

ASDA STORE, LONGHILL ROAD, HUDDERSFIELD, HD2 2LQ

PROPOSED COFFEE SHOP DRIVE-THRU UNIT

PLANNING STATEMENT

Incorporating Sequential Test Assessment

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PLANNING STATEMENT

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1 INTRODUCTION

- 1.1 This Planning and Sequential Test Statement has been prepared by RPS Group Limited on behalf of EG Group Limited (“the applicant”), the owner of Asda Stores Ltd. in support of a full planning application being submitted to **Kirklees Metropolitan Council** relating to land which currently comprises part of the Asda store car park at **Longhill Road - Off Bradford Road, Huddersfield, HD2 2LQ** (the application site).
- 1.2 The EG Group was founded in 2001 by brothers Mohsin and Zuber Issa with the acquisition of a single petrol filling station in Bury, Greater Manchester. In October 2017 the company rebranded its Europe Wide operations to the EG Group since establishing itself as one of Europe’s fastest growing and most recognisable forecourt operators, with an expanding portfolio of 341 freehold-owned petrol stations located throughout mainland UK and a large number of separate roadside welfare facilities (roadside restaurants and motorway service areas). The company operates approximately 2,500 sites across Europe (including the UK) and employs approximately 12,500 people.
- 1.3 EG Group has forged high-profile relationships with nationally and globally recognised retail and convenience brands and, in June 2021, completed the purchase of Asda Stores Ltd. EG Group make sustainability a key consideration. To that end, in 2014 they invested £2.6m in providing solar panels for over 20% of the EG sites. In May 2017, it was announced that they would be providing an additional £6m into reducing their carbon footprint. Additionally, six motorway service stations feature rainwater harvesting systems, collecting rainwater which is then filtered to be used on site.
- 1.4 In 2014, EG Group invested £3.2m in the installation of LED lighting on sites throughout the estate. As well as consuming less energy than incandescent and high-intensity discharge (HID) lights, LED lights use only 2-17 watts of electricity, which is 25%-80% less energy than standard lighting systems, decreasing cost and impact significantly.
- 1.5 As a responsible developer, EG Group have investigated and implemented a series of core sustainable design principles within our project design, delivery and operation that align with a number of the UN Sustainable Development Goals (2015). Our developments also reduce potable water consumption through high quality water saving technologies within WC and Shower areas, where possible looking for opportunities to recycle / reuse water. This includes providing additional facilities for passing motorists badged as ‘Food to Go’ which form a vital element of the business operation and a key element of ensuring the viability of sites.
- 1.6 The application proposes the erection of a single storey building for the provision of a drive-thru hot drinks takeaway, incorporating the associated reconfiguration of the existing car park layout.
- 1.7 This statement details the nature of the application site and the surrounding area, the site history, and relevant development plan policies and associated guidance, followed by an assessment of the proposals against those policies, guidance and any other material planning considerations. It should be read in conjunction with the application drawings and other technical reports which make up the submission as listed in the covering letter.

2 SITE AND SURROUNDINGS

- 2.1 The application site currently comprises part of an Asda retail store (current Use Class E) with an ancillary surface car park consisting of 357 spaces and petrol filling station.
- 2.2 The site of the proposed drive-thru development forms part of the Asda store is situated in the north-western part of the store car park and is currently laid down as car parking and circulation. The red line application site also includes the links to the adjacent public highways as required but there is no development proposed along these internal routes or to the existing junctions. The proposed development area occupies part of the car park comprising 58 parking spaces. The location of the application site is shown in Figures 2.1 below and 2.2 overleaf.



Figure 2.1: Site Location

- 2.3 The Asda store is bounded by A641 Bradford Road on its western boundary and Long Hill Road to the north. The grounds of Barrow AFC lie to the north with a retail park to the south. Along its eastern flank lie the rear gardens of dwellings fronting Hopkinson Road. The Asda store lies at the southern end of the car park beyond which lies an area of open space.
- 2.4 The Asda store is located some 3km to the south of Brighouse town centre and 3km north of Huddersfield town centre. The nearest local centre is Sheepridge to the south-east; Fartown Bar and Hillhouse to the south along Bradford Road and Birkby to the south-west.
- 2.5 The Asda Store trades 24 hours daily, except on Saturday (closing at 22:00) and Sunday when it trades 10:00– 16:00. The store provides a range of goods and services including pharmacy, , travel money bureau and cafe. The petrol filling stations opens 24 hours a day.



Figure 2.2: Aerial View of the Application Site

- [illegible]

3.3 The unit can be accessed by vehicles using the existing site entrance from Bradford Road. There is also a footpath from Bradford Road which links to the application site via a segregated footpath

crossing the car park, running between the store and the pedestrian entrance from Longhill Road. This route will provide direct pedestrian access to the proposed unit.

- 3.4 The drive thru lane is be segregated from the car park circulation to ensure it does not impede circulation within the car park. This can be accommodated with only minor changes to the car park and will not change the primary circulation patterns.
- 3.5 The 'drive-thru' runs down the eastern side of the proposed building with drivers placing their orders shortly after entering the 'drive-thru' lane by way of a speaker post and then collecting their orders from a 'pick-up' window.
- 3.5 A total of 4 cycle parking spaces for use by customers and staff are provided, in the form of two Sheffield cycle stands located in front of the coffee shop. The closest bus stops are situated about 100m walking distance to the west on Bradford, and 150m to the north on Long Hill Road. An additional two parking bays designed to mobility impaired standard will be provided adjacent to the new unit.
- 3.6 Waste and recycling storage is provided in the external yard for the unit and will be collected by private contractor twice weekly.
- 3.7 A full assessment of the transport and highways impacts of the proposed development is contained within the Transport Statement prepared by Dynamic Transport Planning which forms part of this planning application submission.

4 PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.2 The Local Planning Authority is **Kirklees Council**, and the Development Plan consists of:
- Kirklees Local Plan (February 2019);
 - Holme Valley Neighbourhood Development Plan.
- 4.3 The Kirklees Local Plan was adopted on 27 February 2019 and comprises the strategy and policies document, the allocations and designations document and associated policies map.
- 4.4 The Holme Valley Neighbourhood is not applicable in this location. The site does not fall in any other identified Neighbourhood Planning Area.
- 4.5 The Council has also produced Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs) to provide more detailed information and guidance on specific policy aspects and which can be a material consideration in determining planning applications.
- 4.6 The revised National Planning Policy Framework (2021) (NPPF) is a material consideration in the determination of planning applications. It states that planning decisions should apply a presumption in favour of sustainable development and for decision taking this means, approving development proposals that accord with an up-to-date development plan without delay.

4.1 National Planning Policy

- 4.8 The key element running through the NPPF is the presumption in favour of sustainable development, of which there are three interdependent dimensions which should be sought jointly and simultaneously through the planning system: economic, social and environmental.
- 4.9 Paragraph 11 is very clear in saying that proposals that accord with the development plan should be approved without delay. Permission should also be granted where there are no relevant development plan policies or the policies most important for determining the application are out of date unless specific policies in the NPPF indicate development should be restricted or there are adverse impacts which outweigh its benefits.

Building a strong, competitive economy

- 4.10 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 81).

Ensuring the vitality of town centres

- 4.11 Planning decisions should support the role of town centres and take a positive approach to their growth, management and adaptation (paragraph 86). Local policies should define the extent of town centres and make clear the range of uses permitted in such locations. They should also allocate a range of suitable sites to meet the scale of development likely to be needed (paragraph 86).
- 4.12 The PPG indicates that the sequential test supports the Government's 'town centre first' policy but recognises that as promoting new development on town centre locations can be more expensive and complicated than building elsewhere, local planning authorities need to be realistic and flexible in applying the test (Paragraph: 013 Reference ID: 2b-013-20190722 Revision date: 22/07/2019).

- 4.13 A sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (paragraph 87). When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre (paragraph 88). Main town centre uses are defined in the Glossary and include retail and recreation uses, the latter including restaurants and drive-through restaurants but not takeaway/delivery facilities.
- 4.14 The PPG makes clear that the onus is on the applicant to demonstrate compliance with the sequential test and that wherever possible the local planning authority is to support the applicant to undertake the test. (Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22/07/2019).
- 4.15 The PPG also states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification (Paragraph: 012 Reference ID: 2b-012-20190722 Revision date: 22/07/2019).
- 4.16 The guidance confirms that the application of the sequential test will need to be proportionate and appropriate for the given proposal (Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22 07 2019).

Impact Test

- 4.17 Retail and leisure developments in excess of 2,500 sq m which are on sites lying outside of a town centre or which are not in accordance with an up-to-date local plan should be supported by an impact assessment.
- 4.18 Planning policies and decisions should also aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and which enable and support healthy lifestyles (paragraph 92).

Promoting Healthy Communities

- 4.19 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles 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 (paragraph 92).
- 4.20 To provide the social, recreational and cultural facilities and services the community needs, planning decisions should 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 (paragraph 93).

Promoting Sustainable Transport

- 4.21 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

Making Effective Use of Land

- 4.22 Planning should promote an effective use of land in meeting the need for homes and other uses. Substantial weight should be given to the use of brownfield land and the development of under-utilised land and buildings should be promoted and supported (paragraphs 119 and 120).

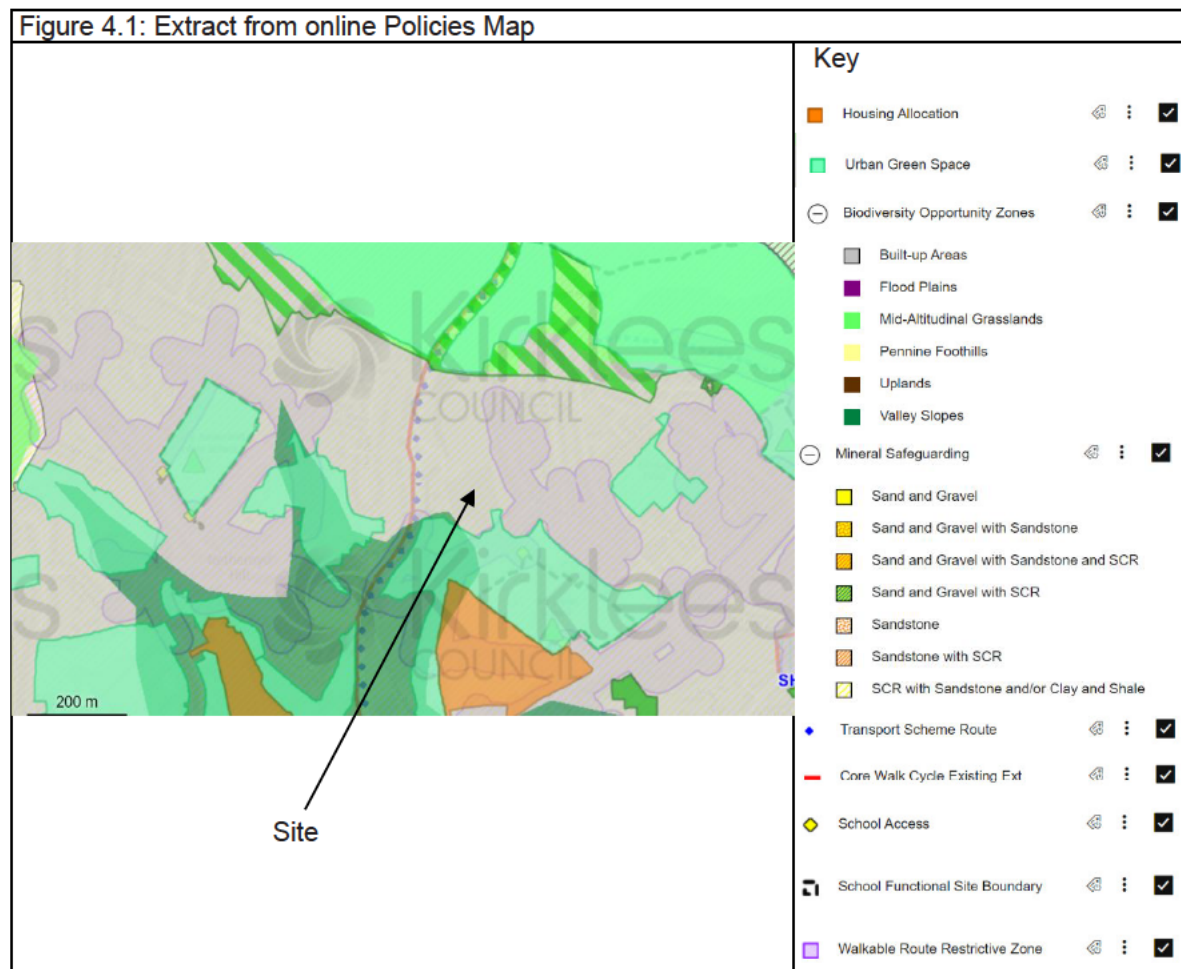
Achieving Well Designed Places

- 4.23 Good design is a key aspect of sustainable development (paragraph 126). New development should, inter alia, function well and add to the overall quality of the area; be sympathetic to local character the surrounding built environment and landscape setting (paragraph 130).
- 4.24 Development should also optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks (paragraph 130).
- 4.25 On the 7 August 2022, changes were made to Planning Practice Guidance indicating that Local Planning Authorities should consider seeking details from applicants, setting out what measures will be put in place to reduce the litter associated with a proposed development, to ensure there is no unacceptable impact from litter on the amenity of the area. Such details can include proposals to install litter bins, commitments to undertake litter picking and advisory signage.

4.2 Adopted Local Planning Policy

4.2.1 Site Designation

- 4.26 The application site is within the Built-Up Area Biodiversity Opportunity Zone, as well as within an area with SCR with Sandstone and/or Clay and Shale. It is adjacent to a Green Belt and a Walkable Route Restrictive Zone for hot-food take-away.



4.2.2 Kirklees Local Plan Strategy and Policies Document

4.27 **Policy LP13 (Town centre uses)** states that Huddersfield is a Principal Town Centre, meaning that the area's main function is to provide for the shopping needs (particularly for non-food goods) of residents across Kirklees. The main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services.

4.28 **Policy LP16 (Food and drink uses and the evening economy)** states that Proposals for food and drink, will be supported, provided they are located within a defined centre, and subject to:

- ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:

- a. the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;
- b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
- c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and/or obligations;
- d. the availability of public transport, parking and servicing;
- e. highway safety;
- f. the provision of refuse storage and collection; and
- g. the appearance of any associated extensions, flues and installations.

Proposals for food and drink uses and licensed entertainment uses located outside of defined centres will be subject to criteria b to g set out above and also require the submission of a Sequential Test and Impact Assessment.

4.29 **Policy LP47 (Healthy, active and safe lifestyles)** states that the Council will work with partners to manage the location of hot food take-aways particularly in areas of poor health. The Council will require a Health Impact Assessment to be carried out for all proposals that are likely to have a significant impact on the health and well-being of the local communities, or particular groups within it, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.

4.2.3 Kirklees Local Plan Allocations and Designations

4.30 This plan is not applicable to the proposed development.

4.3 Supplementary Planning Policy

4.31 Kirklees Council has adopted a number of supplementary planning documents addressing matters such as design, affordable housing and open space. The most recently adopted SPD relates to the development of hot food takeaways.

4.3.1 Hot Food Takeaway SPD

4.32 The Kirklees Hot Food Takeaway SPD was adopted on 21 September 2022 and provides further guidance on the assessment of planning applications for new hot food takeaways under Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles) and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.

- 4.33 Hot Food Takeaways are defined in Table 5 and coffee shops are excluded. The policies of this SPD consequently do not apply to this proposal.

5 SEQUENTIAL TEST ANALYSIS

- 5.1 Planning policy adopts a town centre first approach through the application of the sequential test. This approach requires main town centre uses to be located in town centres, then in edge of centre locations; and only if suitable sites are not available, or not expected to become available within a reasonable period, out of centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Local planning authorities, however, need to be realistic and flexible in applying the test. It is recognised that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
- 5.2 Main town centre uses are defined in the NPPF as retail, leisure, entertainment, more intensive sport and recreation uses such as cinemas, restaurants – including drive-through restaurants - bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls), offices, and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). The NPPF defines ‘edge-of-centre’ location, for retail purposes, as a location that is well connected to, and up to 300m from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- 5.3 The objective of the sequential test is to locate appropriate town centre uses within central locations which are accessible by a range of means of transport. It is not a tool to simply justify refusing planning permission for developers seeking to develop sites in non-town centre locations. Alternative sites within central areas must be suitable and available for the proposed development to be considered sequentially preferable.
- 5.4 The application site lies in an out of centre location and so a sequential test assessment is required.

5.1 Legal Precedent

- 5.5 The established Supreme Court case law example of Tesco Stores Limited v Dundee City Council provides clear guidance in respect of the application of the sequential test. It is important to highlight at this point that whilst the Dundee case was a Scottish case the Supreme Court’s decision applies in England. This has been confirmed in the subsequent Secretary of State’s ‘Rushden Lakes’ decision.
- 5.6 The decision is helpful in understanding the realism with which Local Authorities should consider sequential assessments. It is also useful in discussing the application of planning policy by LPA’s.
- 5.7 The court held that interpretation of policy was a matter of law, not a matter of judgment, professional or otherwise. Previously the position was that, in effect, provided that the interpretation put on a policy by the decision-maker was not unreasonable, the court would not second guess that approach.
- 5.8 In Paragraph 38, Lord Hope provided important guidance as to the interpretation and indeed application of the sequential test:
- “Here too the context indicates that the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”
- 5.9 The Tesco v Dundee decision has been reinforced by the Zurich Assurance Limited v North Lincolnshire Council (20 December 2012). The focus of the Appeal was the requirement for LPA’s to

assess the sequential test within the boundaries of commercial realities. To that end, the decision states:

“It is also important to mark that developers, and planning authorities, work in the real world. Marks & Spencer had assessed the only available town centre alternative to the site and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their requirements.”

- 5.10 The Scunthorpe judgement is also helpful in respect of viability. Indeed, para 60 of the decision states:

“In my judgment, it is simply incorrect to say that there was no evidence before the officer and committee that (i) the T J Hughes unit was too small to create an economically viable Marks & Spencer food and non-food store, or (ii) it was not economically viable to split the operation into two parts, one of which might be housed in the T J Hughes unit. The evidence was that Marks & Spencer had considered the T J Hughes unit, and in their opinion, they could not use that unit (or, indeed, any unit in Scunthorpe town centre) for an economically viable operation. For that reason, they had no interest in any available site other than the Site, as the representative at the hearing made clear. That was evidence that the committee could properly take into account. It is unrealistic to expect a commercial operator to reveal its precise commercially sensitive and valuable calculations as to why it considers possible alternatives to the development proposal not to be commercially viable; and it is unnecessary for them to do so to enable a planning authority to come to a view on viability.”

- 5.11 The Mansfield case (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)) addressed the issue of the relevance of the individual developer or retailer to the operation of the sequential test and found that (paragraph 35):

“In my judgement, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.”

- 5.12 This case also indicates that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must still be capable of accommodating development which is recognisably closely similar to what is proposed.

5.2 Planning Appeal Decisions

- 5.13 This Secretary of State decision upheld the Inspector’s recommendation to allow the erection of a mixed-use scheme at Rushden Lakes (ref. APP/G2815/V/12/2190175). Paragraph 2.64 is key in respect of the level of flexibility which must be shown as part of the sequential test:

“...in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.”

- 5.14 Paragraph 2.68 identifies that the consideration of disaggregation of specific elements of schemes as part of a sequential assessment is not reasonable:

“There is no longer any such requirement stated in the NPPF...Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. It is too large a point to rest on implication. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word “disaggregation” at the end of NPPF [24].”

- 5.15 Finally, at paragraph 8.55, the Rushden decision also provides guidance on when a site can be considered “available”:
- “In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are “available”. It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years. NBC has previously adopted the same interpretation of “available” as LXB do. Mr Lewin accepted that in the Committee report (24 July 2012) in relation to an application to redevelop the Royal Mail site at Barrack Road for a 5,000+ sq m Tesco superstore, the Council rejected Legal & General’s objection that availability should have been looked at over a longer time frame. The site was not currently available and that was what was required by the sequential test.”
- 5.16 Accordingly, any sequential assessment must be undertaken on a flexible basis, both on the side of the LPA and the developer and mindful of relevant case law examples.
- 5.17 It is unrealistic to suggest that the need for the proposed development could be met by disaggregating elements of the scheme across several sites. All that would result, were it ever to be commercially viable (which in our professional experience it would not), is a series of small-scale developments at various locations, both inside and out of centre that poorly relate to each other and the overall planning strategy for the regeneration of the town centres. This view is reinforced by relevant case law examples.
- 5.18 In addition, clarity on what enables a site to be considered available is also provided.
- 5.19 The Secretary of State issued a decision on a proposal at Honiton Road, Exeter for a district centre including uses within Use Classes A1, A2, A3, A5, D1 and D2 totalling some 17,000sq m gea (APP/Y1110/W/15/3005333) in June 2016. It referred to the Tesco v. Dundee judgement, referring to the finding that the question of suitability does require judgement but also that the purpose of flexibility is not to require the application to be transformed into something significantly different (Paragraph IR11.32).
- 5.20 The Inspector also confirmed that drive-thru restaurant format should be accommodated but that there should be flexibility over how they are accommodated. At paragraph IR11.33 he stated:
- “To insist on the same requirement for parking and access in a town centre, which has ample existing parking, service roads and excellent links to public transport, would be unreasonable. Drive-through restaurants do feature within the definition of a town centre and so, to be suitable, it must be possible for these to be accommodated. Nevertheless, as with general access requirements for servicing and other vehicular needs, it would be no more than showing reasonable flexibility to accept that existing streets and access arrangements could provide part of the drive element of such a proposal if not the restaurant area.”

5.3 The Nature of the Proposed Development

- 5.21 Drive-Thru restaurants are specifically identified as a ‘main town centre use’ in the Glossary to the NPPF and so are subject to the sequential test when they are proposed outside of a defined town centre. The location of the proposed development is already, however, an established retailing location offering the opportunity for linked trips and to serve passing traffic. It is also well situated to support visitors to the adjacent football ground.
- 5.22 The primary function of the proposed development will be to provide hot beverages for customers either passing by (or nearby) the site by car on the surrounding route network or visiting the other nearby retail and commercial businesses, or employed by those businesses, with a significant proportion of customers utilising the proposed ‘drive-thru’ facility.
- 5.23 The specific site requirements in order to accommodate the proposed development are;

- A broadly level site with a minimum size of 0.3 hectares, configured in such a way as to allow for the erection of a single storey building, as well as a 'drive-thru' lane, car parking provision and associated vehicular circulation.
- Safe and efficient access onto the strategic road network.
- Sufficient prominence from the nearest road to ensure visibility to passing custom.

5.4 Location of Application Site

- 5.24 The site is situated out-of-centre about midway between Huddersfield and Brighouse town centres. It forms part of an established albeit undesignated retail destination on a main distributor route. This location is ideal for the proposed drive-thru operation which will serve the existing customer base, pass-by traffic and serves a local catchment.
- 5.25 We are aware of the permissions granted for similar schemes at Leeds Road Retail Park (2016/62/92574/W) and at the Great Northern Retail Park (2017/62/90957/W) which concluded that a sequential test assessment was not necessary for this type of development and consider the same reasoning could be applied. We attach the relevant parts of the officer report relating the Great Northern Retail Park at Appendix 1. We have nevertheless undertaken an assessment proportionate to the scale of development proposed looking at the nearest centres.
- 5.26 The nearest designated centre is the local centre at Sheepridge Road. This comprises a purpose-built parade of shops and adjacent car parking tightly hemmed by residential development. It has poor visibility from a main traffic route. There are no suitable development sites available to accommodate the proposed development within the centre.
- 5.27 Fartown Local centre comprises a larger centre focussed on the junction of Bradford Rad and Fartown Green Road/Spaines Road. There are further concentrations of commercial uses further to the south around the junction with Hillhouse Lane and Olive St. The centre has good visibility to traffic passing along Bradford Road but is fully developed and integrated with residential properties. The commercial units occupy properties of residential scale and appearance. There are no suitable buildings or sites available for the proposed development in this centre.
- 5.28 Hillhouse local centre lies further to the south along Bradford Road and is primarily focussed around the junction of Hillhouse Lane/Willow Lane. Like Fartown it is a linear centre running along the main road. The site on the corner of Hillhouse Lane is being redeveloped for a new parade of 4 Class E retail units with offices over and associated car park. These units are not suitable to accommodate the proposed development. A larger site on the western side of the road is under development for employment purposes. There are no suitable buildings or sites available for the proposed development in this centre.
- 5.29 Birkby local centre lies within a residential area to the west of Bradford Road. It does not have any visibility to a principal road. It is a small centre integrated into the local residential development and there are no suitable buildings or sites available for the proposed development in this centre.
- 5.30 Copthorn Gardens/Keldergate local centre is situated to the north-east of the site and comprises a purpose-built parade of 7 units with residential over to provide local services to residents. None of the units are suitable for the proposed development. There are no development sites.
- 5.31 We consider Huddersfield town centre is too far from the application site to serve the same catchment area, especially as it lies beyond intervening local centres. We are in any event been able to identify any suitable and available sites for the proposed development which could support the drive-thru function.
- 5.32 There are no existing Starbucks outlets in the town centre and so the application will not result in the relocation of an existing building. The NPPF requires a retail impact assessment for developments of 2,500 sq m or more. This proposal is only for 185 sq m, less than 1% of this threshold and so is small scale development for which an impact assessment is not required.

5.5 Conclusion on the Sequential Test

- 5.29 The proposed development is situated on an existing retail site in an existing retail location where it is well situated to serve customers to these facilities, travellers passing by the site on the surrounding road network. We are aware that Kirklees council do not consider developments of this nature to require a sequential test assessment but have nevertheless undertaken a proportionate assessment looking at the closest designated centres. We have concluded there are no suitable sites available or expected to become available in these nearest centres and accordingly conclude that the sequential test, should it be necessary, has been met.

6 PLANNING ANALYSIS

- 6.1 We turn now to assess the proposed development in the site and policy context, drawing on the supporting technical information provided by others where relevant. We have identified the following issues:

6.1 The Suitability of the Site for the Proposed Development

- 6.2 The application site forms part of an existing retail development which already trades during evening hours. It is situated on 'brownfield' land and will make use of surplus car park capacity to improve local services and optimise the use of this urban site.
- 6.3 The facility will provide new employment opportunities on both a full and part-time basis suitable to meet a range of employment needs which is a significant benefit associated with the development.
- 6.4 The application site is well situated to serve visitors to the Asda store, other premises in the vicinity or passing by on the road network. It benefits from good accessibility by a range of means of transport providing a choice of sustainable transport options for both staff and customers.
- 6.5 The proposed unit will be able to operate without harmful impact on local amenity (see below).

6.2 The Design and Appearance of the Proposed Building

- 6.6 It is considered that the form and scale of the proposed building is appropriate for this location and will provide a high quality of design. The single-story construction ensures that the building is of small scale, and the quality of the design and materials ensures it will provide a high-quality appearance which complements the material palette and colour scheme of the Asda store.
- 6.7 The proposed layout incorporates enhanced access for pedestrians, utilising existing access points to the Asda site but introduces new and enhanced pedestrian route to provide direct, segregated, pedestrian access to the unit. The Asda car park is a low-speed, low volume, traffic area and provides safe cycle access where there are dedicated cycle parking facilities situated outside the unit.

6.3 Sustainable Design and Construction

- 6.8 The materials used in the construction of the proposed building, including cement and wooden cladding panels, concrete foundations and aluminium window frames, are suitable for recycling. It is also intended to use recycled aggregates in the concrete used in the construction of the external sub-base and the foundations..
- 6.9 The materials palette has been selected to provide a high-quality appearance combined with durability and robustness to both maintain that appearance and minimise the need for replacement over time. It is consequently envisaged that the requirement for replacement, maintenance and repair will be minimal during the building lifecycles, thus providing a low level of energy input over the lifecycle of the building.
- 6.10 It is considered that the design of the proposed restaurant is responsive to the context provided by existing nearby buildings and the proposed contemporary style materials and window fenestration patterns are appropriate within the context of the surrounding area. The proposed development overall is considered to represent a visual improvement to the site and would also have no detrimental visual impact on the site or the surrounding area in terms of its height, scale or massing.

6.4 Transport and Highway Impact

- 6.12 The Transport Statement demonstrates the site is capable of accommodating the development proposed taking into account sustainable access, parking capacity and traffic impact.
- 6.13 The site benefits from access to a well-established highway network with good pedestrian and cycle access. It also has good connectivity to bus stops in close proximity to the site, including one within the Asda store car park itself. It is proposed that 6 cycle spaces will be provided for customers and staff close to the customer entrance to the restaurant. It is concluded the site offers good potential for journeys to be undertaken, particularly by staff, by modes other than car.
- 6.14 The proposed coffee shop shares its access with the Asda foodstore and is accessed from a junction on both Bradford Road. Vehicles visiting the restaurant will travel through the store car park, utilising the internal access route.
- 6.15 There have been no Personal Injury Collisions (PIC) in the vicinity of the site access junctions over the period 2018-2020. There were two incidents on the circulatory carriageway of the Bradford Road/Asda access roundabout, both of which were categorised as slight. There was also an incident on the southbound carriageway of Bradford Road 30m south of the roundabout junction. This was also categorised as 'slight'. None of the incidents involved pedestrians or cyclists. There is no significant pattern or trends that could be affected by the proposed development.
- 6.16 A drone parking survey was undertaken in May 2022 to determine the car park occupancy. The data demonstrated that the maximum occupancy achieved was 257 cars on Saturday 28 May at 13:00-14:00 which equates to 62% occupancy. The proposed development will lead to a net loss of 42 parking bays, reducing provision to 315 spaces.
- 6.17 The anticipated maximum parking accumulation of the new unit is 13 spaces which, when taken in conjunction with the maximum demand for the foodstore identified by the survey, leaves a surplus of some 45 bays following the development. If TRICS data is used instead, there still remains a surplus capacity of some 49 bays following the development.
- 6.18 Trip generation analysis is undertaken on the basis of a survey of a store of the same size in a similar location and also through the use of the TRICS database. It is anticipated that the majority of trips would be linked with existing uses in the area there would be few new trips generated by the development. Based on the survey of the similar store, an average of 21% of trips would be new trips.
- 6.19 The proposed unit would provide additional facilities for users of the store and would not of itself lead to any significant numbers of additional vehicle movements on the local highway network.
- 6.20 The assessment concludes there are no outstanding reasons why the development should not be granted planning permission.

6.5 Potential Impact on Neighbour Amenity

- 6.21 The application site is situated in a retail car park, and close to a busy highway route. The closest residential properties are about 65m to the east but situated at a higher level and largely screened by the embankment. It is considered that these properties are too far away from the proposed development to be affected.
- 6.22 It is intended that It is proposed that CCTV will be installed to discourage anti-social behaviour in the vicinity of the unit. Furthermore, the unit's operational procedures will require regular litter picking patrols to be undertaken 3 times a day to maintain the quality of the local environment. Litter bins will be provided outside the restaurant and will carry anti-littering symbols to encourage customers to dispose of litter responsibly. A contact point for email and mail contact will be established to allow

the local community to contact the restaurant to express concerns about discarded litter or related issues.

- 6.23 It is intended that the Starbucks unit will trade from 07:00am until 11:00pm daily which is considered appropriate in this location. We invite the trading hours to be addressed through condition.

6.6 Flood Risk

- 6.24 The site lies in Flood Zone 1 which means it has a 'Low Probability' of flooding by rivers or sea, defined as less than a 1 in 1,000 annual probability. Such locations are considered suitable for all forms of development, including those categorised in Planning Practice Guidance as 'less vulnerable' such as restaurants, cafes and hot food takeaways. As the application area is also less than 1ha, a Flood Risk Assessment is not required.

6.7 Sustainable Drainage

- 6.25 A separate Drainage Strategy Report accompanies the application which considers both foul and surface water discharges. This demonstrates that the application site is relatively flat and is connected into the surface water drainage system serving the Asda store car park.
- 6.26 Discharges from the proposed development will be to separate surface water and foul systems. The foul wastewater will discharge directly to the foul system serving the Asda store. Design discharge rates are based upon typical rates observed for similar drive through developments.
- 6.27 A hydraulic design of the proposed site-specific surface water drainage network has been undertaken using Causeway Flow modelling package for all storm events up to and including the 100yr plus 30% climate change event. The simulation of the network's performance has also been carried out with the restricted discharge rate of 12.5l/s (30% betterment of existing unattenuated site area). Attenuation storage of 16m³ in underground storage crates is proposed.

7 CONCLUSIONS

- 7.1 This Planning Statement has been prepared on behalf of EG Group Ltd, the site owner and operator, in respect of the development of a drive thru hot beverage outlet to be occupied by Starbucks and situated within the Asda store car park at Longhill Road, Huddersfield, HD2 2LQ. The unit is intended to provide a complementary facility to the store, to improve the range of facilities available in the area and help optimise the use of this brownfield location.
- 7.2 The proposal will result in significant economic benefits in the form of up to 20 new jobs (13 FTE positions) suitable for a range of skill sets and working hours. This is a significant material consideration in the determination of the application. National policy indicates that significant weight should be placed on the need to support economic growth and productivity.
- 7.3 The application site lies out-of-centre but our analysis has not identified any suitable and available sites in a sequentially preferable location. The proposal is not of a scale where it would give rise to retail impact considerations.
- 7.4 The site lies in an accessible location and can be accessed through a range of means of transport. The proposals incorporate enhancement of the pedestrian access route to provide a segregated pedestrian footpath direct to the unit.
- 7.5 The Asda store benefits from an excess in car parking space, the development of an element of the car park as proposed will have no impact on the day-to-day operation of the supermarket. The restaurant and foodstore will share parking spaces to ensure that both the superstore and the restaurant unit benefit from ample parking provision.
- 7.6 The proposed drive through coffee shop can operate without any harm to the operation or safety of the local highway network. Off-street provision is made for the serving of the unit and for the storage and collection of waste.
- 7.8 This Statement has demonstrated that the development, as proposed, is compliant with relevant national and local planning policies.
- 7.9 In light of the above, we conclude the development will provide a high-quality addition to an existing retail site which accords with planning policy and addresses other material considerations and accordingly it is respectfully requested that permission is granted for the proposed development.

APPENDIX 1

Extract from Delegated Officer Report in respect of Starbucks development at Great Northern Retail Park

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS Reference No:	2017/62/90957/W
Site Address:	Great Northern Retail Park, Leeds Road, Huddersfield, HD1 6ND
Description:	Alterations to car park and erection of building for A1 (shop), A3 (restaurant and cafes) and /or A5 (hot food takeaway) use
Recommending Officer:	Nick Hirst

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 12-Oct-2017

1.3 – Retail development

The proposed uses represent a main town centre uses as defined by Annex 2 of the NPPF. The application site is located in an out of centre location, the closest centres being that of Huddersfield Town Centre 0.4km away. The site is not considered edge of centre, being in excess of 300m of the primary shopping area of Huddersfield Town Centre.

The site is therefore located in an out of centre location, where A1/A3/A5 uses require a sequential test, as outlined in Chapter 2 of the NPPF. Policy S1 of the UDP further supports that town and local centres should remain the focus for a mix of uses which the proposed uses are considered to fall under.

However the applicant has disputed this. The following is taken from the submitted planning statement;

“The proposed building extends to 274sqm and will provide two units for use within Classes A1, A3 and/or A5. It is intended that the units will be occupied by businesses providing catering facilities to shoppers of the Retail Park. Facilities such as cafes and sandwich shops are common place on retail parks to serve the needs of existing shoppers, in the same way that such uses are often provided at stadia, transport facilities and industrial estates.

In an appeal decision for a 388sqm A3 restaurant at Deane Retail Park, Taunton (APP/D3315/A/09/2101534) the Inspector advised as follows:-

- A 388sqm freestanding A3 restaurant would provide an ancillary facility to the main retail and leisure facilities on and adjacent to the retail park;*
- The unit would not be located on a prominent part of the site, would mainly provide an improved choice of ancillary restaurant facilities for visitors; and;*
- The need for the development is based upon the complementary nature of the facility and improved consumer choice.*

The Taunton decision confirms that larger catering uses than that proposed at this park can provide a complimentary and ancillary facility to the existing retail units. Arising from this, it is clear that such new catering uses can serve a different market from town centres. This approach was taken by an Inspector in relation to a proposed Class A4 public house at Cleckheaton on 22 June 2011 (APP/Z4718/A/10/2142137). In paragraph 11 the states that “In this case, it seems to me that a public house/restaurant located adjacent to the M62/M606 interchange and within a business park would have a distinctly different market to that of a facility providing food and drink within Cleckheaton town centre”.

Subsequently, the Council adopted this principle in determining an application for a Pizza Express restaurant on a retail park in Birstall (2011/62/90833/E1). The officer’s report notes the initial concerns that a sequential test assessment had not been carried out. However, in light of the role and function of that proposal, and the Cleckheaton appeal decision, the Council accepted that a sequential assessment was not relevant. The Council has subsequently allowed a further restaurant (Zizzi) on that Park without the need for a sequential test assessment.

More recently, on 16 September 2016, an appeal for a 186sqm A1/A3 pod was allowed for a site at the Nugent Shopping Park in Orpington, an established and thriving out of

centre retail location with a limited range of A3 units (APP/G5180/W/16/3143042). Whilst the Inspector identified that both national and local policy sets out a requirement for the sequential test, he did not consider that it was necessary to assess such a small scale scheme, ancillary to the retail park, in terms of the sequential approach. It was concluded that the proposed development was of a modest scale in an established retail park and would predominantly be used by people who are travelling to the Park to take advantage of the range of shops available within it.

In our view, the proposed development will be small scale and ancillary to the main retail offer, serving existing shoppers of the Park. Therefore, consistent with the Taunton, Cleckheaton, Birstall and Orpington decisions, it is not necessary to undertake a sequential test assessment to see whether there are suitable and available premises within Huddersfield Town Centre. Such a town centre location would not meet the needs of shoppers at Great Northern Retail Park.

Last year, an application (2016/62/92574/W) was submitted for an A1/A3 pod building of 391sqm and 3 units on Leeds Road Retail Park. The intended occupiers were said to be Starbucks with a drive thru (186sqm), Subway (93sqm) and Greggs (112sqm); the latter two occupiers are already represented in Huddersfield Town Centre. That applicant did undertake a sequential assessment which concluded that “none of the sites identified are suitable or available to accommodate the proposed development” (paragraph 5.62). This decision relates to similar uses and units sizes to the Great Northern Retail Park proposal, and is extremely up to date, having been granted on 2 December 2016. Arising from this we conclude that, even if a sequential test assessment were necessary for the pod building subject of the enclosed application, that no suitable and available units are available in Huddersfield Town Centre. We note that the applicants for the Leeds Road scheme attached an appeal decision for an A3/A5 unit at Junction 1 Retail Park (APP/E3715/A/10/2130116) Rugby to its planning statement. The Inspector noted that Rugby Council objected to that application on the basis that the development would conflict with the sequential approach. However, the Inspector agreed with the appellant that the small scale of the proposal and large customer base of the retail park, would mean that the scheme would complement the operation of the retail and leisure park. In the event that the scheme were to attract customers who might otherwise have visited the town centre, the Inspector noted that the Council’s Retail & Leisure Study indicates that the town centre appears to be in reasonably good health and have a below-average level of vacancies, no threat to the town centre was identified. Accordingly, he concluded that the scheme was acceptable.

As with the Rugby decision, the scheme for Great Northern Retail Park is small scale and will complement the operation of the Park with its large existing customer base. Huddersfield has a reasonably healthy town centre exhibiting positive signs in relation to the health check indicators. It is a large and attractive centre with a number of national and independent retailers, with the indoor shopping centres and markets “enabling a variety of operators to successfully trade in the centre”. Whilst the proportion of vacant floor space is below the national average, and “the proposals for the expansion of the town, including the Kingsgate and Queensgate development schemes, will help to regenerate these areas of the centre”.

Considering the above justification, along with giving appropriate weight to the referenced appeal decisions and other applications within the area, officers concur with the applicant’s assessment. The proposed units represent a combined 2% increase in floor area to the retail

park; this is deemed to be suitably ancillary, subservient and complementary to the existing retail units. It is concluded that the units would not harm the vitality and vibrancy of Huddersfield Town Centre, with future occupiers providing services to existing users of the retail park.

Therefore it is considered that a sequential test is not required for the application.