
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

Subject: Planning Application 2017/93925 Erection of 3No. retail units and associated works (within a Conservation Area) Land at Junction of, Cemetery Road and Mayman Lane, Batley, WF17 8PG

APPLICANT

Binks Developments
Limited

DATE VALID

16-Nov-2017

TARGET DATE

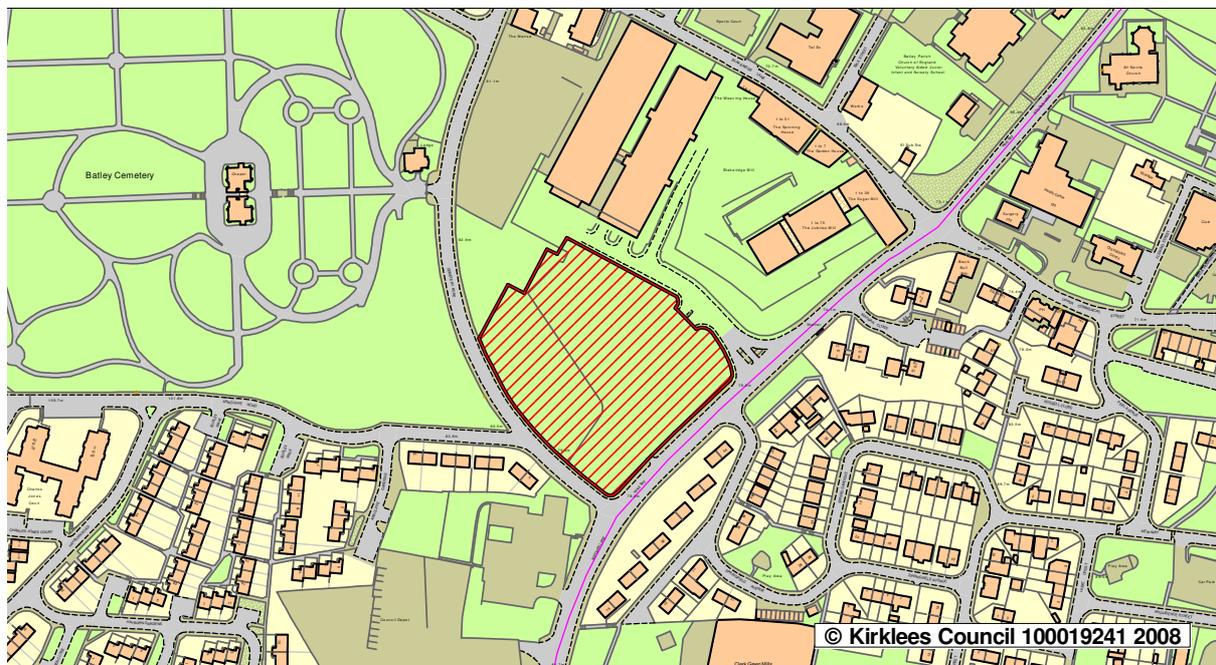
15-Feb-2018

EXTENSION EXPIRY DATE

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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: Batley West

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to Strategic Committee in view of the retail floor area proposed that exceeds 1250m sq and the site area exceeds 0.5Ha, in accordance with the Councils Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises an area of 1.19 ha, and is located at the junction of Maymam Lane, and Cemetery Road, in Batley just to the North West of the Batley Town Centre. The site is a portion of the much larger complex of mill buildings known as Blakeridge Mills. Former structures on this part of the Blakeridge Mills complex have been removed, and the site is cleared. The remainder of the Blakeridge Mill complex has the benefit of approval for apartments (and associated facilities) and is currently being developed out with a significant number of units now completed and occupied.

2.2 The site is within the Cross Bank Conservation Area, and there are a number of listed buildings in the area, including the Cemetery Lodge, its front boundary wall and railings.

2.3 There are also a considerable number of mature trees that are protected by the conservation area status. These trees, particularly on the cemetery road boundary are an important feature within the conservation area.

2.4 The site is allocated a potential employment land on the Unitary Development Plan, and not subject to any specific allocation on the emerging Local Plan. However there is an extant approval for a supermarket on this site.

3.0 PROPOSAL:

3.1 Full permission is sought for the erection of 3 no retail units in the form of a terrace, in the SW section of the Blakeridge Mills complex, facing onto Maymen Lane, and with the side and part of the rear elevation backing onto Cemetery Road.

3.2 The gross floor area of the development will be 3,948 sq m, with a garden centre area of 697 sq m.

- Unit 1-2,323, sq m plus the garden centre area (potential occupier B&M as a home and garden format store) open non-food consent, with 20% allowance for food sales.
- Unit 2- 929 sq m, open A1 use
- Unit 3- 697 sq m, open A1 use

Units 2 and 3 still to be let.

- 3.3 Access to the scheme is taken off the already approved and constructed access road into Blakeridge Mills complex. This would serve a car park area of 159 spaces between the new units and Maymen Lane. In addition to the rear of the 3 no retail, units there would be a turning/ loading area, for all 3 units and the Garden centre area. This area would be gated. A small sub-station is proposed next to unit 3.
- 3.4 A pedestrian link is proposed from Maymen Lane into the site, to the front area, at the junction between Units 1 and 2.
- 3.5 The buildings proposed will be between 9 and 10 m in height, and incorporate a range of materials including split faced stone, brickwork and vertical timber cladding to the principle elevation. Unit 1 is a flat roofed structure, which then links to units 2 and 3 which incorporate a similar north light roof structure to that which is already in place on the top of the main Blakeridge Mill.
- 3.6 The application is accompanied by a landscape scheme, which provides for planting along the western boundary of the site, planting within and across the car park areas, and to the northern edge of the site between Unit 3 and the loading area.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/91249 Conversion of mills to 380 apartments, offices and outline application for 120 houses and associated infrastructure- Approved subject to a Section 106 Agreement.
- 4.2 2007/92389 Conservation Area Consent for the demolition of 2 no workshops- Approved.
- 4.3 2010/92660 Formation of alternative access and alterations to boundary wall – Approved.
- 4.4 2011/91076- Reserved Matters application for erection of 120 units- Still undetermined part of this site is included within the current application site as parking; -Withdrawn
- 4.5 2011/90287- Re-use of mills to form 181 no apartments with internal car parking and alterations to the former go karting building, and reaction of retail food store and petrol station- Approved.
- 4.6 2016/90137-Erection of discount food store and outline application for family pub/ restaurant- Approved.

- 4.7 2016/90485- Modification of Section 106 Agreement for previous permission 2013/90287 on viability grounds- Approved removing affordable housing, education and monitoring fees contributions).
- 4.8 2016/93740 - Change of use and conversion of mill buildings to form an additional 104 apartments. Approved and under construction.
- 4.9 2017/93929- Alterations to car park and associated landscaping Blakeridge Mills, Maymen Lane- This application to be determined at Officer level, involves a re-plan of part of the Mills complex car park to facilitate the loading turning area for the current application. There is no loss of parking spaces resulting from this.

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

- 5.1 Additional information and survey work has been under taken on both the Retail Impact Assessment and the Sequential Test.
- 5.2 An additional traffic survey has been undertaken on a comparable use at peak times at the weekends, to compare to the Transport Assessment forecasts.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **UDP allocation-** Site is allocated for business and industry, and sits within the Cross Bank Conservation Area
- 6.3 B2 Land allocate for business and industry
 B4 Land last in use as business and industry
 S1 Towns and Local Centres
 S4 Proposals for large new stores
 EP4 Noise sensitive developments
 EP11 Ecological landscaping
 G6 Contaminated land
 BE1 – Design principles
 BE2 – Quality of design
 BE5 – Preservation/enhancement of conservation areas
 BE11 – Materials

BE23 – Crime prevention.
T10 – Highway safety
T19 – Parking standards

Supplementary Planning Guidance / Documents:

6.4 Shopping Policy S4: Large NE Stores Supplementary Planning Guidance

6.5 National Planning Policy Framework:

Part 1: Building a strong and competitive economy:

Part 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

Part 7: Requiring good design

Part 10: meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment;

Part 12 Conserving and enhancing the historic environment.

Kirklees Publication Draft Local Plan

6.6 The site has no specific designation on the Local Plan.

PLP3. Location of new development

PLP7. Efficient and effective use of land

PLP13. Town Centre uses

PLP20. Sustainable travel

PLP21. Highway safety access

PLP24. Design

PLP26. Renewable and low carbon energy

PLP27. Flood risk

PLP28. Drainage

PLP30. Bio diversity and geodiversity

PLP33. Trees

PLP35. Historic Environment

PLP51. Protection and improvement of local air quality

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application has been publicised by site notices and neighbour letters. To date there have been no representations received. Any letters will be reported to the Committee for their consideration.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Environment Agency- No objections

Yorkshire Water Authority- Recommend conditions

The Coal Authority- Material consideration, no objection subject to imposition of an appropriate condition.

KC Highways DM- Updated information / survey work is acceptable, no objections subject to conditions.

8.2 **Non-statutory:**

KC Environmental Health- Recommend conditions regarding, remediation, noise attenuation and air quality

KC Conservation and Design- The design of the block is consider acceptable, with the smaller units incorporating the roof features of the neighbouring mill. Recommend conditions regarding the materials, and landscaping treatment

KC Trees- No objections

KC Environment Unit- the site contains areas of Japanese Knotweed, which will need to be eradicate. There is an approved Eradication Method Statement, which must be adhered to across the whole of the Blakeridge Mills complex, including the application site

Police Architectural Liaison Officer. - Recommend conditions covering Crime Prevention measures.

9.0 **MAIN ISSUES**

- General Principle/Policy Issues.
- Highways Issues
- Urban Design/Heritage Issues
- Residential Amenity
- Flood Risk/ Drainage
- Environmental Issues (Noise; Lighting; De contamination and remediation; Air Quality)
- Bio-diversity/ Landscaping
- Crime Prevention
- Conclusions

10.0 **APPRAISAL**

General Principle/Policy

- 10.1 The main theme of the NPPF is that there should be a presumption in favour of sustainable development. It states in Chapter 1 paragraphs 18 and 19:
“The Government is committed to securing economic growth in order to create jobs and prosperity” and

“...is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”
- 10.2 The NPPF also indicates that the planning system should ensure the vitality of town centres by requiring that applications for main town centre uses to be located in town centres.
- 10.3 .The site, as part of the previous approvals has been identified as “edge of centre”, which is relevant to the sequential test. For completeness, the Emerging Local Plan, has redefined the Batley Town Centre, effectively contracting it, and consequently this site is now further from the Emerging Town Centre boundary than was previously the case, so in terms of the emerging

Local Plan the site is classed as an “out of centre location” but still with a retail approval

- 10.4 In considering the above two tests in this case it is important to remember that there is already an extant retail approval on this site, as well as a retail/ public house approval, and as such both the Sequential Test need to reflect this , and be proportionate, to these extant permissions.
- 10.5. Sequential Test. Para 24 of the NPPF states that local planning authorities *“should require main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre sites and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre”*.
- 10.6 The search area for the sequential test is Batley Town Centre, and immediate surrounds. The search identified only one possible alternative available site, and that was at Victoria Works on Bradford Road. Whilst this is available it is less than half the required site area, and would not accommodate the larger of the units, even if the scheme were to be disaggregated.
- 10.7 An objection has been received challenging the sequential search, indicating that there is an alternative site available, ie Batley Mills. This states that there is potential for at least part of the Blakeridge Mills scheme to be accommodated within the Batley Mills complex, and that there are plans that have been prepared that show this. These plans whilst referred to have not been provided, and the provision of any new buildings for even part of the Blakeridge scheme, would in itself need planning permission as would any associated changes to the complex (eg parking and access arrangements), and there are no current application or pre-application proposals submitted to the Council.
- 10.8 The objectors maintain that Batley Mills is in a superior location to Blakeridge, and therefore sequentially preferable. This is disputed by the applicants who maintain that the site would be less attractive and suitable for their entire scheme, and that disaggregation of the scheme is unacceptable and would result in no scheme at all. They also point out that the Blakeridge Mills site is in a good location with reasonable access to the town centre and that this site is available with an extant retail permission.
- 10.9 As such the sequential search has been undertaken and the areas searched and the sites considered accord with the guidance contained in paragraph 24 of the NPPF.
- 10.10. Retail Impact Assessment. The Retail Impact Assessment has been undertaken by the Council’s consultants (White Young Green, WYG) on the basis of additional survey and justification work that was requested from the applicants(England Lyle Good ELG). The assessment also makes reference and responds to comments received on behalf of objectors (MT),before arriving at a recommendation. The additional information included:
- *Further information and justification with regard to the adopted catchment and an analysis of existing shopping patterns to better*

understand where residents are currently travelling to, to meet their shopping needs;

- An analysis in respect of the current health of the defined centres within the catchment area, ideally based on up-to-date vacancy and retailer representation data, in order to enable WYG and the Council to better understand what the potential implications of the proposed development could be;*
- A more detailed assessment of trade diversion, having regard to where the latest proposals may divert trade from based on the indicative tenant line up and proposed controls over the use of the floorspace; and*
- The implications of an updated trade diversion impact assessment on the defined centres from both a quantitative and qualitative perspective.*

The Catchment and Existing Shopping Patterns

10.11. :ELG provides additional commentary and analysis in respect of the catchment area and current shopping patterns from paragraphs 4.5 to 4.7 of the Addendum. ELG states that a five minute drive time catchment is appropriate given the nature of the proposed development and the intended operators. ELG states that the five minute drive time broadly reflects Zone 9 of the Kirklees Retail Study, which we are satisfied with.

10.12. ELG then goes on to state that there will be some inflow from beyond Zone 9 (the five minute catchment) and that the impact assessment takes account of trade diversion and draw from beyond this area. We comment in more detail below in respect of ELG's confusion in respect of the differences between trade draw and trade diversion.

10.13. ELG then provides a summary of key shopping patterns in the catchment area, demonstrating that the principal destination for convenience shopping for residents in Zone 9 is the Tesco Extra at Batley, followed by the Asda in Morley, and for comparison shopping the principal destination is Birstall Shopping Park, followed by the Tesco Extra in Batley. We are satisfied that Zone 9 of the Retail Study is an appropriate catchment to adopt for the purposes of the impact assessment. We are also satisfied that ELG has given sufficient consideration to existing shopping patterns and how these may influence the trade diversion assumptions adopted in the quantitative assessment.

The Current Health of the Defined Centres within the Catchment Area

10.14. In order to assess the potential impact a proposal may have on a town centre, the applicant should firstly assess the existing performance and overall health of the relevant defined centres. This is supported by paragraph 17 of the NPPG, which provides a checklist for applying the impact test, the first of which states that the state of the existing centres and the nature of current shopping patterns should be established. Paragraph 5 of the NPPG sets out a range of criteria by which the health of a centre can be assessed.

10.15. ELG provides an update in respect of the health of Batley, Dewsbury and Heckmondwike town centres at Section 2 of their Addendum report. The information is based on the latest town centre surveys undertaken by WYG in 2014, with updates on the current diversity of use where possible

- 10.16. *In particular, ELG provides the latest diversity figures for Batley town centre from January 2018 which demonstrates that there are a total of 22 vacant units, which accounts for 17.6% of the total proportion of units within the town centre. The analysis also picks up on the proportion of national multiple retailers (including Asda, Iceland, Fultons, Aldi and Greggs), along with the Tesco Extra. Furthermore, ELG acknowledges that the proportion of comparison outlets within Batley town centre is below the national average, but that this may be attributable to the relatively localised role of the town centre.*
- 10.17. *However, as was noted by WYG in preparing the Retail Study, the vacancy rate within the centre is high and well above the national average. The proportion of vacant units can be principally attributed to by the closure of the internal space of the Batley Shopping Centre at the start of 2014. ELG acknowledges at paragraph 2.15 that the vacancy figure is inflated by assumed vacancies within the Batley Shopping Centre which includes the internal, covered area only. ELG go on to state that as these units are located internally and not visible from Commercial Street, the units are to a certain degree 'hidden away' from the remainder of the town centre. If these units were removed from the diversity figures, the vacancy rate would drop to approximately 9.6%.*
- 10.18 *Having reviewed the town centre in more detail, WYG is of the view that whilst we have to take account of the internal vacancies within the Shopping Centre as part of the overall analysis of the town centre's health, we do agree to an extent with ELG's conclusions in respect of the internal vacancies within the Shopping Centre. The Centre is closed off, and pedestrians cannot access it. There is just one key entrance off Commercial Street which is small in nature and scale and does not detract from the active frontages along the Street. Furthermore, the only current available properties advertised online by the letting agent Savills, are 70 and 82 Commercial Street which are both relatively small in size. None of the internal units are currently being advertised as being available to let.*
- 10.19 *Overall, whilst we consider that the vacancy rate is high, and that this does detract from the overall vitality and viability of the centre from a numbers and proportion perspective, when you are within the centre, these long term vacancies do not detract from the health from an aesthetic point of view.*
- 10.20. *We are of the view that Batley town centre provides a relatively localised role, providing convenience and service uses for the surrounding population. This may have been impacted upon in the past by the presence of the Birstall Shopping Park and the operators present at that strong, regional retail destination, leading to Batley having to adapt to provide a more localised offer and focus on convenience retailing. This is demonstrated by the shopping patterns from the Kirklees Retail Study, showing the dominance of the Tesco Extra for both convenience and comparison shopping for residents located in Zone 9. This is also acknowledged by the Council in the Publication Draft of the Local Plan, which states at Section 5 that Batley provides for the food shopping needs of residents and that it is particularly important as a cultural and leisure hub. Overall therefore, we consider that whilst there are weaknesses in Batley town centre, the offer does meet localised needs, particularly from a convenience perspective.*

10.21 *We note that in terms of Heckmondwike and Dewsbury town centres, ELG has not undertaken an update of the diversity of use and relies on the data provided by WYG in the 2014 Study. In any event, we are satisfied that the summaries provided by ELG, along with our own local knowledge of the centres is sufficient to enable us to provide our views in respect of the impact tests.*

Trade Diversion Impact

10.22. *ELG has adopted the design year of 2021 for the purposes of the impact assessment. WYG did not previously raise any concerns with regard to this design year. However, MT Town Planning queries the year adopted by ELG and refers to the NPPF's guidance that impact should be assessed up to five years from the date of the application.*

10.23. *The NPPG states at paragraph 017 that the design year for impact testing should be selected to represent the year when the proposal has achieved a 'mature' trading pattern, conventionally taken as the second full calendar year of trading. We therefore consider 2021 to be an appropriate year to assess the potential impact of the proposal. As such, we do not agree with MT Town Planning's conclusion in this regard.*

Trade Diversion and Trade Draw

10.23 *As also noted by MT Town Planning, there appears to be some confusion from ELG in terms of 'trade draw' and 'trade diversion' within the Report. To summarise, whilst these are intrinsically linked, trade draw identifies the origin (where people live) of shoppers who are likely to spend their money at the proposed development. Trade diversion identifies the retail destinations from which expenditure will be diverted from to the application proposal (defined centres and other destinations).*

10.23 *By identifying the likely trade draw, we are able to analyse where the residents of that catchment area or those zones undertake their comparable shop, and then undertake an assessment of trade diversion based on those existing shopping patterns, plus further professional judgement. The identification of a proposal's trade draw allows an assumption to be made in respect of the proportion of trade that a development is likely to receive from customers within and outside its catchment area. As the guidance within the NPPG states, the best way to assess trade draw for a new development is to look at existing proxies of that type of development in other areas.*

10.24.. *However, in this instance and accepting that the majority of the turnover of the proposal will be drawn from a single zone, we do not require ELG to disaggregate its trade diversion assessment on a zonal basis and on this basis, we do not agree with MT Town Planning in this regard. As such, we have continued the assessment of impact on the basis that ELG in fact are referring to trade diversion instead of trade draw within their Addendum.*

10.25. *MT Town Planning also raise concern with regard to the lack of assessment of trade diversion on a sectorial basis (rather than just on a convenience and comparison basis). Given the nature of the proposal and the scale of the development, we are satisfied with the approach adopted by ELG to assess trade diversion impact on a convenience and comparison basis only.*

The Trade Diversion Assessment

10.26..ELG has provided a revised quantitative trade diversion assessment which is attached to the Addendum, and provided a summary of the key matters within the report itself. The revised quantitative assessment has been updated to take account of the following:

- An increase to the sales densities adopted under Scenario 1 for B&M Bargains;
- An assessment of trade diversion taking account of existing shopping patterns from the Kirklees Retail Study; and
- An assessment of the implications of the potential trade diversion on the defined centres.

10.27. Based on the above, ELG provides two sets of trade diversion figures at Tables 4.6 and 4.7 of the Addendum, which are taken from Tables 16 and 19 of Appendix 1. 10.27. The revised assessment considers the following in respect of the two adopted Scenarios (Scenario 3 is not included given that we previously concluded that we were satisfied with ELG's assumptions under this Scenario):

Scenario 1 – based on the assumption that B&M will occupy the larger of the three units and two other discount retailers will occupy the remaining two units. ELG has revised their assessment to include a higher sales density of £3,864 per sq.m for B&M (Unit A) at 2021, as advised by WYG, and confirms that the sales density adopted for the other two units is £3,864 per sq.m for Unit B and £7,500 per sq.m for Unit C; and

Scenario 2 – based on the assumption that all three units will be occupied by non-food retailers which a generic sales density of £5,520 per sq.m at 2021.

It is important to note that under Scenario 1, ELG does not include any provision within Unit A for the sale of convenience goods, which B&M will require.

10.28. However, we consider that the reduction of the comparison sales density of Scenario 1 will in fact result in a lower trade diversion impact on Batley town centre in any event, so the assessment undertaken by ELG under Scenario 1 again represents a 'worst case scenario'.

10.29. We do not replicate the tables produced by ELG within this letter but note that in terms of Batley town centre, ELG estimates that under Scenario 1, the impact would be -6.7% and under Scenario 2, the impact would be -8.8%. These are both based on the assumptions that the convenience goods elements of the proposal will divert 35% of the turnover from the Tesco Extra, 11% from the Aldi and 10% from the Asda. In terms of the comparison goods elements, the estimated diversion from Tesco Extra is 20%, followed by 20% from Birstall Shopping Park and 10% from Batley town centre. ELG also assumes that 6% will be diverted from the edge of centre Batley Mill.

10.30. The higher impact is calculated from Scenario 2 (considering that the units will be occupied by non-food retailers) which ELG claims is unlikely to come forward. An impact of -8.8% is at the higher end of what we would consider to be acceptable given the health of Batley town centre. However, based on the fact that this is a 'worst case scenario' in terms of both turnover and diversion, and given that there is an implementable fall-back position which already

permits Open A1 floorspace at the site, along with the fact that overall, whilst there are vacant units within the centre, we do not consider that the centre is substantially struggling and functions well in providing a localised retail offer, we are satisfied that this would not have a significant adverse impact on the vitality and viability of the centre.

10.30. In terms of Batley Mill located on the edge of the town centre, ELG consider that under the worst case scenario, the impact would equate to approximately -11.7%. MT Town Planning states that this would have a significant adverse impact on the Mill, and as a consequence, on the town centre.

10.31. WYG is of the view that this diversion could be overstated due to the different qualitative nature of the schemes. The Mill includes operators such as M&Co, Bonmarche, The Works, Rectella and Cotton Traders. These operators are unlikely to compete with the proposal directly based on a 'like effects like' basis as advocated by the NPPG, as the proposed scheme is seeking to provide space for a discount operator such as B&M and two other discount operators. Even if the proposal was to be occupied by non-food operators, these are highly unlikely to be clothing and footwear operators given the presence of Birstal Shopping Park up the road, and the overall nature of Batley town centre from a retailer demand perspective.

10.32. Instead, we consider that the Mill, along with the proposal and the existing operators within Batley town centre will all trade alongside each other, enhancing Batley as a retail destination. In any event, should there be a diversion to the level indicated by ELG in their revised assessment on the Mill, we do not consider that this would have a significant adverse impact on the defined town centre itself, particularly given the opportunities for linked-trips to the proposed site too.

10.32 Based on existing shopping patterns as established within the Retail Study, and the nature of the proposed retailers considered under both Scenarios 1 and 2, WYG is satisfied with the trade diversion assumptions applied by ELG. As such, taking account of the revised assessment, we are of the view that the level of trade diversion on Batley town centre would not have a significant adverse impact on the overall health of the town centre. This conclusion is reached having regard to the existing overall vitality and viability of the centre and considering the current offer and diversity of use within the centre.

10.33. We are satisfied that the proposal will not have a significant impact on the overall vitality and viability of other defined centres within the Borough

Highways Issues

10.34 The site is located on the junction of Mayman Lane/Cemetery Road. The access road has already been constructed to serve Blakeridge Mill residential development with access taken from Mayman Lane.

10.35 A transport assessment has been carried out by Bryan G Hall (ref 12-207-006.02) and submitted as part of the application. The parking provision falls short of the required 232 parking spaces required for this development (1 space per 15m² for a public floor space area of 3949m²) in accordance with appendix 2 of the UDP. Further to the initial assessment of the submitted transport assessment a request for further information in relation to:

- A parking accumulation exercise for the assumed full opening hours indicating the peak week day and peak at weekend.
- A surveyed comparison site for parking arrangements local to Kirklees.

10.36 It is agreed that the most appropriate site to survey locally is off Blacker Road, Birkby Huddersfield, this site comprised of an Aldi store, B&M bargains and a Matalan with a floor area of 5500m2 and parking provision for 164 cars.

10.37 The forecast traffic generation via TRICS database has been estimated and compared to actual traffic generation by the Surveyed site as follows:

	Friday PM Peak			Saturday Peak		
	In	Out	2-way	In	Out	2-way
Surveyed Trip Rates.	3.545	3.836	7.382	5.273	5.400	10.673
Transport Assessment Trip rates	3.766	4.141	7.917	4.045	4.013	8.058

10.38 The results are relatively comparable with the surveyed trip rates being slightly higher than the TA trip rates due to the increased size of existing development compared to the proposed development.

10.39 Overall HDM consider the proposals acceptable from Highways prospective, if planning are minded to approve the application subject to the imposition of appropriate conditions

Urban Design/ Heritage Issues

10.40. The site is located within the Cross Bank Conservation Area, that includes the whole of the Blakeridge Mills complex, and the Cemetery Road, including the cemetery. There are a number of listed structures adjacent the Blakeridge Mills complex, but they are on the northern side of the mill complex, distant from the proposed buildings. There are also a significant number of mature trees along the Cemetery Road boundary that are protected, but also make a significant contribution towards the character of the conservation area.

10.41. The proposed buildings are located in the southern portion of the Blakeridge Mills complex at the junction with Maymen Lane and Cemetery Road, and is at a significantly lower level than the Maymen Lane. The schemes footprint comprises 2 blocks of building-the larger building being a rectangular block shape(this located in the southern corner of the site), and the smaller which stretches into the site towards the main mill incorporating an industrial roofline similar to that which already exists on Blakeridge Mills, albeit at a significantly higher level.

10.42. The buildings are set back a considerable distance from the Maymen Lane frontage, and also as stated earlier, at a lower level. As such in terms of scale and massing the scheme is considered to be acceptable.

- 10.43. The location of the larger block is sited to ensure that the mature trees that run along Cemetery Road are retained, and this together with the lower levels, and retention of the Cemetery Road stone wall, affords this element of the scheme adequate screening from Cemetery Road. The frontage of the retail units will be visible from Maymen Lane, but set back and at the lower level, the incorporation of the industrial roofline on the new buildings is reflective of existing features within the site, and a similar arrangement to that which has previously been agreed on the extant retail permission.
- 10.44. As such it is considered that the proposal will respect the character of the Conservation Area, and Blakeridge Mills complex, in terms of its appearance and scale, and not adversely impact upon the setting of any neighbouring historic assets. Conditions regarding the walling and roofing materials are recommended.

Residential Amenity

- 10.45. The residents potentially affected by this retail development, are located within the main Blakeridge Mill, and those under construction in the Pavillion. These are both traditional mill structures with their gables facing towards the retail scheme, and main elevations and the majority of units facing away from the retail units. Also the site is separated from the retail scheme by the main access road.
- 10.46. Notwithstanding this the main issues affecting residential amenity are potential noise and disturbance from deliveries and use of the retail units. A Noise Assessment has been submitted with this application and Environmental Health are satisfied with the report, and have recommended conditions to cover this. The bulk of the activity associated with the retail units will be within the store and between the store building and Maymen Lane, which is a considerable distance from the nearest of the apartments.
- 10.47. The nearest dwellings outside of the site are on the opposite side of Maymen Lane, and Cemetery Road, which are a considerable distance from the site, accordingly there will be no adverse effects upon the residential amenities of any existing residents which surround the site.

Flood Risk / Drainage

- 10.48 The site is within Flood Zone 1 (ie in an area least likely to flood), and a Flood Risk Strategy and Drainage scheme for the entire Blakeridge Mills site has already been submitted and agreed. Both the Environment Agency and the Yorkshire Water Authority have raise no objections.
- 10.49 As the site is formerly brown field with substantial areas of hard standing, the drainage scheme should reduce the run off rate by at least 30 %
- 10.50 The issues of flood risk and drainage are satisfactorily addressed, and will be the subject of condition.

Environmental Issues (Noise; Lighting; De-contamination and Remediation; and Air Quality)

- 10.51. De-contamination/Remediation- A Contaminated Land report and remediation statement has been produced, for this and the entire Blakeridge Mills site, which is considered acceptable. Conditions are recommended to make the site fit to receive the new development.
- 10.52. Noise- A Noise assessment has been submitted with the application, given the site is in close proximity to the Blakeridge Mills apartments. The proposal differs from previous retail approvals in that there is more than one unit, and there is a communal delivery yard to the rear of the units whereas previous schemes were served off the frontage car park area. The apartments most affected will be those on the southern side of the main Blakeridge Mill, and the Pavillion.
- 10.53. These buildings are on the opposite side of the main entrance road, and gable ends face towards the service yard. It is considered that any potential noise from plant can be mitigated by choice of appropriate equipment, and siting.
- 10.54. Noise associated with delivery can be conditioned, and the suggested hours of use, detailed below, are considered to be acceptable.
- | | |
|-------------|--------------|
| Mon-Friday. | 06.00- 21.00 |
| Saturday | 08.00- 21.00 |
| Sunday | 10.00- 16.00 |
- No deliveries to take place on public holidays
(The applicant suggested hours of delivery until 23.00 hours, however this is considered excessive, given the proximity of the service yard to the residential blocks).
- 10.55. Lighting- There is already a lighting scheme agreed for the entire Blakeridge Mills complex to provide both site security for area and safeguard the residential amenity of the apartments on the site. The lighting for the retail complex, will need to afford security for the car park and delivery areas, whilst avoiding excessive light spill into the living areas of the nearest apartments which are located within the main Blakeridge Mill, and the Pavillion (currently under construction). This matter can be satisfactorily addressed by the imposition of a new lighting condition.
- 10.56. Air Quality- Given the scale of the development, this proposal has been assessed as a major proposal under the West Yorkshire Low Emissions strategy. The Strategy in such cases requires submissions of details to mitigate against any potential increase in emissions, and these include the production of a Travel Plan promoting alternative modes of travel to the car for the staff, and including details of the provision of any electric charging points potentially within the site for customers.

Bio diversity

- 10.57. The site the subject of this application is largely cleared land and formerly hard standing. There are however a significant number of mature trees around the site particularly on the Cemetery Road boundary, that are of some value. The scheme enables these trees to be retained, which will be of some value. The scale of the buildings and the nature of their use, make provision for on-site bird, and bat roost opportunities, unlikely to be successful, and as such the nature and sensitivity of the lighting scheme and how it impacts upon the trees

is an important factor in this particular instance. A Lighting condition for the site is recommended.

- 10.58. This site suffers from Japanese Knotweed, and there is already a Knotweed Eradication programme approved across the site, which is currently being revised by a new scheme (subject of a fresh application to modify the scheme). The site the subject of this application, has Japanese Knotweed on it, and this needs to be adequately eradicated before any development can take place. This will be the subject of an appropriate condition.

Crime Prevention

- 10.59. There are no objections in principle to the development in principle, however there are potential issues of security and crime prevention that this use need to address in order to comply with Policy BE23.
- 10.60. It is recommended that a condition be imposed on this scheme requiring the submission of crime prevention measures for approval. These should, in this case include for boundary treatments (the delivery loading yard) CCTV of parking and delivery areas, the lighting , and importantly the residential parking areas which abut the site.

11.0 CONCLUSION

- 11.1. Whilst there have been previous retail approvals on this site, and there is an extant approval, the current proposal has been considered, in itself, against the criteria set out in the NPPF regarding Sequential search and Retail Impact Analysis. Additional information and justification has been required, and provided to enable a robust assessment to be undertaken , and it is considered that the proposal complies with Policy S4 of the Unitary Development Plan, Policy PLP 13 of the Publication Draft of Emerging Local Plan, and paragraph 26 of the National Planning Policy Framework.
- 11.2 The highway and parking implication have been considered in light of additional information and survey work of a comparable site, and this information is considered to be appropriate and relevant to this scheme. There are no objections from a highway/ traffic perspective and the imposition of appropriate conditions including a Travel Plan are recommended.
- 11.3. The scale and appearance of the retail block is considered to respect the character and appearance of the Blakeridge Mills complex and the setting of the conservation area, and the associated landscaping and also the retention of mature trees should deliver significant enhancement from the existing empty hardstanding areas. The completion of the redevelopment Blakeridge Mills complex that this development represents would be a welcome and could only be of benefit to the visual amenities of the Conservation Area.
- 11.4. Other technical issues including drainage and environmental health matters are all capable of being satisfactorily resolved and dealt with by condition.
- 11.5. As such no objection is raised to this proposal and approval subject to appropriate conditions is recommended.

12.0 Conditional Full Approval

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

1. 3 years to commence development
2. Development in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Landscape scheme
6. Drainage conditions (surface water and foul)
7. De contamination, remediation and validation.
8. Highways conditions- parking provision and maintenance; deliveries and turning; production of Travel Plan
9. Lighting scheme
10. Noise attenuation (for neighbouring buildings possible hours of use restriction).
11. Crime prevention measures.
12. Eradication of Japanese Knotweed
13. Restrictions on the range of goods to be sold from each unit.

Background Papers:

Application and history files.

Website link to be inserted here

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