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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 19-Apr-2018**

**Subject: Planning Application 2017/93674 Erection of class A1/A3 coffee shop with external seating area Land at, Northgate Retail Park, Albion Street, Heckmondwike, WF16 9RL**

**APPLICANT**

London & Cambridge  
Properties Ltd

**DATE VALID**

24-Oct-2017

**TARGET DATE**

19-Dec-2017

**EXTENSION EXPIRY DATE**

29-Jan-2018

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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**

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**Electoral Wards Affected: Heckmondwike**

No

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:**

**- await the expiration of the additional site publicity**

**Provided that there are no new material considerations raised as a result of the publicity or highways assessment, complete the list of conditions including those contained within the report.**

**1.0 INTRODUCTION:**

- 1.1 The application was originally brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's scheme of delegation at the request of Ward Councillor Steve Hall for the following reasons:
- 1.2 "While I welcome the application having a big name like Costa coffee coming to Heckmondwike is good news I am concerned about traffic. The junction of Albion Street and Jeremy Lane regularly comes to a standstill due to the entrance / exit into the retail park. What would work is one road in and another road out but I am doubtful of that happening. I would like this application to go to Committee and also have a site visit due to traffic concerns on the highway and the entrance/ exit."
- 1.3 The Chair of the Sub-Committee has previously confirmed that Councillor Steve Hall's reason for making the above request is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.4 The application was subsequently considered by members of the Heavy Woollen Planning Sub-Committee on 25<sup>th</sup> January 2018 following their site visit, which was carried out on the same date. Members resolved to defer the application in order to provide the applicant with an opportunity to submit additional information relating to highway safety issues, distances to neighbouring properties and to demonstrate how they are to mitigate against any invasion of privacy.

- 1.5 The application was considered further at the Heavy Woollen Planning Sub-Committee on 15 March 2018. Members resolved to defer the application in order for officers to negotiate with the applicant reducing the impact of the building on residential amenity.
- 1.6 Since the application was deferred from the Planning Sub Committee meeting on 15<sup>th</sup> March 2018, the agent has submitted amended plans which show the following:
- Overall height of the building reduced by 500mm.
  - An indication of landscaping to two sides, adjacent to Jeremy Lane and Albion Street.
  - 1.8m high privacy screening to the proposed outdoor seating area on the side elevation to Albion Street.
  - Full landscaping details (including plant types and locations) to be secured by condition.
- 1.7 The amended plans have been re-advertised and the publicity end date is 12<sup>th</sup> April 2018. Any further representations will be reported in the Committee update.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to a roughly rectangular grassed area of land in the northern corner of Northgate Retail Park, Heckmondwike. The retail park is within the town centre of Heckmondwike and consists of ten modern retail units including a drive through restaurant and Lidl supermarket, with large shared car park.
- 2.2 The site is relatively flat and approximately 191 square metres. It also contains a signage post which would be removed.
- 2.3 Access is from the existing entrance / exit to Northgate Retail Park.
- 2.4 On the opposite side of Albion Street, Jeremy Lane and Greenside are predominantly two-storey, stone built houses, whilst the remainder of the site is adjacent to much larger car park serving the retail park.

## **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of class A1/A3 coffee shop with external seating area.
- 3.2 The building would have a predominantly rectangular footprint with one curved corner in glazing panels. It would be single storey designed with a flat roof and facing masonry to match existing retail units and the immediate context. There would be a detached bin storage area to the south west side of the building occupying one car parking space, and an area of hard standing adjacent to the south eastern side, suitable for outdoor eating. The south eastern side also contains the main entrance to the proposed A1 / A3 coffee shop.
- 3.3 New signage is also indicated on the north eastern and south western elevations (which would be subject to a separate advertisement consent application).

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 99/92275 – Erection of food retail and non food retail units with fast food unit and car parking. Conditional full permission.

00/93673 – Outline application for the erection of buildings with A1 (food and retail) and A3 (Restaurant /take away) use. Conditional outline permission.

01/93103 – Erection of building for A3 use (Restaurant / takeaway). Refused because the proposed parking arrangements would require vehicles to either reverse into or out of the spaces directly onto the main access to the car park, very close to the junction with Albion Street to the detriment to the free and safe flow of traffic.

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

5.1 The scheme under consideration at the Heavy Woollen Planning sub committee meeting on 25<sup>th</sup> January 2018 had been amended, in that the Design and Access Statement was amended to remove reference to drive-through customer hatch and also set out that service deliveries and refuse collection would take place outside of operational hours.

5.2 In addition, the ground floor and elevation drawings together with artist's impressions and roof plan were also amended to show additional bin storage area (dwg nos. P006 rev A 12<sup>th</sup> Jan 2018, P008 rev A 12<sup>th</sup> Jan 2018, P009 rev A 12<sup>th</sup> Jan 2018, and P007 rev A 12<sup>th</sup> Jan 2018). Furthermore, the red line boundary of the site enlarged slightly to encompass the bin storage area (shown on dwgs. P001 rev A 12 Jan 2018 and B P004 rev A 12th Jan 2018). The amended plans were re-advertised and the recommendation worded to reflect the amended plan publicity end date.

5.3 Some additional traffic generation information was received and reported in the committee update. It gave information about total traffic generation from the proposed coffee shop, linked trips, and additional traffic generated by the proposed coffee shop. Highways Development Management (HDM) officers assessed it and found it acceptable and had no further comments.

5.4 Following deferral at the committee on the 25<sup>th</sup> January 2018, further information was submitted in the form of a block plan showing the distances to the neighbouring properties at Jermyn House, 3, Jeremy Lane, and 26, Albion Street, (which the agent has advised were measured on site), together with two site section drawings, one between 26, Albion Street and the proposed retail unit, and the other between Jermyn House, 3, Jeremy Lane and the proposed coffee shop.

5.5 Details of screening measures from the curved window to the neighbouring properties to prevent invasion of privacy issues were shown on amended elevation drawing P008 rev B indicating the use of obscure glazing between 500mm – 1800mm, and it was recommended that this is controlled by condition.

- 5.6 Details from the applicant's Highway specialists were submitted in a technical note, prepared by IMA Transport Planning, to address concerns regarding congestion at the site. These were reported and assessed in the 15<sup>th</sup> March Committee update. Kirklees HDM officers assessed the technical note and concluded that they agree with IMA's view that the proposed unit would have minimal impact on the local highway network or the existing problems with queues onto Albion Street. Highway mitigation measures for the existing car park detailed in IMA's report were recommended for control by condition.
- 5.7 Since the application was deferred from the Heavy Woollen Planning sub committee on 15<sup>th</sup> March 2018 to negotiate reducing the impact upon of the building on residential amenity, amended plans have been submitted. These show the following: The overall height of the proposed building has been reduced 500mm; a 1.8m high screen fence is proposed to the outdoor seating area on the elevation to Albion Street; and indicative landscaping shown adjacent to Albion Street and Jeremy Lane (detailed landscaping scheme to be controlled by condition).
- 5.8 The amended scheme has been re-advertised, the publicity end date is the 12<sup>th</sup> April 2018 and the representations will be reported in the Committee update.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

## **6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

- D2** – land without notation on the UDP
- BE1** – Design principles
- BE2** – Quality of design
- BE16** – Shop fronts
- BE20** – Access for disabled people
- S1** – Shopping and Service Strategy
- T10** – Highway safety
- T19** – Parking standards
- EP4** – Noise sensitive development

### 6.3 Kirklees Publication Draft Local Plan (PDLP):

- PLP1** – Presumption in favour of development
- PLP2** – Place shaping
- PLP7** – Efficient use of land and buildings
- PLP13** – Town centre uses
- PLP16** – Food and drink uses and the evening economy
- PLP21** – Highway safety and access
- PLP22** – Parking
- PLP24** – Design
- PLP25** – Advertisement and shop fronts
- PLP51** – Protection and improvement of environmental quality

### 6.4 National Planning Policy Framework (NPPF):

Core Principles

- Chapter 2** – Ensuring the vitality of town centres
- Chapter 4** – Promoting sustainable transport
- Chapter 7** – Requiring good design
- Chapter 11** – Conserving and enhancing the natural environment

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

- 7.1 As a result of the original publicity, no representations were received by any surrounding occupants.
- 7.2 Ward Councillor Steve Hall has requested that the planning application be referred to the Heavy Woollen Planning Sub-Committee for determination for the reasons set out in paragraph 1.2 of this report (above).
- 7.3 Following receipt of amended plans, a further round of publicity was undertaken with the expiration date being 23<sup>rd</sup> January 2018 and representations were reported to members in the committee Update. Furthermore, the recommendation was worded to reflect the additional publicity.
- 7.4 Following deferral at the Committee meeting on 25<sup>th</sup> January 2018, further amended plans and a technical note prepared by the applicant's highways consultants IMA Transport Planning were submitted and the application re-advertised. The additional publicity ended on 14<sup>th</sup> March 2018 and the representations received were reported to Members in the Committee update.
- 7.5 Following deferral at the Committee meeting on the 15<sup>th</sup> March 2018, further amended plans were received. The additional publicity expires on the 12<sup>th</sup> April 2018 and representations will be reported in the Committee update.

## 8.0 **CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

**K.C Highways (Development Management)** – Following receipt of additional information the application is considered acceptable from a highway safety point of view. Further information relating to traffic movements and congestion at the site was requested to support the application. A technical note by IMA Transport Planning was received. HDM officers agree with IMA's view that the proposed unit would have minimal impact upon the local highway network or the existing problem with queues onto Albion Street.

**K.C Environmental Health** – Have concerns about night time deliveries having an adverse impact upon amenity of neighbouring properties. Recommend the imposition of conditions relating to hours of use and delivery times

**8.2 Non-statutory:**

None

**9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

**10.0 APPRAISAL**

Principle of development

- 10.1 The application site comprises a roughly rectangular area which is turfed and located in the northern corner of car park serving Northgate Retail Park.
- 10.2 The proposal is to erect a Class A1 / A3 coffee shop with external seating area.
- 10.3 The land is without notation on the Unitary Development Plan and policy D2 is relevant. It states that “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.
- 10.4 The development is also within an existing retail park on the edge of Heckmondwike Town Centre on the UDP and on the Kirklees Draft Local Plan it is now within the town centre boundary. Given these circumstances it is considered that policy S1 of the UDP is also relevant, which seeks to ensure that town centres remain the focus of shopping and social activities. As such, it is considered that the proposal would be compliant with the aims of policy S1 of the UDP.
- 10.5 Chapter 2 of the NPPF also seeks to ensure the vitality of town centres. Given the policy context outlined above and that the proposal is suitable for a town centre use, it is considered that the proposal would be compliant with the aims of chapter 2 of the NPPF.
- 10.6 Overall, it is considered that the principle of a coffee shop in this location is acceptable, subject to compliance with detailed policies relating to visual and residential amenity, and highway safety.

## Urban Design issues

- 10.7 The site is in the northern corner of Northgate Retail Park, with the existing car park and retail units to the south, and more of Heckmondwike town centre beyond. The site is also in quite a prominent position adjacent to the junction of Albion Street, Jeremy Lane and Greenside, from where it is clearly visible. These roads are lined with two-storey, stone-built and predominantly terraced houses thought to date from the Victorian and Edwardian era. Beyond the immediate area is more housing to the north and east, and a mill complex to the north-west.
- 10.8 The existing retail park contains relatively modern purpose-built retail units which are single storey and constructed with a mixture of materials including natural stone and modern, smooth roof sheets.
- 10.9 The proposed building would also be single storey and smaller than those already at the retail park. It would have a flat roof and a curved corner with floor to ceiling windows forming a feature when viewed from the road junction.
- 10.10 Whilst the proposed elevations indicate that the external walls would be to match the existing shopping centre and immediate context, given its prominent position and closer proximity to natural stone houses, it is considered appropriate to use natural stone walling materials.
- 10.11 It is noted that advertisements are shown on the proposed elevation drawings, in particular facing Albion Street however these would be subject to separate advertisement consent and do not form part of this application should planning permission be granted.
- 10.12 It is acknowledged that when the application was under consideration at the previous committee, an amended plan was submitted which incorporated a detached bin storage area adjacent to the south western frontage. This is a visible elevation however, the storage area has been designed with a perimeter wall which would be faced in matching material to that used on the main building and would, in the opinion of officers, adequately screen the bin storage area.
- 10.13 Details of obscure glazing to the curved window of the proposed building and a screen fence to the outdoor seating area to mitigate any invasion of privacy to neighbouring properties have been submitted and shown on proposed elevation drawing P008 rev D. It indicates the use of obscure glazing between 500mm – 1800mm and a 1.8m high timber screen to the boundary of the outdoor seating area facing Albion Street. In officers' opinion this is satisfactory from a visual amenity point of view and it is recommended that they are controlled by condition.
- 10.14 With the inclusion of appropriate conditions, all aspects of the design are considered acceptable within the context of the surrounding development and as such the visual amenity of the proposal would be in accordance with Policies D2, BE1, BE2 and BE16 of the UDP, Policy PLP24 of the PLDP, as well as chapter 7 of the NPPF.

## Residential Amenity

- 10.15 When the application was previously being considered by Committee Members on the 25<sup>th</sup> January 2018, they resolved to defer the decision in order to (amongst other things) obtain accurate measurement of the distance between the proposed coffee shop and the nearest neighbouring properties as a speaker from one of the neighbouring properties reported that distances from boundary walls of neighbouring properties were less than reported in the committee report. These neighbouring properties are Jermyn House, 3, Jeremy Lane and 26, Albion Street.
- 10.16 The agent supplied an additional information plan (P010- dated 23<sup>rd</sup> February 2018) on which there is a block plan entitled distance to neighbouring properties. It shows distances of 17.8m and 16.4m from the middle of the curved window and a parallel section respectively to the mid-point of the facing front elevation of 26, Albion Street.
- 10.17 It also shows distances of 17.6m and 19.7m from the middle of the curved window to the nearest window and mid-point of the front elevation of Jermyn House, 3, Jeremy Lane. In addition it indicates a distance of 18.4m between the mid-point of Jermyn House, 3, Jeremy Lane and the nearest part of the curved window.
- 10.18 These distances are similar to those reported at the previous committee of approximately 17m from the proposed coffee shop to the nearest houses on the opposite side of Albion Street and Jeremy Lane.
- 10.19 In relation to the speakers query, distances of less than those given above are possible from the boundary walls of these neighbouring properties as the boundary walls are closer to the proposed coffee shop.
- 10.20 The agent was asked to confirm that these distances were measured on site and confirmed that this is the case.
- 10.21 Two site sectional drawings showing the proposed coffee shop in relation to 26, Albion Street and Jermyn House, 3, Jeremy Lane, were also submitted (P010 – dated 23<sup>rd</sup> February 2018). They illustrate that the proposed coffee shop would be subservient, in terms of overall height in relation to these neighbouring properties with significant separation distances.
- 10.22 Given the separation distances to neighbouring properties described above and the subservient scale of the proposed coffee shop relative to the neighbouring properties it is considered by officers that the overbearing and overshadowing effect would be relatively restricted.
- 10.23 In terms of overlooking, details of obscure / frosted glazing for the curved window were submitted and shown on proposed elevation drawing P008 rev B. It indicates the use of obscure glazing between 500mm – 1800mm. In officers' opinion this provided mitigation to prevent invasion of privacy, and can be conditioned accordingly.
- 10.24 At the Committee meeting on the 15<sup>th</sup> March 2018, Members resolved to defer the application in order for officers to negotiate with the applicant further reductions of the impact of the building on residential amenity.

- 10.25 Subsequently further amended plans were received which reduced the overall height of the proposed building by 500mm; provide a 1.8m high screen fence to outdoor seating area on the boundary facing Albion Street, and show an indicative landscaping scheme adjacent to Albion Street and Jeremy Lane.
- 10.26 It is considered by officers that the combined impact of the previous amendments and the further amendments negotiated since the 15<sup>th</sup> March 2018 and described above would provide mitigation to prevent overshadowing, overbearing, and overlooking impact, and can be conditioned.
- 10.27 In terms of noise pollution, Environmental Health officers expressed concerns about noise from customers and deliveries at unsocial times that may impact upon the amenities of nearby residents at nos.22, 24 and 26, Albion Street, Heckmondwike. However if service deliveries take place during operational hours this would mitigate such noise, and they recommend conditions to control the hours of use to customers (to between 06:00 and 23:00), and the hours for deliveries to or dispatches from the premises (to correspond with the hours of use to customers), in order to comply with the aims of Policy EP4 of the UDP and chapter 11 of the NPPF.
- 10.28 The amended Design and Access Statement (paragraph 4.14) states that the proposed opening hours are between 5:00am and 10:00pm daily and (paragraph 4.16) service deliveries – generally 1 per day – together with refuse collection will take place within the site and outside operational hours.
- 10.29 The submitted parking statement (paragraph 4.1) also states that the proposed coffee shop will be serviced out of hours from the car park by box vans.
- 10.30 Given that the position of the proposed coffee shop is relatively close to residential properties and the relatively long hours of operation proposed, it is considered that there would be potential for an adverse impact upon the residential amenities of these neighbouring properties from noise disturbance and therefore, whilst acknowledging the comments from Environmental Services and those set out in the applicant's supporting information, officers recommend that the hours of operation are conditioned to be between 07:00 and 20:00. As the proposed development is for a relatively small coffee shop and service deliveries would be by box vans, generally one per day, on balance it is considered that it would be reasonable to restrict service deliveries to within the hours of operation (as specified above) and by box vans, a maximum of 2 per day.
- 10.31 Whilst service deliveries during operational hours may have an impact upon the use of the car park by customers, as the proposal is relatively modest in scale, and a box delivery van is quite small, visiting the site infrequently, it is considered that the impact upon highway safety and efficiency would be relatively limited. This approach is supported by Highways Development Management officers.
- 10.32 As such, with the inclusion of the recommended conditions, it is considered by officers that the proposed development will not result in any material detriment to the residential amenities of the occupants of nearby houses, in accordance with Policies D2, BE1, BE2 and EP4 of the UDP as well as chapter 11 of the NPPF.

## Highway issues

- 10.33 The application site is in the northern corner of Northgate retail park near the entrance from Albion Street and adjacent to a large car park serving the retail complex.
- 10.34 As previously set out, the application was deferred at the planning sub-committee meeting held on 25<sup>th</sup> January 2018 in order for the applicant to (amongst other things) address highway safety concerns.
- 10:35 Subsequently the applicant provided a technical note prepared by IMA Transport Planning to address concerns regarding congestion at the site. This was assessed and summarised by Kirklees HDM officers and comments reported in the update to the committee meeting held on 15<sup>th</sup> March 2018.
- 10.36 In summary and based on the IMA surveys provided, the existing queues mostly result from demand peaks at the McDonalds unit and the fact that there is only a short lead-in to the drive-thru lane. Queues on entry are generally contained within the site, but can extend to the highway in the Friday afternoon peak and in the Saturday lunchtime and evening peaks. There were also occasional issues with queues and delays on exit when drivers heading for the fast-food unit block exit from the site and additional delays arise from the entry arrangement and geometry.
- 10.37 With regards to mitigation measures, IMA Transport Planning have proposed potential measures to address existing issues including the following;
- Improvements to the radius entering the site to make turning easier which should reduce the likelihood of blocking other drivers attempting to exist.
  - Removing the one entry aisle to the first section of the car park to the south entrance from Albion Street making this section of the car park two way.
  - A give-way line is suggested to provide a clear indication to drivers heading towards the fast food unit that they consider oncoming drivers and give priority rather than pulling across the path of existing traffic as some do at present.
- 10.38 Officers consider that these measures would result in some improvement to the existing operation of the car park particularly for vehicles exiting the site, and can be secured by condition. It should however be acknowledged that they are not designed to address the existing issue of the short lead-in to the McDonalds drive-thru line which is identified as the main cause of the queuing out onto Albion Street.
- 10.39 Overall, HDM officers conclude that they agree with IMA's view that the proposed unit would have minimal impact on the local highway network or the existing problems with queues onto Albion Street.
- 10.40 Taking the above into account, it was considered that the proposal would have relatively limited impact upon highway safety and efficiency over and above the existing situation and subject to condition relating to mitigation measures for the existing car park, the proposal would be compliant with Policies D2, T10 and T19 of the UDP as well as Policies PLP21 and PLP22 of the PDLP.

- 10.41 No further highways information has been submitted since committee meeting held on 15<sup>th</sup> March 2018.

### Representations

- 10.42 No representations were received during the original advertisement period for the application. A further round of advertisement of amended plans took place prior to the initial committee on the 25<sup>th</sup> January 2018 and expired on 23<sup>rd</sup> January 2018. Five letters of representations and one petition with 43 signatures were received and reported in the Committee update.
- 10.43 The issues raised and addressed were related to highway safety, noise nuisance, littering, invasion of privacy to nearest neighbouring properties, blocking views, and other empty buildings in Heckmondwike town centre could be used.
- 10.44 Following deferral at the committee meeting on 25<sup>th</sup> January 2018, amended plans to clarify distances to neighbouring properties and obscure glazing to the curved window were submitted together with sectional drawings and highway information. These were re-advertised and the advertisement end date was 14<sup>th</sup> March 2018. As a result two representations were received and reported and addressed in the Committee update.
- 10.45 Following deferral at the committee meeting on the 15<sup>th</sup> March 2018, further amended plans were received which reduced the overall height of the proposed building by 500mm; provide a 1.8m high screen fence to the outdoor seating area on the boundary facing Albion Street, and show an indicative landscaping scheme adjacent to Albion Street and Jeremy Lane. These are being re-advertised with the advertisement end date extended to the 12<sup>th</sup> April 2018. Any representations will be addressed in the Committee update.
- 10.46 Cllr S Hall raised concerns about traffic on the highway and the entrance/ exit. Since the application was deferred at the committee meeting on the 25<sup>th</sup> January 2018, the applicant has submitted a technical note prepared by IMA Transport Planning to address concerns regarding congestion at the site. This was assessed by Kirklees HDM officers and reported in detail in the update to the Committee meeting on the 15<sup>th</sup> March 2018 and a summary is given in the section above relating to highway safety.
- 10.47 As a result, subject to conditions relating to highway mitigation measures for existing car park, which include the following:
- Improvements to the radius entering the site to make turning easier which should reduce the likelihood of blocking other drivers attempting to exist.
  - Removing the one entry aisle to the first section of the car park to the south entrance from Albion Street making this section of the car park two way.
  - A give-way line is suggested to provide a clear indication to drivers heading towards the fast food unit that they consider oncoming drivers and give priority rather than pulling across the path of existing traffic as some do at present.

It is considered that the proposal would have relatively limited impact upon highway safety and efficiency over and above the existing situation and subject to condition relating to mitigation measures for the existing car park, the proposal would be compliant with policies D2, T10 and T19 of the UDP as well as policies PLP21 and PLP22 of the publication draft local plan.

## Other Matters

### *Access for disabled people:*

- 10.48 Policy BE20 of the UDP seeks to ensure new shop fronts should incorporate provision for access to the premises via the main entrance for people with disabilities.
- 10.49 In this instance, the main entrance to the proposed building would be on the east facing elevation of the proposed building which is directly accessible from the associated car park where there is disabled parking nearby. There would also be level access at the entrance and facilities for people with disabilities inside. As such the proposal would satisfy the aims of policy BE20 of the UDP.
- 10.50 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 To conclude since the application was deferred at Heavy Woollen Planning Committee on 25<sup>th</sup> January 2018, additional information regarding the distances to neighbouring properties, sectional drawing to neighbouring properties indicating scale of the proposed building relative to neighbouring properties, and mitigation against any invasion of privacy in the form of a deep band of obscure glazing to the curved window have been submitted.
- 11.2 Since the application was deferred at the Heavy Woollen Planning Committee on the 15<sup>th</sup> March 2018, amended plans have been submitted which also reduce the overall height of the proposed building by 500m, provide a 1.8m high screen fence to the outdoor seating area on the boundary facing Albion Street, and show an indicative landscaping scheme adjacent to Albion Street and Jeremy Lane.
- 11.3 These have been carefully assessed and officers are of the opinion that the proposal would not result in any significant detriment to the visual or residential amenities of nearby residential properties or to the wider street-scene.
- 11.4 With regard to highway safety, a technical note prepared by IMA Transport Planning has been submitted and assessed in the update to the committee meeting of 15<sup>th</sup> March 2018 and found to be acceptable subject to a condition relating to mitigation measures for existing car park.
- 11.5 Furthermore it is anticipated that the proposal would generate 15 full-time jobs which would comply with the aims of the NPPF which sets out under paragraph 18 that '*the Government is committed to securing economic growth in order to create jobs and prosperity...*'
- 11.6 Provided no new material planning consideration are raised as a result of a further round of publicity, approval of the application is recommended.
- 11.7 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.

11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 year time limit
2. Development to be carried out in accordance with the approved plans
3. Materials
4. Limit to hours of operation to between 07:00 and 20:00
5. Use of box delivery van and frequency of delivery / collection
6. Details of obscure glazing to prevent over looking
7. Details of 1.8m high timber screen fence to boundary of outdoor seating area facing Albion Street
8. Highway mitigation measures for existing car park.
9. Details of landscaping scheme and maintenance adjacent to Albion Street and Jeremy Lane.

**Background Papers:**

Application and history files

Website link to application:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93674>

Certificate of Ownership – Certificate A signed and dated 20/10/2017.