
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 19-Dec-2019****Subject: Planning Application 2019/91656 Erection of A1 foodstore with car parking, landscaping and associated works former Oakes Mill, New Hey Road, Oakes, Huddersfield, HD3 4DD****APPLICANT**

Aldi Stores Ltd

DATE VALID

17-May-2019

TARGET DATE

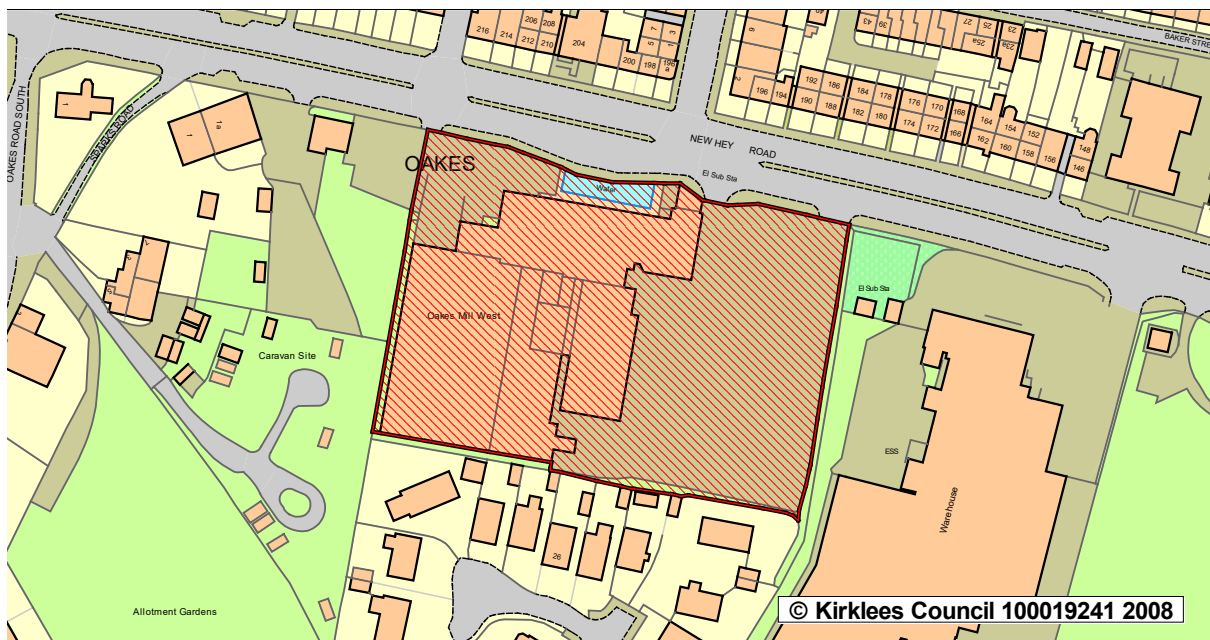
16-Aug-2019

EXTENSION EXPIRY DATE

30-Sep-2019

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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: Lindley

Ward Members Consulted - Yes

RECOMMENDATION:

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Contribution towards provision of a bus shelter at bust stop 22494 (£13,000).

In circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

1.0 INTRODUCTION:

- 1.1 This application has been brought to the strategic planning Committee for determination as the site area exceeds 0.5ha and the proposal involves non-residential development. Since the proposal was presented to Strategic Planning Committee on 21.11.19 additional retail information on the cumulative impacts of this proposal and the application made by Lidl at the former Spotted Cow site off New Hey road approximately 1 kilometre to the west has been received by the council which has been subsequently assessed by the council's retail advisors.
- 1.2 In summary, the updated Retail Impact Assessment (RIA) submitted by Lidl asserts that there is sufficient retail capacity in the area to allow two new stores to operate without any significant detrimental impact on the vitality and viability of existing local centres.
- 1.3 However, the council's advisors have raised the following concerns regarding the methodology used in the aforementioned updated RIA and the subsequent conclusions made:
 - This revised RIA fails to capture areas within the Primary Catchment Area (PCA) to the south and south east of the proposed Lidl site which includes Huddersfield Town centre.
 - In some cases the sales densities thus store turnovers assumed are not credible resulting in unrealistic baseline sales figures overall
 - The use of these unrealistic baseline figures undermine the credibility of the overall conclusions of the updated RIA.

- 1.4 It must therefore be concluded that the updated RIA provided to support the application made by Lidl in connection with their proposals to develop the former spotted Cow site does not provide sufficiently robust evidence to support the view that two new retail sites in this area can operate without having a detrimental impact on the vitality and viability of existing local centres.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located approximately 2.5 kilometres northwest of the centre of Huddersfield within a setting which has a high density mixed residential/commercial character and forms an area of approximately 0.8ha. The site was previously used in connection with a Mill operation and currently comprises an open area where original buildings have been demolished and cleared and the main building, which has been sub-divided and is occupied by various commercial uses. The nearest residential properties are situated immediately to the south of the site off Mountbatten Gardens and to the north-west off new Hey Road. Other residential uses are located at greater distance to the west off Oaks Road South and to the south west off Willwood Avenue. Other commercial uses are to the north and north west.

- 2.2 The site is unallocated in the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of an A1 food store with car parking, landscaping and associated works.
- 3.2 The proposal involves a new purpose built building which has the following dimensions: approximately 55m x 23.9m. This would provide a gross sales area of approximately 1,315 m². The height of the building would vary as it would have a mono-pitched roof design. At its lowest point (rear elevation) it would be approximately 6.5m in height from ground level and at its highest (front elevation) it would be approximately 10m in high.
- 3.3 Vehicular access to the site would be gained via a new purpose built access which would adjoin New Hey Road and the proposal would create 114 customer parking spaces. This would include 6 disabled spaces, 7 parent and toddler spaces and 10 cycle spaces.
- 3.4 The applicant has indicated that this proposal has the potential to provide a significant number of full and part time jobs (approximately 40), which would help to address unemployment rates in the area.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

86/05368 - Change of use from general office and yard to private hire office and associated parking (Granted)

91/02698 - Installation of hot air ducts in roof (Granted)

93/04686 - Erection of non-illuminated sign (Granted)

93/05655 – Telecommunications development notification for installation of mast antennae and equipment housing (Refused)

94/90040 - Telecommunications development notification for installation of mast antennae and equipment housing (Granted)

2006/93040 - Change of use from general office and yard to private hire office and associated parking (Granted)

2010/92947 - Change of use from general office and yard to private hire office and associated parking (Granted)

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

5.1 Negotiations associated with this application have resulted in:

- Agreement to use of natural stone on the prominent elevations of the development.
- The submission of further information regarding site drainage
- Supplementary information regarding Retail Impact Assessment

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 is the Kirklees Local Plan which was formally adopted on the 27th February 2019.

6.2 Kirklees Local Plan (KLP):

LP1– Presumption in favour of sustainable development

LP3 –Location of new development

LP7 – Efficient and effective use of land and buildings

LP13 – Town centre uses

LP19 – Strategic transport infrastructure

LP 21– Highway safety and access

LP22 - Parking

LP24 – Design

LP27 – Flood risk

LP28 - Drainage

LP29 – Management of water bodies

LP 30 – Biodiversity and geodiversity

LP34 – Conserving and enhancing the water environment

LP51 - Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

6.3 National Planning Guidance:

NPPF Section 2. Achieving sustainable development

NPPF Section 7 Ensuring the viability of town centres

NPPF Section 12 Achieving well - designed places

NPPF Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

NPPF Section 15 Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site the mailing of 29 neighbourhood notification letters and an advertisement in the local press. This initially resulted in 75 representations being received, 66 in support and 9 objections. The issues raised can be summarised as follows:

Support

- The proposal would re-use a Brownfield site which detrimentally affects visual amenity
- This proposal offers the potential to employ local people
- Its location is such that it is easily accessible to non-car users such as local elderly residents
- The shop will provide a much needed shopping choice for the local community
- The proposal could reduce traffic visiting other stores in Salendine Nook
- Aldi provides very good value for money and will provide a much wider choice of goods
- The current site is an eyesore and this proposal would improve the look of the area

Objection

- The supporting information is confusing as it indicates the use of natural stone but the plans show the use of artificial stone
- There are already too many convenience stores in the area
- The site could be better developed to provide employment opportunities rather than for a retail use
- The site is already in use and if demolished would result in the loss of those jobs
- There are more sequentially preferable sites for retail uses that should be used before this site.
- The development of this site is likely to lead to highway safety being compromised
- The authenticity of letters of support should be questioned as they do not contain names and addresses

- The description of the proposal is incorrect as it suggests this site is vacant and it is still in use

7.2 two petitions each containing over 1000 signatures have also been received objecting to this proposal due to its potential detrimental impact on the existing shops in the Salendine Shopping Centre.

7.3 Lindley ward members were consulted on this proposal. All 3 members produced the following joint response:

“Dear Mr Wakefield,

We are writing in connection to a planning application at former Oakes Mill, New Hey Road, Huddersfield, HD3 4DD (2019/62/91656/W), which entails the erection of a new supermarket.

In principle, we are supportive of the proposed scheme. We welcome the potential investment in Lindley and recognise that, if approved, the new store will create much needed employment. A new supermarket will also provide greater choice for local residents, although we do have some concerns that the supermarket will impact on smaller traders in the area. We are supportive of brownfield land potentially being used for development and we are pleased that the applicant held a public consultation and listened to the views of local residents.

The applicant has said that they have adapted the design of the store façade from the supermarket’s usual silver and grey cladding to a design which favours stone as the main material, in order to blend in with the local architecture. This is outlined in the applicant’s Design and Access Statement.

However, this is contradicted in the applicant’s submitted plans, including ‘Proposed Elevations’ illustrations, which clearly identify the split faced and pitched faced stonework as ‘Marshalls Cromwell or similar’.

While the Cromwell Stone Walling replicates the visual and textured characteristics of natural stone, we do not believe that it is a suitable alternative. It is, in essence, a cheaper option and weathers in a different way to natural Yorkshire stone. The applicant has recognised the importance of local context and the local vernacular being primarily stone, but this is not reflected in the proposed design.

While we are in favour of the proposal in principle, we believe that the application should be subject to the planning condition that the main material is natural stone. This would allow the store to be more in keeping with the local area.”

7.4 Since this proposal was considered at Strategic Planning Committee on 21 November 2019 a further 12 representations have been received. 8 support the proposal and 4 object to it. The majority of the issues raised were summarised in the original committee report. However, the following matters were not considered at that time.

- The proposal does not accord with the adopted local plan as it constitutes an out of town retail shopping facility.

- An adequate sequential test analysis has not been carried out to support this proposal.
- The original committee report infers that Oaks Mill does not now exist.
- The volume of objection to this proposal has not been afforded adequate weight.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways DM – No objection subject to planning conditions/obligations which require:

- The submission and approval of a scheme detailing the provision of a right turn lane from New hey Road into the site, new pedestrian crossing and associated white lining
- The submission and approval of a scheme detailing parking layout
- The submission and approval of a construction management plan.
- A financial contribution of £13,000 towards the cost of providing a bus shelter to bust stop 22494 on the south side of new Hey Road.

Lead Local Flood Authority – Initially raised an objection as it considered that further investigations are required prior to development commencing to determine whether water courses are present on site. However the LLFA has indicated that this matter can be dealt with by planning condition. Also advised that should planning permission be granted then conditions should be included requiring the following:

- The installation of petrol/oil interceptors within surface water drainage regime
- The submission and approval of a temporary construction drainage scheme

8.2 Non-statutory:

K.C. Policy – No objection following the independent assessment of the supporting retail impact assessment and supplementary information.

K.C. Environmental Health – No objection in principle but requested the inclusion of planning conditions to require that:

- Onsite contamination is dealt with satisfactorily including further intrusive investigations following demolition of the site buildings
- The submission and approval of an artificial lighting scheme
- The installation of electric vehicle charging points
- Opening hours are restricted 0800 to 2200 Monday to Saturday and 10:00 to 1600 hours on Sundays.

- Delivery hours are restricted to 07:00 to 22:00 hours Monday to Saturday and 09:00 hours to 18:00 hours on Sunday.
- A noise management plan be submitted and approved
- The details of any extract ventilation systems are submitted to and approved
- A Construction Environmental Management Plan is submitted and approved

K.C. Biodiversity Officer – No objection subject to a planning condition requiring the long term management of habitats created as part of the landscape plan for the site.

Yorkshire Water – No objections subject to the inclusion of planning conditions requiring:

- The submission and approval of surface water drainage arrangements
- The installation of petrol/oil interceptors

W Y Police Architectural Liaison Officer – No objection in principle but has highlighted measures which the applicant should consider implementing to improve site security.

9.0 MAIN ISSUES:

- Principle of development
- Layout and Design
- Local amenity
- Highway issues
- Flood Risk and Drainage issues
- Air Quality issues
- Ecological Issues
- Contamination issues
- Representations

10.0 APPRAISAL:

10.1 Principle of development

10.2 Paragraph 80 of the NPPF indicates that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.3 Kirklees Local Plan policy LP7 encourages development proposals that would result in the efficient use of previously developed land in sustainable locations subject to the site not being of high environmental value.

10.4 However, 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 site is not allocated for any specific purpose in the Local Plan.

10.5 Kirklees Local Plan policy LP13 indicates that Town centres and local centres will remain the focus of shopping and satisfactory justification is required to support such proposals outside these centres.

10.6 Consequently as this development would involve an edge of centre location outside of any town or local Centre, in accordance with paragraph 86 of the NPPF and the aforementioned policy considerations, the applicant is required to demonstrate that there are no sequentially preferable sites and that this proposal would not adversely affect the vitality and viability of existing centres. The applicant has provided a sequential test analysis and an assessment of the retail impact associated with this proposal to support this application.

10.7 Sequential considerations

10.8 In summary, the applicant's sequential analysis considered the following sites and locations and reached the following conclusions:

- Land the north of Trinity Street (former Kirklees College) As Lidl have signed up to the scheme approved at this site it is considered the site would not be available to Aldi.
- Land east of Southgate (for Huddersfield sports centre site). This is also an edge of centre site and a recent independent report commissioned by the site owners (Kirklees Council) suggests the site would be suitable for housing and office (B1) uses. Furthermore it is considered that this location does not address a food store deficit to the west of the town.
- Marsh District Centre - There are no sequentially preferable in-centre or edge of centre sites.
- Lindley District Centre – There are no sequentially preferable in-centre or edge of centre sites.
- New Hey Road/Acre Street Local centre - There are no sequentially preferable in-centre or edge of centre sites.
- Salendine Nook Local centre - There are no sequentially preferable in-centre or edge of centre sites.
- Birchencliffe Local Centre - There are no sequentially preferable in-centre or edge of centre sites.
- Trinity Street Local Centre - There are no sequentially preferable in-centre or edge of centre sites.
- Paddock Local Centre - There are no sequentially preferable in-centre or edge of centre sites.

10.9 Retail Impact Considerations

10.10 The applicant has carried out a retail impact assessment based on a catchment area which has been derived from a 10 minute drive time from the site. This has considered existing shopping patterns and the positive retail impacts associated with this proposal. The conclusions of the applicant's assessment can be summarised as:

- The opening of new stores does divert trade from existing Aldi stores, alleviating impacts associated with over trading
- The overall impact on stores in centre is manageable
- Suggested impact on the Castlegate Lidl will be high. However, given the evidence of over trading at this store, the accuracy of information provided in surveys is questionable.
- The remainder of trade will be taken from a range of other shops. However individual impacts will be negligible

10.11 An independent assessment of the applicant's sequential analysis and retail assessment was commissioned and this initially concluded that these supporting assessments had a number of weaknesses which can be summarised as follows:

- The applicant's supporting analysis is silent in respect of town centre investment and has not therefore demonstrated that paragraph 89a of the Framework is satisfied.
- Does not assess the impact on town centre investment
- Does not specify the quantum of floor space to be used for convenience goods and comparison goods;
- Over-estimated trade draw from existing Aldi stores in the PCA
- Does not carry out health checks on all centres that may be affected by the proposal
- Does not assess the impact on Salendine Nook and other local centres within the neighbourhood of the application site

10.12 The applicant therefore provided supplementary information to specifically address the aforementioned weaknesses. This information has been assessed by an independent consultant who has now confirmed the weaknesses in the original Retail Impact Assessment have been satisfactorily addressed and that, as a standalone store, this proposal would not result in impacts on the vitality and viability of existing centres and will offer consumers additional convenience store choice.

10.13 Layout and Design

10.14 Kirklees Local Plan policy LP 24 is a consideration in relation to design, materials and layout. Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

10.15 The retail unit would be located to south of the site close the site boundary which is adjacent to residential properties located off Mountbatten Gardens. However, officers consider that, bearing in mind the scale of the development which would see the lowest part of the building located on this part of the site, an adequate separation distance from the existing residential properties is provided.

- 10.16 The height of the proposed building adjacent to the boundary with these residential properties would be approximately 1 metre higher than the ridge of those properties and it is therefore considered that as the new building would not be overbearing and as it would be located to the north, overshadowing would not be an issue.
- 10.17 Car parking would be located predominantly to the north of the building although some parking, including disabled parking, is proposed on the western side of the site. It is therefore considered that disturbance to nearby residential properties as a result of vehicle movements would be minimised and this could be further mitigated through the use of strategic planting.
- 10.18 This proposal would result in a substantial re-development of the site. However, the existing site buildings are of a significant scale and include two large four storey mill buildings. It is considered that this proposal would result in a significant reduction in the visual impact of the current site buildings on the streetscape and would therefore enhance the character of the built environment.
- 10.19 The predominant facing material used on existing buildings in the vicinity of the site is natural stone, although there is evidence of the use of red brick and artificial stone. A large commercial development is located immediately to the east of this site which has made extensive use of powder coated metal cladding.
- 10.20 The applicant has indicated that the development would be substantially completed using natural split faced stone in combination with stone coloured render and grey powder coated metal panels. A significant part of the western elevation of the building would include a glazed element. Natural stone would be used on the most prominent elevations in combination with rendered panels and the roof would be covered using metal profile panels. Officers consider that a building incorporating these materials would not only assimilate well within this setting but their use as proposed would add visual interest.
- 10.21 Consequently, it is considered that the proposed layout and design would accord with Kirklees Local Plan Policy LP24 and national policy guidance contained in Section 12 of the NPPF.
- 10.22 Local amenity issues
- 10.23 This proposal has the potential to lead to noise nuisance as a result of activities associated with the use of the site for retail purposes. The applicant has provided a noise assessment to support the application. However, Officers from the Council's Environment Service have some reservations regarding its conclusions and have indicated the proposal can only be supported if the proposed delivery hours are amended.
- 10.24 The applicant originally indicated that the proposal's hours of operation would be:
- Opening 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sundays
 - Deliveries 06:00 Monday to Saturday and 08:00 to 20:00 on Sundays

However, following consideration of the applicant's noise survey Officers consider that the hours of operation should be restricted as outlined in the consultation response section of this report.

10.25 There is also the potential for this proposal to detrimentally effect nearby residential uses as a result of artificial lighting and noise and odours from extract ventilation systems. It is therefore proposed to require the submission and agreement of schemes via planning conditions to ensure these matters can be thoroughly considered prior to their installation.

10.26 Officers consider that this proposal would accord with Kirklees Local Plan policy LP52 and Section 15 of the NPPF with regard to its potential impact on local amenity.

10.27 Highway issues

10.28 The application is supported by a Transport Assessment which has forecast the likely increase in traffic associated with this proposal. The TA estimates that this proposal will result in the following vehicular trips during highway network peak hours:

10.29 Friday Peak 55 arrivals and 63 departures 118 two way trips Saturday Peak 192 arrivals and 156 departures 348 two way trips. The TA considers that the capacity of junctions in the vicinity of the site are adequate to accommodate this level of additional vehicular traffic associated with this proposal.

10.30 The proposals show a single point of access onto New Hey Road with the provision of a right turn lane and a pedestrian refuge within the bell mouth of the proposed junction. A new pedestrian crossing is proposed to New Hey Road to assist pedestrian crossing at this location and from the existing bus stop opposite the site access.

10.31 144 car parking spaces are proposed including 6 electric vehicle spaces, 6 accessible spaces and 8 parent and child spaces within a car park to the frontage of the site. 5 cycle parking spaces are shown to be provided. A one way system within the site is shown on the plans provided which should ensure that vehicles efficiently enter and circulate within the site.

10.32 Whilst this proposal would result in the loss of 16 on street parking spaces, officers consider that this would not have a detrimental impact on existing residential properties as there is still off street parking available in front of these dwellings. It is therefore considered that this proposal is acceptable subject to planning conditions which require:

- The submission and approval of a scheme detailing the provision of a right turn lane from New Hey Road into the site, new pedestrian crossing and associate white lining.
- A submission and approval of a scheme detailing parking layout
- The submission and approval of a construction management plan.

10.33 A financial contribution of £13,000 will also be required towards the cost of providing a bus shelter to bust stop 22494 on the south side of new Hey Road. Members should note that following further consideration of the impact of this proposal on the local highway network, seeking to secure improvements to the roundabout to the east of the site cannot be justified.

10.34 It is therefore considered that subject the planning conditions/obligation set out in Section 8 of this report, this proposal would accord with Kirklees Local Plan policies LP20,LP21,LP22 and section 12 of the NPPF with regard to its potential impact on highways and transport issues.

10.35 Flood Risk and Drainage Issues

10.36 The site falls within Flood Zone 1 of the Environment Agency's flood map and is therefore at a relatively low risk of flooding. However, the applicant has provided a supporting Flood Risk Assessment (FRA) which has considered the potential impact on local flood risk as a result of this proposal.

10.37 The supporting FRA has considered the potential for flooding associated with the following flood regimes:

- Fluvial and Tidal flooding
- Surface water flooding
- Flooding from Artificial Sources
- Groundwater flooding
- Sewer flooding

This supporting FRA concludes that in relation to the above potential sources of flooding, it is considered the proposed development is generally at low risk of flooding.

10.38 As the site is situated in Flood Zone 1 it is considered to be a sequentially preferable site with regard to flood risk and a sequential analysis is not required to support this proposal.

10.39 The FRA has considered whether surface water from the site can be drained in accordance with the Sustainable Urban Drainage System (SuDS). Due to the underlying ground conditions and the lack of a viable connection to the nearest water course (Longwood Brook) it has been determined that surface water would be best drained from the site via an existing combined sewer which is close to the site.

10.40 The FRA indicates that all foul water generated on site would be via a gravity fed connection to the nearest foul water sewer.

10.41 Yorkshire Water has indicated that it has no objection to this proposal subject to the planning conditions outlined in Section 8 of this report. However, the LLFA initially objected on the basis that it considers further investigation is required to establish whether a water course is present on site which feeds a small pond associated with the former mill which is located on the northern boundary of the site. Although it is considered unlikely that the proposed building would affect such a water course if it exists, it may require repair or diversion to ensure flood risk is not exacerbated.

10.42 However, following further discussions with the LLFA it is considered by Officers that this matter can be satisfactorily dealt with by planning condition requiring that such investigations and any associated mitigation works be carried out prior to the development of the site.

10.43 It is therefore considered that this proposal accords with Kirklees Local Plan policies LP27, LP28 and Section 14 of the NPPF with regard to this proposal's potential impact on local flood risk.

10.44 Air Quality Issues

10.45 The applicant provided an Air Quality Assessment (AQA) in support of this proposal which has considered the current air quality levels in the area and estimated how these levels would be affected by this proposal. This included an Emissions Mitigation Plan (EMP) which indicates that the increase in traffic associated with this proposal would have an impact on local air quality and calculated monetised damages with regard to this impact.

10.46 The EMP calculated that, in order to address this impact on air quality, the proposal should include mitigation measures equal to a value of £82,937.

10.47 The applicant has indicated that the proposal will provide £91,000 mitigation of measures, which exceeds the above calculated damage cost. Officers have reviewed the EMP and agree that the monetary cost associated with the proposed mitigation measures associated with this proposal adequately offsets any damage to air quality in the vicinity of the site resulting from this development.

10.48 Consequently this proposal accords with Kirklees Local Plan policy LP 51 and Section 15 of the NPPF with regard to its potential impact on air quality.

10.49 Ecological issues

10.50 Due to the previous and existing uses of the site, it is unlikely it will currently provide any significant habitat opportunities other than potential bat roosts within existing buildings. The applicant carried out bat surveys to assess the potential for bats using the remaining buildings on site. These surveys concluded that, whilst a single roost was present, this could be lost subject to mitigation being provided prior to the demolition of site buildings. It is considered that the provision of bat roost mitigation measures can be secured via planning condition.

10.51 With regard to bat hibernation potential, the report indicates that the site is unlikely to be suitable for large or important roosts.

10.52 A small water body is located adjacent to the northern boundary of the site and this is isolated and is likely to have been associated with the former mill use. The pond is isolated, concrete lined, has sheer sides and surrounded by urban development. The applicant's supporting ecological assessment concludes that it is therefore unlikely to provide suitable habitat for amphibians. Consequently Officers consider that the loss of this pond would not have a significant detrimental impact on local ecology.

10.53 Officers have reviewed the supporting ecological information and subject to biodiversity enhancement being included within any subsequent grant of planning permission, the proposal would accord with Kirklees Local Plan policy LP34, LP52 and Section 15 of the NPPF. Officers consider that such enhancements can be secured via planning condition.

10.54 Contamination issues

10.55 Due to the previous use of this site it is likely that the site will be contaminated to some degree. The applicant has provided supporting phase I and phase II contaminated land surveys which identify that parts of the site show evidence of contamination. The Phase II report indicated that further investigations are advised following clearance of the site.

10.56 Officers therefore consider that these further investigations should be completed prior to development of the new building and infrastructure commencing on site and it is therefore proposed to secure this via planning condition.

10.57 Subject to the agreement and implementation of satisfactory mitigation measures it is considered that this proposal would accord with Kirklees Local Plan policy LP53 and Section 15 of the NPPF with regard to impacts associated with on-site contamination.

Other Matters

10.58 Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore improvements to the landscape and inclusion of electric vehicle charging points contributes positively to the aims of climate change.

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

10.60 Representations

- 10.61 As previously indicated, 13 individual objections and a petition containing over 1000 signatures have been received in connection with this proposal. The issues raised and associated responses are included below:

The supporting information is confusing as it indicates the use of natural stone but the plans show the use of artificial stone.

Response: The applicant has agreed to use natural stone in the development of the site.

There are already too many convenience stores in the area

Response: This matter has been considered in the "Principle of development" section of this report

The site could be better developed to provide employment opportunities rather than for a retail use.

Response: the site is unallocated in the Local Plan and has not therefore been safeguarded for employment uses. Having said this, this proposal does have the potential to generate a significant number of full and part time jobs.

The site is already in use and if demolished would result in the loss of those jobs.

Response: Whilst it is acknowledged that existing users of the site will need to re-locate, these jobs will not necessarily be lost. The site is currently underused as much of the existing mill buildings is vacant and this proposal offers an opportunity to provide the community with a useful retail facility

There are more sequentially preferable sites for retail uses that should be used before this site.

Response: This matter has been considered in the "Principle of development" section of this report

The development of this site is likely to lead to highway safety being compromised

Response: To follow in the committee update

The authenticity of letters of support should be questioned as they do not contain names and addresses.

Response: Names and addresses have been omitted as this is a requirement of General Data Protection Regulation.

The description of the proposal is incorrect as it suggests this site is vacant and it is still in use.

Response: This is not accepted, the description simply indicates the site's former use.

Potential detrimental impact on the existing shops in the Salendine Shopping Centre.

Response: This matter has been considered in the "Principle of development" section of this report

The proposal does not accord with the adopted local plan as it constitutes an out of town retail shopping facility.

Response: Policy LP13 of the local plan indicates that subject to a proposal for retail development passing a sequential test analysis, support for the proposal can be given.

An adequate sequential test analysis has not been carried out to support this proposal.

Response: As indicated in the 'Principle of Development' Section of this report, a satisfactory sequential analysis has been provided and independently assessed.

The original committee report infers that Oaks Mill does not now exist.

Response: Section 2 of this report makes it clear that the site is still in operation and the main mill building is still in place and has been sub-divided into several commercial uses.

The volume of objection to this proposal has not been afforded adequate weight.

Response: The issues raised by objectors and the volume of opposition was reported in the original committee report. Responses to the matters raised were included in the report.

11.0 CONCLUSION:

- 11.1 The application site has not been allocated for any specific purpose in the Kirklees Local Plan.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), drainage, ecological considerations, and other matters relevant to planning. Officers consider that these constraints have been satisfactorily addressed by the applicant.
- 11.3 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions/obligations, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) 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 Planning and Development)

1. Three years to commence development
2. Approved plans and documents
3. Development completed using stipulated materials
4. Construction Management Plan
5. Temporary surface water drainage
6. Flood risk and drainage inc. further investigation into water courses on site
7. Highways conditions requiring details of proposed right turn lane from New Hey Road, details of onsite parking and construction management arrangements.
8. Site contamination inc. further intrusive investigations following the demolition of site buildings
9. Noise and odour assessment regarding proposed extract ventilation equipment
10. Provision of electric vehicle charging points
11. External materials
12. Boundary treatments
13. External lighting
14. Hours of use
15. Landscaping
16. Ecological Design Strategy including bat mitigation

Background Papers:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91656>

Application and history files.

Certificate of Ownership – Certificated B served 14.05.2019