

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

13. SHOPPING AND SERVICE USES

- 13.1 STRATEGY
- 13.6 SHOPPING CENTRES
 - 13.7 Town Centres
 - 13.14 Local Centres
- 13.21 LARGE NEW STORES
- 13.24 RETAIL USES OUTSIDE CENTRES
 - 13.25 Local Shops
 - 13.28 Builders' Merchants
 - 13.30 Mill Shops
 - 13.31 Farm Shops
 - 13.32 Garden Centres
 - 13.33 Retailing Associated with Petrol Filling Stations
- 13.34 SERVICE, ENTERTAINMENT AND LEISURE USES
 - 13.34 Service Uses
 - 13.35 Entertainment and Leisure
 - 13.38 Hot Food Take Aways
 - 13.39 Taxi Booking Offices

13. SHOPPING AND SERVICE USES

STRATEGY

- 13.1 In recent years there have been many changes in the nature and location of retailing. This has led to new retail development throughout the country. In Kirklees the scale of new development has not been as great as it has in many areas. However there are a number of outstanding development proposals, most notably in Huddersfield town centre. Further changes in retail provision can be expected in response to population change and changes in levels of affluence and mobility.
- 13.2 The plan provides a framework for the location of new shopping development and indicates the action required to ensure good quality shopping for all residents of Kirklees. It also provides a framework for other uses typically located in and around shopping centres¹.
- 13.3 Kirklees has a wide range of shopping provision serving the needs of local residents and visitors to the District. Shopping centres of different sizes have different functions with larger centres usually having a wider choice of goods and services. Within West Yorkshire, Leeds city centre is the main retail and commercial centre. Huddersfield town centre, the principal centre of Kirklees, provides a wide range of choice and specialisation due to its large catchment population. A secondary level of service is provided by the town centres of Dewsbury, Heckmondwike, Batley and Cleckheaton. A local level of service is provided by local centres and individual local shops. Several supermarkets have been developed or are proposed outside existing shopping centres to meet the needs of particular parts of the District which could not be met within existing centres. The larger centres also provide a full range of services such as banks, building societies, pubs and cafes.
- 13.4 Variety and activity are essential elements which contribute to the vitality and viability of shopping centres. The presence of facilities other than shops and services, particularly entertainment and cultural, help to reinforce the attraction of centres. Therefore, while the retail function should continue to be the primary activity, the expansion or introduction of entertainment and cultural facilities is likely to strengthen centres and should be encouraged.
- 13.5 The established shopping centres are accessible to large numbers of people, particularly by public transport and on foot. Whilst widely accessible provision, based on existing centres, should be maintained, the role of individual centres may change as a response to retail trends and population movement. It is also important to improve the environment to provide pleasant conditions for shoppers and encourage new investment in shopping centres.¹

¹ See policies BE16 – BE18

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

S1 TOWN CENTRES AND LOCAL CENTRES WILL REMAIN THE FOCUS OF SHOPPING, COMMERCIAL, CULTURAL AND SOCIAL ACTIVITY AND PRIORITY LOCATIONS FOR ENVIRONMENTAL IMPROVEMENT.

SHOPPING CENTRES

13.6 The hierarchy of shopping centres in Kirklees is as follows:

Level	Centre	Net Retail Floorspace (m ²)
Principal Town Centre	Huddersfield	64,830
Town Centres	Dewsbury	35,000
	Heckmondwike	13,640
	Batley	10,970
	Cleckheaton	7,370
Large Local Centres	Mirfield	5,610
	Holmfirth	4,090
	Aspley	3,120
	Milnsbridge	2,650
	Marsh	2,530
	Honley	2,040
	Ravensthorpe	1,880
	Birstall	1,800
	Meltham	1,420
	Moldgreen	1,360
	Crosland Moor	1,350
	Waterloo	1,250
	Slaithwaite	1,190
	Birkby	1,190
	Lindley	1,130
	Lockwood	1,060
Marsden	1,040	
Skelmanthorpe	1,020	
Almondbury	1,010	
Fartown Bar	990	
Kirkburton	840	

These are shown on the proposals map.

Source: 1987 Shopping Survey, Kirklees MC

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

Town Centres

- 13.7 Huddersfield is the third largest shopping centre in West Yorkshire with approximately 65,000 sq m of net retail floorspace, two-thirds of which is given over to comparison shopping. The centre makes a major contribution through its shopping and other facilities to the quality of life in Huddersfield and the surrounding area; and by virtue of this sub-regional role attracts office and other service employment which brings economic benefits to the District. Competition from larger shopping centres outside Kirklees can draw trade from Huddersfield. If the town centre is to retain its status it will be necessary to enhance its range of specialist and other comparison shopping and cultural and recreational facilities and to secure environmental and transport improvements. In recognition of the importance of Huddersfield town centre as a shopping centre, detailed policies are set out in chapter 15, paragraphs 15.3 - 15.9.
- 13.8 The centres of Dewsbury, Batley, Heckmondwike and Cleckheaton fulfil a distinctive role as smaller town centres. Whilst there are considerable differences in terms of size and number of facilities and services represented in each of the town centres, they all provide a range of convenience and comparison shopping that is not available elsewhere in Kirklees except in Huddersfield town centre. They contain more than one supermarket and a number of large retail units, including multiple chain store representation, and attract shoppers by public transport. Opportunities exist for qualitative improvement in all four centres.

S2 ~~PROPOSALS FOR NEW SHOPPING IN TOWN CENTRES WILL NORMALLY BE PERMITTED PROVIDED THAT THE DEVELOPMENT WOULD NOT HARM THE VITALITY AND VIABILITY OF OTHER SHOPPING CENTRES.~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows:²

ASSESSING PROPOSED DEVELOPMENTS

- 3.3 *The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.*

² To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

- 3.4 *In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*
- a) *the need for development (paragraphs 3.8–3.11);*
 - b) *that the development is of an appropriate scale (paragraph 3.12);*
 - c) *that there are no more central sites for the development (paragraphs 3.13–3.19);*
 - d) *that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
 - e) *that locations are accessible (paragraphs 3.24–3.27).*
- 3.5 *Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.*
- 3.6 *In considering planning applications for the development of sites proposed to be allocated in an emerging development plan document, or for the development on unallocated sites within a proposed extension to a primary shopping area or town centre in such a document, the weight to be attached to the proposal will depend on the stage the development plan document has reached. Where an adopted development plan document allocates no new sites for development local planning authorities and applicants should take a positive attitude towards early engagement to discuss if any sites exist which may be suitable, viable or available, having regard to this policy statement.*
- 3.7 *The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.*
- a) Assessing the Need for Development**
- 3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*
- 3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an upto-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*
- i) *Quantitative Need*
- 3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development*

(‘business-based’ cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.

ii) Qualitative Need

- 3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

- 3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.*

c) Applying the Sequential Approach to Site Selection

- 3.13 *The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.*
- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*

- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*
- 3.17 *As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.*
- 3.18 *A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.*
- 3.19 *Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:*
- *Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*

- *Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- *Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 *Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.*

3.21 *In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.*

3.22 *In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:*

- *the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- *the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;*
- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.*

ii) The impact on car use, traffic and congestion

3.27 *In assessing new developments, local planning authorities should consider:*

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

Consider Local Issues and Material Considerations

3.28 *As set out in Chapter 2, above, material considerations to be taken into account in assessing planning applications may include:*

- *physical regeneration;*
- *employment¹⁵;*
- *economic growth; and*
- *social inclusion.*

Extensions to Existing Development

3.29 *Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.*

Ancillary Uses

3.30 *Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.*

Using Conditions Effectively

3.31 *Local planning authorities should consider using planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. When appropriate, conditions should be used to:*

- *prevent developments from being sub-divided into a large number of smaller shops or units;*
- *ensure that ancillary elements remain ancillary to the main development;*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- *limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted (including for example through the addition of mezzanine floors); and*
- *limit the range of goods sold, and to control the mix of convenience and comparison goods.*

3.32 *Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to the number of vehicles and noise standards.*

13.9 The Council will assist the maintenance and improvement of the quality of shopping provision in town centres through its role as highways authority and, when resources are available, by environmental improvements. In appropriate cases, such as the Kingsgate development in Huddersfield, the Council will act in partnership with the private sector to improve shopping provision. The Council will continue to manage, and, where appropriate, will improve the market provision in Huddersfield, Dewsbury, Batley, Heckmondwike and Cleckheaton. Further improvements are to be undertaken at Dewsbury market in order to complete a comprehensive up-grading of its appearance and facilities, and in Batley town centre consideration will be given to the relocation of the market.

13.10 Opportunities exist to improve the range and quality of shopping facilities in Dewsbury and Batley town centres and further opportunities may arise.

13.11 In Dewsbury town centre there are opportunities for shopping development at:

South Street/Daisy Hill: A small site that could be developed to provide small unit accommodation fronting Daisy Hill;

Halifax Road/Branch Road/Wellington Road East: A refurbishment scheme that retains the main features and character of the existing buildings will be appropriate;

Northgate/Corporation Street/Foundry Street: The site adjoins the prime shopping core. New development should encompass the refurbishment of the Kingsway and Queensway arcades to provide suitably sized accommodation for smaller specialist retailers, together with restaurant and associated uses. Within the area bounded by Daisy Hill/Union Street/Croft Street/Dewsbury Ring Road new uses, including shopping, will be encouraged in order to promote investment which will safeguard its character. This area forms part of the town centre conservation area and comprises multi-storey mill buildings which are unsuited to modern industrial requirements. Many buildings have

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

become wholly or partly vacant and have access problems. Despite these difficulties they have potential for continued use, and a flexible approach will be taken in order to achieve this.

13.12 In Batley town centre there are opportunities for shopping development at:

Henrietta Street/Upper Commercial Street: The site could be developed to provide small unit accommodation. Part of the site is currently used as a car park. The Council will require the relocation of displaced car parking to an appropriate alternative site nearby;

Branch Road: Part of the site has the benefit of planning permission for shops with offices;

Branch Road/St James Street: A site adjoining the prime shopping core. A mix of shop and service units with restaurants and other entertainment uses would be appropriate involving new build and refurbishment.

13.13 The old commercial quarter of Batley town centre comprises a mixture of multi-storey mills, selling houses and warehouses which are unsuited to modern industrial requirements and are vacant or under-used. It will be appropriate to give favourable consideration to proposals for new uses, including shopping, which offer the opportunity to conserve these buildings and maintain the character of the area.

Local Centres

13.14 At the level below the 5 town centres there are 21 large local centres which provide a large proportion of the convenience goods shopping floorspace in Kirklees. These centres also contain a range of comparison goods shops and a range of services. A further 50 small local centres predominantly selling convenience goods have been identified. These small local shopping centres range from those serving individual settlements through suburban parades and purpose-built developments associated with large housing schemes, to small neighbourhood parades of 3 or 4 shops. Many of the centres fulfil an important role as the focus of local communities where shopping, commercial and social activities are located.

13.15 As a result of increased mobility and changes in the nature of retailing, some of the local centres have lost trade in recent years to the town centres and new out-of-town stores, both inside and outside Kirklees. Nevertheless, these centres continue to provide an essential focus for convenience goods shopping and other services.

13.16 It is important that the needs for everyday goods and services are met locally for convenience and to reduce the need to travel. This is best achieved by supporting the retention and improvement of local shopping centres. Substantial rationalisation or expansion of these centres is unlikely to be required, although it may be appropriate for

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

small to medium size supermarkets to be developed within or close to local centres, in order to meet any localised shortfall in convenience shopping.

~~S3 DEVELOPMENT PROPOSALS WITHIN LOCAL SHOPPING CENTRES WILL BE CONSIDERED HAVING REGARD TO:~~

~~i THE SHOPPING NEEDS OF THE LOCALITY;~~

~~ii THE EFFECT ON THE QUALITY OF THE SHOPPING ENVIRONMENT; AND~~

~~iii THE EFFECT ON LOCAL ACCESSIBILITY TO THE CENTRE.~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE16, BE17, BE18, BE19 and in Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

13.17 The shopping environment can be improved by including environmental enhancement in new shopping developments and by direct Council action. Enhancements such as renewed paving, increased planting and improved street lighting contribute to a centre's attractiveness which could otherwise be undermined.

13.18 Interests in developing new local shopping facilities is most likely in local centres in the more prosperous areas of Kirklees and where there is population growth. Such developments will be appropriate unless the effects on other shops in the centre, or the impact on other shopping facilities in the locality, are likely to prejudice their continued viability.

13.19 The policies on non-retail uses in centres are relevant both to centres under pressure for new development and centres in decline.³ It may be appropriate to introduce new uses into declining centres to improve the viability and vitality of the centre and sustain the remaining units in retail use.

13.20 Maintaining and improving accessibility to local shopping centres will require action to support public transport through the Public Transport Authority and traffic management and car parking measures.

LARGE NEW STORES

13.21 Changes in the nature of retailing in response to, and resulting from, economic and social change have led to proposals for the development of large new stores both within and

³ See policies S11 – S15

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

outside existing centres for the sale of both food and non food goods. New forms of retailing of a scale which widens choice for the consumer without seriously threatening the viability and vitality of existing shopping centres can be accommodated, however proposals for retail development over 2,500m² gross floorspace will need to be supported by evidence on the likely change in travel patterns and any significant environmental impacts.

13.21a The preferred location for such development will be firstly within existing town and large local shopping centres because they are the focus of both public and private transport, and secondly on the edge of centres. However, in the event of existing town or large local centres being physically incapable of accommodating major retail development proposals, other locations may be acceptable subject to consideration of the effect on existing shopping provision and on the site and its surroundings. This accords with the 'sequential test' for selecting sites for new retail development as set out in PPG6. The impact of out of centre proposals on established shopping centres will need to be assessed having regard to any adverse impact on those centres already evident or likely to arise from recently completed retail development or schemes with planning permission. The loss of land clearly required for industry and incursions into the open countryside will be inappropriate. These safeguards will ensure that the viability of established shopping centres is not undermined, that the sites proposed are suitable for retail development and that the proposed development will improve the range and availability of shopping facilities.

S4 PROPOSALS FOR LARGE STORES WILL BE CONSIDERED HAVING REGARD TO:

- i THE LIKELY EFFECT ON THE VIABILITY AND VITALITY OF ANY EXISTING TOWN OR LARGE LOCAL CENTRE;**
 - ii THE BENEFIT TO THE QUALITY AND RANGE OF SHOPPING PROVISION OR FROM MEETING AN IDENTIFIED QUANTITATIVE DEFICIENCY;**
 - iii THE ACCESSIBILITY OF THE PROPOSED STORE TO THOSE WITHOUT PRIVATE TRANSPORT;**
 - iv THE EFFECT ON HIGHWAY SAFETY AND LOCAL AMENITY;**
- AND IN THE CASE OF PROPOSED DEVELOPMENTS LOCATED OUTSIDE EXISTING TOWN AND LOCAL SHOPPING CENTRES:**
- v WHETHER SUITABLE SITES CAPABLE OF MEETING ANY IDENTIFIED NEED FOR NEW RETAIL DEVELOPMENT ARE LIKELY TO BE AVAILABLE WITHIN, AND FOR OUT OF CENTRE SCHEMES, ON THE EDGE OF, ESTABLISHED TOWN OR LARGE LOCAL SHOPPING CENTRES;**

- vi **WHETHER THEY WOULD PREJUDICE OTHER PROPOSALS IN THE PLAN, PARTICULARLY PROVISION FOR THE PROTECTION OF OPEN LAND;**
- vii **THE EFFECT OF OUT-OF-CENTRE DEVELOPMENTS ON TRAVEL PATTERNS AND CAR USE.**

13.22 Where a future change in operations could be prejudicial to the viability and vitality of an existing shopping centre, it may be necessary to restrict the range of goods sold or the subdivision of retail warehouses by a planning condition.

13.23 Two sites which are suitable for the development of large stores, separate from existing centres, have been identified at Penistone Road, Huddersfield, and Gelderd Road, Birstall. These sites meet the criteria in policy S4. (Both developments were completed by 1 March 1999).

[POLICY S5 DELETED]

RETAIL USES OUTSIDE CENTRES

13.24 In certain circumstances, it is appropriate for retail activities to be located outside shopping centres. The circumstances under which large new stores will be acceptable in locations outside centres are set out in policy S4. Other retail uses which may be located outside centres include local shops and retailing ancillary to other uses such as mills and farms.

Local Shops

13.25 Local shops within walking distance are important in catering for immediate day to day needs. Accordingly existing local shops should be retained if at all possible, especially post offices and chemists which are particularly important to local communities. It is likely that in areas accommodating ethnic minority groups there will be local shopping patterns reflecting specific cultural activities and requirements for specialist goods and services.

13.26 Land allocated for housing development is generally close to existing shopping facilities but in the case of large developments it may be appropriate to incorporate new provision to meet the new needs. It may be appropriate in some instances to allow for small or medium size supermarkets if there is shortfall in convenience shopping provision in the locality.

~~S6 PROPOSALS TO PROVIDE LOCAL SHOPS WILL BE CONSIDERED HAVING REGARD TO:~~

- ~~i THE LOCATION, NATURE AND SCALE OF ESTABLISHED LOCAL SHOPPING FACILITIES;~~

~~ii — POPULATION CHANGE IN THE LOCALITY;~~

~~iii — THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY; AND~~

~~iv — THE EFFECT ON HIGHWAY SAFETY.~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, BE16, T10 and Planning Policy Statement 6: Planning for Town Centres, paragraphs 2.55 – 2.64 which follow ⁴ and in paragraphs 3.3 – 3.32 which are set out following policy S2 above.

Providing for local shopping and other services

- 2.55 *A network of local centres in an authority's area is essential to provide easily accessible shopping to meet people's day-to-day needs and should be the focus for investment in more accessible local services, such as health centres and other small scale community facilities. The mix of uses in local centres should be carefully managed.*
- 2.56 *Deprived areas often have poor access to local shops and services. To tackle this problem, local authorities should work with the local community and retailers to identify opportunities to remedy any deficiencies in local provision. This is likely to be best achieved through strengthening existing centres or, where appropriate, proposing new local centres.*
- 2.57 *Larger centres have in the past been the focus for much development and investment, but local planning authorities should consider whether a more balanced network of centres should be developed within their area. In particular, they should strengthen local centres by seeking to ensure that there is a range of facilities in local centres, consistent with the scale and function of the centre, to meet people's day-to-day needs, particularly in deprived areas.*
- 2.58 *The need for local shops and services is equally important within urban and rural areas. Local authorities should, where appropriate, seek to protect existing facilities which provide for people's day-to-day needs and seek to remedy deficiencies in local shopping and other facilities to help address social exclusion. Using development plan documents, or where considered appropriate, other*

⁴ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

local strategies 13, local authorities should take a positive approach to strengthening local centres and planning for local shops and services by working with stakeholders, including the private sector and the community. This should include:

- *assessing where deficiencies exist in the provision of local convenience shopping and other facilities which serve people's day-to-day needs and identifying opportunities to remedy any deficiencies in provision;*
- *involving the local community and retailers; and*
- *working with the private sector to seek to ensure that the identified need for new facilities will be delivered.*

2.59 Guidance on preparing strategies for smaller centres will be published separately. In seeking to improve access to local shopping and other services, local planning authorities are also encouraged to work with local transport authorities in producing accessibility strategies for their area. Guidance is published in Accessibility Planning Guidance (DfT, 2004).

Rural Centres

2.60 Market towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment areas. They should provide a focus for economic development and rural-based industries, including markets for locally-produced food and other products, and for tourism. However, the health and vitality of many of these towns has declined in recent years, and many more are vulnerable to changing economic and lifestyle patterns.

2.61 The Government is committed to helping market towns manage the process of change, encourage necessary regeneration and strengthen their role as vital rural service centres. Local planning authorities should adopt policies that recognise this role and support development which enhances the vitality and viability of market towns and other rural service centres. Local planning authorities should be aware of the extent of the rural population which is dependent on a particular centre or facility, such as a village shop, and seek to protect existing facilities and promote new ones accordingly (see paragraphs 2.55 to 2.58 regarding the provision and protection of local facilities).

2.62 In planning for village shops and services, local planning authorities should adopt policies which:

- *ensure that the importance of shops and services to the local community is taken into account in assessing proposals which would result in their loss or change of use; and*
- *respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

2.63 *Farm shops can also meet a demand for local produce in a sustainable way and can contribute to the rural economy. Care should however be taken to ensure that they do not adversely affect easily accessible convenience shopping available to the local community.*

2.64 *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) sets out the Government's policy on development in rural areas.*

13.27 It is anticipated that new local shops will be required at Shelley, Bradley, Fixby, Cowcliffe, Soothill and Ravensthorpe Road, Thornhill Lees to serve the major new housing development proposals in these locations. New local shops and services are required in the Birkby/ Grimescar Valley area partly to serve new housing in the area and to compensate for the closure of the superstore in Norwood Road. This can best be achieved by a comprehensive residential redevelopment of the former superstore to include local shopping facilities and services at the western end of the site.

Builders' Merchants

13.28 Builders' merchants, which are usually located in industrial areas, supplying materials to the building trade may also seek to establish retail sales. There is a legitimate role for builders' merchants in retailing bulky goods not generally available from shopping centres or retail warehouses. However, an extension into more general retailing from such premises will not normally be appropriate as this could undermine existing shopping centres.

S7 RETAIL SALES TO THE PUBLIC FROM BUILDERS' MERCHANTS PREMISES WILL NORMALLY BE PERMITTED PROVIDED THAT THEY ARE RESTRICTED TO BULKY MATERIALS TYPICALLY SUPPLIED TO THE BUILDING TRADE AND THAT RETAILING REMAINS AN ANCILLARY ACTIVITY.

13.29 The types of goods appropriate for sale from builders' merchants includes bricks, aggregates and timber and exclude domestic electrical appliances, furniture and floor coverings. It will not normally be appropriate for more than 10% of the area of the businesses to be utilised for retail sales.

Mill Shops

13.30 Mill (or factory) shops are outlets enabling manufacturers to sell directly to the public from manufacturing premises and are a popular form of retailing in West Yorkshire. Proposals for mill or factory shops are likely to be acceptable where the goods sold are restricted to those primarily produced on the premises to avoid cumulative adverse effects on existing shopping centres and on the general strategy of the plan. The retail operation will also need to be on a small scale relative to the floorspace available for production in the premises, such that retailing, will clearly be ancillary to production. In addition, such

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

proposals will be considered in terms of their likely impact on neighbouring shopping centres. It will also be important that they do not give rise to parking problems, congestion or safety problems on local roads or disturbance to the occupiers of neighbouring property. If proposals are effectively for the change of use of mill or factory premises to retailing, they will be considered in the context of policies S2, S3, S4 or S6 depending on their location and size.

[POLICY S8 DELETED]

S8A RETAILING OF GOODS FROM MILL OR FACTORY PREMISES WILL BE PERMITTED IF:

- i THE GOODS SOLD ARE PRODUCED OR MANUFACTURED BY THE SELLING COMPANY AND ARE PRIMARILY PRODUCED ON THE PREMISES;**
- ii THE AREA DEVOTED TO SALES IS SMALL RELATIVE TO THE PRODUCTION OR MANUFACTURING FLOORSPACE;**
- iii THE VITALITY AND VIABILITY OF NEIGHBOURING TOWN OR LOCAL CENTRES WOULD NOT BE HARMED; AND**
- iv NO DETRIMENT WOULD BE CAUSED TO HIGHWAY SAFETY OR LOCAL AMENITY.**

Farm Shops

13.31 Retailing from farms usually involves the use of farm buildings and land, often on a seasonal or temporary basis, for the sale of the farm's produce. While such retailing is likely to be acceptable unless there would be detriment to local amenity or highway safety, it is important that farm shops do not become general retail outlets and therefore the goods sold will need to be restricted primarily to those produced on the farm. Proposals for farm shops in the green belt will also be considered in the context of policies D8, D11 and D12 as appropriate.

S8B PROPOSALS FOR FARM SHOPS WILL NORMALLY BE PERMITTED IF:

- i THE GOODS SOLD WILL BE SUBSTANTIALLY THOSE PRODUCED ON THE FARM; AND**
- ii NO DETRIMENT WOULD BE CAUSED TO LOCAL AMENITY OR HIGHWAY SAFETY.**

Garden Centres

13.32 Garden centres are horticultural establishments concerned primarily with the retailing of plants, trees and horticultural accessories. There is a significant demand for garden centres. They tend to be established within or on the edge of urban areas where there is space for car parking and large display areas. Proposals for new or extensions to garden centres should be accessible by public transport as with all other proposals for retail development.

~~**S9 PROPOSALS FOR NEW GARDEN CENTRES OR EXTENSIONS TO GARDEN CENTRES WILL BE CONSIDERED HAVING REGARD TO:**~~

~~**i THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY;**~~

~~**ii HIGHWAY SAFETY; AND**~~

~~**iii THE LEVEL OF ACCESSIBILITY BY PUBLIC TRANSPORT;**~~

~~**AND IN THE CASE OF PROPOSALS IN THE GREEN BELT POLICY D8 WILL APPLY TO NEW GARDEN CENTRES; POLICY D11 TO EXTENSIONS AND POLICY D12 TO THE RE-USE OF BUILDINGS AS GARDEN CENTRES.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, T10, D8, D11, D12 and Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.⁵

Retailing Associated with Petrol Filling Stations

13.33 There are generally two types of retailing associated with petrol filling stations, sales related to vehicles and sales of other general goods. Both types of sales will normally be acceptable if the sales area is on a small scale relative to the petrol filling station so that it is not likely to attract specific shopping trips. It is important to safeguard against the establishment of shops on a scale which could undermine existing shopping centres. Proposals for large scale retail operations associated with petrol filling stations will be considered as a normal shopping proposal.

~~**S10 RETAIL SALES, IN ADDITION TO FUELS AND LUBRICANTS, FROM PETROL FILLING STATIONS WILL BE PERMITTED PROVIDED THAT THE**~~

⁵ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

~~SALES AREA IS ON A SMALL SCALE RELATIVE TO THE SIZE OF THE PETROL FILLING STATION.~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows: ⁶

Ancillary Uses

3.30 *Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.*

SERVICE, ENTERTAINMENT AND LEISURE USES

Service Uses

13.34 The presence of service uses can add to the vitality of shopping centres, increasing the number of people using the centre and contributing to its prosperity. Service uses considered to be appropriate to a shopping centre include estate agents, banks, building societies, restaurants, cafes, hot food take aways, licensed betting offices, bistros, pubs and wine bars, employment agencies and amusement centres. However, an excessive concentration of these uses on major shopping streets can fragment the centre by displacing shops and causing breaks in shopping frontages. The effect is to make the centre less attractive to shoppers. It is therefore important to strike a balance between maintaining and strengthening the retail core of the centre and encouraging the establishment of appropriate service uses. The application of a shopping frontage policy provides a means of achieving this balance.

⁶ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

S11 SERVICE USES WILL NORMALLY BE PERMITTED IN TOWN AND LARGE LOCAL CENTRES EXCEPT WITHIN PRIMARY SHOPPING FRONTAGES AS DEFINED ON THE PROPOSALS MAP. WITHIN THESE FRONTAGES, THE CHANGE OF USE OF GROUND FLOOR PREMISES OR PARTS THEREOF TO NON SHOPPING USES WILL ONLY BE PERMITTED WHERE:

- i THE NON SHOPPING USE OFFERS A SERVICE APPROPRIATE TO A SHOPPING CENTRE; AND**
- ii NOT MORE THAN 33% OF THE FRONTAGE WOULD BE IN NON SHOPPING USE IF THE DEVELOPMENT WERE CARRIED OUT.**

Entertainment and Leisure

13.35 In addition to the provision of shopping facilities and associated services, many shopping centres also provide a range of leisure and entertainment facilities which by their presence add to the attraction of the centre. The nature of these facilities varies widely and each proposal needs to be considered in the context of its likely impact on its surroundings. A location within or on the edge of a shopping centre will be most appropriate as these are the most accessible locations, and possible disturbance to residential amenity should be minimised. However, other locations may be acceptable to enable specific needs to be met or suitable premises, such as disused listed buildings, to be utilised. Entertainment and leisure facilities will not be appropriate within primary shopping frontages.

~~**S12 PROPOSALS FOR ENTERTAINMENT AND LEISURE USES SHOULD NORMALLY BE LOCATED WITHIN OR ON THE EDGE OF TOWN AND LARGE LOCAL CENTRES, AND SHOULD HAVE REGARD TO THE REQUIREMENTS OF PRIMARY SHOPPING FRONTAGE POLICY. PROPOSALS FOR SUCH USES ELSEWHERE WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i WHETHER IT WOULD MEET A NEED THAT COULD NOT REASONABLY BE MET IN AN EXISTING TOWN OR LARGE LOCAL CENTRE;**~~
- ~~**ii WHETHER IT WOULD RETAIN IN USE LISTED BUILDINGS OR OTHER BUILDINGS OF CHARACTER WHICH ARE NO LONGER SUITABLE FOR THEIR ORIGINAL PURPOSE;**~~
- ~~**iii THE EFFECT ON LOCAL AMENITY AND HIGHWAY SAFETY; AND**~~
- ~~**iv THE LEVEL OF ACCESSIBILITY BY PUBLIC TRANSPORT.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, S11, T10, and Planning Policy Statement

6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

- 13.36 Amusement premises, containing slot machines and video games, raise further planning considerations. The two categories of amusement premises are amusement centres and amusement arcades. These are different in that amusement centres contain gambling machines and require an operating licence from the local authority, whereas amusement arcades contain amusement only machines such as video games and are often noisy and generally have later opening hours. In recent years there has been pressure to allow the development of amusement premises, and this is likely to continue. Amusement arcades are more likely to have a detrimental impact on their surroundings because of noise and disturbance than amusement centres, which can be located more satisfactorily in shopping centres.

~~**S13 PROPOSALS FOR AMUSEMENT PREMISES WILL NORMALLY BE PERMITTED WITHIN TOWN AND LARGE LOCAL CENTRES, OR IN AREAS OF MIXED COMMERCIAL DEVELOPMENT EXCEPT:**~~

~~**i WHERE THEY ARE PROPOSED WITHIN PRIMARY SHOPPING FRONTAGES; AND**~~

~~**ii WHERE THERE WOULD BE DETRIMENT TO THE AMENITY OF OCCUPIERS OF NEARBY PREMISES.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, S11, and Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

- 13.37 When planning permissions are granted for amusement premises conditions will be included requiring the maintenance of a window display in keeping with adjacent premises so that the appearance of the street is not disrupted.

Hot Food Take Aways

- 13.38 There is increasing demand for premises for hot food take aways. Operators seek new outlets in locations accessible to a wide catchment area and prefer locations in local shopping centres, or on major roads. The most suitable locations are separate from dwellings, to minimise nuisance, visible to passing trade, and with provision for short-term car parking. These requirements are most likely to be met within or on the fringe of shopping centres. However, where a proposal would adversely effect the mix and balance of retail outlets in the centre it would be inappropriate. Proposals should not prejudice highway safety or residential or visual amenity.

S14 PROPOSALS FOR HOT FOOD TAKE AWAY SHOPS WILL BE CONSIDERED HAVING REGARD TO:

i PROVISION FOR CAR PARKING FOR CUSTOMERS AND STAFF;

ii THE EFFECT ON HIGHWAY SAFETY;

iii THE EFFECT ON RESIDENTIAL AMENITY;

iv THE VISUAL IMPACT OF ANY ALTERATIONS PROPOSED;

AND, IF THE PROPOSAL IS LOCATED WITHIN A TOWN OR LOCAL CENTRE;

v THE EFFECT ON THE RETAIL MIX OR BALANCE OF THE CENTRE.

Taxi Booking Offices

13.39 Taxi businesses are a major source of employment in Kirklees, providing about 1200 jobs. Less than a third of all taxis are Hackney Carriages, able to operate from a taxi rank or ply for hire. All others operate under private hire licences. Both types of taxi operations usually require a base from which the vehicles are controlled, usually by radio. Some operators will also require a waiting room for clients who wish to be picked up from the base. The main planning considerations in respect of taxi offices relate to the proximity of proposed offices to houses, the availability of off-street parking for the vehicles operated and the suitability of the local highway network to accommodate the traffic movements generated.

13.40 Taxi operators will require locations for their booking offices close to their likely customers. It is reasonable therefore to allow such uses close to town centres large local centres or out of town leisure facilities, provided that there would be no conflict with any residential use arising from late night or early morning taxi operation. Unless an operator specifically indicates that restricted hours are acceptable, applications will be considered on the basis of a 24-hour use.

13.41 At off-peak times, there is a tendency for drivers to congregate at the base. Therefore, off-street parking to an appropriate standard will be required unless the applicant can demonstrate why a reduction in this standard will be acceptable. In order that the appropriate amount of car parking is provided and retained, any planning permission will include conditions to ensure that the numbers of vehicles operating from the premises do not increase without a commensurate increase in parking provision.⁷

⁷ See chapter 10, paragraphs 10.39 and 10.40 and policy B11 for guidance on the use of residential premises as a base for private hire vehicles

S15 PLANNING APPLICATIONS FOR THE USE OF PREMISES FOR THE CONTROL AND ADMINISTRATION OF HACKNEY CARRIAGES OR PRIVATE HIRE VEHICLES WILL BE CONSIDERED TAKING INTO ACCOUNT:

- i THE PROXIMITY OF THE SITE TO A TOWN CENTRE, LOCAL CENTRE, OR MAJOR LEISURE FACILITY;**
- ii THE EFFECT ON ANY PREMISES WITHIN THE VICINITY OF THE SITE WHICH ARE USED PRIMARILY FOR RESIDENTIAL PURPOSES;**
- iii THE ABILITY OF THE LOCAL HIGHWAY NETWORK TO ACCOMMODATE THE ADDITIONAL TRAFFIC GENERATED;**
- iv THE AVAILABILITY OF OFF-STREET PARKING PROVISION WITHIN CLOSE PROXIMITY TO THE SITE FOR ALL VEHICLES TO BE OPERATED FROM THE BASE.**