
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 27-Jan-2021

Subject: Planning Application 2020/92384 Erection of extension and alterations to Unit 4 for food and non-food retail with associated external works to reconfigure car park and servicing arrangements Unit 4, The Rishworth Centre, Railway Street, Dewsbury, WF12 8EQ

APPLICANT

NewRiver Retail Portfolio
No.8 Ltd

DATE VALID

24-Jul-2020

TARGET DATE

23-Oct-2020

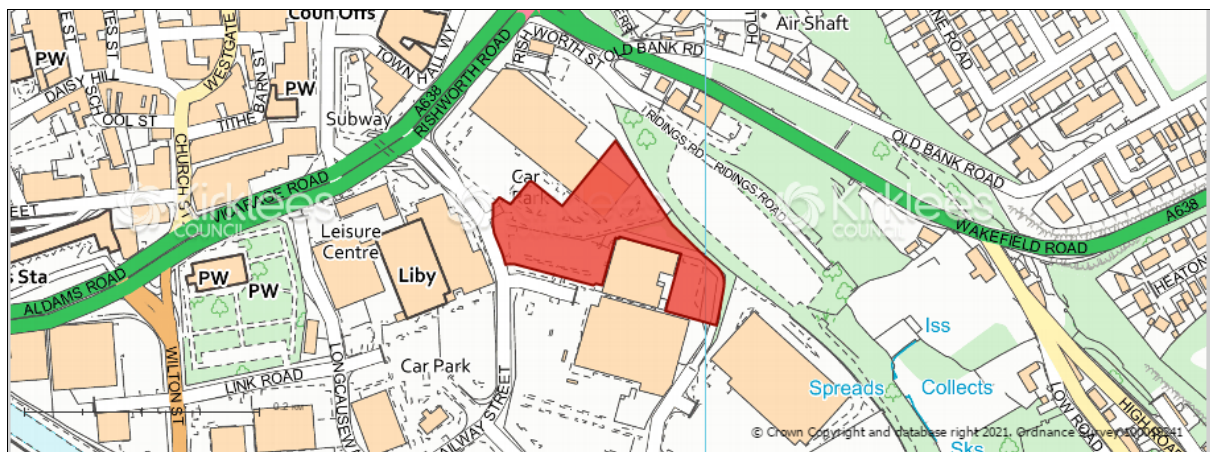
EXTENSION EXPIRY DATE

31-Jan-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury East

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.

1.0 INTRODUCTION:

1.1 The application is reported to the Strategic Planning Committee in line with the Council's scheme of delegation as the size of the site is over 0.5ha.

2.0 SITE AND SURROUNDINGS:

2.1 Unit 4, The Rishworth Centre, is positioned to the south-eastern end of the retail terrace and is currently occupied by Next. To the front and side of this unit are areas used for parking and immediately to the rear lies the service area with a steep embankment beyond this. The wider site comprises two retail terraces; The Rishworth Centre and the Railway Street Retail Park, which is positioned to the south east, with its front elevation orientated towards the car parking areas. The Rishworth Centre is currently accessed from Railway Street with a single point of entrance/egress that solely serves that retail park and its servicing area. The Railway Street Retail Park contains its entrance from Railway Street, however, the egress route is via an access road that wraps around the side and rear of the site, converging with that access to its service yard, and leading to the Goods Lane/Railway Street roundabout. The wider area contains a mixture of commercial development, with some residential uses further to the north at a higher level. There is a travellers' site to the east beyond the embankment.

3.0 PROPOSAL:

3.1 Full planning permission is sought to erect an extension to Unit 4, The Rishworth Centre. This extension would have a gross internal area of 665sqm and would accommodate an additional 442sqm (net) of floorspace within the unit, when considering the removal of the mezzanine and area of demolition. Unit 4 in its entirety, as extended, would then operate as an A1 unit selling both food and non-food goods, with permission also being sought to lift the current restrictions on the unit which prohibit the sale of food goods. The planning statement states that the works are to enable occupation by Aldi for their first store in Dewsbury. Alterations are sought to both the front and rear elevations to meet the requirements of the applicant and alterations to the servicing arrangements to the rear.

- 3.2 The proposed development also comprises associated works to rationalise the existing access, servicing and parking arrangements, which include the provision of a new access road to the service yard of the Rishworth Centre, connecting with the existing access road serving the adjacent Railway Street Retail Park, together with the reconfiguration of the existing parking arrangements for the retail parks. This includes merging the two car park areas which currently have no access between them and creating pedestrian routes through to Railway Street.
- 3.3 Following negotiation with the developer, the scheme also now proposes the provision of a signalised pedestrian crossing on Railway Street.

4.0 RELEVANT PLANNING HISTORY

4.1 The relevant planning history is listed below:

- 86/04462 – outline application for class i development with associated car parking – approved
- 2000/93509 – change of use from car exhaust and tyre depot to a1 retail use – approved specifically relating to this unit
- 2000/93509 – Change of use from car exhaust and tyre depot to A1 retail use – approved
- 2001/93343 – infilling of existing shutter entrance doors to side elevation – approved – specifically relating to this unit
- 2002/92437 – removal of condition 2 relating to sub-division of retail unit on previous permission 2000/62/93509 for change of use from car exhaust and tyre depot to a1 retail use – approved – specifically relating to this unit
- 2005/93187 – installation of new shop front and erection of air conditioning compound – approved – specifically relating to this unit
- 2014/91474 – retention of automatic number plate recognition cameras – approved
- 2007/95311 – erection of new retail unit, re-configuration of car park layout, amended servicing arrangements and widening of railway street access – refused – reasons cited as being (1) the impact on highway safety; (2) impact on visual amenity from loss of trees in prominent positions

Pre-application planning advice was also sought from the Council prior to the submission of this application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions/negotiations have been held with the agent on the following matters:
- Highway safety and pedestrian connectivity to Dewsbury Town Centre
 - Retail policy
 - Ecology Matters

- Trees Matters
- Contaminated/unstable land
- Air quality
- Noise
- Charging Points

5.2 Following negotiation, the scheme now also proposes the provision of a signalised crossing. This has been shown on plans and a Road Safety Audit submitted with respect to this.

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). The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

6.2 The following Local Plan Policies are relevant:

- LP 1 Presumption in favour of sustainable development
- LP 2 Place shaping
- LP 13 Town centre uses
- LP 18 Dewsbury Town Centre
- LP 21 Highway safety and access
- LP 22 Parking
- LP 24 Design
- LP 27 Flood risk
- LP 28 Drainage
- LP 30 Biodiversity and geodiversity
- LP 31 Strategic Green Infrastructure Network
- LP 33 Trees
- LP 51 Protection and improvement of local air quality
- LP 52 Protection and improvement of environmental quality
- LP 53 Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

National Planning Guidance:

6.4 The following chapters of the National Planning Policy Framework are set out below:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- 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 environmental

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notice, neighbour notification letter and press notice. No representations have been received.

7.2 Given the proximity to the Travellers' site to the rear, the Yorkshire Showmen's Guild has also been notified as well as the Corporate Landlord section of the Council who own that land. No response was received from the Yorkshire Showmen's Guild and the Corporate Landlord replied stating that they have no comments to make on the scheme.

7.2 Ward Members were notified of the planning application. Councillor Lukic responded to this notification with the following points:

- Additional retail information should be provided;
- Within the planning statement it refers to encouraging linked trips from the car park to the town centre, but currently there are signs within the car park stating that you can only park there whilst shopping in the retail park.
- Given the above points, Councillor Lukic objects to the application until these matters are addressed as he feels that it is not compliant with Policies LP13 or LP18 of the KLP.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- KC Highways DM: no objection on the basis of the amended plans showing the provision of a signalised crossing, subject to conditions
- KC LLFA: No objection subject to condition
- The Coal Authority: no objection subject to condition

8.2 Non-statutory:

- KC Environmental Health: no objection subject to conditions
- KC Ecology: no objection subject to conditions
- KC Trees: no objection subject to condition
- KC Crime Prevention: comments provided and no objection subject to condition
- KC Planning Policy: relating to retail policy – no objection following the submission of further information
- The Environment Agency: no comments provided

9.0 MAIN ISSUES

- Principle of development
- Highway issues
- Residential amenity
- Urban design issues
- Ecology Matters

- Trees Matters
- Drainage Matters
- Contaminated/Unstable Land
- Crime Prevention
- Climate Change
- Air Quality
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The application site forms part of the Rishworth Centre Retail Park, which occupies a position just outside the town centre boundary of Dewsbury. The site is currently occupied by Next and, as set out within the Planning Statement, has a lawful non-food retail use – this is from Permission 2000/93509 which has a condition on it to limit the range of goods sold. The agent sets out that Next is due to vacate this unit.
- 10.2 The proposed development would create a 1,792sqm (gross internal) food store, with a 442sqm net uplift on the existing gross internal area. The proposal would result in a 1,315 sqm net sales area, of which 1,052 sqm would be for food and 263 sqm would be for non-food. Given the location of the site outside of Dewsbury's town centre boundary, a Sequential Test and Retail Impact Assessment are required in accordance with Policy LP13 of the Kirklees Local Plan. As the proposal is located within 800 metres of the town centre boundary, the threshold for the impact assessment is 300 sq m.
- 10.3 With respect to the sequential test, this has been reviewed by KC Planning Policy. The applicant, in paragraph 5.24, concludes that there are no sites within Dewsbury Town Centre which could accommodate the proposed store; and that the proposal has no scope for disaggregation. The Primary Catchment Area (PCA) for the proposal is set out in Appendix 4 of the applicant's statement; this is a five-minute drive-time – as agreed between the Council and the applicant at pre-application stage. Dewsbury is the only town centre identified in Policy LP13 within this PCA. KC Planning Policy conclude that the applicant has passed the sequential test.
- 10.4 With respect to the retail impact assessment, further information was sought by KC Planning Policy in order to give confidence that the proposal will not have a significant adverse impact on town centre vitality and viability. This information has been provided and it has concluded that there will be no significant harm to town centre vitality and viability as a result of this proposal and the cumulative impact of other planning permissions and applications beyond the PCA. As such, the proposed development can be considered to comply with the aims of Policy LP13 of the KLP as well as the aims of the NPPF.
- 10.5 Policy LP18 of the KLP, concerned with Dewsbury Town Centre, notes that "Proposals on the edge of Dewsbury Town Centre which pass the sequential test shall in all instances include enhanced connections to the town centre." Paragraph 9.49 of the Kirklees Local Plan notes "The Rishworth Retail Park to the south of the town centre accommodates a number of retailers, and provides a good connection to the primary shopping area. However, the

amount of linked trips to the main centre is not as high as could be achieved and improvements to linking the retail park to the town centre by different initiatives will be supported.”

- 10.6 Initially, the applicant’s Transport Assessment sets out proposals for the Railway Street crossing in paragraphs 3.6.1 to 3.6.5, with a drawing provided in Appendix 4. This initially proposed a widened island, with dropped kerbs and tactile paving but not a signalised crossing as previously highlighted in pre-application discussions. Following discussion with KC Highways DM and Highway safety teams, this was not considered to be an effective solution to deal with the anticipated pedestrian movements associated with the proposed development. Following a meeting with the developer and negotiation, a signalised crossing is now proposed to be provided on Railway Street as a part of this scheme (the details of this are discussed within the Highways Section of the report. With the inclusion of the signalised crossing in this position, it is considered that the proposed development would comply with the aims of Policy LP18 of the Kirklees Local Plan. This is considered to be an appropriate solution for enhancing town centre linkages, as well as addressing the concerns raised by the Council’s Highway Safety team with respect to increased pedestrian movements. The provision of a signalised crossing in this position is considered to represent a benefit of the scheme which aligns with the aims of the Strategic Development Framework created by the Dewsbury Town Centre Regeneration Team.
- 10.7 In summary, the proposed development is considered to comply with the aims of Policy LP13 of the KLP, as it has passed the sequential test and the retail impact assessment to the satisfaction of KC Planning Policy Officers. As such, the development is considered acceptable in principle. In terms of Policy LP18 of the KLP, with the provision of the signalised crossing as set out above, the proposed development is considered to provide an enhancement to town centre connectivity and complies with the aims of this policy.

Highway Safety

- 10.8 The proposals show the existing access into the site to remain as currently shown, with a reconfiguration internally to join up access with the adjacent commercial developments car park. The existing exit onto Goods Lane to the rear of the adjacent building will then removed to facilitate service arrangements to the store. KC Highways DM have reviewed this application. They note that a Transport Assessment scoping brief was issued (dated 14 Feb 2020) and, further to discussions, information was requested in the form of surveys during the typical peak periods for food retail outlets. Due to the current circumstances in terms of traffic flows, it is acknowledged that the typical data provided would not be considered representative. As such the KC Highways Officers have agreed that the traffic data on Railway Street would not be requested on this occasion. A Transport assessment has been prepared and submitted as part of the application by Connect Consultants dated July 2020. The anticipated peak trip generation is set out below:

Friday Peak 15:00 -16:00

67 arrivals and 69 departures - 136 two way trips

Saturday Peak 12:00 - 13:00

109 arrivals and 125 departures - 234 two way trips

- 10.9 Within the Strategic Development Framework for Dewsbury, it is identified that enhanced linkages are required between the Rishworth Centre and Dewsbury Town Centre. This is echoed within Policy LP18 of the Kirklees Local Plan as set out in the above section of the report. Furthermore, KC Highways DM state that given this application is anticipated to generate an increase in visitors to the Rishworth Retail Park, improvements to pedestrian crossing facilities to and from the Town Centre are required due to the current road layout. This was suggested at the pre-application stage of the application and to be in the form of a signalised crossing in the vicinity of the existing traffic Island on Railway Street which is in the desire line for pedestrians wanting to cross the road to the existing underpass connecting to Dewsbury Town centre.
- 10.10 KC Highways commented that improvements to pedestrian links have been provided internally within the site which include a reconfiguration of the car park to facilities these and these works are considered acceptable. However, the original proposal did not include the provision of a signalised crossing, only a proposed enlargement of the existing traffic Island on Railway Street and this was not considered as a sufficient highways solution.
- 10.11 Further discussions took place with the Council's Highway Safety and UTC sections. It was concluded that there were highway safety concerns with regard to pedestrians having to cross two lanes of traffic on the outbound side of Railway Street towards the ring road. This has been investigated historically and modelled by the Council's UTC section who have confirmed that traffic queues past the existing traffic island throughout the day and in particular at peak periods and weekends. This had the potential to present a highway safety issue due to the increase in pedestrian demand associated with the development.
- 10.12 These concerns were communicated to the agent and following negotiation and a meeting, the developer has agreed to provide the signalised crossing as requested. The proposed arrangement has been shown on plan and is accompanied by a Stage 1 Road Safety Audit. This additional information has been reviewed by KC Highways DM who conclude that the provision of this crossing addresses the highway safety issues identified above. In addition to this, given that KC Highways DM conclude this to be an effective solution to enhance town centre connectivity, the scheme is considered to comply with the aims of Policy LP18 as set out within the above section of the report. The provision of this crossing will be secured by condition.
- 10.13 A Framework Travel Plan has been submitted during the course of the application and has been found acceptable by KC Highways DM. A condition is recommended requiring the submission of a detailed Travel Plan for review by the Council's Travel Plan Coordinator. The Framework Travel Plan sets out that it will be monitored in-house and as such, a Section 106 agreement covering monitoring fees for the Council will not be required in this instance.
- 10.14 In summary, based on the submitted information, the proposed development is considered to be acceptable in terms of highways safety and complies with the aims of Policies LP18, LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Residential Amenity

- 10.15 In terms of the proposed built form, given the location of the site and the separation distances and land level changes, the proposed development is not considered to result in significant harm to residential amenity in terms of overbearing or overshadowing.
- 10.16 In terms of noise impact, the application has been reviewed by KC Environmental Health. They comment that the closest noise sensitive receptors to the proposed development are the caravans to the east of the site (Travellers' site) and the dwellinghouses further up the bank on Ridings Road.
- 10.17 The applicant has submitted a Noise Impact Assessment dated 14 July 2020 authored by JPM Acoustics Ref 0532020. A baseline noise survey was undertaken between 19:00 on Monday 8th June 2020 and 08:00 on Tuesday 9th June 2020. As it was evening through to the morning, Unit 4 was not operational at the time. The noise climate was noted to be dominated by road traffic on the local road network.
- 10.18 A BS 4142 assessment has been undertaken to assess the likely impact of deliveries at the nearest receptors. The assessment assumes 1 delivery per 1-hour assessment period during the daytime, and 1 delivery per 15-minute assessment period during the night-time and are based on measured noise levels at similar sites, not specifically this one. The results of the predicted assessment indicate a low impact during the daytime and night-time with daytime delivery noise rating level at 11dB below background and night-time deliveries at 2dB below background.
- 10.19 A BS 4142 assessment has also been undertaken to assess the likely impact of noise from fixed plant items at the nearest receptors. The results of the assessment indicate a low impact during the daytime and night-time periods. The rating level of noise from night-time mechanical plant is predicted to be 8dB below background. If noise from the deliveries and mechanical plant at the development are in line with the predicted levels they are unlikely to cause a problem. A condition is necessary to ensure that noise from the site is in accordance with the predicted noise levels. Noise during the construction period would also have the potential to cause a loss of amenity to nearby residents, therefore a condition regarding this is also necessary.
- 10.20 No information has been provided regarding any changes that will be made to the external lighting at the site, or whether the existing lighting will be retained with no additions or alterations. If there are to be any changes to the external lighting these need to be appropriate for the intended future use and designed so that they do not cause any significant loss of amenity to the occupiers of neighbouring premises. A condition is therefore necessary regarding any changes to the external lighting.
- 10.21 Subject to the above mentioned conditions, the proposed development is considered to have an acceptable impact on residential amenity, complying with the aims of Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Design Issues

- 10.22 The proposed development comprises a side extension to Unit 4, which would extend the width of the retail terrace, bringing it in close proximity of the adjacent retail terrace. The extension is designed to sit flush with the existing front elevation of the building. It would have a hipped roof form to mimic that of the existing building and a small set down from the ridge. Alterations are also sought to the existing elevations. The upper section of the front elevation would be faced in metallic silver cladding with a combination of glazing, grey cladding and brick for the lower section of the elevation. A high level strip of glazing would run along the middle of the front elevation, wrapping around the side elevation. The combination of materials assists in breaking up façade, providing visual interest. The canopy also assists with this. Whilst the proximity to the adjacent retail terrace is noted, it is also proposed that an area of soft landscaping would be provided in front of this area which assists in softening the built form. Details of the soft landscaping scheme together with the replacement trees planting proposed will also be sought by condition.
- 10.23 Whilst the existing building is constructed with a grey-coloured brick, it is noted that a red-coloured brick is indicated on the proposed plan. Whilst it is noted that the neighbouring retail terrace is constructed from red brick, it is considered preferable that the extension/alterations to this unit are faced in a grey-coloured brick to match that of the existing unit. A condition is recommended requiring the submission of facing and roofing materials, as such, this element can be addressed at the conditions stage of the application. This is to ensure that the proposed development satisfactorily assimilates into the site.
- 10.24 In summary, the proposed development is considered acceptable in terms of design and visual amenity, subject to the conditions set out above. It is considered to comply with the aims of Policy LP24 of the KLP and the aims of Chapter 12 of the National Planning Policy Framework.

Ecology Issues

- 10.25 A Preliminary Ecological Appraisal (PEA) has been submitted with the application. In this case no further surveys are recommended, and the report provides sufficient information in order to assess the impacts of the development against national and local policy. The PEA concludes that, with the inclusion of mitigative measures outlined in section 5, no significant ecological impacts are expected. The proposals therefore satisfy the requirements of Policy LP30(i) of the KLP. Conditions will be required to secure the ecological measures.
- 10.26 At the request of the Council's Ecologist, information in relation to Biodiversity Net Gain was supplied during the course of the application in line with Policy LP30 (ii). Initially, the submitted information was not considered acceptable. Amended information has now been submitted which has been reviewed by the Council's Ecologist. The revised calculations give a predicted net gain of 3.68% post development. KC Ecology comment that the proposed uplift is deemed to be adequate, subject to details of the creation, management and maintenance of the new and retained habitats being secured via a Biodiversity Enhancement and Management Plan. A condition is recommended requiring the submission of this.

- 10.27 Subject to the above mentioned conditions, the proposed development is considered acceptable in relation to Policy LP30 of the KLP and Chapter 15 of the National Planning Policy Framework.

Trees Issues

- 10.28 A number of trees within the site are proposed to be removed as a result of this application. As such, the application is supported with a Tree Report. This has been reviewed by KC Trees Officers who comment that further detail was required to understand the extent of works to be undertaken within G22 (a group of trees to the rear of the site). This information has now been provided; approximately 12 smaller young slender trees growing along the edge of this group, with tree pruning to reduce others back by 1m. Individually, the trees are of poor quality and overall, the proposed tree works are considered acceptable to KC Trees.
- 10.29 Sufficient details of proposed tree protection measures, type, and location of tree protective fencing has been provided. As such, KC Trees Officers raise no objection on trees grounds subject to a condition requiring the development to be carried out in accordance with the recommendations of the Arboricultural Impact Assessment.
- 10.30 Subject to the inclusion of the condition, the proposed development is considered to comply with the aims of Policy LP33 of the KLP and the aims of Chapter 15 of the NPPF.

Flood Risk and Drainage issues

- 10.31 The vast majority of the site falls within Flood Zone 1 on the Environment Agency's flood maps, with a small section of the existing access being within Flood Zone 2. The application is supported by a Flood Risk and Drainage Strategy. This has been reviewed by KC Lead Local Flood Authority. The Environment Agency was consulted but no comments received.
- 10.32 KC LLFA confirms that the proposal is to use a soakaway, or if not viable, a connection to local surface water network, whilst reducing peak flows by 30%. These details are considered acceptable to the LLFA, who support the principle of this development in relation to flood risk and drainage strategy. It is recommended that a condition is imposed requiring that the development is carried out in complete accordance with the details contained within the Flood Risk and Surface Water Statement.
- 10.33 Subject to this condition, the application is considered to accord with the aims of Policies LP27 and LP28 of the KLP and the aims of Chapter 14 of the NPPF.

Contaminated/Unstable Land Issues

- 10.34 The application site is identified as potentially contaminated land and a Phase 1 report has been submitted and reviewed by KC Environmental Health. KC Environmental Health are satisfied with this report. The comment that any future Phase II intrusive investigation at the site should be conducted following the relevant guidance such as BS 10175:2011+A2:2017 - Investigation of potentially contaminated sites. Code of practice guidance. In

particular, the frequency and period of ground gas monitoring should follow CIRIA 665 – Assessing risks posed by hazardous ground gases to buildings guidance to ensure the collection of appropriate and robust ground gas data. Contaminated Land conditions are considered necessary.

- 10.35 The application is located within a High Risk area from coal mining activities. As such, a CMRA has been submitted and reviewed by the coal authority. They raise no objections subject to conditions relating to Phase II intrusive investigations being conditioned.
- 10.36 Subject to the above conditions, the proposed development is considered acceptable in terms of contaminated and unstable land and the development complies with the aims of Policies LP53 of the KLP and the aims of Chapter 15 of the NPPF.

Crime Prevention

- 10.37 The application has been reviewed by the Police Architectural Liaison Officer, in conjunction with an Anti-Terrorism Officer. Comments have been provided offering advice to the applicant. Following discussion with the PALO, a condition is requested, should the application be approved, for details of security measures to be submitted and approved in writing. This is in accordance with the aims of Policy LP24 of the KLP.

Climate Change

- 10.38 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.
- 10.39 Within the KC Environmental Health response, it is noted that the development will introduce an increase in the retail area but that the overall amount of parking will be reduced. In an application of this nature it is still expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The Proposed Site Plan by RGP Architects dated July 20 (Dwg No 10574 PL06 Rev A) shows the location of "EV Parkings" at just two parking spaces. The information submitted however provides no detailed information regarding the specification of these charging points. A condition requiring charging points is therefore necessary. This is in accordance with the aims of Policy LP 24 and LP51 of the KLP.

Air Quality

- 10.40 An Air Quality Assessment has been submitted by Redmore Environmental Ref: 3768r2 Dated; 20th July 2020 in support of the application. KC Environmental Health state that this assessment has been reviewed in accordance with the West Yorkshire Low Emissions Strategy – Technical Planning Guidance (WYLES).
- 10.41 KC Environmental Health initially commented that report it does not provide us with the evidence to be confident that the proposed development be acceptable in terms of Air Quality, including concern about the Rishworth Centre being adjacent the Dewsbury Ring Road/Wakefield Road which is an Air Quality Management Area.
- 10.42 In response to these concerns, additional supporting information has been submitted and reviewed by KC Environmental Health (received from Redmore Environmental Dated 5th November 2020 Ref: 3768c4 2020). They comment that they have re-visited the trip generation data provided by Connect Consultants the Transport Consultants for the project; their report predicts that most vehicle movements will be linked trips. Considering this KC Environmental Health have reconsidered the Air Quality Assessment and agree with its conclusions that the development is predicted not to significantly impact local air quality due to the low number of vehicle movements associated with the scheme. As such, the application is now considered to comply with the aims of Policy LP51 of the KLP in terms of Air Quality.

Representations

- 10.43 No representations have been received from members of the public. Ward Members were notified of the planning application. Councillor Lukic responded to this notification with the following points:
- Additional retail information should be provided;
 - Within the planning statement it refers to encouraging linked trips from the car park to the town centre, but currently there are signs within the car park stating that you can only park there whilst shopping in the retail park.
 - Given the above points, Councillor Lukic objects to the application until these matters are addressed as he feels that it is not compliant with Policies LP13 or LP18 of the KLP.
- 10.44 In response to these comments:
- As set out within the report, a sequential test and retail impact assessment has been submitted in support of this application. This has been reviewed by KC Planning Policy Officers, who, after seeking additional clarification from the agent, conclude that there would be no significant harm to town centre vitality and viability as a result of this proposal.
 - In terms of existing restrictions within the car parking area, clarification has been sought from the agent on the matter. Their response is set out below:

The car park signage currently shows a 2 hour waiting restriction. The restriction was principally introduced to prevent commuter parking, which had been increasing and proving problematic, following discussions with the tenants at that time. In reality, customers are unlikely to be penalised for going over the 2 hours if they are shopping at the Rishworth Centre and the town centre. Ultimately, the restrictions are not designed to limit linked trips. Rather NewRiver wish to encourage linked trips.

NewRiver could, however, review the car park restrictions in due course with the various tenants, but this would be outside of the planning process.

- In addition to this, as set out in the main section of the report, the scheme now proposes the provision of a signalised crossing. This is considered a benefit of the scheme that will enhance linkages between the town centre and the retail park.
- As such, Officers are satisfied that the proposed development would comply with the aims of Policies LP13 and LP18 of the KLP.

11.0 CONCLUSION

- 11.1 Full planning permission is sought to erect an extension to Unit 4, The Rishworth Centre. Unit 4 in its entirety, as extended, would then operate as an A1 unit selling both food and non-food goods, with permission also being sought to lift the current restrictions on the unit which prohibit the sale of food goods. The planning statement states that the works are to enable occupation by Aldi for their first store in Dewsbury. Alterations are sought to both the front and rear elevations, alterations to the servicing arrangements to the rear and a reconfiguration of the parking arrangements. Following negotiations, a signalised pedestrian crossing on Railway Street is also proposed under this scheme.
- 11.2 A detailed and comprehensive assessment has been undertaken and concludes that the impact on town centre viability is acceptable. Following the submission of details regarding the signalised crossing, the proposed development has addressed concerns of KC Highways as well as fulfilling the aims of Policy LP18 of the KLP which seeks to achieve enhanced connectivity between the town centre and the Rishworth Centre.
- 11.3 In summary, the proposed development is considered to be acceptable, subject to the conditions set out below. It 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 Planning and Development)

1. Commence within 3 years
2. Undertaken in accordance with the plans/specifications
3. Details/samples of materials to be provided
4. Landscaping scheme/Biodiversity Enhancement and Management Plan to be submitted (visual amenity and ecology)
5. Provision of the pedestrian crossing
6. Submission of a Travel Plan
7. Marking out of the car park/servicing prior to first opening
8. Construction Access schedule to be submitted and approved in writing
9. Noise levels condition
10. Lighting scheme to be submitted
11. Trees – work to be completed in accordance with submitted details
12. Drainage – development to be undertaken in accordance with the submitted drainage strategy
13. Contaminated/unstable land – suite of conditions relating to the submission for ground investigation reports/remediation/validation as necessary
14. Scheme of security measures in the interest of crime prevention
15. Scheme detailing vehicle charging points to be provided
16. Works carried out in accordance with the recommendations of the ecology report

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/detail.aspx?id=2020/92384>

Certificate of Ownership – Certificate A signed.