
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Jun-2020

Subject: Planning Application 2019/92221 Outline application for demolition of existing buildings and erection of Class A1 retail unit, access, car parking, servicing, landscaping and associated works (all matters reserved other than access) Kenmore Caravans Ltd, 119, Huddersfield Road, Mirfield, WF14 9DA

APPLICANT

Keith Nutter, Morbaine
Ltd

DATE VALID

02-Jul-2019

TARGET DATE

01-Oct-2019

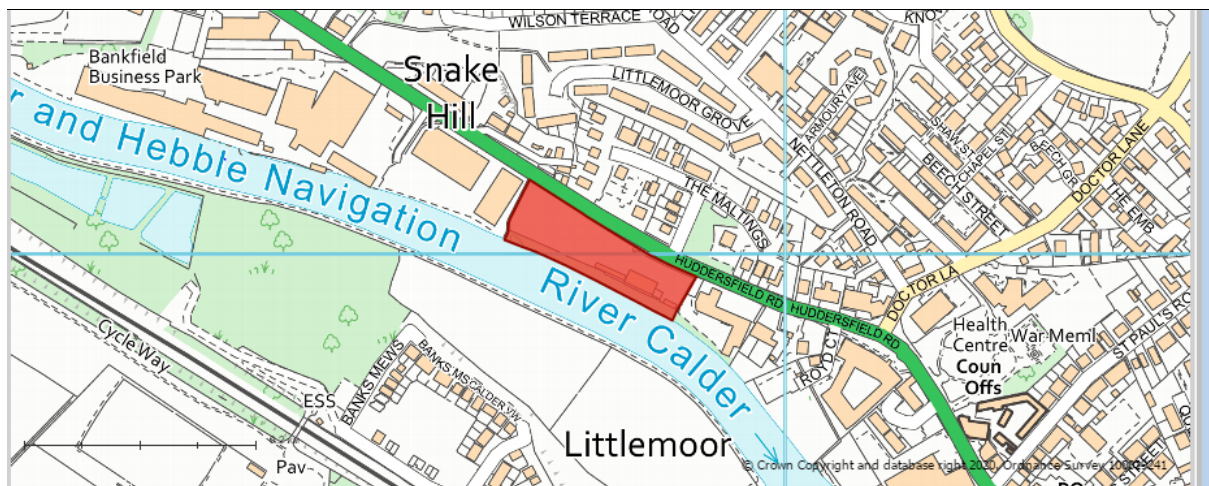
EXTENSION EXPIRY DATE

30-Apr-2020

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<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: Mirfield

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. £8,400 contribution towards blue-tooth detectors at the Huddersfield Road/Station Road traffic signalled junction
2. £23,000 contribution towards the upgrade of bus stop numbers 15150 and 15152 on Huddersfield Road
3. Travel Plan monitoring fee (£10,000)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Strategic Planning Committee as it relates to non-residential development on a site over 0.5 hectares in size and relates to a proposal for retail development greater than 1,250 square metres.

2.0 SITE AND SURROUNDINGS:

- 2.1 The Kenmore Caravans site, Huddersfield Road, Mirfield is a broadly rectangular piece of land on the southern side of Huddersfield Road. It is currently in use as a caravan dealership. There are a collection of buildings in the south eastern part of the site with a large area of hardstanding to the northwest of the buildings where caravans are displayed.

- 2.2 To the north of the site is residential development. To the southeast is a car showroom and to the northwest are commercial units. The River Calder bounds the site to the south.

3.0 PROPOSAL:

- 3.1 Outline application for demolition of existing buildings and erection of Class A1 retail unit, access, car parking, servicing, landscaping and associated works.

- 3.2 The application is submitted in outline form with access the only matter that has been applied for. The layout, scale, appearance and landscaping of the site are reserved for future approval.
- 3.3 A single point of access is proposed to serve the site off Huddersfield Road.
- 3.4 An indicative site layout plan has been provided which shows the proposed retail unit in the north-western part of the site with parking to the remainder and soft landscaping to the majority of the site's perimeter. The application is also supported by a proposed parameters plan that specifies a maximum gross internal area of 1,890 square metres and a maximum building height of 9.40m. An indicative section shows the building being highest adjacent to Huddersfield Road and then sloping down towards the river.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 A pre-application enquiry was submitted which provided advice on technical matters and the requirements for the submission of an application.
- 4.2 There is no planning application history that is directly relevant to this proposal.

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

- 5.1 Negotiations have been undertaken in respect of the highways assessment. As a result, the applicant has submitted a plan which shows a dedicated right turn lane into the site on Huddersfield Road. The plan also shows a pedestrian crossing island to each side of the access.
- 5.2 The applicant has also carried out junction capacity analysis of the site access/egress, Doctor Lane and Stocks Bank Road junction and the Huddersfield Road and Station Road signalised junction.
- 5.3 The applicant was requested to provide a response to a representation that was submitted by an existing food store within the locality which objected on the grounds of the retail impact.
- 5.4 Additional ecological information has been provided in the form of species survey reports (bats and otters).

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 Kirklees Local Plan (2019):

LP1– Presumption in favour of sustainable development
LP3 –Location of new development
LP7 – Efficient and effective use of land and buildings
LP13 – Town centre uses
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel

LP21– Highway safety and access
LP22 - Parking
LP24 – Design
LP27 – Flood risk
LP28 - Drainage
LP30 – Biodiversity and geodiversity
LP51 - Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality

6.3 Supplementary Planning Guidance / Documents:

Highway Design Guide Supplementary Planning Document

6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 7 – Ensuring the viability of town centres
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

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was initially publicised by site notices, neighbour letters and press advert. In response a total of twenty objections were received with one representation in support and one representation making a neutral comment. A summary of the representations received is provided as follows:

Against

Retail/town centre impact

- A detailed representation has been submitted on behalf of a nearby food store which critiques the applicant's retail assessment. The main points raised are:
- The significance of the sequential test undertaken by the applicant is questionable because there is no named operator for the proposal and so it is based on a number of assumptions.
- The applicant's retail impact assessment is based on an out-of-date household survey that pre-dates the development of a larger, replacement store for Lidl at Station Road on the edge of the District Centre.
- The survey data is also of limited value because it was designed for a strategic retail capacity study covering the whole borough and the results are not sufficiently detailed (or up-to-date) to inform a retail impact assessment.
- The consequences of using unsuitable survey data are that inaccurate assessments have been made of the market shares and turnovers of existing stores and misleading conclusions have been drawn about shopping patterns including the roles of existing shops within the Mirfield District Centre.
- Concerns raised with the applicant's assessment of trade diversion and the implied impacts on the District Centre.

- The proposal would pose a severe challenge to the continuing vitality and viability of the District Centre.
- It has been separately suggested that the proposal would lead to a saturation of food stores in this area and that Mirfield does not need another store of this size. No demand for this proposal.
- If the Co-op in Mirfield were to close as a result then it would negate any new job creation and result in a large empty building in the centre of Mirfield and harm the vitality of the centre as a whole.

Highways

- Development will add to traffic congestion on an already busy road.
- The additional traffic will increase the likelihood of road traffic accidents and would be detrimental to the flow of traffic on the road network.
- Right turning vehicles into the site will impede traffic flow on 40mph road.
- Right turning vehicles out of the site will have difficulty getting onto Huddersfield Road and will cause gridlock in the car park.
- The fact that Huddersfield Road is used by emergency vehicles needs to be taken into account.
- The staggered junction with The Maltings will be difficult to negotiate and the separation distance is inadequate. There are already issues with the use of The Maltings/Huddersfield Road junction.
- Existing on-street parking obscures visibility and blocks the cycle lane.
- History of accidents and near misses associated with the existing access.
- Development may result in additional on-street parking on The Maltings which will be detrimental to highway safety. Cars already park on The Maltings in connection with the existing nearby commercial uses.
- Construction vehicles parking on the highway will cause highway safety problems.
- Access to the site is dangerous for pedestrians; no indication that this will be improved.

Amenity/health

- Additional traffic/congestion will impact on air quality and noise pollution.
- Concerned about noise from demolition of existing unit.
- Increase in activity associated with the proposal as compared to the existing use - longer hours and more noise.
- Concerns if there are to be deliveries through the night which would cause disturbance.
- Increase in light pollution.
- Illuminated signage may reflect towards nearby properties.
- Impact on privacy of The Maltings and loss of light.
- Impact on views and house prices of The Maltings.

Character/visual amenity

- A supermarket will change the character of the site as there is currently no activity in the evenings.
- Scale and location of building will be prominent and out of keeping with the character of the area.
- A brightly coloured supermarket will be an eyesore.

- Will existing boundary treatment be retained?

Flood risk/drainage

- The site was flooded in 2015. What strategy is in place to prevent flooding?

Other matters

- Proposal is likely to increase anti-social behaviour in this area. For example, through young people congregating around the store which happens elsewhere in Mirfield and cars racing into/out of the site at all hours.
- Question what security measures will be put in place.
- Food is likely to attract vermin.
- Mirfield needs facilities that will attract visitors, not another food store.

In support:

- Fully support and welcome the application. Electric vehicle recharging points should be provided.

Neutral:

- A pedestrian crossing should be put in if the development goes ahead.

Mirfield Town Council -

“MTC recognises that Kenmore Caravans business remit has changed, requiring smaller premises. However, MTC has concerns for the following and reserves final comment until it has received answers from Kirklees on these points. MTC has concerns on the impact to highways, especially the locality of the application from Doctor Lane and the right turn on to Huddersfield Road. Also, MTC are concerned on the right turn exit from the development on to Huddersfield Road due to the amount of traffic that passes along this highway. MTC has concerns for residents accessing the site as there is limited crossing facilities along this stretch of road with a vast amount of elderly residents and young children living locally, MTC feels that any development would benefit from Pelican Crossing. MTC also has concerns regarding the locality of the River Calder and any pollution from the development and also air pollution from additional vehicles during construction. MTC would have liked to have seen a Master Plan of the site with possibility of dual use i.e. small office space and the impact the development will have on the neighbouring residential properties. Finally, MTC would like to see electric car charging points within any retail development in Mirfield.”

A written response to Mirfield Town Council’s comments was provided.

The additional highways information that was submitted during the course of the application was publicised by letters to neighbours and interested parties. Mirfield Town Council were also notified. In response to this further round of publicity eight representations have been received. A summary of the comments received is provided below.

Highways

- Residents of The Maltings already experience disruption from supermarket deliveries in Mirfield; HGVs park on the road and use it as a turning area which causes highway safety issues. A new supermarket would only increase this disruption.
- The pedestrian islands will subject users to unacceptable danger
- Visitors to Kenmore Caravans and Prestige Cars prefer to park on The Maltings and often block driveways
- Unsuitable siting of pedestrian islands
- Development will cause additional road safety issues
- Highway surveys were undertaken during Christmas/New Year period when traffic is lighter; this will affect the accuracy of the results
- Huddersfield Road cannot support any additional traffic, especially considering new developments that are going ahead in the area and issues that arise when the motorway is closed
- Already congestion problems in this area
- Access in and out of the existing site is already difficult as well as from The Maltings
- Impact of construction traffic and store deliveries on road network
- When car park is full people will park on adjacent roads causing problems

Amenity

- Another supermarket will have a negative impact on the quality of life for local residents
- Proposal will be an eyesore

Town centres/retail issues

- Detrimental impact on Mirfield town centre. Proposal encourages people to drive to shop and not support independent traders in the town centre which threatens their future existence
- Mirfield already has 4 supermarkets and another is not needed

Environmental

- Use of un-environmental bricks and mortar
- Impact on air quality from slow moving road traffic
- The nature and location of the proposal are such that there will be unacceptable extra air pollution from vehicles. Anti-idling signage should be put in place along Huddersfield Road.
- Increased noise and light pollution

Flood risk

- Partially building on a flood plain

Ecology

- Impact on wildlife

Other matters

- Devalue property

Councillor Bolt has commented on the application. He has raised the issue of air quality and also questioned the clarity of the description of development because it does not explicitly say that access is the only matter being considered at this stage. The description of development has subsequently been amended to clarify that access is the only matter being considered. Air quality is addressed within the appraisal section of this report.

Councillor Bolt has also asked whether the application has been considered against the Highways Design Guide Supplementary Planning Document (SPD) and the hierarchy of use because the proposal does not show the creation of a facility for cycling on the highway and creates pinch points on the highway.

Councillor Bolt further states that *“It should be incumbent on developers to provide infrastructure even if it means them losing land, otherwise we see dubious provision as Kirklees have done on the A62 in Mirfield with unclear instructions, route obstructions, poor sight lines and a blatant contravention of the SPD.*

This development should also be cross referenced with the WYCA/Kirklees M2D2L scheme which is providing mandatory cycle lanes in places so advisory ones should not feature in new developments, rather Kirklees should be seeking to offer consistency and where there has not been provision in the past it should be added as a condition to extend the network, after all Kirklees has signed up to an increase of 300% cycle trips, which I hope planning are aware of, support and deliver.”

Mirfield Town Council – Suggest that a moss wall is incorporated to absorb emissions/fumes. The Council asks what Kirklees are doing to mitigate the fumes from traffic.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection subject to conditions and financial contributions towards blue-tooth journey time detectors and bus stop improvements within the vicinity of the site.

KC Lead Local Flood Authority – No objections subject to conditions

Environment Agency – No objection

8.2 Non-statutory:

KC Planning Policy – No objection on retail impact grounds

KC Environmental Health – No objection subject to conditions

KC Ecology Unit – No objection subject to conditions

Yorkshire Water – No objection subject to conditions. The site layout as shown for indicative purposes is however likely to be unacceptable to Yorkshire Water because it appears to be located over the line of two sewers; this will need addressing at reserved matters stage when layout is considered.

Police Architectural Liaison Officer – Recommend a condition for detailed crime prevention measures to be incorporated into the development.

9.0 MAIN ISSUES

- Principle of development
- Retail assessment
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Air quality
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated in the Local Plan and has an established commercial use. The principle of the development is therefore considered to be acceptable subject to the considerations set out in the remainder of this appraisal, including the following retail impact assessment.

Retail assessment

- 10.2 The proposed development is for a new build A1 retail unit of 1,890 sq m Gross Internal Area (GIA) on a site of 0.75 ha which currently sells caravans. It is located on the A644 Huddersfield Road approximately 290m northwest of the district centre of Mirfield. There are commercial uses to the northwest of the site which are in a designated priority employment area (PEA38) and there is a car garage to the south east. Residential properties are located to north with the River Calder to the south.
- 10.3 The site is unallocated in the Local Plan which was adopted on 27/02/2019. It is located adjacent to the designated Strategic Infrastructure Network River Calder Corridor and there is a core walking and cycling route along Huddersfield Road. A small portion of the southern part of the site is within flood zone 3.
- 10.4 As the proposal is for a main town centre use in an edge of centre location a town centre sequential test is required as well as a retail impact assessment because the proposal has a floor area above 300 square metres. This is set out in Local Plan policy LP13 and NPPF paragraphs 86 and 89. Local Plan policy LP13 states that proposals which fail to pass the sequential test or would have a significant adverse impact on surrounding centres will not be supported.
- 10.5 Nexus Planning has produced a Planning and Retail Statement on behalf of the applicant which includes a retail sequential test and retail impact assessment. This sets out in paragraph 2.6 that the application is for a Class A1 retail food store with a gross internal area of 1,890 sqm and an estimated net sales area of 1,254 sqm. It is estimated that approximately 80% of the floorspace would be for the sale of convenience goods and approximately 20% for the sale of comparison goods. No operator is formally associated with the proposed food store however the format of the proposal is consistent with occupation by a discount food operator. The catchment where people are expected to travel from and the sales density of the store are reflective of this type of operator.

Sequential Test

- 10.6 Paragraph 011 of Planning Practice Guidance (July 2019) provides information on how the sequential test should be used in decision making setting out considerations that should be taken into account including consideration of more central sites taking into account flexibility and the scope for flexibility in the format and/or scale.
- 10.7 The applicant has identified parameters for alternative sequentially preferable sites. These are as follows:
- at least 0.5 hectares in size to accommodate a materially similar form of development;
 - within the Mirfield area, such that any sequential alternative site would serve the same broad catchment area; and
 - in a visible location which benefits from good access to the transport network in order to meet the needs of prospective operators.

- 10.8 Consideration has been given to areas falling within a five minute off peak drivetime (which is broadly reflective of the primary catchment area of the proposal).
- 10.9 Mirfield and Ravensthorpe district centres, Greenside, The Knowl, Lower Hopton and Old Bank Road local centres which are defined in the Local Plan have been assessed for the sequential test. The applicant has considered three alternative sites as set out below:
- The Thirsty Man public house, Old Bank Road Local Centre;
 - Vacant land to the north of residential properties at 47 to 69 Old Bank Road; and
 - Foldhead Mills off Newgate, Mirfield
- 10.10 Officers accept that the applicant has demonstrated that these sites are not available or suitable for the proposal with the detail set out in their Planning and Retail Statement. Officers are aware of a vacant site at 962 Huddersfield Road which was formerly The Swan Inn. However, it is in an out of centre location with a site area of 0.25ha and as such it is not sequentially preferable and is too small for the proposal.
- 10.11 Officers are not aware of any other sites in or on the edge of defined centres within the catchment that could accommodate the development proposed even when applying a degree of flexibility as such officers are satisfied that the sequential test has been passed.

Retail Impact Assessment

- 10.12 The impact assessment as set out in paragraph 89 of the 2019 NPPF is divided into two parts covering the assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Impact on Public and Private Investment

- 10.13 No negative impacts of the proposal have been identified on public and private sector investment within defined centres within the catchment. The Planning and Retail Statement highlights that the proposal will provide additional consumer choice for local residents including the Darren Smith Homes scheme which is currently being constructed on the former Lidl site in Mirfield.

Impact on Town Centre Vitality and Viability

- 10.14 Paragraph 018 of Planning Practice Guidance (July 2019) provides a checklist for part b of the impact assessment.
- 10.15 Using this checklist as a guide, the applicant has undertaken an assessment to establish the retail impacts arising from the proposal. The first step is to establish the state of existing centres and the nature of current shopping patterns (base year).

10.16 As the proposed food store is seeking to meet the shopping needs of residents in the Mirfield area, the applicant has assessed the current health of Mirfield District Centre as the starting point for the impact assessment as it is considered that this is the only centre which can meet such needs within the 5 minute off peak drivetime catchment. They conclude that Mirfield District Centre is a vital and viable centre with a below average vacancy rate and has a good mix of retail, service and leisure facilities.

10.17 The applicants highlight that the assessment does not consider the additional comparison goods turnover as the impact of this is deemed to be indistinguishable. With the frequently changing nature of the goods sold, the impacts will vary week to week and be transient. It is accepted that if the end user is a discount supermarket operator then this is part of their business model and indeed with the frequent changing nature of comparison goods the impact is likely to be very limited.

Baseline Position

10.18 Nexus Planning have used the Kirklees Retail Capacity Study update 2016 to base their retail impact assessment on. The Retail Capacity Study is based on a survey of 10 zones defined by post code sector and broadly covers the Kirklees district with some of surrounding areas.

10.19 For the methodology applied, Nexus used the following:

- Population and expenditure data from Experian MMG3 2018 data report for retail capacity study zones 2, 4 and 8.
- A mature trading year of 2023 (design year).
- A 2017 price base.
- No relevant commitments i.e. planning applications approved not yet built.

10.20 Zones 2, 4 and 8 form an extended catchment for the proposal and it is considered that the majority of the proposal's trade will be drawn from residents in zone 4 within which Mirfield is situated.

Proposal turnover and trade draw

10.21 It is estimated that the convenience goods turnover of the application proposal at 2023 will be £10.2m based on a net sales floorspace of 1,003 sqm and a sales density of 10,165 (£ per sqm) The estimated turnover has been based on the mid-point between Aldi and Lidl company average sales densities. It should be noted that the proposal could be occupied by a range of convenience operators, however, the format of the store proposed is suited to a discount retailer (i.e. Aldi or Lidl) and the impact assessment has been undertaken on that basis.

10.22 The existing trading patterns throughout the catchment and the principle of competition with comparable facilities ('like' competes with 'like') has been used to assess the likely patterns of convenience goods trade diversion of the proposal.

Trade Diversion and Impact

- 10.23 Nexus Planning believe that the greatest monetary diversion would be from Lidl, Station Road to the south of Mirfield district centre. The Lidl store has relocated and expanded since the household survey to determine shopping patterns for the council's retail capacity study was undertaken. Therefore, Nexus have adjusted the turnover of stores within catchment to take account of the slight shifts in shopping patterns as a result of the new development.
- 10.24 The existing provision for main food shopping in Mirfield is Lidl and Co-op to a lesser extent. As such when analysing shopping patterns and locations from which trade may be diverted, Nexus have found that some residents travel greater distances to stores including those within Heckmondwike and Aldi at Gallagher Retail Park, Waterloo, Huddersfield. The proposal may 'claw back' some of this convenience expenditure.
- 10.25 The key destinations from which the proposed store is estimated to divert trade from, and the impact of that trade diversion is set out in the table below which has been extracted from the Planning and Retail Statement produced by Nexus Planning.

Table 6.5: Estimated Convenience Goods Impact Summary Table at 2023

Destination	Estimated Convenience Goods Turnover (£m)	Trade Diversion to Proposal Foodstore (£m)	Post-Impact Turnover (£m)	Solus Impact of Proposal (%)
Mirfield In Centre				
Co-operative Food, Huddersfield Road, Mirfield	3.2	0.2	3.0	-4.8%
Tesco Express, Huddersfield Road, Mirfield	1.0	0.1	1.0	-5.0%
Local Shops, Mirfield District Centre	4.2	0.1	4.1	-2.4%
Mirfield Edge of Centre				
Lidl, Station Road, Mirfield	13.0	5.1	7.9	-39.2%
Mirfield Outside Centre				
Co-operative Food, Nab Lane, Mirfield	1.6	0.1	1.5	-3.2%
Co-operative Food, Old Bank Road, Mirfield	2.1	0.1	2.1	-2.4%
Heckmondwike In Centre				
Morrisons, Union Street, Heckmondwike	70.0	2.0	67.9	-2.9%
Local Shops, Heckmondwike Town Centre	1.4	0.0	1.4	-0.0%
Indoor Market - Heckmondwike	1.1	0.0	1.1	-0.0%
Heckmondwike Edge of Centre				
Lidl, Northgate, Heckmondwike	4.5	0.5	4.0	-11.2%
Other Destinations				
Aldi, Gallagher Retail Park, Huddersfield	12.4	1.0	11.4	-8.2%

Note: Extract from Table 8 of Appendix B; 2017 prices

- 10.26 The table above shows that the Lidl store, Station Road, Mirfield will see the greatest level of trade diversion due to the comparable nature of the proposal resulting in an impact of approximately -39.2 %. As the store is not within a defined centre it does not have any policy protection. However, Nexus are of the view that Lidl will continue to trade successfully and will not be significantly impacted upon by the proposed development.

- 10.27 It is estimated that approx. £0.05m will be diverted from Tesco Express, £0.15m from Co-op and £0.1m from other Local shops within Mirfield District Centre. It should be noted that the monetary figures in the table have been rounded to one decimal place. This equates to an impact of -5.0%, -4.8% and -2.4% respectively. As such the impact on those stores within Mirfield District Centre is not considered to be significantly adverse.
- 10.28 It is also estimated that approximately £0.5m will be diverted from the Lidl store within Heckmondwike Town Centre equating to an impact of -11.2% which is not considered to be insignificant. The council's latest occupancy survey of Heckmondwike Town Centre undertaken in September 2019 shows that the unit vacancy rate is at 11% which is slightly above national average. However, the centre retains a good mix of retail, leisure and service facilities with the vacant units varying in size and spread throughout the town centre. As such, it is a viable town centre.
- 10.29 Discount convenience stores such as Aldi and Lidl serve the local area as food shopping is local activity. Heckmondwike Town Centre is within the wider catchment for the proposal and whilst the assessment shows an impact of -11.2% it is considered that this is a worst case scenario and would not have a significant adverse impact on the Lidl Store and Heckmondwike Town Centre as a whole.

Summary and conclusion on retail issues

- 10.30 The proposed development is for a new build A1 foodstore of 1,890 sqm GIA with a format for a discount food operator. It is located on the edge of Mirfield District Centre and therefore the applicants were required to undertake a retail sequential test and as the proposal is above 300 sqm gross an impact assessment as set out in Local Plan policy LP13.
- 10.31 A sequential test and impact assessment of the proposed development has been undertaken by Nexus Planning on behalf of the applicant and it is set out in the Planning and Retail Statement.
- 10.32 Three alternative sites within the catchment for the proposal were considered for the sequential test. However, none were available or suitable for the proposed development. Officers are not aware of any other suitable sequentially preferable sites and therefore the sequential test has been passed.
- 10.33 For the first part of the impact assessment, no negative impacts of the proposal have been identified on public and private sector investment within defined centres in the catchment.
- 10.34 For the second part of the impact assessment on town centre vitality and viability, it has been identified that the Lidl store, Station Road, Mirfield will see the greatest level of trade diversion resulting in an impact of approximately -39.2%. However, as this store is not located within a defined centre it is not afforded any policy protection. Mirfield District Centre is considered to be vital and viable and the impact of -5.0%, -4.8% and 2.4% on Tesco Express, Co-op and local shops respectively within the centre is not considered to be significantly adverse. In the wider catchment, the impact assessment has identified that the Lidl store within Heckmondwike Town Centre would see an impact of approximately -11.2%. Whilst not insignificant,

it is not considered to be significantly adverse. It is concluded that the proposed development would not have a significant adverse impact on defined centres within the catchment.

- 10.35 The retail impacts have been assessed on the basis of the details proposed within the application. To protect the vitality and viability of town centres a condition is recommended to restrict the net sales area of the store to that indicated within the submission and to restrict the floor space devoted to the sale of comparison goods within this net sales area to a maximum of 20% of the net sales area.
- 10.36 It is to be noted that an objection has been received on behalf of the Co-operative Group Ltd which raises issues with the methodology used by the applicant in their retail impact assessment. The applicant was asked to provide a response to this. Officers have reviewed both submissions and consider that the methodology adopted by the applicant for the retail impact assessment is proportionate and appropriate for the scale of development proposed and follows guidance as set out in Planning Practice Guidance.

Economic considerations

- 10.37 The site is currently occupied by Kenmore Caravans and the application form indicates that the business employs 20 full time members of staff. The business intends to relocate to smaller premises within the local area. Kenmore Caravans is seeking to re-model its business in line with current market requirements (including online sales) ensuring that it is fit for purpose for its customers and safeguarding existing jobs.
- 10.38 The applicant estimates that the proposal would provide the equivalent of 40 full time jobs; this is consistent with other planning applications for similar types of development.
- 10.39 The proposal would therefore deliver economic benefits through new employment opportunities as well as through business rates. The development would also facilitate the re-modelling of the established caravan business.

Urban Design issues

- 10.40 The site is an established caravan dealership and contains a series of buildings in the south eastern part with caravan storage in the north-western part. There are other commercial developments immediately adjacent to the application site, with a car showroom to the southeast and an extensive array of commercial units and uses extending some distance to the northwest. The character of this side of Huddersfield Road is therefore commercial in nature and so the presence of a food store would not be out of keeping with the overall character of the area.
- 10.41 The scale, layout, appearance and landscaping of the site are reserved however an indicative layout plan and a proposed parameters plan have been provided. These show the proposed store building in the north-western part of the site with parking to the remainder and soft landscaping to the majority of the site's perimeter. A maximum building height of 9.40m is specified and an indicative section shows the building as being highest adjacent to Huddersfield Road and then sloping down towards the river to the south. The building is set down slightly from Huddersfield Road.

10.42 The existing commercial buildings along this part of Huddersfield Road are generally low rise and/or set back from the roadside. Officers have some reservations with a building of 9.40m in height very close up to the boundary with Huddersfield Road and how this would sit within the streetscene. Nevertheless, the scale, layout and appearance of the building are reserved for future approval and overall officers are satisfied that suitable details could be agreed that ensured that the proposed store was not out of keeping with the site's context.

Residential Amenity

10.43 The nearest residential properties are on the opposite side of Huddersfield Road and include properties forming part of The Maltings. Most of these properties are on higher ground than the application site and are generally side-on to Huddersfield Road.

10.44 The application is supported by a noise report which assesses potential noise from three sources: mechanical services plant, deliveries and customer car parking.

10.45 The proposed opening hours of the store are 0700 to 2200 hours Monday to Saturday and any six hours between 0900 and 1800 hours on Sundays.

10.46 The proposed hours for servicing/deliveries are 0700 to 2300 hours Monday to Saturday and 0800 to 2200 hours on Sundays.

10.47 Environmental Services have assessed the proposals and consider the above hours of use to be acceptable. The hours of use can be conditioned along with details of any mechanical plant to be installed (which would address potential noise and odour issues) plus details of external lighting to address any potential nuisance arising from glare/light spill.

10.48 The separation distances between the site and the dwellings to the north combined with the orientation of these neighbouring dwellings and the topography of the area mean that officers are satisfied that acceptable details under scale and layout can be agreed at reserved matters stage that would not unduly harm the living conditions of nearby occupiers.

Highway issues

10.49 The application is seeking approval of the means of access to the site. It is proposed to have a single point of access onto Huddersfield Road.

10.50 Additional highways information was submitted during the course of the application to inform the highways assessment. This included junction capacity analysis of the Doctor Lane and Stocks Bank Road junctions and the Huddersfield Road and Station Road signalised junction. The junction assessments were undertaken in the Friday and Saturday peak hours.

10.51 Proposals for the provision of a right turn lane into the development have also been submitted together with proposed improvements to the pedestrian facilities along Huddersfield Road. The extent of the 30mph speed limit along this section of Huddersfield Road is proposed to be extended to include the access to the proposed store (the visibility requirements on to Huddersfield

Road are shown based on the reduced speed limit). 'No Waiting at Any Time' restrictions are proposed to both sides of Huddersfield Road to the full frontage of the site. The application is supported by an independent Road Safety Audit.

- 10.52 Highways Development Management have assessed the submitted information. Some remodelling of the junction capacity analysis has been undertaken by officers to correct errors/omissions within the applicant's submission.
- 10.53 The Doctor Lane and Stocks Bank Road junctions and the Huddersfield Road and Station Road signalised junction are currently shown to be operating within operational capacity and will continue to do so following completion of this development. The impact of the development on the efficiency of these junctions is therefore considered to be acceptable.
- 10.54 The proposed point of access and the proposed works to Huddersfield Road, including the provision of a dedicated right turn lane and pedestrian refuges to each side of the access, are considered to be acceptable. A condition requiring a detailed scheme for the right turn lane and pedestrian refuges is recommended and the detailed design will ensure that running lane widths do not create pinch points along the highway. Acceptable swept paths for a 16.5m articulated vehicle have been provided.
- 10.55 There is an existing 1.2m wide cycle lane to the northern side of Huddersfield Road which is to be retained. Consideration has been given to whether a cycle lane should be created on the southern side of Huddersfield Road, having regard to the Highway Design Guide SPD as well as comments made by Councillor Bolt.
- 10.56 A new section of cycle lane to the site frontage would not link to any existing cycle lane and as such would deliver very limited benefit. Furthermore there are practical challenges to using part of the site in order to widen the highway because much of the site lies below the level of the adjacent carriageway. Officers have therefore concluded that on balance the provision of a cycle lane should not be sought through the application.
- 10.57 Whilst layout is a reserved matter, the indicative car park plan which shows 97 spaces (including accessible spaces and parent and child spaces) along with motorcycling parking and cycle facilities is considered to be acceptable in terms of parking standards. Electric charging facilities would also need to be provided and could be secured by condition.
- 10.58 A contribution towards blue-tooth journey time detectors is recommended at this site to allow better assessment of the journey time situation in Mirfield. Four detectors are considered necessary at the Huddersfield Road/Station Road traffic signalled junction, at a cost of £8,400. This could be secured via a Section 106 agreement.
- 10.59 The West Yorkshire Combined Authority have been consulted on the application and have recommended that a shelter is provided at the nearest bus stop on Huddersfield Road. This would be at a cost of £13,000 to the developer. In addition it has been recommended that a 'Real Time Information' display is provided at another nearby bus stop at a cost of £10,000. Such measures would improve the public transport offer in this location and the contributions are considered to meet the relevant tests for planning obligations.

- 10.60 A condition for a full travel plan for the development to promote sustainable transport measures is recommended. A fee for the monitoring of the travel plan would also be necessary (£10,000).

Flood risk and drainage issues

- 10.61 The proposed development is mostly located within Flood Zone 1, with the south/south-west boundary that is adjacent to the River Calder located in Flood Zones 2 and 3.
- 10.62 The Environment Agency has been consulted and raise no objections to the application on flood risk grounds. They have however advised that the applicant will be required to separately obtain an Environmental Permit for any activities within 8m of the river.
- 10.63 The Lead Local Flood Authority (LLFA) also raises no objection to the application. Conditions are recommended for detailed drainage design, including consideration of flow routing for surface water as part of the future layout of the development.
- 10.64 There are two public sewers that cross the site and Yorkshire Water have commented that these will need to be taken into account when layout is considered at reserved matters stage. A condition imposing specific stand-off distances from any new building to the sewers has been recommended. Yorkshire Water note that the indicative site layout would contravene such a condition. This is a matter for the developer to address when designing their scheme, including any potential sewer diversion.

Ecology

- 10.65 The application is supported by ecological survey information. This is accepted by the Ecology Unit and a condition is recommended requiring a detailed scheme for ecological mitigation and enhancement. Subject to this condition the application accords with Policy LP30 of the Local Plan and guidance in the NPPF.

Representations

- 10.66 Highways concerns have formed the main thrust of the objections. The applicant was required to provide additional information during the course of the application including trip generation data, junction capacity modelling and proposals for works to Huddersfield Road. Highways Development Management have carried out a detailed assessment of the application and do not consider that the proposals would have a significant adverse effect on highway safety.
- 10.67 It is noted that particular concerns have been raised by residents of The Maltings, especially in relation to parking on this road. The layout of the site is a reserved matter but the indicative car park layout provides an acceptable level of parking for a development of this type and scale and as such it is difficult to substantiate these concerns. Specific concerns have also been raised around the impact of construction traffic. A condition is recommended for a construction management plan which would help to alleviate the impact of construction activities so far as reasonably practicable.

- 10.68 Retail issues, including the impact on Mirfield town centre, have been addressed in detail within this assessment. A number of the representations suggest that an additional supermarket is not needed however the 'need' for a retail store is not a material planning consideration.
- 10.69 In response to the concerns raised with the impact on visual and residential amenity, the scale and design of the building are reserved for future approval and any signage for the retail store would require separate advertisement consent. Environmental Services have not raised any objections on amenity grounds subject to conditions, including restrictions on operating hours.
- 10.70 Concerns have been raised in relation to the proposal increasing anti-social behaviour. New developments are required to be safe so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. To this end a condition is recommended requiring details of security measures to be incorporated into the development.
- 10.71 Flood risk, ecology and air quality issues have been addressed separately within this report.

Air Quality

- 10.72 Environmental Services have recommended a number of conditions to address air quality issues associated with the development. These include:
- the provision of electric vehicle recharging points;
 - the production of a Travel Plan (including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies and;
 - A full Air Quality Impact Assessment including calculating the monetary damages from the development. The monetary value of the damages should be reflected in money spent on low emission mitigation measures.
- 10.73 Concerns have been raised within representations regarding fine particulate matter associated with vehicle emissions. This would be addressed as part of the Air Quality Impact Assessment and damage costing. The developer will then be required to provide relevant mitigation that reflects the damage costs. If they are unable to satisfy the Council of this, officers would request a financial contribution to be spent on capital air quality projects within the locality of the development site.
- 10.74 Representations have made reference to idling vehicles and the impact on air quality. Currently no Air Quality Management Areas (AQMA) have been declared as a result of idling-vehicles and officers would not anticipate this to be the primary emission issue associated with a retail development such as this.

- 10.75 Mirfield Town Council have asked whether a moss wall could be incorporated into the design of the building to mitigate the impact of vehicle emissions. A moss wall on the proposed retail store would form part of the details of the 'appearance' of the building which is reserved for future approval. The applicant can be advised of the desire to include a moss wall on the building.

Planning obligations

- 10.76 Highway and sustainable travel contributions are required as set out at paragraphs 10.56-10.58 of this report.

Climate change

- 10.77 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.78 The proposal involves the reuse of previously developed land which represents an efficient use of resources and so in this sense the development limits the impact on climate change. Conditions are recommended requiring a travel plan and electric vehicle charging points which will promote low carbon forms of transport which will help to mitigate the impact of the development on climate change.

Other Matters

- 10.79 Conditions are recommended to address land contamination issues.

11.0 CONCLUSION

- 11.1 The principle of the development is considered to be acceptable and would not result in any significant harm to the vitality of Mirfield town centre. The proposed point of access and the wider highway impacts of the development are also considered to be acceptable.
- 11.2 The presence of a food store in this location would not be out of keeping with the character of the area and subject to conditions the amenity of nearby residential properties would be preserved.
- 11.3 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.
- 11.4 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 Development and Master Planning)

1. Standard conditions for outline applications (including time limits)
2. The net sales area of the store hereby permitted shall not exceed 1,254 sq m, and the floor space devoted to the sale of comparison goods within this net sales area shall not exceed 20% of the net sales area
3. Detailed design for the proposed works to Huddersfield Road (including right turn lane and pedestrian refuges)
4. Detailed parking layout at reserved matters stage
5. Details of scheme for provision of electric vehicle charging points
6. Travel Plan
7. Construction management plan
8. Contaminated land conditions (Phase 2 report, remediation strategy, validation report)
9. Details of security measures to be incorporated into the development
10. Air Quality Impact Assessment including calculating the monetary damages from the development
11. Detailed scheme for ecological mitigation and enhancement
12. Detailed drainage design
13. Details of flow routing for surface water as part of the proposed layout at reserved matters
14. Restriction on stand-off distances from any new building to the sewers within the site, in line with Yorkshire Water recommendation
15. Restriction on opening hours to 0700 to 2200 hours Monday to Saturday and any six hours between 0900 and 1800 hours on Sundays
16. Restriction on servicing/deliveries to 0700 to 2300 hours Monday to Saturday and 0800 to 2200 hours on Sundays
17. Details of mechanical plant to be installed
18. Details of external lighting to be installed

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92221>

Certificate of Ownership –Certificate B signed.