
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 04-Oct-2018****Subject: Planning Application 2018/92102 Installation of new retail unit
Morrisons Supermarket Plc, 17, Union Street, Heckmondwike, WF16 0HD****APPLICANT**Wm Morrisons
Supermarket Plc**DATE VALID**

27-Jun-2018

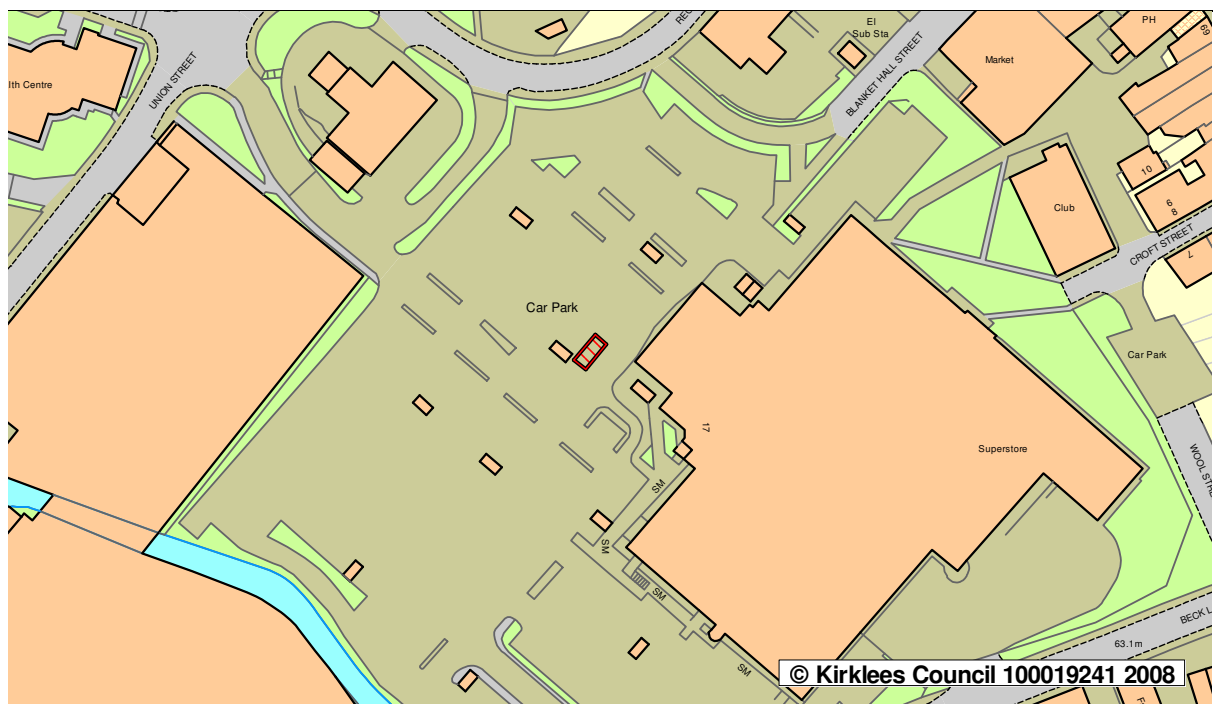
TARGET DATE

22-Aug-2018

EXTENSION EXPIRY DATE08-Oct-2018

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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: Heckmondwike

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 The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor Steve Hall who states:
- 1.2 *"I think I can safely say that the 3 of us Cllr Sheard, Kendrick and myself are against this application as it takes shoppers out of the town centre. Affects 4 to 5 businesses. These are a Photoshop. A cobbler who also does dry cleaning and key cutting. A mobile phone repair shop. And a jewellery shop who do engraving. This is the best we have a Watch repair and watch sales business inside Morrison's already. All these businesses would be hit also there is the loss of 3 mother and child car parking spaces an application like this is detrimental to the community and the aspirations of our town centre. I would ask that this application is listed for refusal and that it is determined by Heavy Woollen Planning Committee."*
- 1.3 Further to Cllr Hall's initial request, the following additional comments have been received. *"With regard to this application our concerns (Sheard, Kendrick and Hall) are the effects on other business in Heckmondwike town centre. We have a cobbler's who have spent a considerable amount of money putting a new shop front in. We have a photo framing business a jewellery shop that do engraving and a dry cleaning shop all of which could be affected by Timpson's. We are trying to make Heckmondwike a thriving town to come and have a business and place to shop so Timpson's would be taking business away from the local business. We are asking for this application to be refused on these grounds."*
- 1.4 The Chair of the Sub-Committee has confirmed that Councillor Steve Hall's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is Morrison's Supermarket Plc, 17 Union Street, Heckmondwike. It consists of a supermarket building complex with an associated parking area, a petrol station and a car wash facility to the north-west. The building complex is constructed in brickwork and tiles. The boundary treatment comprises mature trees and bushes. The site and its surrounding area comprise a mixture of residential, retail and commercial buildings.
- 2.2 The site does not form part of the main shopping area as identified in the Kirklees Unitary Development Plan. It is shown to be situated within the boundary of Heckmondwike town centre but not within the boundary of its primary shopping area in the Policies Map in the Kirklees Publication Draft Local Plan.

3.0 PROPOSAL:

- 3.1 The proposal is for the installation of a new retail unit to the north-west of the supermarket building complex. The unit would be 6.6m wide, 2.7m deep and 2.5m high. The external walls of the unit would be constructed in aluminium frames and larch timber cladding. The roofing material would be protan permanent roofing membrane. There would be two advertisement boards presented in the front elevation of the unit, which would be considered under a separate advertisement consent application.
- 3.2 The unit would be approximately 8.0m from the existing supermarket building complex and would be enclosed by parking spaces to the side and the rear. The supermarket currently has 427 parking spaces of which 13 are designated for parent and child customers and 25 designated for disabled customers. The unit would be positioned on two existing parent and child parking spaces. Three standard parking spaces would be converted to compensate the loss of these parent and child parking spaces. The net loss of parking spaces would therefore be three standard parking spaces.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 99/90907 – Erection of retail units extension (Morrison Supermarket Plc) – Refused
- 99/92271 – Erection of extension with additional retail units (Morrison Supermarket Plc) – Approved

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

- 5.1 A sequential statement has been submitted in support of the development proposal, in line with the policy requirement in the PDLP as well as the guidance in chapter 7 of the NPPF.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 – Unallocated land
BE1 – Design principle
BE2 – Quality of design
T10 – Highway safety
T19 – Parking
S1 – Town centre use

6.3 Kirklees Publication Draft Local Plan (PDLP)

PLP 1 – Achieving sustainable development
PLP 2 – Placing shaping
PLP 13 – Town centre use
PLP 21 – Highway safety
PLP 22 – Parking
PLP 24 – Design

6.4 National Planning Policy Framework

Chapter 7 – Ensuring the vitality of town centres
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the statutory publicity, four representations have been received. A summary of the concerns raised are as follows:

- Adverse impact on small local businesses in the town centre
- Loss of two parent and child parking spaces
- Vacant shop units are available in the town centre

- 7.2 Ward Councillor Steve Hall has requested that the application be referred to the Heavy Woollen Planning Sub-Committee for determination for the reasons set out in paragraph 1.2 of this report.

8.0 CONSULTATION RESPONSE:

8.1 Statutory

None

8.2 Non-statutory:

KC Highways Development Management: no objection.

KC Policy: no objections following receipt of the sequential statement.

9.0 MAIN ISSUES

- Principle of development
- Impact on town centre
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety and parking
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “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]”. The impact on visual amenity, residential amenity and highway safety shall be assessed in the following sections in this report.

- 10.2 The general principle of erecting a new retail unit shall be assessed against Policy S1 of the UDP, Policy PLP13 of the PDLP and Chapter 7 of the NPPF. The impact on highway safety and parking shall be considered in line with Policies T10 and T19 of the UDP and Policies PLP21 and PLP22 of the PDLP. The overall design of the proposal shall be assessed taking into account the aim of Policies BE1 and BE2 of the UDP and Policy PLP24 of the PDLP. The NPPF requires that a balancing approach shall be taken in decision making, having in mind the desirability of achieving net gains across social, economic and environmental objectives that sustainable development entails.

Impact on town centre

- 10.3 The proposal is for the erection of a new retail unit within the car park of Morrison’s supermarket in Heckmondwike. The unit would be situated within the town centre boundary but outside the primary shopping area, as indicated on the Policies Map as part of the PDLP. For this reason, the application site is considered to be situated at an edge of centre location as defined in Annex 2 of the NPPF.

- 10.4 Paragraph 86 of the NPPF stipulates that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. This is mirrored in policy PLP13 of the PDLP. In this case, the applicant has produced a sequential statement to demonstrate why vacant units in the primary shopping area of Heckmondwike are not suitable for the proposal.
- 10.5 For the purpose of paragraph 86 of the NPPF, suitable sites mean sites suitable to accommodate the development proposal. In this case, the size of the retail unit (14.6sqm GIA) would be significantly smaller than the size of any vacant retail units within the primary shopping area of Heckmondwike Town centre. The smallest vacant retail unit recorded being 23sqm gross internal area. Whilst applicants and local planning authorities should demonstrate flexibility on issues such as format and scale (NPPF para 87), the applicant has made the case that the vacant within the primary shopping area are too large for the proposal. Meanwhile, it is stated in the sequential statement that the new retail unit is designed to offer an ancillary service to the existing supermarket and to allow a more convenient service to its customer and it has to be positioned in close proximity to the existing supermarket to ensure it receives the footfall that will ensure its viability. Accordingly, it is concluded that the sequential requirement in paragraph 86 of the NPPF and policy PLP13 of the PDLP is fully met.
- 10.6 The retail unit would provide dry cleaning, shoe and watch repairs and key cutting services. It is recognised that there would be some overlap between the services provided by this retail unit and those offered by the existing units within the primary shopping area. It is considered the proposal would not significantly reduce linked shopping trips associated with the existing supermarket as there is a wide range of retailers and services within the primary shopping area. Therefore, it is considered that the proposal would not undermine the vitality and the viability of the existing centre.
- 10.7 There are concerns raised with regard to the potential adverse impact upon the existing small local businesses that offer similar services within the primary shopping area. However, the impact on individual businesses as a result of competition is not a material consideration that can be taken into account in the determination of this application.
- 10.8 In summary, the development proposal would be acceptable from a town centre perspective as the applicant demonstrates in the sequential statement that there are no sequentially preferable sites that could accommodate the proposed development. As such the proposal would not conflict with the aim of policy S1 of the UDP, policy PLP13 of the PDLP and chapter 7 of the NPPF.

Impact on visual amenity

- 10.9 The development proposal is considered to be small in scale relative to the supermarket building and its associated curtilage. It would be constructed in aluminium frame, larch timber cladding and protan permanent roofing membrane. Whilst these materials would not strictly match those use in the construction of the building at the application site, neither would they, in the view of officers, give rise to any significant adverse impact on the amenity of the wider area. The proposal would be of a utilitarian design, which would be

considerably different from that of the existing building. Nonetheless, it is noted that there is already a number of structures of similar design in the vicinity of the site (e.g. trolley bay, petrol station, car wash etc.). Having this in mind, the development is not considered to be out of keeping with the wider area in respect of its design.

- 10.10 To summarise, the proposal would be of an appropriate scale and design relative to the building at the application site and those in the immediate vicinity. Thus, it would be consistent with the aim of Policies D2, BE1, BE2 of the UDP, Policy PLP24 of the PDLP and Chapter 12 of the NPPF.

Impact on residential amenity

- 10.11 There are no residential properties located in close proximity to the development proposal. Accordingly, there is considered to be no adverse impact in terms of residential amenity, complying with Policies D2, BE1 and BE2 of the UDP and Policy PLP24 of the PDLP.

Impact on highway safety

- 10.12 The proposal would result in the loss of three standard parking spaces. However the loss would be insignificant when assessed against the total parking spaces (i.e. 426) currently available to the customers of the supermarket. The number of parking spaces dedicated for parent and child customers would remain the same as existing. KC Highways DM have raised no objection to the development proposal in terms of highway safety, efficiency and parking. Taking the above into account, the proposal would comply with Policies D2, T10 and T19 of the UDP and Policies PLP21 and PLP22 of the PDLP.

Other matters

Advertisement Consent

- 10.13 The retail unit would have fascia signs and display boards in the elevation A, B and D. These would require a separate advertisement consent application. At this moment in time, no advertisement consent application has been submitted in connection with the development proposal.

Ecology

- 10.14 The application site is situated within the bat alert area. However, it is not considered to have any adverse impact on bats and their habitats when taking into account its scale, nature and surroundings. A footnote would be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction should the application be approved. This would accord with the aims of chapter 15 of the NPPF.
- 10.15 There are no other matters considered relevant to the determination of this application.

Representations

10.16 As a result of the publicity, four written representations have been received. The concerns raised are summarised and responded to by officers as follows:

- Adverse impact on small local business in the town centre of Heckmondwike
Officer Response: The development proposal would not undermine the vitality of the town centre as a whole as it would not adversely impact the pattern of retail development already established within the town centre. The primary shopping area would remain the key destination for shopping and other services.
- Loss of two parent and child parking spaces
Officer Response: The loss of two parent and child parking spaces would be compensated by dedicating three standard parking spaces to such customers. As already set out in the highway safety section of this report, the loss of three parking spaces is not considered to result in any significant highway safety and parking issues.
- Vacant retail units are available within the town centre
Officer Response: This concern has been addressed in the main assessment above. It is considered that there are no other suitable sites or units that could reasonably accommodate the development proposal when considering flexibility in format and scale. The erection of a new retail unit is therefore considered to be justified in light of the sequential requirement in Policy PLP13 of the PDLP and paragraph 86 of the NPPF.

Officer response to Councillor Steve Hall's comments on the planning application

- Taking shoppers out of the town centre
Officer Response: The vitality of the town centre would not be unduly prejudiced by the development proposal as it would be very small in scale and would be ancillary to the supermarket. The town centre would remain the key destination for shopping and other services.
- 4 to 5 businesses to be hit by the proposal
Officer Response: As set out in paragraph 10.7, the impact of the development proposal on individual businesses by way of competition cannot be a material consideration
- Loss of 3 parent and child parking spaces
Officer Response: The proposal would result in a net loss of 3 standard parking spaces. The number of parking spaces available for parent and child customers would remain exactly the same as existing. There are no objections received from KC Highways DM.

10.17 The above comments have been carefully considered and have been afforded appropriate weight in the determination of this application. However, they are not deemed to substantiate a reason for refusal for the reasons already outlined in this report.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 For the reasons already outlined in the report, the proposed development whilst not situated within the primary shopping area of the town centre of Heckmondwike is not considered to cause any undue detrimental impact on the vitality and the viability of the centre nor is it deemed to be in conflict with the aim of the relevant policies in the development plans and the guidance in the NPPF. The impact on visual and residential amenity is considered to be acceptable as well when taking into account the context of the application site and its relationship with its surroundings. KC Highways DM have no concerns in terms of highway safety, efficiency and parking, despite the modest reduction in number of parking spaces available to the customers of the supermarket.
- 11.3 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. Timeframe of 3 years for implementing the development
2. In accordance with submitted plans
3. Development to be restricted to dry cleaning, shoe and watch repairs and key cutting services

Background Papers:

Application web link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/92102>

Certificate of Ownership: Certificate A signed and dated 27/06/2018