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Planning Development

Planning Policy Supporting Statement: Land off Huddersfield Road/Leeds Road, Birstall, Batley, WF17 9AA

Site Description

The application site is located at the junction of the A62 Huddersfield Road and the A643 Leeds Road. The site is currently occupied by a row of four two-storey stone built terraced dwellings (No. 2-8 Huddersfield Road). Three of the four properties, which have small yard/garden areas at the front and rear are currently vacant and boarded up. The remainder of the site, which is located to the side and rear of the terraces, comprises of one large brick-built vehicle workshop building with surrounding hardstanding. This part of the site now also stands empty but was formally occupied by a second-hand car sales business.

There are currently two access points leading into the site, one from Huddersfield Road, the other from Leeds Road. The site is currently bordered by low brick and stone walls and metal fencing. There is also a row of trees along the south-eastern boundary. The site is located directly east from the centre of Birstall and there are residential properties situated directly east, south and west of the site.



Google Street View Image of the application site

Planning History

There is no recent planning history on the site.

Policy Designation

With regard to the Kirklees Local Plan, the site is unallocated with part (including the terraced dwellings) being located within the Birstall Conservation Area.

The Proposals

This application seeks planning permission and conservation area consent for the demolition of the existing buildings and the erection of a Sainsbury's convenience retail food store. The application also includes the formation of a car park, a service yard, landscaping and boundary treatments.

The existing row of four terraced dwellings and the existing vehicle workshop building are proposed to be demolished.

A building to house the convenience retail food store is proposed. The proposals would be single storey only inside, however the building design has been given the appearance of a two storey building having regard to the existing two storey terrace (within the Conservation Area) which is proposed to be demolished.

The building would be located in a similar position to the existing terraces on the junction of Leeds Road and Huddersfield Road. The building would have a footprint measuring approximately 25.35m (l) by 16.14m (w). The height of the building would be part single storey and part two storey although internally the building would only have one floor. The building would incorporate a sales area with ATM and a back of house area. An external plant compound is also proposed at the rear of the building which would be enclosed by timber fencing.

The roof of the building would comprise of pitched sections varying in height. The building would be constructed of ashlar stone walling and coursed stone with a Spanish blue slate roof. Small windows are proposed on the front elevation with a larger glazed customer entrance proposed on the eastern elevation.

The existing vehicular access from Leeds Road is proposed to be used. The car park would be situated close to the access on the eastern part of the site. 18 car parking spaces are proposed which includes one disabled space and two spaces with electric vehicle charging points.

A service yard is proposed in the south and western part of the site. Service vehicles would also use the Leeds Road access to enter and exit the site.

Soft landscaping is proposed around the edge of the site and boundary treatments would include the existing stone walls at the front of the site, a new highway retaining wall along the section fronting Leeds Road, and native hedging along a section facing Huddersfield Road.

The proposed opening hours are 0700 – 2300 seven days a week. 20 full and part time jobs would be created.

Information accompanying the application

This application is accompanied by the following plans and reports:

- Plans (Martin Walsh Architectural)
- Planning Statement (Robert Halstead Chartered Surveyors & Town Planners)

- Design and Access Statement (Robert Halstead Chartered Surveyors & Town Planners)
- Retail Sequential Assessment (Robert Halstead Chartered Surveyors & Town Planners)
- Retail Impact Assessment (Robert Halstead Chartered Surveyors & Town Planners)
- Heritage Impact Statement (Humble Heritage)
- Structural Report (JNP Group)
- Noise Report (Environmental Noise Solution Limited)
- Transport Statement (Paragon Highways)
- Drainage Details (Haigh Huddleston & Associates)
- Preliminary Ecological Appraisal (Quants Environmental Ltd)
- Bat Emergence Survey (Quants Environmental Ltd)
- Tree Constraints Plan and Report (JCA Limited)
- Arboricultural Impact Assessment (JCA Limited)

Assessment of the Proposals

Principle of development and supporting a strong and competitive economy

There is a presumption in favour of sustainable development as outlined in Local Plan Policy LP1 and paragraphs 7 -14 in the NPPF. Paragraph 8 in the NPPF states that sustainable development is achieved through economic, social and environmental objectives that include:

- (economic) helping to “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...”

Paragraph 81 in the NPPF states 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.’*

Paragraph 7.12 of the Local Plan states that, *‘The council’s overarching objectives for the economy place significant emphasis on the need to support the growth aspirations of the districts indigenous businesses, as well as securing the inward investment opportunities which are likely to occur during the course of the plan period.’*

The proposed development would enable a well-known national retailer to invest in the local area of Birstall by providing a valuable alternative retail outlet selling essential day-to-day goods, and through the creation of twenty full and part time jobs.

Brownfield regeneration and making effective use of land

Paragraph 120 in the NPPF states that, *‘Planning policies and decisions should: c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.’*

Local Plan Policy LP7 (Efficient and effective use of land and buildings) also states that, *‘To ensure the best use of land and buildings, proposals: a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value.’*

The application site currently contains a row of four terraced dwellings and a vehicle workshop building, all of which are disused, vacant and in a relatively poor state of repair. The surrounding land

is also largely a mass of concrete hardstanding. The site is partly unallocated and partly within the Birstall Conservation Area, and given its former uses, it constitutes a brownfield site.

The proposed development would not only utilise this brownfield site and bring it back into viable use but would also improve the visual amenity and character of the area as a whole which is of particular importance given the site lies partly within and on the edge of the Conservation Area. Furthermore, the location of the development is on land in a sustainable location close to the centre of Birstall.

Vitality of Town Centres

Local Plan Policy LP13 (Town centre uses) defines Birstall as a District Centre. The role and function of a district centre is to *'provide a range of shopping for everyday needs and serving specialist markets; be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.'*

Paragraph 86 in the NPPF also states that, *'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 adaptation.'*

With reference to the enclosed retail sequential and impact reports, the centre of Birstall is relatively healthy. There is a good range of independent shops and services plus some national brands like Co-op and Tesco. There are currently few vacant units.

The proposed development would further enhance the retail offer available in Birstall with the opportunity for more linked trips to be taken by customers. The introduction of a Sainsbury's Local supermarket is not considered to adversely affect the vitality and viability of Birstall town.

The accompany Retail Sequential and Impact Assessments go into further detail and demonstrate that:

- a) The proposals are considered to pass the sequential test in accordance with Local Plan Policy LP13 and NPPF paragraphs 87 & 91.
- b) The Retail Impact Assessment details how it is considered that relevant impacts would not be 'significantly adverse' in accordance with the objectives of Local Plan Policy LP13 and NPPF

Heritage Impact

The row of four terraces (2-8 Huddersfield Road) are located within the Birstall Conservation Area. As such, a Heritage Impact Statement has been produced by Humble Heritage, the full report of which is accompanied by a Structural Report by JNP.

The main conclusions from the reports are as follows:

- The front façade of No. 2-8 Huddersfield Road is identified as an important frontage/building in the Conservation Area Appraisal, and it is therefore a non-designated heritage asset.
- Its level of significance and contribution to the Conservation area is undermined by its deteriorated structural condition. The Structural Survey describes the building as being in an advanced state of deterioration, unsafe and not economically viable to repair.
- Even if repair was possible, the amount of rebuilding and replacement of historic features would lead to a loss of heritage significance.

- It is likely that the building's condition will deteriorate further and would eventually require demolition on grounds of safety.
- The proposed demolition will not therefore cause any more harm to the historic environment than that which will occur if the building is allowed to remain.
- This application would allow the building to be recorded prior to demolition as a condition of any planning permission. It is also an opportunity to ensure that a suitable replacement building can be erected on the site.
- The replacement building is of suitable design that would enhance the Birstall Conservation Area.
- The wider design of the site is proposed to retain some original features of historic importance. For instance, the stone boundary wall at the front of the site is proposed to be retained and enhanced and the stone slabs on the forecourt are proposed to be re-laid once the building has been erected.

Given the above, the proposed development is considered to be appropriate in terms of its impact on the historic environment as defined by the NPPF, ¹ Local Plan Policy LP35 (Historic Environment) and the relevant sections of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Design and Visual Amenity

Paragraph 126 in the NPPF states the following,

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.'

The specific detailed requirements relating to design can be found in Local Plan Policy LP24 (Design).

The proposed Sainsbury's store would be located in a similar position to the existing terraces on the junction of Leeds Road and Huddersfield Road at the gateway to the conservation area. The building would have a slightly smaller footprint than the terraces measuring approximately 25.35m (l) by 16.14m (w). The height of the building would be part single storey and part two storey in order to reflect and respect the architectural and historic context of the terrace properties to be demolished, although internally the building would only have one floor.

The roof of the building would comprise of pitched sections varying in height. The external walls of the building would be constructed of ashlar stone walling and coursed stone and the roof would comprise of Spanish blue slate. The doors and windows would have powder coated aluminium frames and the gutters and downpipes would also comprise of black aluminium.

Small windows are proposed on the front elevation with a larger glazed customer entrance proposed on the eastern elevation.

The design of the proposed store would therefore appear modern and contemporary but would include and incorporate certain design elements found within the local historic environment. The proposed materials for instance would be in keeping with local character and the style of the building, particularly the front elevation, would retain a domestic appearance similar in character to the existing

¹ NPPF paragraph 203 Chapter 16 – Conserving and enhancing the historic environment

terraces e.g. the small vertical windows proposed at ground and first floor level, and the stone cills, lintels and quoins incorporated into the building's fabric.

The wider design of the site has also managed to retain some original features of historic importance. For instance, the stone boundary wall at the front of the site is proposed to be retained and enhanced and the stone slabs on the forecourt are proposed to be re-laid once the building has been erected.

Plant and bin storage is proposed to be kept at the rear of the building so as not to detract from the character and appearance of the building and wider Conservation Area.

An area of soft landscaping is proposed in the southern section of the site. The existing area of trees situated along the northern and eastern boundaries would also be retained. This would provide a good contrast between the built and natural environment, softening the appearance of the development whilst also providing additional visual interest.

A car park is also proposed in the northern part of the site which includes 18 spaces, one of which would be a designated disabled space and two spaces would have electric vehicle charging points. The existing hardstanding area was formally used for parking cars on and as such, it is not felt that proposed car park would have any additional impact on visual amenity. Level access from the car park into the building is proposed, making the building accessible for all users.

The proposals are therefore felt to be acceptable with regards to design and visual amenity and complies with paragraphs 126 and 130² in the NPPF and Local Plan Policy LP24 (Design).

Residential Amenity

The application site is located on the junction of Leeds Road (A643) and Huddersfield Road (A62). Residential dwellings are located directly to the north, east and south of the site with the centre of Birstall situated directly west.

There are several dwellings that border the application site. Numbers 21 to 49 Brownhill Road are located along the eastern boundary of the site. The closest dwelling is approximately 7m away. However, there is an area of mature trees that grows along the eastern boundary that would act as a screen between the proposed development and these dwellings.

No. 3 Leeds Road is located adjacent to the north-eastern boundary. A public footpath is situated between this property and the application site. This would also help in providing a degree of separation between the dwelling and the proposed development.

No. 18 Huddersfield Road is located 16.5m away from the southern boundary of the site. A commercial property (Evelex Auto Parts Store) sits between No. 18 and the application site which again would act as a screen / barrier between the proposed development and No. 18.

The convenience store itself would be located at the front of the site and as such the separation distances between the building and the neighbouring residential dwellings would be greater, with the car park and service yard areas being the elements of development closest to the neighbouring dwellings.

² NPPF paragraph 130 – Achieving well-designed places

It is considered that given the nature of the proposals in terms of the layout, scale, and overall design, and the separation distances and existing screening in place, the proposed development would not cause undue harm to the residential amenity of neighbouring occupants with regards to outlook, privacy or overshadowing. The proposed development therefore complies with paragraph 130 f) in the NPPF and Local Plan Policy LP24 b.

Noise

A Noise Impact Assessment has been undertaken by Environmental Noise Solutions Limited and accompanies the application. The opening hours of the store are proposed to be 0700 – 2300 seven days a week (same hours as the nearby Sainsburys at Gomersal).

The main findings and conclusions from the report are as follows:

- The principal noise sources potentially associated with the development are delivery noise, noise associated with any fixed external plant and customer parking.
- Store delivery and collections including waste would take place between 0700 to 2300 hours. To minimise noise in residential gardens, it is recommended that an acoustic barrier is erected along the south-western boundary.
- The cumulative rating level of external fixed plant equipment should not exceed the typical background noise levels in a free field position at the location of the specified NSRs (see paragraph 5.07 of the report).
- It is considered that appropriate noise control can be achieved by the judicious selection and siting of the plant and/or noise mitigation techniques.
- When assessing the use of the car park in accordance with the IEMA guidelines for environmental noise impact assessment, the noise impact is considered to be negligible at all NSRs (noise sensitive receptors).

The proposed development is therefore considered to be acceptable in relation to noise and as such complies with paragraph 185 a) in the NPPF and Local Plan Policy LP52 (Protection and improvement of environmental quality).

Highways

A Transport Statement has been prepared by Paragon Highways and accompanies the application. The main conclusions are as follows:

Access

- The existing access off Leeds Road is proposed to be improved. The access would be widened to 9.7m which would allow sufficient access for all vehicles including service and delivery vehicles. This access point is located 38m west of the signalised junction.
- Visibility splays of 2.4m x 21m to the east and 2.4m x 43m to the west can be achieved. This is a slight improvement from what currently exists due to the proposed widening of the access.
- Due to the location of the signals and likely queuing traffic, it is proposed to provide a 'Keep Clear' marking so that vehicles turning right into the site can do so without obstructing traffic approaching from the west. The 'Keep Clear' marking would also allow for vehicles to turn right out of the site easily.
- The two other existing site access points are proposed to be permanently closed off. This would provide a significant road safety benefit as these access points are located adjacent to the signalised junction stop.

Servicing

- A service yard is proposed within the application site. This would include internal turning to accommodate a 12m long rigid HGV. This is the largest vehicle anticipated to access the site.

Parking Provision

- The TRICS database revealed that an overall hourly maximum of 14 vehicles between 5pm and 6pm. The proposed development includes 18 parking spaces located to the east of the store. This is an additional four spaces from that predicted by the TRICS which is considered acceptable should there be any unforeseen spikes in parking demand.
- Secure cycle parking is proposed within the site with eight short stay spaces.

Traffic Impact

- The proposed development would provide a net traffic increase of between 35 and 57 traffic movements during the network morning and evening peak hour, providing 1 traffic movement on average every 1 to 2 minutes during the busiest hour.
- It is envisaged that the trips would be distributed evenly along the surrounding highway network given the status of adjacent roads.
- The increase in traffic would not be significant or severe and as such the development would have little or no residual impact on the local highway network.

Sustainability

- The application site is located within a sustainable location close to good bus providing connections to nearby settlements, larger towns and retail areas. There are also several train stations within cycling distance which offer the opportunity for multi-modal transport.
- Two car parking spaces with electric vehicle charging points are proposed.

Given the above, the proposals are considered to be acceptable on highway grounds and accord with paragraphs 110 and 112 in the NPPF and policies LP20 (Sustainable Travel), LP21 (Highways and access) and LP22 (Parking) in the Local Plan.

Drainage

A Drainage Feasibility Plan and Calculations have been prepared by Haigh Huddleston and Associates and accompanies the application. Some of the key points to note are as follows:

- It is proposed that the existing combined sewer be diverted between manholes F1 and F3 under a Section 185 Agreement with Yorkshire Water. The existing manholes F1 and F3 are proposed to be reconstructed to accommodate the proposed diversion.
- The existing sewer is proposed to be abandoned and grubbed out between manholes F1 and F3.
- A 3 metre sewer easement is proposed to be provided to foul sewer diversion. A foul lateral connection to serve the commercial unit is also proposed.
- It is proposed that surface water would discharge to the existing stone culvert via a junction connection.
- A concrete attenuation tank providing 94m³ of storage is proposed.

It is considered that suitably worded conditions can be attached to any permission to ensure adequate drainage is constructed on site, in accordance with Local Plan policy LP28 (Drainage).

Biodiversity

A Preliminary Ecological Appraisal and Bat Emergence Survey have been undertaken by Quants Environmental Ltd and accompany the application. The main conclusions and recommendations are as follows:

- Woodland at the site is assessed as being of ecological value at the site level. All other habitats are assessed as being of ecological value as less than the site level. It is recommended that all woodland is retained where possible and in order to contribute to biodiversity net gain, any additional tree/shrub planting should be native and provided in areas that currently support buildings, hard standings and grassland.
- A range of common birds are likely to nest in the woodland and possibly the buildings. Any works affecting potential bird nesting areas are recommended to be undertaken outside of bird nesting season (March to August inclusive). Bird boxes are also recommended.
- The buildings on site were assessed as having low bat roost potential. Dusk emergence surveys have been carried out. No evidence of bat roosts were identified and no further surveys are recommended. However, artificial lighting at the site should aim to avoid light spill into the woodland.
- Great Crested Newts, Water Vole, Otters or Badgers are very unlikely to occur at the site. No further surveys are recommended.

Given the above, the proposals would not cause undue harm to biodiversity and are therefore considered to be acceptable and in accordance with paragraph 174 in the NPPF and Local Plan Policy LP30 (Biodiversity and geodiversity).

Trees

An Arboricultural Impact Assessment has been carried out by JCA Limited and accompanies the application. The main conclusions are as follows:

- The trees on site are not constrained by a Tree Preservation Order and are not located within the Conservation Area.
- One tree with G4 and T5 require removal in order to facilitate the proposed development. Both trees are category 'C' low value trees. The removal of these trees will have a negligible effect on the local treescape. No mitigation measures are considered necessary.
- No pruning works are required in order to facilitate the proposed development.
- The trees to be retained are located either behind a quarry's rock face or up a steep bank, well away from potential construction activities and as such, no tree protection measures are required. An Arboricultural Method Statement is therefore not deemed necessary.

The proposed development is therefore considered to be acceptable in relation to trees and complies with Local Plan Policy LP33 (Trees).

Conclusion

Planning permission and conservation area consent are sought for the demolition of the existing buildings and the erection of a Sainsbury's Local convenience food store. The application also includes the formation of a car park, a service yard, landscaping and boundary treatments.

The preceding paragraphs of this report demonstrate that the proposed development is an effective use of land that would make a significant contribution to the local economy and would not significantly harm the vitality and viability of the local centre of Birstall.

Although the proposals would involve the demolition of buildings located within a Conservation Area, these buildings are in an advanced state of deterioration, they are unsafe and not economically viable to repair. The demolition of these buildings and replacement with an appropriately designed replacement would therefore not result in a detrimental impact on the character or appearance of the historic environment of the local area.

The design of the proposed development is considered to be appropriate in terms of visual amenity with specific attention made to local character and appearance. There are felt to be no constraints to the proposals with regards to residential amenity, highway matters, drainage, biodiversity and trees.

It is therefore respectfully requested that conservation area consent and planning permission are approved accordingly.

Robert Halstead Chartered Surveyors & Town Planners

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