



Planning Statement (retail policies)

108 Bradford Road

Fartown

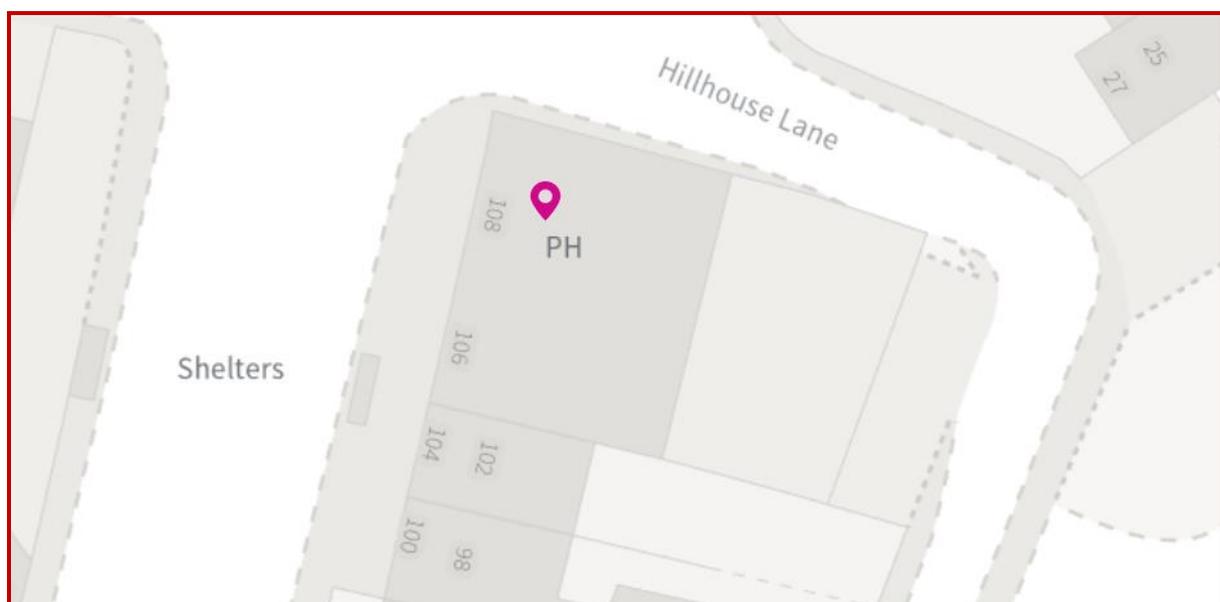
Huddersfield

Introduction

This statement has been prepared by AKPlanning in support of a planning application for a change of use from retail to restaurant at 108 Bradford Road, Fartown. In particular it will address the relevant retail planning policies as requested by the Local Planning Authority (LPA) in an e-mail to the agent.

Site Location and Description

Number 108 Bradford Road is a former public house located on the corner of Bradford Road and Hillhouse Lane.



It is on the end of a long row of residential properties.



Relevant Planning History

2014/62/90133/W - Alterations and erection of single storey extension to existing public house to form shops with new shop fronts at ground floor and 4 self-contained flats on first floor. Granted subject to the following condition: -

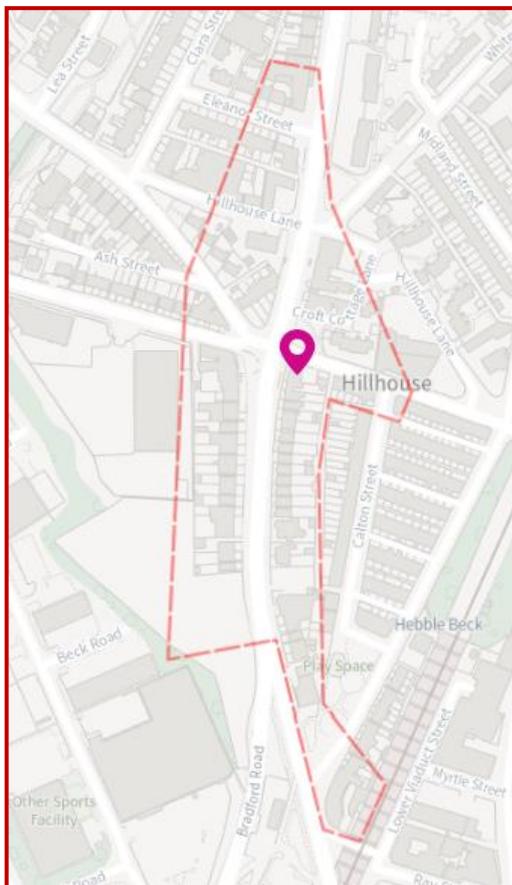
8. The ground floor shops hereby approved shall be used for Class A1 (retail) use only and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

It should be noted that this Planning Commission was granted in 2014 and since that time the Use Classes Order Has been amended and retail shops are now in the same use class (Class E) as restaurants.

The only reason why a planning application has to be submitted is because of the wording of condition 8 which prevents changes from retail two other uses even if they are within the same use class.

Planning Policy

The application property lies within Hillhouse Local Centre as defined on the Local Plan Map (adjacent).



The centre stretches from the Huddersfield ring road to the South, along Bradford Road.

It has a very mixed-use nature. There are many dwellings between the various commercial uses.

The southernmost section has a petrol filling station, some restaurants and supermarkets.

Moving north along Bradford Road there residential properties on the eastern side of the road and mixed food uses on the western side.

Moving further north to the application site there are more residential properties and supermarkets.

This same mix continues to the north of the application.

The National Planning Policy Framework (NPPF) sets out national planning policy on retail uses. This states the following: -

90. *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. Planning policies should:*

(a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters

(b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;

It defines main town centre uses as: -

Main town centre uses

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, 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 Kirklees Local Plan contains the following relevant policies.

Policy LP13

Town centre uses

- A. *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. The scale and types of services expected within each centre are set out in Delivery of Services Table as shown below . 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.

The creation of new Local Centres in areas of significant residential growth or where there are deficiencies in the existing network of centres will be supported, where it can be demonstrated that existing centres cannot be expanded to deliver local services, and subject to the sequential test and impact assessment as set out in B and C below.

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

Level Defined Centres 1. Principal Town Centre Huddersfield and Dewsbury

2. Town Centre Batley, Cleckheaton, Holmfirth and Heckmondwike

3. District Centre Almondbury, Birstall, Denby Dale, Honley, Kirkburton, Lindley, Marsden, Marsh, Meltham, Milnsbridge, Mirfield, Moldgreen, Ravensthorpe, Skelmanthorpe and Slaithwaite

4. Local Centre There are 61 local centres as set out in the Local Plan

Retailing and town centres Level Role and Function

1. Principal Town Centre 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.

2. Town Centre Provide for the shopping needs of residents across Kirklees mainly in the convenience (food) goods sector. Be the focus for the local provision of financial services; offices; entertainment and leisure facilities; arts, culture and tourism facilities, further education; and health services.

3. District Centre 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.

4. Local Centre Provide for top-up shopping and local services particularly food and drink

We have highlighted section 4 as Hillhouse is a local centre.

Policy LP16 Food and drink uses and the evening economy

Proposals for food and drink, licensed entertainment uses and associated proposals 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.*

Consideration of Policy

Policy LP16 provides the specific criteria for assessing planning applications and we will, therefore, address each criterion.

a. the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre

A site visit has been carried out and the following conclusions have been drawn from that visit. The centre has a very mixed-use profile dominated by food uses. There are offices, petrol stations, car parts shop, beauticians, houses, flats, solicitors and supermarkets spaced out along Bradford Road.

It is true to say that restaurants and other food uses dominate. However, the balance is not yet *where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.*

For example, at the crossroads where the application property lies there is a Premier supermarket, 50 yards north there is a large local produce supermarket. On the southern edge near the petrol station there are also three local supermarkets.

Given that the function of a Local centre is to *provide for top-up shopping and local services particularly food and drink*, we consider that the remaining supermarkets and other uses provide the necessary mix of uses to retain the functionality of this local 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

These are covered within the submitted noise report.

- ***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***

The site lies within an established local centre that operates without any known significant anti-social behaviour. The addition of another restaurant will not create any disturbance in this mixed area.

- ***the availability of public transport, parking and servicing***

This is the main road out of Huddersfield and is served well by public transport, it has on street parking in some areas and servicing can be carried out in the same way as it always has been (the previous use was a public house).

- ***e. highway safety***

Parking is available in the centre and public transport readily available. We do not consider that the proposed use detrimentally effects highway safety.

- ***f. the provision of refuse storage and collection; and***

This is to the rear and the same as it always has been for the previous uses.

- ***g. the appearance of any associated extensions, flues and installations.***

There are no extensions, and the flue will be discretely located.

Conclusions

A change of use of this single unit from retail to restaurant will not affect the function vitality and viability of this mixed-use local centre. There are still enough supermarkets and other uses available so as to provide for top up shopping and local services.

It is therefore concluded that this planning application complies with all relevant policy and can be granted.