
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 17-Nov-2020

Subject: Planning Application 2020/90614 Erection of extensions to existing store, alterations to include relocation of ATM and the erection of garden centre at Morrisons, Station Street, Meltham, Holmfirth, HD9 5QR

APPLICANT

Wm Morrison
Supermarkets Plc

DATE VALID

17-Mar-2020

TARGET DATE

12-May-2020

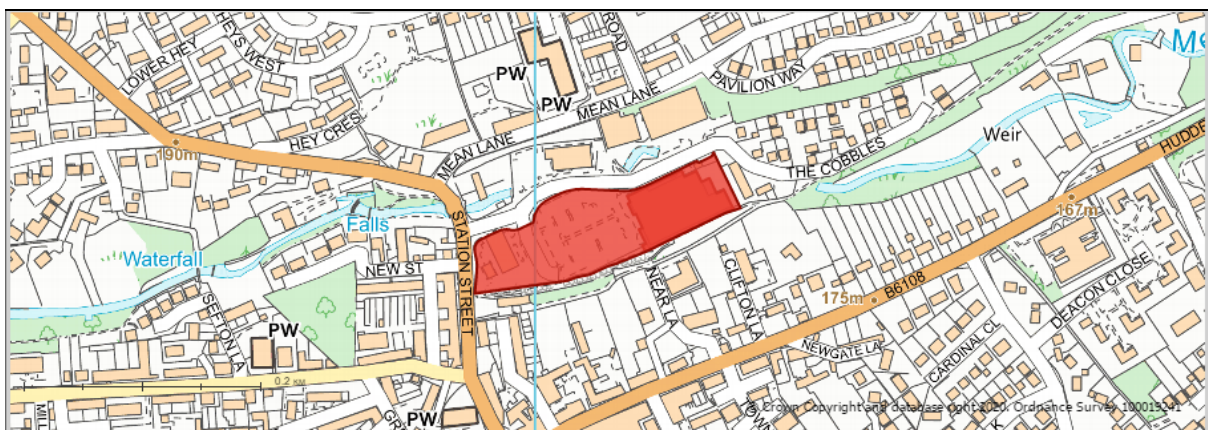
EXTENSION EXPIRY DATE

17-Dec-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: Holme Valley North

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. £10,000 Contribution towards the enhancement and provision of the Meltham Greenway.
2. £10,000 for Travel Plan monitoring.

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 This application seeks full planning permission at the Morrisons store in Meltham for the erection of extensions and alterations, which include the relocation of the ATM and the erection of a garden centre.
- 1.2 The application is brought to the Strategic Planning Committee because the proposal seeks non-residential development within a site area over 0.5ha, in accordance with the requirements of the Scheme of Delegation to Officers.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is the existing Morrisons store located on the northern edge of Meltham town centre. The site measures approximately 1.8 hectares in total, hosting the store, service area, a petrol filling station and car parking. The current store has a total floorspace of 2,722m². This includes 1,628 m² for sales and 114 m² of café floorspace. The store's car park hosts 155 parking spaces.
- 2.2 The site is bounded by Station Street to the west and The Cobbles to the north. A delivery yard is provided on the eastern side of Morrisons, and is served from a separate access point from The Cobbles.
- 2.3 The store is situated in a valley bottom, the topography of the land rising to the north and south on either side. To the south is a large retaining wall. Beyond the retaining wall are mostly commercial properties before reaching

Meltham village centre. To the north are commercial properties, with residential development to the east and west.

2.4 Public Right of Ways MEL/26/30 and MEL/79/10 cross the site. However, they follow the routes of former footbridges which were demolished during the site's re-development. On the map, MEL/26/30 runs from Near Lane to the south, across the front of the site and then through the north-west corner of the building, before crossing The Cobbles. MEL/79/10 runs from Near Lane through the car park to the junction of The Cobbles and Station Street.

3.0 PROPOSAL

3.1 The extensions would be sited on the building's north, east and west elevations. All would be single storey and would be faced in matching materials to the host building.

3.2 The east extension would be sited within a recess created by the existing footprint and is to accommodate back of house (warehouse) facilities. It would project 5.85m from the rear elevation and have a width of 13.65m. The roof would be flat, to a height of 4.5m. The east elevation would also host a vehicle service door.

3.3 The north extension would project 5m and have a length of 42.5m. It is to extend the sales floor area. The extension would be partly built under the existing canopy on the west side of the building, with the part of the extension not under the existing canopy having a hipped roof to continue the canopy. The extension would replicate the decorative supports that exist on the building. This extension would replace the existing covered garden centre.

3.4 The west elevation would have two extensions. The first seeks to infill the existing canopy over the entrance with glazed panels, to create a foyer. The other extension would wrap around the south-west corner and host an enlarged café. It would project a maximum of 6.4m beyond the front elevation (excluding canopy, it would project 3.6m from the current canopy) and have a width of 26.1m. The roof would be hipped, with the shape, eaves and ridge height matching the host building. An ATM structure would be attached to the wrap around extension. It would project a further 2.9m and have a width of 4.6m. The roof would be flat with a height of 2.75m.

3.5 The above extensions would add 553m² to the building to create a total floorspace of 3,259m². However, in addition to the above extensions, the existing floor space would be re-distributed. The proposal would result in the following floorspace changes (m²):

	Existing	Proposed	Net
Sales	1,628	2,104	+476
Café	114	160	+46
Back of house	859	810	-49
Ancillary	120	185	+65

3.6 The proposal includes other works within the site. To facilitate the re-routing of PROW MEL/26/30 the pedestrian area to the store's front would be enlarged, projecting into the existing car park by circa 2.0m. The pick-up point to the front of the store and pedestrian crossing would be retained but move inline.

- 3.7 The existing trolley-store would be removed, and a new sheltered store erected to the north of the pedestrian area. It would be rectangular in shape, measuring 7.5m x 4.3m. It would have a maximum height of 2.6m and be faced in glazing or clear plastic. As noted above, the existing outdoor garden centre would be removed. A new structure would be erected to host this facility. It would be sited within the car park, next to the pedestrian crossing, replacing existing parking bays. It would measure 4.2m x 8.1m, have a maximum height of 3.2m and be faced in clear modern tiles in a steel frame with polycarbonate roofing.
- 3.8 Seven new parking spaces, intended for overspill parking, are to be sited next to the access and petrol station. However, to facilitate the enlarged pedestrian area and relocated garden centre, eight parking spaces would be removed. This would result in a net loss across the site of one parking space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

98/91985: Erection of retail food store with ancillary offices, storage, car park, servicing area and access road. Petrol filling station with car wash. New electricity sub-station – Conditional Full Permission

2007/90190: Erection of warehouse extension and external alterations – Conditional Full Permission

2012/91214: Erection of extension to store, car parking and access works – Conditional Full Permission

Note: For context, this application authorised an extension of 1,168sqm (873 of which would be sales space) and a first-floor car park above part of the existing car park (increasing 156 by 66 to 222).

2012/91576: Erection of steel mesh timber fencing to part of customer trolley bay under the store canopy to form garden centre – Conditional Full Permission

2012/93704: Variation of condition 2 on previous permission 2012/91214 for erection of extension to store, car parking and access works – Removal / Variation Granted

4.2 Surrounding Area

None relevant to the proposal.

4.3 Enforcement

None relevant to the proposal.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Clarification was sought on the extent of works proposed. This led to a more accurate description of development being agreed.

- 5.2 Consultees requested further details on highways, retail policy and public rights of way (PROW). The further highway details were provided along with the applicant agreeing to provide a £10,000 contribution to the Meltham Greenway, to enhance sustainable travel and £10,000 for Travel Plan monitoring. Regarding the retail policy, elaborations on points raised by K.C. Policy were provided and deemed to be acceptable.
- 5.3 Several meetings have taken place in relation to the PROW situation on site. As detailed elsewhere in this report, the PROWs crossing the site have never been formally re-routed since the original erection of the store (formally Safeways). Officers have worked with the applicant and the PROW team to ensure that this proposal allows the PROW routes to be appropriately normalised. PROW retain concerns over the arrangement (detailed in the assessment). However, they have made recommendations to minimise their concerns. Based on the plans as amended, on balance, officers consider the indicative route for PROW 26 to be acceptable.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

- 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 The site is unallocated on the LP Policies Map. Parts of the site are within Flood Zone 2 and Flood Zone 3. The site is adjacent to the Meltham Conservation Area.
- **LP1** – Presumption in favour of sustainable development
 - **LP2** – Place shaping
 - **LP3** – Location of new development
 - **LP7** – Efficient and effective use of land and buildings
 - **LP13** – Town centre uses
 - **LP20** – Sustainable travel
 - **LP21** – Highway safety and access
 - **LP22** – Parking
 - **LP23** – Corewalking and cycling network
 - **LP24** – Design
 - **LP27** – Flood risk
 - **LP30** – Biodiversity and geodiversity
 - **LP35** – Historic environment
 - **LP38** – Minerals safeguarding
 - **LP51** – Protection and improvement of local air quality
 - **LP52** – Protection and improvement of environmental air quality
 - **LP53** – Contaminated and unstable land

Neighbourhood Development Plans

- 6.3 Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to

publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are also unresolved objections between the Kirklees Council and the neighbourhood plan body and therefore, the plan has no weight at this stage.

Supplementary Planning Guidance / Documents

6.4 The following are relevant Supplementary Planning Guidance / Documents published by Kirklees Council or national government.

- MHCLG: National Design Guide
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **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
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

Public representation

7.1 The application has been advertised via site notice and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.2 Following the amendment to the scheme's description, the application was re-advertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.

7.3 The final public representation period for the application expired on Friday the 22nd of May, 2020. One public representation has been received. The following is a summary of the comments made:

- Concerns over building a high-rise car park and the noise issues associated with it. When the store closes it'll be used as a race track unless appropriately managed. There are also issues with noise from the petrol station.

Note: For the avoidance of doubt, this proposal does not include a high-rise car park. The previous application on site, ref. 2012/91214 did include one so this may have led to confusion.

- Concerns over increased footfall, which would lead to more litter, air pollution and more noise.
- Morrisons removed trees several years ago which has led to greater water runoff.

Meltham Town Council: No comments received.

Local ward member interest

7.4 Given the nature of the proposal, officers considered it reasonable to notify local ward members of the application. The site is within Holme Valley North ward, with the elected members being Cllr Charles Greaves, Cllr Terry Lyons and Cllr Paul White.

7.5 Cllr Greaves enquired over the proposal's impact upon the Public Right of Ways across the site, the highway impact and access arrangements. Following negotiations between the applicant and officers, where officers secured amendments they could support, ward members were subsequently notified. Cllrs Greaves and Lyons confirmed no objection.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to securing financial contributions for Meltham Greenway improvement and Travel Plan monitoring.

K.C. Lead Local Flood Authority: No objection.

The Environment Agency: No objection.

8.2 Non-statutory

K.C. Conservation and Design: No objection.

K.C. Ecology: No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Policy: Requested further details. Upon receipt, no objection. Response detailed below.

K.C. Public Right of Way: Concerns raised, however have provided advise to mitigate their objection. Currently running a consultation on the suggested PROW diversion.

9.0 MAIN ISSUES

- Principle of development, including the extension of retail floorspace;
- Urban design
- Residential amenity
- Highways
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development would be considered throughout the proposal.

Land allocation

- 10.2 The site is without notation on the KLP Policies Map. Policy LP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Kirklees Rural sub-area. The listed qualities would be considered where relevant later in this assessment.

Retail development – Sequential test

- 10.3 The Morrisons store, as a retail use, is classified as a main town centre use (as defined within the Kirklees Local Plan and the National Planning Policy Framework Glossary). When considering new development for main town centre uses, including extensions to existing uses, both local and national policy initially seek for them to be sited within a local centre. The site is not within a local centre, although as it is within 300m of Meltham district centre, the proposal is classified as being 'edge of centre'. When proposals seek main town centre uses outside of a main town centre, a sequential assessment approach must be demonstrated.
- 10.4 The process for undertaking a sequential test is detailed within paragraph 9.12 of the Local Plan and outlines three stages. The application is supported by a sequential test and is assessed against the Local Plan's stages by officers as follows:

The business model and need for the development.

- 10.5 The first stage of a sequential test is to define and justify how a business operates and its operational needs. This is to ensure appropriate locations are considered for the specific business within the next stages.
- 10.6 The existing store plays an important role in meeting the main food shopping needs in Meltham, as well as including a petrol filling station and car wash facilities. Morrisons consider the store to be a success, being popular with customers, and have identified that the store is overtrading based on average sales density.
- 10.7 The applicant has cited a range of issues that the overtrading causes and why they feel the need to expand the premises. These include, but are not limited to:
- Inadequate storage space;
 - A need to improve customer circulation;
 - There is insufficient space on the shop floor to display a full range of fresh food, and a reasonable range of non-food goods increasingly expected by customers within superstores;
 - Market Street is cramped and does not stock the level of products a normal Morrisons does;
 - The constrained sales floor, and availability of limited checkouts provides for a confined shopping environment and can also create problems with congestion at peak times;
 - Smaller than normal fruit and vegetable sections,
 - Freezer area is very small;
 - In order to maintain sufficient levels of stock on the sales floor, shelves are often stacked at high levels and there are occasions where shelving once emptied cannot be restocked at a pace consistent with the demand for those goods leading to inconvenience to customers;
 - Lack of space on the shop floor means that there is a limited back-up stock available. This results in the need for more frequent replenishment of stocks;
 - Products are stacked on the floor or in cages in the aisles and at the entrance of the store before entry to the sales area;
 - Some aisles are narrow resulting in congestion generally within the store making it difficult for customers to circulate during busy periods;
 - There are limited preparation areas for the bakery/ deli/ other counters.
- 10.8 The above issues facing the store are accepted by officers from K.C. Planning Policy. Morrisons have also provided a series of requirements given their business model when looking to overcome these identified issues:
- A single storey, open and unrestricted sales floor area which benefits from a level/flat topography, or which has the ability to be developed as such;
 - Although no set size has been considered or excluded, it is considered a minimum site area of circa 0.5ha is required;
 - A prominent site with ability to attract passing trade in close proximity to complimentary town centre uses;
 - A site that is easily accessible by a choice of means of transport;
 - A site that is able to offer benefits to its customers, including adjacent surface level car parking;

- Easy and efficient service and delivery access including manoeuvrability of Heavy Goods Vehicles and other articulated vehicles without compromising highway safety or causing conflict between customer vehicles and other road users.

10.9 Again, officers consider the above constraints to be reasonable. Therefore, the need for the enlargement has been justified, as have constraints on what premises may be suitable.

An appropriate catchment that the business would seek to serve in accordance with the Shopping Centre Hierarchy Table.

10.10 The next stage of the process is for the LPA and applicant to agree the catchment area of local centres, being those which may host sequentially preferable sites and that could theoretically host the proposed development. Based on the applicant's target market area, the following local centres have been identified as proportional and reasonable:

- Holmfirth Town Centre
- Honley District Centre
- Marsden District Centre
- Meltham District Centre
- Slaithwaite District Centre

An appropriate audit trail of any sequentially preferable sites that have been discounted with a robust justification.

10.11 The applicant has worked with the LPA to identify potential alternative sites within (or near) the above local centres within the agreed catchment area. Each has been assessed and discounted by the applicant within their sequential test, with the following being the LPAs own assessment on each.

1. **New Mills, Brougham Road, Marsden** – at 1.71 ha this site would be large enough to accommodate the proposed development and it is around 75m away from Marsden District Centre in an edge of centre location. Since the previous application to extend Morrisons was submitted, the site was allocated in the Kirklees Local Plan (MXS11) for a mixed-use development including housing, employment and retail. Any application would require the retention and re-use of the existing buildings on the site, which would rule out the use of the site for a supermarket development. The applicant has also raised concerns about highways accessibility, topography and that the site is not visible and would struggle to attract passing trade.
2. **Moorhouses Haulage Depot, Marsh Gardens, Honley** – whilst this site would be in an edge of centre location, the site size of 0.18 ha would be too small to accommodate the proposed development. The site is also currently in use by a haulage company and is therefore unavailable for development. Further constraints include vehicular access and visibility.
3. **Council Depot, Old Turnpike/Northgate, Honley** – whilst this site is around 230m away from Honley District Centre and therefore an edge of centre location, at 0.2 ha this site would be too small to accommodate the proposed development. The site is also constrained by access and visibility issues.

4. **HB Bearings Works, Woodhead Road, Honley** – at 0.35 ha this site would be too small to accommodate the proposed development. This site is also over 300m away from Honley District Centre and therefore is in an out of centre location, which would be less preferable to the application site. This site can also be considered to be unavailable because it is allocated for employment uses and a planning permission to extend the employment premises was granted in 2019 (2019/92184).
 5. **Bridge Foundry, Bridge Lane, Holmfirth** – at 0.4 ha this site would be too small to accommodate the proposed development and is 300m away from the Primary Shopping Area in Holmfirth and would be a less preferable site to the application site. Evidence from the applicant would also indicate that the site is still in use for employment uses and therefore is unavailable for an enlarged supermarket. The applicant has also raised concerns regarding site visibility and access.
 6. **Council Car Park, Station Road, Holmfirth** – whilst this site is in an edge of centre location, at 0.07 ha, it would be too small to accommodate the proposed development. The site is also currently in use as a Council car park and is considered to be unavailable. There are also issues with land stability on the site.
 7. **Ribbleden Mills, Dunford Road, Holmfirth** – whilst this is an edge of centre location, at 0.02 ha, this site would be too small to accommodate the enlarged supermarket. Furthermore, the site is currently in use for employment and as such is unavailable for the enlarged supermarket. There are also issues with accessibility.
 8. **Prickleden Mills, Holmfirth** – this site is in an edge of centre location and at 1.26 ha, this site be large enough to accommodate the proposed development. However, the site is currently being marketed for housing development and a site visit undertaken by the applicant found the site to be inappropriate for development. The site would be unsuitable in terms of access.
- 10.12 Given the above, the LPA concur with the applicant that there are no reasonable or available sequentially preferable sites available to accommodate the development. Accordingly, officers are satisfied that the proposed development has undergone the sequential approach for the siting of retail development and, whilst not sited within a main town centre, it is in compliance with LP13(b) of the Kirklees Local Plan.

Retail development – Impact Assessment

- 10.13 Notwithstanding the above confirmation that the sequential test has been complied with, Policy LP13(c) requires the submission of Impact Assessments for proposals which include retail developments which are not located within a defined centre where the proposal is located within 800m of the boundary of a Town Centre and is greater than 300 sq. m gross. With the application proposing 553sqm of new floorspace, an Impact Assessment is therefore required. This has been provided. The Impact Assessment should include an evaluation of the effect 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 the impact of the proposal on town centre vitality and viability.

- 10.14 The applicant has provided information in the Planning and Retail Statement (section 3) setting out that the proposed extension is to address a number of issues in terms of how the store currently operates and that they are seeking to address these through a programme of investment. The store previously had the benefit of a planning permission (2012/91214) for an extension that was not implemented. This included increasing the net sales area by a slightly larger figure than that now proposed within this application. The applicant has used that planning permission as the basis for this retail assessment and updated the evidence with up-to-date figures and new stores that are now operational. This includes using the previously agreed assumptions on how store extensions trade, and the catchment of the proposal. The LPA considers this to be a reasonable approach.
- 10.15 The applicant has revisited the health checks of four town centres namely Holmfirth, Meltham, Slaithwaite and Honley and states that that these are strong and viable centres, with each centre having low vacancy rate (appendix 2). The LPA agrees with this assessment based on its own monitoring evidence.
- 10.16 The applicant estimates that the turnover of the intended additional floorspace (357sqm) for convenience goods (food) would be £2.26m in 2020 rising to £2.30m in 2025. It would be £0.41m in 2020 rising to £0.48m in 2025 for comparison goods (e.g. clothing, household items, toys, garden related goods) floorspace (118sqm). The total turnover increase is estimated at £2.66m in 2020 to £2.78m in 2025.
- 10.17 In terms of the proposed impact on facilities in centres, this is set out in Appendix 3 of the planning and retail statement and is assessed within the report. The applicant has provided an updated assessment including a cumulative assessment of the now operational Aldi store in Holmfirth. In terms of trade diversion identified, the store would draw primarily from the Co-op stores in Meltham (£0.05M) and Holmfirth (£0.05 M), Lidl Holmfirth (£0.23 M), Aldi stores at Slaithwaite (£0.35M) and Holmfirth (£0.58M). It would also draw from both Sainsburys in Huddersfield (£0.72 M) and Tesco (£0.35 M).
- 10.18 It is estimated that the most significant impact would be on the Lidl store in Holmfirth with a 16.25% cumulative impact as a result of the trade diversion. However, this store is not located within a defined centre and, as such, it is not afforded any policy protection. The cumulative impact on the Co-Op in Meltham is estimated at 4.9% although the report notes that this Co-op principally caters for a top-up facility in the district centre whilst Morrisons fulfils the role for a main shop. Moreover, the two stores have co-traded sufficiently to ensure their continued operation for a significant period of time.
- 10.19 The level of evidence and assessment undertaken for this proposed extension to the Morrisons store at Meltham is considered to be proportionate and appropriate given the nature of the application. The LPA is therefore satisfied that the impact would not be considered to be significantly adverse from the information provided.
- 10.20 The above is based on the proposal as submitted. It is therefore considered reasonable and necessary to impose conditions ensuring the site operates as assessed. This includes:

- No installation of mezzanine floorspace;
- Limit the size of the retail sales area to that submitted (2,104sqm);
- Limit floorspace ratio between comparison and convenience goods.

Subject to these conditions, officers are satisfied that the proposed development would not harm the viability and vitality of nearby local centres. Therefore, the proposal is considered to comply with the aims and objectives of LP13(c)

Principle of development, summary

- 10.21 The National Planning Policy Framework establishes a general presumption in favour of economic development, with it forming a core tenant of sustainable development. Having undertaken both a retail-sequential test and an impact assessment, officers are satisfied that the proposed development would not harm the economic viability and vitality of nearby local centres. Furthermore, the site is on unallocated land. Accordingly, subject to consideration of the proposal's local impact, the principle of the development is found to be acceptable.

Urban Design

- 10.22 When considering urban design and appearance, LP24 states that *'Proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.
- 10.23 The proposed west and north extensions directly replicate the architectural appearance and form of the host building. Their scale is subservient to the host building, with matching or lower heights. Overall, their appearance would blend into the existing character of the building. The east extension has a utilitarian design. However, as it is located to the rear within the service yard and is not a prominent elevation visible from the public realm, this is not opposed. Its size is also subservient. All materials of the extensions are to match the host building, which is faced in natural stone and tile roofing, securable via condition.
- 10.24 Other works include enclosing the covered entrance into a foyer, with glazing panels. This, and the new trolley shelter, are a typical feature of modern stores and would not look out of place. The enlarged pedestrian area is designed to replicate the existing pedestrian area to the front of the store. The PROW route would be a different surfacing to be clearly identifiable, which is welcomed.
- 10.25 The garden centre is a less common feature and would be sited in a prominent location within the car park and removed from the main building. Nonetheless, it has a design similar to a trolley shelter, but built to a higher standard, and is not considered to be unattractive. Such a structure would be subservient to the host building and would clearly relate to it. Officers are satisfied that it would not appear incongruous.
- 10.26 The above is an assessment of general design considerations. The site is notably adjacent to the Meltham Conservation Area (sited due south). Despite the close proximity, by virtue of the Morrisons site being in the valley bottom, clearly separated by the large railway cutting retaining wall, there is limited interaction between it and the Conservation Area. The works would not greatly

increase the scale of the Morrisons, either in footprint or height. Officers and Conservation and Design colleagues are satisfied that the proposal would have no impact upon the character and significance of the Conservation Area, therefore not conflicting with LP35.

- 10.27 Officers are satisfied that the proposed development would be visually attractive and not appear harmful to the wider streetscene, in accordance with the aims of LP24.

Residential Amenity

- 10.28 The north and west extensions are well removed from 3rd party residential dwellings and their physical construction raise no concerns of harm to residential amenity.
- 10.29 The store's east (rear) elevation backs onto the rear elevations of nos. 40 – 42 The Cobbles (4 flats, two storeys). The proposed east extension would be visible from these dwellings, with a separation distance of approximately 20.2m. Considering the modest height of this extension (4.5m) and that it is set against the much larger frame of the host building, officers are satisfied that there would be no harmful overbearing or overshadowing upon these residents. It would have no windows and only service doors.
- 10.30 A first-floor fire escape would be installed on the rear of the store adjacent to nos. 35 – 39 The Cobbles. Whilst only 9.6m away from the rear walls of these dwellings, the lightweight structure would not cause harmful overbearing. As a narrow emergency access platform, its use also does not raise concerns of materially harmful overlooking.
- 10.31 The application is supported by an Environmental Noise Assessment which has been reviewed by K.C. Environmental Health. The proposal would not materially increase the number of customers on site, nor change hours of delivery. However, the proposal would lead to changes to the store's plant equipment. The report states that the noise from the plant equipment shall be controlled so as to not exceed the background sound level at any time. Subject to this being secured via condition K.C. Environmental Health do not oppose the application.
- 10.32 Other works within the application include an enlargement to the store's front pedestrian area, the garden centre and trolley store. These works are removed from 3rd party dwellings and do not raise concerns over amenity impacts.
- 10.33 Subject to the given condition, officers are satisfied that the proposal would not harm the amenity of neighbouring residents, in accordance with LP24 and LP52 of the Kirklees Local Plan.

Highways

- 10.34 Access to the site is to remain as per the existing arrangement, via the 3-way roundabout on The Cobbles for customers and deliveries via a service access further east, also on The Cobbles. The new structures would not interfere with established sightlines, distract passing drivers nor impact upon the existing access arrangements for delivery / service vehicles.

- 10.35 Considering traffic generation, the application is supported by a Transport Assessment. The document assesses the traffic impact of a development of an existing Morrisons supermarkets in trip generation terms. This methodology is accepted by Highways Development Management (HDM). The assessment has included surveys of 29 existing stores. The existing trip rates associated with the store have been carried out during the Friday and Saturday peak periods. To summarise the existing vehicle trip rates are

646 two-way vehicle movements in the Friday peak period

677 two-way vehicle movements in the Saturday peak period

- 10.36 Based on the dataset, the Transport Assessment assumes an additional trip of 12.77 and 13.97 trips/100 square metres gross floor area respectively. For the proposal, the proposed vehicle trip rates are to equate to an additional 43 and 45 two-way vehicle movements in the Friday and Saturday peak periods respectively. This is not considered detrimental to the capacity and efficiency of the wider transport network.
- 10.37 Notwithstanding the above, the access roundabout on The Cobbles has previously been identified by K.C. Highways as a cause for concern, due to the existing volume of traffic (anticipated as 4000 two-way movements per day in total). A scheme for this junction to improve the carriageway condition is currently being designed and to be implemented in the near future. HDM initially suggested that the applicant contribute to these works. However, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Given that it is an identified pre-existing issue and the proposal would not materially increase traffic movement comparative to the current two-way movements per day, such a contribution is not considered to be reasonable or necessary in this instance. HDM accept this conclusion and offer no objection to the proposed development.
- 10.38 Progressing to the parking, to facilitate the re-routed Public Right of Way 26 (considered below), the existing pedestrian area to the front of the store is to be enlarged. This, and the new garden centre, would together remove eight parking spaces from within the car park. Seven new parking spaces are to be provided adjacent to the petrol station, resulting in an overall loss of one parking space through the proposal. While it is acknowledged the proposal is enlarging the store, the submitted survey found the car park to operate at between 75 – 82% during peak Friday and Saturday trading hours. The Transport Assessment, using the aforementioned methodology of reviewing numerous other Morrisons stores, calculated that post development, the typical peak demand would occupy a maximum of 89% of the existing car park. HDM again consider this methodology to be acceptable and consider the existing car park provision to be sufficient for the site as extended in accordance with this proposal.
- 10.39 The existing bus drop-off point and pedestrian crossing would be retained, but re-positioned due to the enlarged pedestrian area. The re-provision of these facilities is securable via condition.

- 10.40 Turning to sustainable travel, the application is supported by a Travel Plan. This aims to reduce staff reliance on private vehicles and support sustainable methods of travel. Methods include, but are not limited to, providing storage space for staff, the provision of canteen / break accommodation and making public transport information available. The submitted Travel Plan is accepted by HDM, and a £10,000 monitoring fee is to be secured via S106.
- 10.41 Regarding sustainability and customers, the site is already noted to have a bus stop, phone for taxi services and bike racks. These are all to be retained. However, officers have also secured a contribution of £10,000 towards the management, maintenance and improvement of the Meltham Greenway, which is close to the site, to promote walking to and from the site. This would be allocated to K.C. Transport Strategy as part of the wider greenway project. This is in the interests of promoting sustainable travel, to comply with LP20 of the Local Plan.

Public Right of Way

- 10.42 Two Public Rights of Way (PROW) currently cross the site; MEL/26/30 and MEL/79/10. These PROWs follow routes of historic footbridges which were demolished during the construction of the store (via 98/91985). These routes have never been formally diverted or rationalised. Both enter the site from Near Lane (atop the retaining wall) and cross through the site to The Cobbles, via different routes. At present the retail store's west corner is sited over part of MEL/26/30, with MEL/79/10 cutting through the car park.
- 10.43 Past attempts to formally re-route MEL/26/30 have indicated that it would go down the stairs/ramp from Near Lane and run along the front of the store, parallel with it, before returning to the original route at The Cobbles. These were proposed as part of 2012/91214 and considered, on balance, to be acceptable to members. This re-routing was never formalised however and the PROW still formally runs through the existing store. The proposed extensions would extend up to, and partly over, the previously proposed re-routed PROW. Based on the current proposal, a new route for the PROW using the existing pedestrian area would create a cramped layout that would not be ideal. This led to officer's negotiating with Morrisons to extend the size of the front pedestrian area to facilitate a diverted MEL/26/30.
- 10.44 An indicated route for MEL/26/30 has been shown on plan. The route would be 2.0m wide and surfaced in a low-maintenance material in a colour different to the rest of the pedestrian area, for delineation. A new staircase onto The Cobbles would be provided, for easier and direct access. A separate sizable pedestrian area would be retained to the front of the store, where the retail paraphernalia would be kept (trolley bay etc.).
- 10.45 The Council's PROW team has been involved in securing the amendments. However, they have noted that there have been past concerns from Members, when previously considering development and/or the re-routing of the PROWs at the site, regarding the space at the front of store. The ATM structure and the enclosure of the southwest corner are noted as being sited close to the proposed route. PROW is currently undertaking an initial consultation on the suggested diversion route to inform their position. This will be reported within the update.

- 10.46 Turning to the second PROW, MEL/79/10, which has a route currently crossing the site's car park, it was also previously suggested to be re-routed. The proposed diversion would have it run along Morrisons south boundary, perpendicular to the retaining wall, past the petrol station and onto Station Street. This route is already surfaced and pedestrianised. This solution would not be impacted upon by the proposal.
- 10.47 Notwithstanding the PROW team's current position, officers are satisfied that the proposed route is a reasonable and workable solution that would resolve a historic issue. Conditions would be imposed requiring further technical details on the new route for MEL/26/30, and a separate Public Path Diversion Order (or similar legal process) would still be required to formally divert both of PROWs.
- 10.48 To conclude, subject to the suggested conditions, officers are satisfied that the proposed development would not harm the safe and efficient operation of the highway, would promote sustainable travel to and around the site, while also resolving a historic Public Right of Way issues in a positive manner. Accordingly, the proposal is deemed to comply with Policies LP20, LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Air Quality

- 10.49 Given the scale of the development an Air Quality Impact Assessment is not required. Although the proposal would result in a net loss of 1 parking space, officers are to secure a condition requiring a scheme for the installation of electric vehicle charging (EVC) points. This is to ensure the application complies with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

Climate Change

- 10.50 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 predates 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.51 The applicant has identified the need for a larger store: the proposal seeks an extension to an existing store, as opposed to relocating to a new site and new structure, which is considered preferable from a climate change perspective. Furthermore, the proposal is not enlarging the car park while, contributing to travel plan monitoring and improvements to the Meltham Greenway, which would support sustainable travel methods to and around the site. A strategy for electric vehicle charging points is to be secured via condition to promote

zero or low emission vehicles. Accordingly, the proposal is not considered detrimental to the climate change agenda.

Contaminated Land

- 10.52 The site was a former railway siding and near a Cotton Mill, engineering works and mill pond. Furthermore, there is a petrol station within the site. Accordingly, there is reasonable likelihood of ground-based contamination.
- 10.53 As part of the previous application on site (2012/91214) a Phase 1 Contaminated Land report was submitted. This report concluded that there was no reasonable likelihood for contamination. This was accepted by K.C. Environmental Health and a condition was imposed for the procedure should unexpected contamination be identified during development. No such report has been submitted as part of this application, with the previous report being out of date and not assessed against current standards.
- 10.54 To address this, conditions relating to ground investigations are proposed. Subject to these conditions the proposal is deemed to comply with Policy LP53 of the Kirklees Local Plan.

Crime prevention

- 10.55 The proposal has been reviewed by the Council's Designing Out Crime officer. While not objecting to the proposal, concern has been raised over the location of the ATM as it is on the outside of the building and adjacent to a possible route of escape. While these concerns are noted, the store's frontage already hosts ATM machines, under the cover of the canopy. Whilst the new location is noted, it would be overlooked by the (proposed to be re-directed) Public Rights of Way and car park. The store already has CCTV which would be re-located as part of the proposal. Accordingly, officers are satisfied that the proposal complies with LP24(e) of the Kirklees Local Plan.

Ecology

- 10.56 The site is predominantly hard surfaced / built upon. A Preliminary Ecological Appraisal (PEA) has been undertaken and identifies the majority of the site to have limited ecological value. However, the strip of planting to the north of the building, where the north extension is to be sited, is identified as of value to birds. The PEA recommends that an Ecological Design Strategy be conditioned, to secure the replacement of the lost habitat, and a condition limiting site clearance to outside the bird breeding season, unless appropriate surveys are undertaken.
- 10.57 The above is considered reasonable by officers and K.C. Ecology. With the given conditions, the proposal is deemed to comply with LP30.

Drainage and Flood Risk

- 10.58 Drainage is to be as per the existing arrangement. As the proposal seeks minor extensions to an existing large building, this is considered satisfactory, with neither the LLFA or EA raising concerns regarding drainage. The proposal is deemed to comply with LP28.

10.59 Progressing to flood risk, the site's north boundary has a moderate encroachment of Flood Zone 2 and 3. A culvert is known to cross under the north-east of the site but is well removed from the proposed extensions. The application is supported by a Site-Specific Flood Risk Assessment (FRA), which includes a flood-risk sequential test.

10.60 First considering the flood-risk sequential test, the report acknowledges that part of the extensions would be sited within Flood Zone 2 / 3. However, Section 7 Paragraph 33 of the NPPG states:

'When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.'

Considering the layout of the existing store and the site, officers accept that it would be impractical to suggest another location of an extension(s) not within the flood zones. Therefore, officers are satisfied that the proposal complies with the flood-risk sequential approach.

10.61 Turning to flood risk, consultation has been undertaken with the Lead Local Flood Authority and The Environment Agency, neither of whom object to the proposal. The FRA includes mitigation measures, which include flood resilience / resistant construction and updating a flood response plan, which are to be secured via condition.

10.62 Subject to the above condition being imposed officers are satisfied that the application complies with Policy LP27 of the Kirklees Local Plan.

Mineral extraction

10.63 The application site falls within an area designed as a Mineral Safeguarded Area (sandstone) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying this site. However, officers consider as the proposal seeks an extension along with local constraints, mineral extraction in this location would not be feasible. It is therefore considered that this proposal accords with Kirklees Local plan policy LP38 with regards to minerals safeguarding.

Representations

- Concerns over building a high-rise car park and the noise issues associated with it. When the store closes it'll be used as a race track unless appropriately managed. There are also issues with noise from the petrol station.

Note: For the avoidance of doubt, this proposal does not include a high-rise car park. The previous application on site, ref. 2012/91214 did include one so may have led to confusion.

- Concerns over increased footfall, which would lead to more litter, air pollution and more noise.
- Morrisons removed trees several years ago which has led to greater water runoff.

Response: The proposal is not to increase the car park's size and, due to the scale of the development, would not have a material impact upon air pollution. Nonetheless, officers are to seek electric vehicle charging points to promote the use of electric / low pollution vehicles. Noise pollution has been considered within paragraph 10.31 of this assessment. Noise from customers is not anticipated to materially change, with plant noise to be controlled via condition. Litter should be managed and maintained by Morrisons.

Meltham Town Council: No comments received.

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 site is unallocated land; however, the proposal seeks a main town centre use outside of an identified main town centre. Nonetheless, the applicant has gone through the retail sequential test and has demonstrated that no sequentially preferable sites are available to host their business needs. Furthermore, a Retail Impact Assessment has been undertaken. Officers are satisfied that the proposed development would not harm the viability and vitality of nearby local centres. The principle of development is considered acceptable.
- 11.3 Regarding the local impact, subject to conditions there are no concerns regarding visual amenity or residential amenity. Officers are satisfied that the car park can accommodate the enlarged store and appropriate arrangements have been made to facilitate the re-routing of PROWs crossing the site. All other material planning considerations have been appropriately considered and assessed.
- 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 it is therefore recommended for approval subject to conditions and the completion of the Section 106 agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments / additions to be delegated to the Head of Planning and Development)

1. 3-year time limit to commence development
2. Development to be done in accordance with plans
3. Materials of construction to match
4. No site clearance within bird breeding season unless appropriately surveyed.
5. Provision of Ecological Design Strategy
6. Development done in compliance with Flood Risk Assessment's mitigation measures.
7. Provision of Electric Vehicle Charging Point scheme
8. Plant equipment noise not to exceed the background sound level at any time.
9. No installation of mezzanine floorspace
10. Limit size of retail sales area to that submitted
11. Limit floorspace ratio between comparison and convenience goods.

12. Contaminated land (Phase 1)
13. Contaminated land (Phase 2)
14. Contaminated land (Remediation)
15. Contaminated land (Validation)
16. Relocated bus drop off point and pedestrian crossing to be provided
17. PROW along frontage technical details to be provided

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90614>

Certificate of Ownership

Certificate A signed