

BATLEY SHOPPING CENTRE, ALFREDS WAY, WAY, BATLEY, WF17 5DR

May 2020

Planning, Design & Access Statement

Batley Shopping Centre (Phase 2), Alfreds Way,
Batley. Retail Kiosk.



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Susan Chan (MRTP)
Planning Consultant
susanhms78@gmail.com

07761 044 043

 **RTPI**
Chartered Town Planner

 **HMS Town Planning & Urban Design**

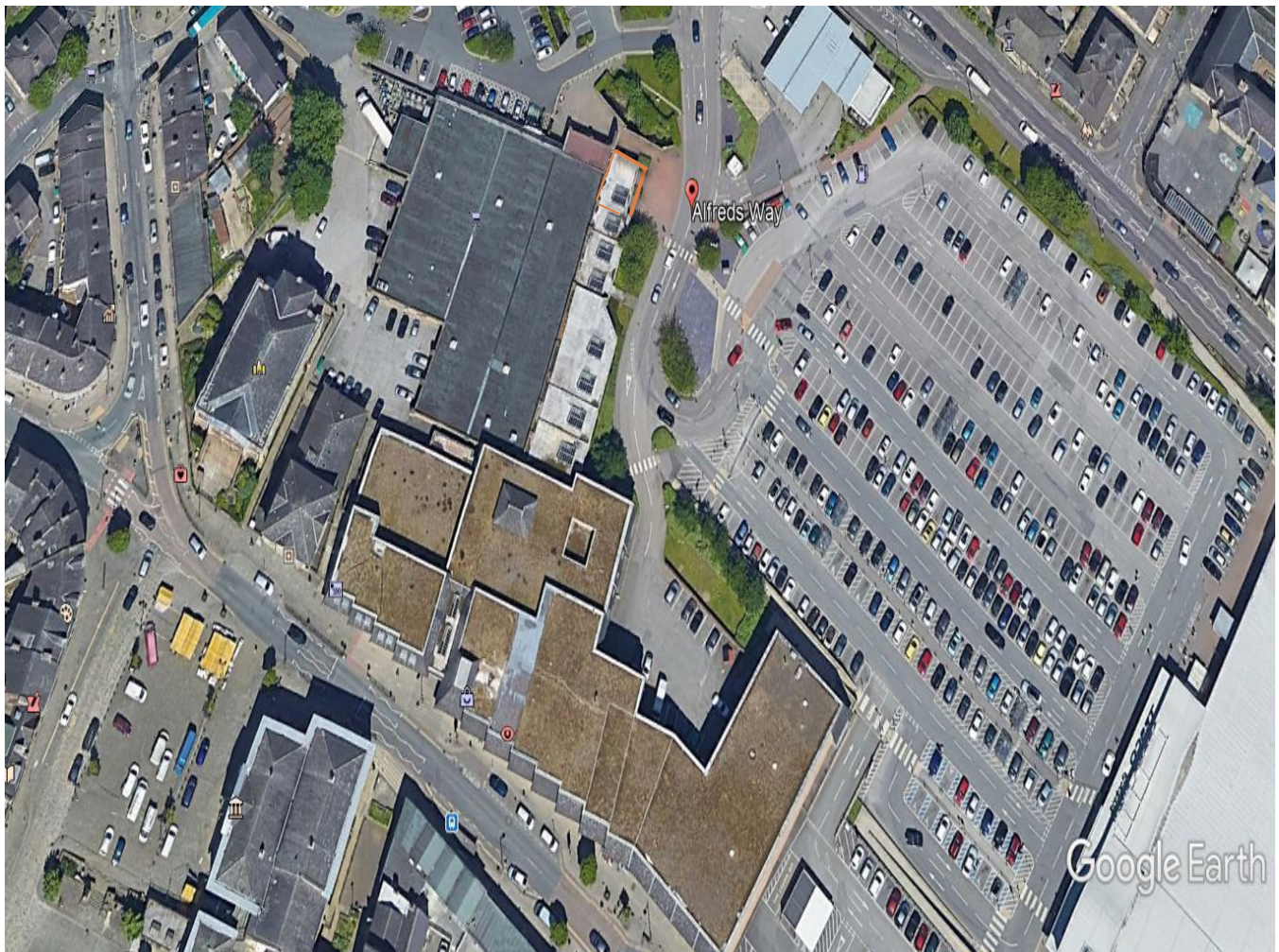


1.0 INTRODUCTION AND PROJECT BACKGROUND

- 1.1 HMS Town Planning have been instructed to prepare and submit a Full Planning Application for the proposed creation of retail kiosk at the northern most part of Batley Shopping Centre (previously a part of Phase 2 (2019/62/92854/E), the second phase of the regeneration programme.
- 1.2 Much of Phase 2 covered the rear (northern quarter) of the shopping centre.
- 1.3 The existing shopping centre was built more than 30 years ago, the majority of the internal units had struggled to attract and sustain local and national traders with many retailers preferring a strong shop front/High Street presence. The application site is located adjacent a vacant unit that was once the Ethel Austin store, alongside the access ramp from Alfreds Way.
- 1.3 A number of Planning permissions were granted in 2018, 2019 and 2020 for alterations, change of use and new areas as part of a regeneration masterplan for the shopping centre to re-open and become a new retail offer with town centre regeneration objectives high on the agenda for Batley, offering a wide range of shopping facilities and services in the heart of the town.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The site is located in the heart of the Town. Despite not having a high street frontage, the immediate area is predominantly commercial in terms of land use and character. Visually and physically, the site is well contained and set amongst a well built up area with a variation of style and design of properties and a varied pallet of materials seen throughout the area.
- 2.2 The design and layout of the centre represents a typical 70s shopping centre with a touch of the former corporate image left behind by Tesco before the erection of the Extra store. The building is constructed in buff brick to the rear which is in keeping with those external materials typical to the area. The roof is of a steep mansard style covered in slate with flat roof sections and dormer windows to frontage.
- 2.3 Being in the town centre the site is surrounded by various other town centre uses. For example there is a letting and management agency, fish and chip restaurant, bakery, pharmacy, retail stores and hot food takeaways. The Market Square, memorial gardens and a number of civic buildings including the town hall and public library are a short walk away. The site is easily accessible using sustainable transport methods such as walking and cycling and it also on a main bus route through the town. Town centre car parking is easily accessible.

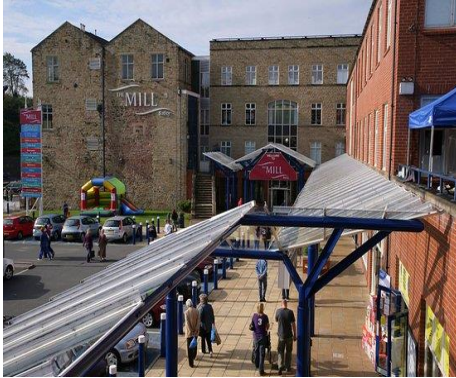


Aerial view of the site and its surroundings



Rear entrance Alfreds Way

- 2.3 In terms of successful and popular choices for shopping/food and drink in Batley, the Mill is recognised as the town's most prestigious retail offer which was also a regeneration scheme to restore an existing asset and create a sustainable end use. This has subsequently led to a lot more higher end and better known retailers located to the further east of Commercial Street. This proposal has the potential to even out footfall and visitors numbers to ensure a greater distribution of economic activity and spending in the town centre.



3.0 PLANNING CONTEXT

- 3.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of the Kirklees Unitary Development Plan (saved policies). The Government's National Planning Policy Framework is a material consideration.

3.2 *Kirklees Local Plan*

The Kirklees Local Plan was adopted in February 2019. The purpose of the Plan is to set out how much new development there should be in the district, where it will go and what policies will be necessary to achieve the strategy. The Kirklees Local Plan has now replaced the previous plan and is the main planning policy document for the district. The Local Plan covers the administrative area of Kirklees Council except for that part within the Peak District National Park. The plan covers the period 2013 – 2031. Those policies relevant to this proposal are:

3.3 **Policy PLP 1: Presumption in favour of sustainable development**

When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b. specific policies in that Framework indicate that development should be restricted.

3.4 **Policy PLP 2: Place shaping**

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places

- 3.5 The application site is located within the parameters of an established shopping centre that never reached it's full potential in terms of occupancy and popularity despite being very accessible to large numbers of people, particularly by public transport and on foot. The proposal aims to ensure that this widely accessible provision, based on existing centres, is maintained, but it's offer is able to respond to economic trends and population movement. It is also important to improve the environment to provide pleasant conditions for shoppers and encourage new investment in the town's retail core.

3.6 Batley Shopping Centre is perhaps more well known as an empty mall and cut through. This proposal aims to support the centre with a new use, image and an identity that is positive for the township. The location is already well placed in terms of accessibility from the bus station and the major routes around the town centre – A652 Bradford Road, B6123 Stocks Lane and the Mill Outlet and Batley Train Station just a 20 min walk away.

3.7 Policy PLP 7: Efficient and effective use of land and buildings

To ensure the best use of land and buildings, proposals should encourage:

- a. the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;
- b. the reuse or adaptation of vacant or underused properties;
- c. giving priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;
- d. allowing the opportunity for access to adjoining undeveloped land so it may subsequently be developed.

3.8 National policy states that planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The proposed reuse of the rear of the building adjacent to Iceland under an existing covered walkway to form a commercial space will remove the vacant space which was previously a hot spot for antisocial behavior and poor use of space.

3.9 Policy PLP 13: Town centre uses

Within Kirklees, main town centre uses shall be located within defined centres (principal town centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps, and as detailed in the shopping centre hierarchy and then in accordance with the sequential test.

Main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported. Proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported.

Centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement each another whilst retaining a strong retail core. Centres in Kirklees shall aim to provide a range of uses to support the daytime and evening economy.

All proposals shall be inclusive for all users, and be attractive to pedestrians, cyclists, and public transport users. They shall also conserve and enhance the local character, heritage, green spaces and the public realm where appropriate.

3.10 **Policy PLP 22: Parking**

The provision of parking will be based on the following principles:

- a. in town, district and local centres, car parks close to the main shopping area will be for short-stay use and peripheral car parks for long stay use;
- b. long stay parking in town centres will be reduced progressively in conjunction with improvements to sustainable transport opportunities, where appropriate;
- c. provision of private non-residential parking in town centres will not be permitted unless it can be demonstrated that it is required for operational reasons. Where such provision is permitted appropriate arrangements will need to be put in place to provide management arrangements consistent with public parking in the centre;
- d. provision of residential parking schemes within town centres for private vehicles/motorcycles/and cycles will be permitted; where appropriate and where schemes can be shown to enhance residential developments in the town centre;
- e. car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;
- f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;
- g. provision will be made to meet the needs of cyclists for cycling parking in new developments;
- h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.

- 3.11 The proposed development is located amongst a cluster of commercial uses and activity in the town centre. This new retail kiosk will compliment the adjacent businesses and support the vitality and viability of the town centre, with many of its customers being shoppers and workers in the area. The development will not cause a detrimental impact upon the existing parking availability given that customers form part of an existing footfall who are in town anyway for shopping needs or work related reasons.

3.12 Policy PLP 24: Design

Proposals should promote good design by ensuring:

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
- d. high levels of sustainability through:
 - i. The re-use and adaptation of existing buildings, where practicable
 - ii. design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;
 - iii. using innovative construction materials and techniques, including reclaimed and recycled materials;
 - iv. minimising resource use in the building by orientating buildings to utilise passive solar design, incorporating vegetation and tree planting to assist heating and cooling and providing for the use of renewable energy;
 - v. encouraging the use of electric and low emission vehicles by providing charging points;

vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;

vii. designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;

viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident / user.

e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;

f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;

g. any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;

h. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;

i. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and

j. the provision of public art where appropriate.

3.13 The application site has been left under used and represents a poor impression of the area and retail experience, as well as being a waste of a vital asset which could otherwise help to regenerate the area. The proposal will endeavor to bring about the sustainable re-use of an existing town centre asset to secure regeneration and bring the retail space into full and effective use, through innovative and sustainable design that will play a role in improving the quality and character of the area which is generally known as the rear walkway or Tesco's access.

3.14 It is important for the town centre, Alfreds Way particularly, that the existing stock of business premises and sites should be sufficient to ensure that opportunities for business expansion and for the

establishment of new businesses are not inhibited, and to avoid deflecting development pressure unnecessarily for business to relocate where there is better footfall.

3.15 *National Planning Policy Framework 2019*

3.16 The revised National Planning Policy Framework (NPPF) 2019, has replaced all previous Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) in respect of the consideration and determination of planning applications. Paragraph 8 of the Framework sets out the principles of achieving sustainable development. It means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.17 The heart of the NPPF is set out within Paragraph 11, which stresses the presumption in favour of sustainable development. In decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.18 The following Paragraphs are considered relevant to the consideration of the current application and the approach Authorities should take in decision making.
- 3.19 Paragraph 38 Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 3.20 Paragraph 55 states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 3.21 Section 7 of the Framework advises on ensuring the vitality of town centres. Paragraph 85 states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.
- 3.22 Section 8 seeks to promote healthy and safe communities. Paragraph 91 advises that planning decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mix-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

3.23 Paragraph 92 advises planning decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

3.24 Section 9 deals with promoting sustainable transport. Paragraph 103 states significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

3.25 Section 11 sets out the Government's guidance on making effective use of land, requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

3.26 Paragraph 118 states that Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

3.27 Section 12 advises on achieving well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 says planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.28 The proposed development provides an opportunity to support Phase 2 of the regeneration scheme which focuses on making the best use of existing space by utilising ancillary and storage space that once

served a large retail space, now no longer required. The proposed uses reflect the above-mentioned policy considerations and represents a sustainable form of development having regard to the aims of both local and national planning policies.

4.0 The Proposal

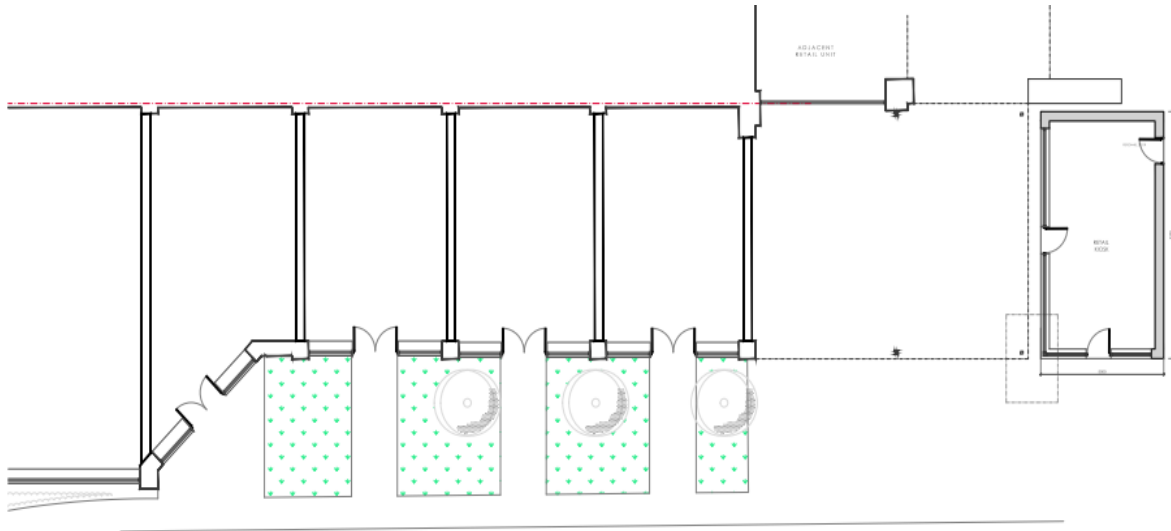
- 4.1 The proposal seeks permission for a new retail kiosk aimed at making use of an area that is currently a covered walkway adjacent to the beck, removing this void space.
- 4.2 The NPPF supports the provision of businesses. Batley is a sustainable location where there is support for commercial enterprise such as this. In particular, the NPPF supports the retention and development of local services and community facilities in local and town centres.
- 4.3 The rest of the Shopping Centre is in the process of being refurbished in order to accommodate new retail tenants. This application simply seeks to expand the nature of the commercial uses in the area and make better use of space that currently serves no real purpose as well as provide a hub of smaller affordable retail spaces for sole traders.

Use:

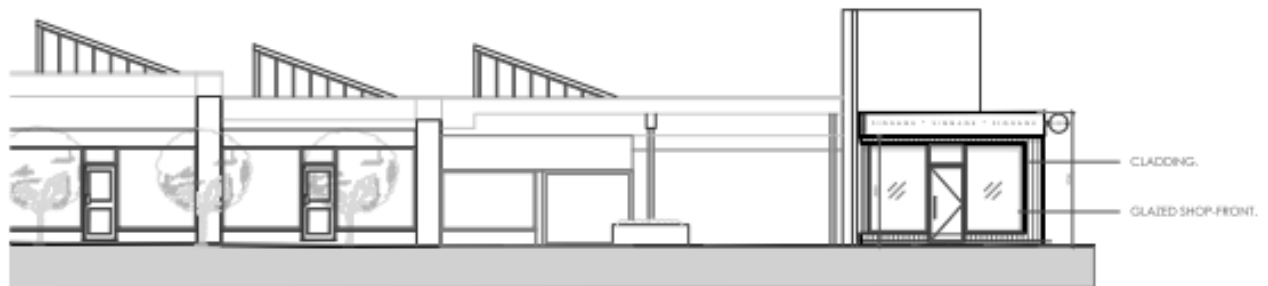
- 4.4 The proposal aims to make good use of existing space, and provide an increase in town centre services and provisions for its users whilst increasing local employment opportunities and economic activity in the town.
- 4.5 At the time of preparing this application, there has been some significant interest from retailers both large and predominantly small. Batley Shopping Centre as a whole lends itself extremely well as a mixed use development, its excellent location, and potential to offer a diverse range of activities in close proximity to other town centre uses, can sustain the proposed uses and other types of activity including A3 and A5 uses. It is not considered that such uses would conflict with each other, in fact they would all complement one another which would result in the transformation of the centre. In the planning balance, a mix used centre with strong retail anchor tenants represents a sustainable form of development and the principle of the proposal is considered to be sound and accords with both local and national policies.

Amount:

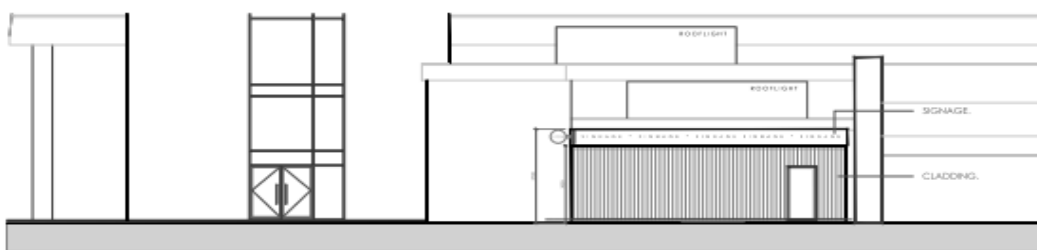
- 4.8 The application site occupies an area of 45.5sqm. This is considered to be appropriate for the location and capacity of the site.



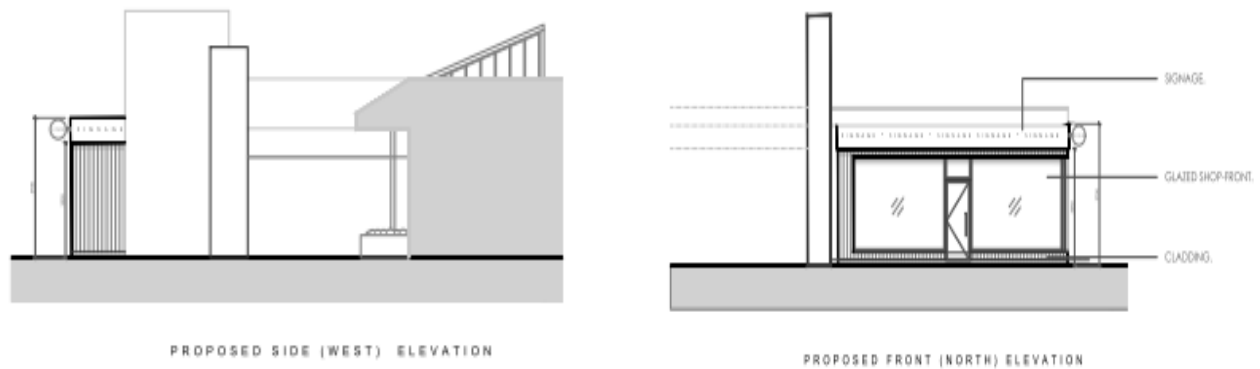
Proposed floor layout



PROPOSED SIDE (EAST) ELEVATION



PROPOSED REAR (SOUTH) ELEVATION



Proposed elevations

Scale and Layout:

- 4.10 The scale and layout of the proposed development will not result in any detrimental change to the existing build. The result would be to innovatively and positively responds to the site constraints such as levels and the plain appearance of the rear service area of Commercial Street units and Alfreds Way to create a new design that will improve the legibility and character of the area giving Alfred Way a true sense of place and commercial belonging.

Materials/Character:

- 4.11 Materials will consisting of aluminum frames, glazing and cladding to match that of the rest of Phase 2. The new exterior shop front design will be modern, parade style and visually works well given the differing site levels and views/vistas across car parks and main routes into Batley. The signage details will be subject to a separate advertisement consents.

Design Principles:

- 4.12 The approach to design has been to respond positively and innovatively to the site constraints and opportunities and well as the applicant's vision for delivering a sustainable regenerative development using modern materials, design and vernacular to give what is known as the rear service area of Batley Shopping Centre, a new and enhanced upgrade and set the bar for good design.

Examples of well designed retail frontages:



Access and Parking

- 4.13 The existing access arrangements will remain. The site is easily accessible to the public by walking, cycling and public transport. Pedestrian movement and safety around the site is important, especially given the busy town centre location. The continued use of the existing points would not be hazardous to pedestrians and therefore there is no detrimental impacts to pedestrian safety.
- 4.14 Existing town centre car parking is available close by. The red line boundary includes parking bays located behind the retaining wall to the south. The site is easily accessible by sustainable methods of transport. The proposal is unlikely to create a significant increase in vehicular traffic movements over and above what currently exists in the location.

Amenity

- 4.15 Considering the variation of commercial uses in the locality there is likely to be no significant impact upon the amenity of nearby businesses. It is understood that offices and residential uses occupy the 1st floor area of adjacent units. However, there is likely to be no adverse impacts having regard to noise and disturbances over and above what currently exists in such a location.

5.0 CONCLUSION

- 5.1 The NPPF has introduced a presumption in favour of sustainable development. The site is located within Batley town centre in a sustainable location which is easily accessible by sustainable transport methods. The area is predominantly commercial in character including A1, A2, A3 and A5 uses seen throughout the street scene.
- 5.2 This proposal would see a covered area which is no longer required to serve the centre brought back into use with the potential to offer a wide choice of services to the community which in turn would increase employment opportunities in the town, enhance social provision and interaction and increase economic activity in the town.
- 5.3 The proposed development provides an opportunity to deliver a range of new commercial space by utilising an existing space in the heart of the town which represents a sustainable form of development which would not be detrimental to the immediate area. The proposed uses reflect the above-mentioned policy considerations having regard to the aims of both local and national planning policies.