Exigo Project Solutions letter dated 4<sup>th</sup> July 2017;
- Framework Travel Plan dated May 2017.

The foodstore is proposed to have a gross internal area of approximately 1,839m<sup>2</sup> and a sales area of approximately 1,254m<sup>2</sup>. A car park providing 103 spaces is served from an existing junction on A6024 Huddersfield Road.

**Existing Conditions:**

10.32. The site is currently occupied by a vacant building which has a planning use for B2 general industrial use. No allowances have been made in the transport assessment for the potential traffic and transport characteristics associated with this use.

Data collection has been undertaken by the applicant at the following junction on Friday 31<sup>st</sup> March between 14:00 and 19:00 and Saturday 1<sup>st</sup> April between 11:00 and 15:00 to establish a sound baseline for assessment:

- Huddersfield Road / Miry Lane / Thong Lane / Woodhead Road;
- Huddersfield Road / New Road;
- Huddersfield Road / Victoria Street.

**Proposed Vehicular Access Arrangements:**

10.33. Access is taken from the A6024 Huddersfield Road via an existing junction layout previously provided as part of planning consent 2007/91216. A modification of this junction is required to accommodate the proposed development. A second priority junction within the site is also required. These works which are acceptable in principle incorporates a pedestrian island, a relaxation of the southern kerbline and the new junction within the site. A condition is required for a scheme for the detailed design and implementation of these junctions.

**Proposed Traffic Flows:**

10.34. The recent development of a similar discount food retail unit nearer to Holmfirth along Huddersfield Road provides a suitable model upon which to base generation estimates for the proposed development. The applicant has surveyed the existing foodstore and determined the Friday PM Peak and Saturday Peak vehicle generations as follows:

	<b>In</b>	<b>Out</b>	<b>Two-Way</b>
<b>Weekday 17:00 – 18:00</b>	112	121	233
<b>Saturday 11:00 – 12:00</b>	104	124	228

10.35. As is usual with the assessment of food retail applications, it is accepted that almost all the development trips are already on the wider network accessing other food retail outlets. For the purposes of assessment it has been assumed that 50% of generated trips will be new to the study area, 20% will be diverted from other stores in the immediate vicinity and that 30% will be pass-by trips and therefore already on the network passing the site. It is estimated by the applicant that 62% of current residents in the catchment area leave the area to carry out their food shopping. On this basis, this development proposal will have a benefit in reducing overall vehicle miles.

Assignment of trips to the network is based on passing flow proportions.

### ***Proposed Parking Arrangements:***

- 10.36. The proposed layout indicates the provision of 103 parking spaces. This incorporates 7 disabled spaces and 7 parent and child spaces. In addition there are 5 cycle loops accommodating 10 cycles and it is proposed to provide 2 motorbike spaces with anchor points.
- 10.37. Current parking standards as contained in the UDP – Appendix 2 set out the maximum standards for supermarket parking as 1 space per 12m<sup>2</sup>. When this standard is applied to the proposed development GFA of 1,911m<sup>2</sup>, a maximum requirement for 159 spaces results. Given the characteristics of this discount food retailer including the limited range and quick throughput of customers, the level of parking is considered acceptable.
- 10.38. Disabled parking is required in the range 5-10% of the total stock. Seven spaces are proposed at the store entrance which equates to a provision of 7.2% and is therefore acceptable.
- 10.39. The applicant is providing 1 electric vehicle charging point (2 charging spaces) with the scope to increase the provision should demand warrant it in the future.

### ***Pedestrian Access:***

- 10.40. The applicant has undertaken an assessment of pedestrian facilities in the vicinity of the site. Formal crossing points on the A6024 comprise a zebra crossing facility at the Miry Lane junction approximately 240m north of the proposed development and a signal controlled crossing near New Road approximately 800m south of the proposed development. Both Kirklees Council Highways Development Management (HDM) and Holme Valley Parish Council have identified the need for a crossing of the A6024 close to the store entrance. Two pedestrian islands are proposed with associated dropped kerbs, one on the A6024 and one on the site access and will be provided as part of the site access works.

### ***Servicing Proposals:***

- 10.41. Servicing activity associated with the proposed development is expected to be minimal comprising 4 deliveries per day. Delivery vehicles will originate from the foodstore operators distribution base in Barnsley and will be incorporated into routes to existing Aldi stores in the local area. The service point is within the site and requires the service vehicle to manoeuvre within the customer car park. Deliveries are timed to avoid peak periods in the car park and the aim is to arrange deliveries outside store opening hours. Where this is not achieved a marshal is used to manage the interaction between pedestrians, cars and HGV's.

### ***Impact on Junctions:***

- 10.42. Junction modelling has been undertaken at the following junctions:

- Huddersfield Road / Miry Lane / Thong Lane / Woodhead Road;
- Huddersfield Road / New Road;
- Huddersfield Road / Victoria Street;
- Huddersfield Road / Site Access.

Base counts collected in March and April 2017 forms a sound baseline. To this, growth has been added to year 2022 and modelling for with and without development scenarios has been undertaken. Queuing and delay at the Miry Lane / Thong Lane



junction, the New Road junction and the site access junction is minimal in the 2022 base scenario with the development adding less than 1 to any queue length. At the Victoria Street junction in the weekday PM Peak the development adds 3 vehicles to the Huddersfield Road (North) approach, 1 to the Victoria Street approach, 1 to the Huddersfield Road (South) ahead movement and 2 to the Huddersfield Road (South) right turn lane. A similar impact is recorded in the Saturday Peak. This level of impact is not as severe and is therefore considered to be acceptable by Kirklees Council HDM.

- 10.43. Consideration of the Huddersfield Road / Site Access junction and the internal priority junction has been assessed using the consented and proposed developments that would utilise these junctions. These are the eastern parcel where B1/B2 development with 94 parking spaces is consented by 2007/91216 and the B1/B2 proposal with 48 parking spaces on the northern parcel which is the subject of the current 2017/90207 application. This junction testing has demonstrated that the junctions operate with minimal queuing and delay.

### ***Travel Planning:***

- 10.44. A Framework travel plan has been submitted with the application which provides the necessary commitment to promoting sustainable travel characteristics.

The travel plan aims and objectives are to encourage staff and customer travel by sustainable modes. The travel plan seeks to establish a culture of sustainable travel at the site from the outset by the implementation of the following initial measures:

- Appointment of a site wise Travel Plan Coordinator;
- Baseline surveys of staff and customers;
- Set mode shift targets;
- Annual monitoring to measure success.

The likely transport impacts of this proposed food retail store development have been investigated. The characteristics of the development include the assumption that the vast majority of trips are already on the network. Also, the development would result in an overall drop in route mileage as residents are currently travelling out of the local area to undertake their food shopping. Junction analysis has shown a minimal impact on local junctions resulting from the development. On this basis, Kirklees Highways consider the proposals acceptable, subject to suitable conditions.

### **Impact on Amenity**

- 10.45 The site currently comprises a brownfield former factory building, and associated curtilage. The site frontage comprises a green banking with a number of trees, and shrubbery. The site then drops down substantially to the proposed car park and shop area, and there is a substantial and impressive woodland area on the eastern side of the site, that flanks the river and extends both to the north and south for some considerable distance.
- 10.46 Given the difference in levels the proposed shop will be looked down on from Huddersfield Road, and be seen in relation to the backdrop of the woodland.

- 10.47. The proposed store building is roughly rectangular in shape and single storey, with a shallow mono pitch sloping roof. The building will be constructed of glazing areas for the entrance and lobby, and a combination of pitched faced and split faced stone( providing slight textural contrast) and a shallow pitched roof ( anthracite coloured cladding. It is considered that this low rise proposal is appropriate for this site, and the use of natural materials in the elevations accords with the Councils policy relating to development on main arterial roads ,and areas where natural stone is a prominent local material
- 10.48. The siting of the store is sufficiently distant from the woodland trees to cause no resultant damage to the woodland edge, also there will be no activity to the rear of the store. As such the woodland backdrop is safeguarded.
- 10.49. To the front of the site the wooded banking is to be maintained, however a number of the trees are likely to be affected in securing the most appropriate access and alignment of access. However these trees can be replaced as part of a landscape scheme to be agreed.
- 10.50. As such it is considered that the scheme will deliver a good quality appearance utilising natural materials and respecting the sites character , and the topographical challenges and that it accords with Policies BE1 and BE2 of the UDP and the guidance contained in part 7 of the NPPF “Requiring good design”.
- 10.51. In terms of the impact on residential amenity, it is not considered that there will be undue increase of noise, and disturbance, from what is already an employment area. In this case the physical siting of the building and car park is remote from the nearest dwellings, so no issues of overlooking or shading occur.

### **Flood Risk /Drainage**

- 10.52. The application site is located mainly within Flood Zone 1, with a small portion of the site towards the east adjacent the River Holme as Flood Zone 2, and 3. The entirety of the retail footprint is within flood Zone 1  
As such the application is accompanied by a Flood Risk Assessment, and also a Sequential Search has been undertaken.
- 10.53. Sequential Test/Exceptions Test- The search area, is defined by an approx. 5 minute drive distance, which includes the Holme Valley settlements and centres of Holmfirth, Honley and Brockholes. This is considered to be an appropriate search area for this type of development, as it includes town and village centres sites as well as edge of and out of centre sites.
- 10.54. The only town centre site was of limited size and unable to accommodate the scale of the development. 4 edge of centre sites were examined in both Holmfirth and Honley, and discounted as the sites are either too small or unavailable. All of these sites were entirely within Flood Zone 1.
- 10.55. It is considered that the Sequential Test search has been undertaken in accordance with the guidance contained in paras 101-103 of the National Planning Policy Framework, and covering a logical and reasonable search area. As such the sequential test is considered to have been satisfactorily completed.

- 10.56. The Exceptions test is applied only after the Sequential test been passed. The development footprint is entirely within Flood Zone 1( ie the area least likely to flood). In terms of flood risk vulnerability, a retail use is classed as "less vulnerable" and is compatible with all flood zones excepting functional flood plain.
- 10.57. The submitted Flood Risk Assessment identifies the necessary mitigation, including finished floor levels to the store, and ground levels to divert any run off away from the store of the car par areas. As such it is unlikely that there will be any flooding of any new or existing buildings, in the 1 in 100 year worst event scenario, or that the development will result in additional flooding further down-stream.
- 10.58. As the site is currently a brown field development the existing surface water flow rate should be reduced back to a greenfield run off rate. Conditions to demonstrate how this will be achieved are recommended.
- 10.59. As such it is considered that the issues of flood risk and drainage have been satisfactorily addressed as part of this application, and can be dealt with by condition.

### **Environmental Issues**

- 10.60. Decontamination/ remediation. The application is accompanied a by a phase 1 and Phase 2 Contamination land reports, together with some supplementary gas monitoring. It is considered that this brown field site, can be satisfactorily remediated and made fit to receive the new development. This matter can be deal with by the imposition of conditions covering the submission of a remediation statement, and he subsequent validation statements.
- 10.61. Noise. At the request of the Local Planning Authority additional noise testing was carried out around this site, with regard to the potential impact of the vehicular traffic, and deliveries, and background continuous noise from plant and equipment associated with the store. The potentially affected properties included dwellings opposite the site on Huddersfield Road, dwellings on Longlands Bank/ Woodchurch View; and Miry Lane.
- 10.62. The test area, is reasonable, and the tests methodology sound and robust. The conclusions indicate that he difference in Noise as a result of a retail unit would equate to " no observed adverse impact" as defined in the National Planning Policy Guidance as the increase is barely above he existing background noise levels on what is already a employment site located next to a busy road.
- 10.21. As such there are no concerns regarding noise to raise with this application. Hours of use for opening and delivery are recommended to be conditioned.
- 10.22. Air Quality In accordance with the guidance contained in the West Yorkshire Low Emissions Strategy, an Air Quality Assessment has been undertaken on the basis of this development falling into the category of a "major "scheme, that is likely to increase traffic flows, both daily and annually by more than5%..

- 10.23. The assessment was undertaken in line with a methodology agreed by the Environmental Health Service, and the conclusions arrived at indicate that the increase in NO<sub>2</sub> at the receptive points is negligible.
- 10.24. The guidance within the west Yorkshire Low Emissions Strategy identifies a number of “mitigation options”. In this case the options include the production and monitoring of a Travel Plan, and the provision of 5 no Electric Charging points within the car park.
- 10.25. It is considered that the issue of Air Quality has been satisfactorily addressed and appropriate mitigation, can be conditioned.

### **Bio diversity/ Landscape**

- 10.26. This application has been accompanied by an Ecological Appraisal, and it is considered on the basis of this that it is possible to redevelop this site whilst avoiding significant ecological effects, particularly relating to the neighbouring woodland and bat roost potential.
- 10.27. The applicants have submitted a bat survey, and this confirms 2 roosts within the existing building, that are considered to be of low conservation significance. Notwithstanding this no demolition can take place of any building until either a Bats Law Impact Class License or a standard mitigation licence is applied for and granted. In this case it is considered that the proposal should mitigate for the loss of the 2 roosts, as the retail use is unacceptable to accommodate alternative roosts, but new bat boxes, and birdboxes could easily be sited in neighbouring woodland that is already a natural foraging area. This mitigation would need to be accompanied by a sensitive lighting scheme, which would be the subject of a condition
- 10.28. The scheme includes a full tree survey, that identifies the mature trees, woodland and those trees covered by Tree Preservation Order, across the site. The woodland to the rear of the proposed store is unaffected, and as such the development does not harm that element of the existing landscape, or detract from the integrity of the green corridor.
- 10.29. A number of the mature trees across the site are proposed to be removed to facilitate improvements to the access and the parking provision. This is unfortunate, but there is opportunity to replace trees within the proposed landscaped areas within the site.
- 10.30. As such it is considered that this proposal satisfactorily addresses the issues of bio diversity enhancement and landscape protection contained within the guidance of part 11 of the National Planning Policy Framework “Conserving and enhancing the natural environment”.

### **Crime Prevention**

- 10.74. There is no objection in principle to a retail store on this site. Retail development is vulnerable to particular types of crime and anti-social behaviour ie car crime, ATM crime, car crash, robbery, cash in transit crime and anti-social behaviour within the car park.

- 10.75. The above matters should be dealt with via the imposition of a Crime Prevention conditions, which should include such measures as CCTV, lighting, and car park surveillance.
- 10.76 As such it is considered that issues associate with Crime Prevention can be satisfactorily addressed by condition and satisfy the Policy BE23 “Crime Prevention” of the Kirklees Unitary Development Plan.

### **Objections**

- 10.77. The objections to this scheme essentially fall into 3 areas.
- 10.78. Policy objections ie the site should be retained for an employment use as it is allocated as an Employment priority Area on The Emerging Local Plan, and it was previously in Employment use.  
*Response:* The site has been vacant for some time, and various applications for reuse have been explored and not progressed. The area of land lost to employment use( ie B1, B2 and B8) is only a portion of the allocation, and it is not considered to be of a scale that will fundamentally affect the Employment aims and aspirations in the Kirklees Local Plan. Also the retail unit is considered to be a significant economic driver producing inward investment, new employment and regeneration for the site.
- 10.79. The Retail Impact Assessment and the Sequential Test have not been satisfactorily carried out, which leads to incorrect conclusions.  
*Response:* the sequential test search area is consider to be satisfactory and additional sites were examined as part of this process. The Impact Assessment has been updated taking into account 3rd party representations and its conclusions and rationale are provided within the Assessment .
- 10.80 Highways Issues traffic congestion, and increased hazard to pedestrians on neighbouring streets.  
*Response:* A transport Assessment has been submitted and updated, Amended plans have been negotiated to secure the most appropriate access into the application site, as well as the neighbouring site on which there is an application for Business Units

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2. The principle of the development on this site for a none B1,B2 and B8 use is considered acceptable in this case, and the retail impact assessment and sequential test have been carried out in a robust manner and the justification for the stores location is justified.
- 11.3 In terms of appearance, it is considered the proposed building respects the sites topography, and not intruding into the neighbouring woodland and incorporates the use of natural materials which is appropriate for this location.

- 11.4 Highways matter have been agreed and additional information and plans provided to deliver an appropriate access to this site, and the neighbouring site.
- 11.5. Matters of drainage, noise, air quality, remediation and bio diversity enhancement have all been satisfactorily addressed, and covered by the imposition of appropriate conditions
- 11.6. As such 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.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

- 1. 3 year Time Limit
- 2. In accordance with plans
- 3. Samples of materials
- 4. Landscaping
- 5. Tree protection
- 6. Environmental Health
  - decontamination/remediation;
  - Provision of electric charging points
  - Hours of use and delivery
- 7. Drainage - greenfield run off rates; attenuation details; finished floor levels in accordance with FRA.
- 8. Bio diversity enhancement measures
- 9. Lighting scheme
- 10. Limitation of floor space and net sales area for comparison goods
- 11. Highways- Access details agreed
  - parking areas provided and surfaced
  - Provision of Travel Plan.
- 12. Crime Prevention condition.

**Background Papers:**

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed:



