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Planning Development Rights of Way

Planning Statement (including Retail Sequential Assessment): Fountain Works, Huddersfield Road, Roberttown

Introduction

The proposals relate to the part completed / occupied Fountain Works mixed A1 / B1 single storey development, situated on the site of the former factory, now demolished (latterly a go-karting centre).

The vacant units (approved Unit's 2 & 3) that are the subject of this application were allocated for B1 use on previous plans. Sainsbury's have recently occupied Unit 1, while the approved Unit's 4 & 5 have not been built.

Access to the complex is from Huddersfield Road and a parking / landscaped area exists to the front of the units.

Servicing takes place to the rear of the units and service vehicles use a different access point at the southern end of the complex. A turning area for service vehicles also exists to the rear.



Proposals

The application for planning permission seeks approval for:

- 1) The proposed change of use of previously approved (but yet to be occupied) B1 units for 2 no. A1 (retail) and 1 no. A3 (restaurant, café etc.) uses. These relate to previously approved Unit's 3 & 4.
- 2) The Units / floorspaces are proposed as follows:
 - Unit 2 - A3 use. 300 sq.m
 - Unit 3a – A1 use. 178 sq.m
 - Unit 3b – A1 use. 119 sq.m
- 3) External alterations to the building to form store frontages.
- 4) Alterations to the approved access to form two exit lanes (right and left).
- 5) Alterations and extension to customer & staff parking area to form additional car & cycle parking and landscaping in place of previously approved Unit's 4 & 5. In total, 100 spaces would be proposed for the entire development (including Sainsbury): 89 for customers; 11 for staff.
- 6) Relocation of the substation approved under the previous planning permissions

Site allocation

The site is unallocated on the UDP Proposals Map and is proposed to remain the same under the final Kirklees Draft Local Plan, yet to be adopted.

Background & history

2008/93380 – outline application for B1 business units – approved

2012/91320 – outline application for 5 no. mixed use B1 and A1 units - approved

2015/90510 – reserved matters application (following the 2012/91320 outline pp) – approved

2015/93708 – variation of condition 16 (deliveries & dispatches) on application 2012/91320 to allow 7am – 10pm Mon – Sat, and 9am – 9pm Sundays & Bank Holidays – approved.

2015/93999 – alterations to shop front and car park layout for Unit 1 – approved

It is important to note the following from the above planning history:

- a) Unit's 1, 2 & 3 have been built in accordance with the 2012 outline / 2015 reserved matters applications. Approved Units 4 & 5 (the third side of the courtyard on the right) have not been built.
- b) The A1 use for Unit 1 has been implemented through occupation by Sainsbury's.

- c) The B1(c) uses for Unit's 2 & 3 have not been implemented and the units remain vacant.¹

Principle of development

Condition 15 of the 2012/91320 approved outline permission stated that Units 2, 3, 4 & 5 should be restricted to B1 (light industrial) use only. The reasons for this condition related to two material planning considerations: (i) ensuring there was sufficient parking for the whole development, and (ii) town centre use policies.

These matters are addressed in turn below.

1) Parking

The approved 2012/ 2015 plans included two additional units (4 & 5). The current proposals seek to exclude these units from the development and instead provide additional parking to serve the existing proposed uses.

In terms of cycle parking, there is an overall requirement for 10 cycle parking spaces at the site. The proposals offer a total of 22 cycle parking spaces, which should encourage further use of cycling to and from the site.

Kirklees UDP parking standards (based on maximum rather than minimum requirements) specify that the development as a whole (existing Sainsbury's plus proposed A1 & A3 uses) would normally require 92 car park spaces for customers and 8 parking spaces for staff.

The proposals include 89 parking spaces provided for customers and 11 spaces for staff. Whilst the proposed customer parking provides a shortfall of only 3 parking spaces, it over-provides car parking for staff. Therefore, the level of parking is considered appropriate for the scale of development.

2) Retail planning policy – sequential and retail impact tests

The proposed A1 and A3 uses fall within the definition of 'main town centre uses' in connection with the National Planning Policy Framework and town centre planning policy.²

The proposed development is below the default 2,500 sq.m floorspace threshold for retail impact assessments, as set out in NPPF paragraph 26. There is no adopted local policy expressing a lower floorspace threshold and as such, a Retail Impact Assessment (RIA) is not required in this case.

Turning to the retail sequential test, the NPPF states in paragraph 24 that Local Authorities:

"should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

¹ Units 2 & 3 are shown at present with advertisements for 4 no. units (see photo left) however no internal subdivision has actually taken place. The adverts are understood to be designed to attract potential tenants.

² NPPF Annex 2: Glossary

Paragraph 010 of the Planning Practice Guidance ³ states that “the application of the test should be proportionate and appropriate for the given proposal.” As such, it is considered appropriate to undertake a proportionate approach to these relatively small scale proposals.

In terms of defining a catchment area for the sequential search, the small-scale nature of the proposals is intended to serve a relatively local catchment area. As part of the assessment of the previous proposals for the similar sized Unit 1 (now Sainsbury’s), a catchment area of 800 – 1000m (walking distance for locals) was proposed and accepted by the LPA.⁴

This catchment area captures Roberttown (350 metres to the north of Roberttown village - allocated as a ‘local centre’ in the UDP) and on the very outer southern edge, the neighbourhood shopping parades straddling Greenside Road / Sunny Bank Road, and Old Bank Road. The latter are not designated centres however, and it is therefore considered that these should not form part of the sequential assessment.

Other designated centres are located at Mirfield (Large Local centre - 2.2 miles to the south), and Heckmondwike (Town centre - 1.8 miles to the east). However, in balancing the small scale nature of the proposals (to serve a localised need with day-to-day facilities) with the distance to these other centres, they are judged to fall significantly outside the intended catchment area for this particular development.

A full survey of Roberttown local centre (Roberttown Lane & Church Road) was undertaken in November 2016. The survey identified that all but one commercial premises in and around the centre were fully occupied, and therefore unavailable for the proposed uses.

It is understood that the only vacant commercial premises at the time (164a Roberttown Lane) has since been re-let and is therefore unavailable.

On a final note, a further premises (Noisette Bakery - 157 Roberttown Lane – see below) looked to be vacant at first glance, but was in fact fully occupied by a wholesale cake manufacturer.



³ Ensuring the viability of town centres

⁴ Application 2012/91320 – NPPF Statement (Signet Planning)

It is therefore concluded that no available (and hence suitable) premises are available for the intended uses.

In terms of land, no vacant / developable sites were identified in sequentially preferable locations to the proposal site, particularly because Roberttown centre is effectively 'built-out' and no land appears to be available. Land outside the urban envelope is designated as Green Belt where new development would be classed as inappropriate.

Finally, the issue of considering flexibility in terms of format and / or scale is not applicable in this case, as there are no available premises / sites to consider in this respect.

Finally, in terms of accessibility credentials, the proposal site is within a reasonable walking distance Roberttown village centre, enabling a degree of linked trips to help support the vitality and viability of the centre. The site is also located within a large residential area, enabling significant numbers of local residents to access the development on foot / by bike.

There are also nearby bus stops on Child Lane, making the site accessible to those without private transport.

It is therefore submitted that the sequential test is passed in this case, in accordance with NPPF paragraph 24, meaning that the principle of the proposed 'main town centre' uses is considered to be acceptable.

Other matters

Highway safety

The accompanying Transport Assessment sets out full details and justification for the current proposals. This may be summarised as flows:

- i) The site access contains **visibility splays** of 2.4m x 120m, which is considered appropriate for a 40mph speed limit.
- ii) A recent **traffic survey** revealed that the A62 Huddersfield Road was subject to an am peak hour two-way flow of 1,891 vehicles, and 1,761 two-way vehicle flows during the pm peak hour.
- iii) The **injury accident record** in the vicinity of the site does not indicate a road safety problem or any trends of any significance which would warrant treatment or be a cause for concern as a result of the slight change in peak hour flows as a result of the development proposals.
- iv) It is proposed to **widen the site access junction** so that an additional lane for vehicles turning left out of the junction can be provided. The proposed junction will allow for a 3.5m wide entry lane, with two 3m wide exit lanes. Footways will return into the site as per the current situation.
- v) It is considered that the anticipated increase in the **level of traffic generated** by the proposed development would not be discernible from the daily fluctuations in flows that could be expected on the strategic highway network. Therefore, the traffic generated by the proposals can be accommodated and will have no material impact on the safe operation of the local highway, and will not significantly add to any congestion at the peak times on the local network.

Visual amenity

The proposals include new frontages to the partially completed units (matching brick / glazing units) together with a revised landscaping scheme (the details of the landscaping are capable of being conditioned).

Deliveries / dispatches

The 2015/93708 approved application for Unit 1 allowed delivery / dispatch hours of 7am – 10pm Mon – Fri, and 9am to 9pm Sun / BH. The same hours are proposed for this application.

Employment

Approximately 20 full time equivalent jobs are likely to be created, dependent on the end-occupiers. This will provide an additional local source of employment for nearby residents.

Conditions

It is noted that conditions from the 2012 outline application for the whole site, relating to contamination and drainage, were discharged under application refs: 2015/92260 & 2015/91828. It is therefore considered that not all previously imposed conditions will need to be repeated.

Conclusion

The proposals are considered to address the two key reasons for a condition previously imposed on this site restricting changes from approved B1(c) uses: namely parking provision and retail planning policy.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.⁵ There are three dimensions to sustainable development ⁶ and twelve core land-use planning principles. In accordance with these key national planning objectives, the proposals represent sustainable development in that they will:

- Continue bringing back a former brownfield site back into beneficial commercial use.
- Create new employment for the local area.
- Promote mixed-use development and provide a variety of new business services to serve the local population, resulting in potential spin-off expenditure and business generation for secondary / related services.
- Provide accessible local services for the local population, enabling full use of walking, cycling and public transport.
- Includes an A3 use, which will enable social interactions and help the area to thrive generally.

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⁵ Paragraph 6

⁶ Paragraph 7 – economic, social and environmental