

# Land at Huddersfield Road, Mirfield

## Planning and Retail Statement

**on behalf of Morbaine Limited**

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## 1.0 Introduction

### Scope and Purpose

- 1.1 This Planning and Retail Statement has been prepared on behalf of Morbaine Limited (hereafter referred to as 'the applicant') in support of an outline planning application with all matters reserved except for access, for the construction of a new foodstore on land at Huddersfield Road, Mirfield.
- 1.2 The description of development for which outline planning permission is sought is as follows:  
  
**'Outline application with all matters reserved except access, for the demolition of existing buildings and erection of Class A1 retail unit, together with access, car parking, servicing, landscaping and associated works.'**
- 1.3 The indicative layout for the proposed retail unit demonstrates that the store would have a gross internal area of 1,890 sq.m and would be served by a total of 101 car parking spaces. The foodstore would be of sufficient scale to support main food shopping trips and would accommodate a discount operator.
- 1.4 The purpose of this Statement is to consider the proposal's compliance with the adopted development plan and other material considerations, including the National Planning Policy Framework (published February 2019) ('the NPPF').
- 1.5 The planning application has been the subject of a formal pre-application consultation with the Council, which considered both the principle of development and the proposal's scale, design and siting. It was accepted by the Council as part of the pre-application discussions that the proposed use had the potential to be appropriately accommodated on the site, subject to it being demonstrated that there are no unacceptable highway or retail impacts associated with the proposal.
- 1.6 This Statement seeks to confirm the appropriateness of the proposed development and demonstrate its compliance with relevant planning policy. It should be read in conjunction with the full package of documents that support the application, including the Design & Access Statement, Flood Risk Assessment and the Transport Assessment.

## Structure of Report

1.7 The remainder of this document is structured as follows:

- Section 2 provides a detailed description of the proposed development and the site, and sets out the site's relevant planning history;
- Section 3 identifies the planning policy context at local and national level;
- Section 4 confirms the proposal's general compliance with relevant planning policy;
- Section 5 sets out the proposal's conformity with the retail sequential test, with reference to the requirements of Policy LP13 of the Local Plan and paragraph 86 of the NPPF;
- Section 6 considers the proposal's conformity with the retail impact test, with reference to the requirements of Policy LP13 of the Local Plan and paragraph 89 of the NPPF; and
- Section 7 provides an overview of the proposed development and sets out our conclusions in respect of the proposal's compliance with planning policy.

## 2.0 Site, Proposed Development and Application Context

### Application Site and Surrounding Area

- 2.1 The application site extends to approximately 0.80 hectares and is currently occupied by Kenmore Caravans. The site principally comprises a large tarmacked area, which is used for storage and sale of caravans, together with a two-storey office and a number of temporary structures, including portakabins.
- 2.2 The site is bounded by Huddersfield Road to the north, Mirfield Prestige car sales to the east, the River Calder to the south, and light industrial premises to the west. Whilst the southern side of Huddersfield Road is predominantly commercial in nature, there are some residential properties to the north. The nearest of these form The Maltings cul-de-sac, which is inward facing, screened by mature trees and does not front directly on to the application site. The Maltings is set back from Huddersfield Road.
- 2.3 The application site is relatively flat and is somewhat linear in nature, extending approximately 180 metres along Huddersfield Road and being approximately 40 metres across (from Huddersfield Road to the River Calder) at its narrowest point. The shape of the site and the nature of the neighbouring operations impacts on the uses that can be appropriately accommodated on the land and inform the indicative siting and design of the proposed development.
- 2.4 The site is situated approximately 290 metres to the north west of Mirfield district centre and is therefore 'edge of centre' for the purpose of retail planning policy. The route to the centre of Mirfield is very straightforward whether undertaken on foot or by car, and the site benefits from bus stops which are located immediately to the north<sup>1</sup>. The site is therefore highly accessible, both in relation to the existing population of Mirfield and areas of planned population growth<sup>2</sup>.
- 2.5 The site is not allocated for any specific purpose by the Kirklees Local Plan, which was adopted in February 2019.

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<sup>1</sup> Which serve the 226 route, running from Huddersfield to Brighouse

<sup>2</sup> Including the HS61 Kirklees Local Plan housing allocation which has an indicative capacity of 2,131 dwellings and is located a short distance to the east

## Proposed Development

2.6 This application seeks outline planning permission for a Class A1 retail foodstore, with all matters reserved except access. As set out by the accommodation schedule provided below at Table 2.1, the indicative layout demonstrates that proposed foodstore would have a gross internal area of 1,890 sq.m and an estimated net sales area of 1,254 sq.m. Of this, we estimate that approximately 80% of the floorspace would be dedicated to the sale of convenience goods and approximately 20% to the sale of comparison goods. The store would be served by 101 car parking spaces, of which five would be dedicated to disabled users and seven would be parent and child spaces.

**Table 2.1: Proposed Accommodation Schedule**

| Proposed Use                                 | Gross internal area (sq.m) | Net sales area (sq.m) | Net convenience goods sales (sq.m) | Net comparison goods sales (sq.m) |
|--|----------------------------|-----------------------|------------------------------------|-----------------------------------|
| Foodstore to accommodate 'discount' operator | 1,890                      | 1,254                 | 1,003                              | 251                               |

2.7 The indicative site plan submitted with the application (drawing number 15151/01A) indicates that the development is proposed to be orientated such that the foodstore will be located on the western part of the site, with the car parking to the east. The car park occupies the part of the site that is closest to Mirfield district centre and is therefore well positioned to support linked trips.

2.8 The outline scheme proposes that the entrance to the foodstore would be at its eastern corner immediately adjacent to Huddersfield Road and in close proximity to existing bus stops. Both customer and service vehicular traffic will access the site from the exiting access point, which is to be modified and improved. The servicing of the store will be achieved to the south and, as such, the unloading area is entirely screened from nearby premises.

2.9 The application proposal provides an opportunity to improve the visual appearance of the site. The submitted indicative plans and drawings demonstrate that a high quality, modern retail scheme can be appropriately accommodated on the site.

2.10 The proposed layout demonstrates that the massing and scale will respond accordingly to the residential properties on the opposite side of Huddersfield Road, and the indicative proposed layout demonstrates that the layout will provide for good circulation around the site for both private vehicles and pedestrians.

- 2.11 The proposed scheme seeks to make best use of an existing previously developed site and, in doing so, would substantially increase the number of jobs supported. In addition, the provision of an additional foodstore in this location would also improve local accessibility to grocery provision and increase customer choice.
- 2.12 Full details in respect of the proposed scheme and its evolution are provided in the submitted Design & Access Statement.
- 2.13 Whilst no operator is formally associated with the proposed foodstore, the development would provide modern retail accommodation to meet existing retailer requirements in the Mirfield area. The format of the proposed foodstore is consistent with occupation by a discount food operator and the applicant continues to engage with the market to secure a tenant. The grant of outline planning permission would assist in reaching formal agreement with an operator.

### **The Context for the Application**

- 2.14 The Mirfield area currently benefits from a rather limited main food shopping offer, which is principally focused around the Co-op and Lidl stores<sup>3</sup>. Whilst both of the stores appear to trade well, their offer is not attractive to all shoppers. We believe that securing a further modern food supermarket will help retain expenditure that originates in the Mirfield area, but currently 'leaks' to destinations further afield, particularly to large foodstores to the north at Heckmondwike and to the Aldi store to the south at Gallagher Retail Park in Huddersfield.
- 2.15 The limited grocery offer in the Mirfield area is evidenced by the findings of the Kirklees Retail Capacity Study Update, which is dated August 2016. Mirfield is accommodated within Zone 4 of the Retail Capacity Study.
- 2.16 The Study identifies that existing grocery retailers located within Zone 4 collectively overtrade<sup>4</sup> significantly. Table 5.1 of the Study indicates that, at 2016, the collective provision had an anticipated benchmark turnover of £78.04m and an actual estimated turnover of £120.00m. As such, the foodstores overtraded by a total of £41.96m (or by 53.8%).

<sup>3</sup> The Co-op store being located within Mirfield district centre and the Lidl being edge of centre

<sup>4</sup> In other words, they have a turnover in excess of their expected level based on their company average performance

2.17 The Study indicates that, within Zone 4, after existing commitments are taken into account, an estimated:

**'...£24.52m residual expenditure will be available at 2016, increasing to £33.59m at 2031. This surplus translates into an immediate requirement for between 1,800 sq.m and 2,900 sq.m net of convenience goods net floorspace at 2016, increasing to between 2,500 sq.m and 3,900 sq.m at 2031.'**

2.18 We are unaware of any further development coming forward since the publication which materially alters the above position. Accordingly, whilst the matter of 'need' does not comprise a direct retail planning policy test, the Council's own retail evidence base is supportive of additional grocery provision in the general area.

### Planning History

2.19 A search of the Council's planning register has identified only one previous planning permission on the site in recent years.

2.20 Planning permission reference 2007/62/93712/E3, which was approved in November 2007, provides for the erection of a single storey extension and new single storey sales/office unit at the Kenmore Caravans site. We have reviewed the application proposal and it appears that the planning permission has been built out.

2.21 In addition, it is also relevant to note that planning permission reference 2015/94112 was approved in June 2016 and provided for the erection of the replacement Lidl store at Station Road to the south of Mirfield district centre (which is now built out and trading). We note that the net sales area of the replacement Lidl store was restricted to 1,689 sq.m and the floorspace dedicated to the sale of comparison goods was restricted to 337 sq.m through Condition 4 of the planning permission.

2.22 Page 30 of the Officer's report that commended the grant of planning permission for the development identified that the proposal would provide for an uplift in floorspace when compared to the existing Lidl foodstore (which was located further north along Station Road). The quantum of floorspace provided for by the larger store is set out below at Table 2.1.

**Table 2.1: Uplift in Floorspace Provided by Replacement Lidl Foodstore at Station Road**

|               | Gross Area (sq.m) | Net Sales (sq.m) | Net Convenience (sq.m) | Net Comparison (sq.m) |
|---------------|-------------------|------------------|------------------------|-----------------------|
| Existing Lidl | 1,256             | 882              | 705                    | 177                   |
| Proposed Lidl | 2,758             | 1,689            | 1,351                  | 337                   |
| Increase      | 1,502             | 807              | 646                    | 160                   |

2.23 Accordingly, it is evident that the new Station Road Lidl store has a net sales area that is 807 sq.m greater than the previous store, and a net convenience goods sales area that is 646 sq.m greater.

2.24 It is also relevant to note that the Council recognises that the replacement Lidl store would principally trade against main food shopping destination outside of the Mirfield area. In particular, we note page 35 of the Officer’s report accepts that:

- the greatest level of trade diversion would occur at the Morrisons superstore at Union Street in Heckmondwike, which has a convenience goods turnover significantly in excess of company benchmark level;
- subsequent to the implementation of the replacement Lidl store, the Heckmondwike Morrisons would continue to trade successfully;
- overall, the majority of the additional convenience goods turnover generated by the replacement Lidl store would be drawn from larger stores beyond the immediate area (these stores include the Morrisons at Penistone Road in Huddersfield and the Asda at Mill Street West in Dewsbury); and
- there will only be a ‘small’ degree of impact on the Co-op and Tesco Express in Mirfield as a consequence of the larger Lidl store, as both of these stores secure only limited main food shopping market shares.

2.25 As a consequence of the inability of Co-op and Tesco Express stores to meet main food shopping needs, the Officer’s report indicates that the limited grocery provision in the town is indicative of ‘...a **qualitative deficiency in Mirfield’s convenience retail offer which means its residents’ needs are not being fully met.**’ As we go on to consider in greater detail below, we do not believe that this position is adequately addressed solely through the provision of a larger Lidl store.

### **Pre-Application Discussions and Public Consultation**

2.26 A pre-application meeting was held between the project team and Sarah Longbottom of the Council on 5 April 2019, which considered the acceptability of the principle of the application proposal and the

proposed layout for a Class A1 retail foodstore development.

2.27 Our record of the pre-application meeting indicates that the Council accepted that:

- the proposed site layout appeared the most practical way to accommodate the application proposal on the site;
- the site was some distance from the nearest residential dwellings, which do not front directly onto the site;
- the site is not the subject of any particular allocation and there is no specific policy provision that precludes the redevelopment of the site for a foodstore; and
- the principle of the proposed use would likely be acceptable to the Council subject to demonstrating that the development conforms to the requirements of the key retail planning policy tests and that the site could be appropriately accessed without any unacceptable impact arising.

### Supporting Documents

2.28 The required supporting documents were also confirmed by the Council in its pre-submission response. As such, this planning application is accompanied by:

- Design & Access Statement, prepared by GWH;
- Transport Assessment and Draft Travel Plan, prepared by Waterco Consultants;
- Flood Risk Assessment & Drainage Strategy, prepared by Waterco Consultants;
- Phase 1 Geotechnical and Geo-environmental Desk Study, prepared by DTS Raeburn; and
- Ecological Assessment, prepared by WYG.

2.29 We summarise the key conclusions from these reports below in order to provide for a comprehensive assessment of the merits of the application proposal and its compliance with relevant planning policies in subsequent sections of this Statement.

#### Design & Access Statement

2.30 The Design and Access Statement provides details of the evolution of the scheme and how it responds to the character and context of the local area. The Statement seeks to provide further details in respect of the indicative layout and design of the proposed foodstore, and how the scheme will be accessible

to all.

- 2.31 The Statement demonstrates that the indicative layout responds to the local area in terms of scale and massing, and will substantially improve the frontage along Huddersfield Road, whilst encouraging linked-trips to Mirfield district centre through the orientation of the car park in the eastern half of the application site.

#### Transport Assessment

- 2.32 The Transport Assessment assesses the traffic and highways implications of the proposed development, including parking provision, HGV manoeuvring and recorded road traffic accidents in the vicinity. The accessibility by other modes of transport to the car is also considered.
- 2.33 The Assessment demonstrates that the proposed foodstore will be accessible on foot and will encourage walking as a mode of transport.
- 2.34 The proposed access to the site will function with reserve capacity and no queueing issues. Overall, it is concluded that the site is accessible by a choice of modes of transport and that there are no highways/traffic related reasons why the proposed development should not be approved.

#### Flood Risk Assessment & Drainage Strategy

- 2.35 The purpose of the Flood Risk Assessment is to outline the potential flood risk to the site, the impact of the proposed development on flood risk elsewhere, and the proposed measures which could be incorporated to mitigate the identified risk.
- 2.36 The EA 'Flood Map for Planning' shows that the majority of the site, including all developable areas, is located within an area outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% annual probability of flooding. An existing embankment adjacent to the River Calder and in the southern extent of the site is shown in Flood Zone 3.
- 2.37 The Assessment demonstrates that the proposed development and any associated earthworks would not reduce flood storage capacity and not result in an increased risk of flooding elsewhere.

### Phase 1 Geotechnical Study

- 2.38 A Phase 1 Geotechnical and Geo-environmental Desk Study has been produced by Waterco, to summarise the history of the site and the underlying geology and hydrogeology, along with providing a conceptual site model for the prevailing ground conditions. The report concludes with a series of recommendations for undertaking further investigative work. The purpose of such is to substantiate the findings of the preliminary evaluation and thereby reduce uncertainty in the Conceptual Site Model and investigate potential geotechnical risks.
- 2.39 The Report concludes that potential sources of contamination have been identified in the vicinity of the site but given the location of the potential contamination sources, it is unlikely that there has been a direct significant impact on the site.
- 2.40 In addition, the Report concludes that the potential for Made Ground being present in significant thicknesses both on site and its immediate surrounds, presents a potential risk of ground gas. The potential risks that have been identified have been assessed by the preliminary risk assessment as being low to moderate risk.
- 2.41 The geotechnical risks to the site include potential differential and excessive settlement, low bearing capacity ground, possible unrecorded shallow coal mining and possible slope stability. The risks identified are not uncommon for brownfield sites and the soils and geology expected at the site.
- 2.42 The risks may be mitigated by further assessment through intrusive ground investigation and risk assessment at the detailed design stage, and if necessary, the inclusion of routine construction measures for example, ground gas protection measures within buildings. Therefore, the potential risks identified are not considered to pose a significant risk to the proposed development.

### Ecological Assessment

- 2.43 An Ecological Appraisal has been produced by WYG, which includes a desk study, extended Phase 1 habitat survey and an assessment of potential constraints/opportunities relating to ecological receptors on and directly adjacent to the site.

- 2.44 Overall, it is recommended that the proposed works are considered unlikely to have any significant impact upon designated sites and that in order to prevent pollution of the river, best practice guidance for pollution prevention is reviewed and appropriate measures adopted.
- 2.45 In terms of habitats, it is concluded that works are considered unlikely to impact upon the River Calder, but best practice guidance for pollution prevention should be reviewed and adopted where relevant.
- 2.46 Finally, in terms of protected and notable species, it is noted that existing buildings offer suitability to support roosting bats and should be subject to emergence surveys.
- 2.47 As a consequence of the above, there are no ecological concerns which should impact on the ability to bring forward the proposed development at the site.

## 3.0 Planning Policy Context

### The Application of Planning Policy

3.1 We set out below the planning policy of relevance to the Council's consideration of the application. At the outset, it is important to recognise that the statutory development plan is generally the starting point in considering the acceptability of a proposal. In this regard, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:

**'...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material consideration indicate otherwise.'**

3.2 The adopted development plan of relevance in this instance comprises the 2019 Kirklees Local Plan, adopted in February 2019.

### The Development Plan

3.3 The statutory development plan for the Kirklees authority area comprises the Kirklees Local Plan Strategy and Policies document and the Allocations and Designations document, both of which were adopted by the Council in February 2019 and supersede the Kirklees Unitary Development Plan.

3.4 The application site is not allocated for any specific purpose within the adopted development plan. As such, we consider below the general development management policies of relevance to the proposal, as set out in the Strategy and Policies Local Plan.

### Achieving Sustainable Development

3.5 Policy LP1 of the Strategy and Policies Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The policy goes on to state that:

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

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

#### Retailing and Town Centres

- 3.6 Chapter 9 of the Strategy and Policies Local Plan relates to retailing and town centres, and seeks to provide a positive strategy for all town, district and local centres across the district, and protect the centres, whilst facilitating new growth.
- 3.7 The policies seek to focus new main town centre uses and appropriate other uses within existing centres in sustainable locations, allowing for the diversification and expansion of centres, and where necessary to aid regeneration, investment, and the creation of new job opportunities.
- 3.8 Policy LP13 of the Local Plan relates to town centre uses and sets out the hierarchy of the centres across the administrative area. Mirfield is defined as a district centre within the hierarchy, below Huddersfield as the principal town centre and the four town centres of Batley, Cleckheaton, Holmfirth and Heckmondwike. The policy states that the role of district centres is to provide a range of shopping for everyday needs and serving specialist markets, and to be the local focus for basic financial services, leisure uses, tourist facilities and health services.
- 3.9 Part B of Policy LP13 relates to the sequential test and states that:
- 'Proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered.'**
- 3.10 Part C of Policy LP13 relates to the impact assessment and states that an impact assessment will be necessary for proposals for retail development not located within a defined centre where the proposal is located within 800 metres of the boundary of a town or district centre and is greater than 300 sq.m (gross).
- 3.11 In respect of the sequential and impact tests, Policy LP13 states that proposals which fail the sequential test or proposals which have a significant adverse impact on surrounding centres shall not be supported.

- 3.12 The application site is situated in an edge of centre location, being within 300 metres from the defined town centre boundary, and as such both the sequential and impact tests apply.

#### Transport and Highways

- 3.13 Policy LP20 relates to sustainable travel and states that new development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced, and that essential travel needs can be met by forms of sustainable transport other than the private car. The policy goes on to state that:

**‘The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.’**

- 3.14 Policy LP21 relates to highways and access and states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Furthermore, the policy states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.
- 3.15 In terms of parking, Policy LP22 indicates that car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development.

#### Design of New Development

- 3.16 Policy LP24 relates to the design of new development and recognises that good design should be at the core of all proposals in the district, and should be considered at the outset of the development process. Policy LP24 states that proposals should promote good design by ensuring (amongst others):
- the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
  - they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;

- the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features; and
- the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places.

#### Flood Risk and Water Management

3.17 Policy LP27 of the Local Plan provides guidance relating to water management and flood risk. The Policy states that proposals for development which require a Sequential Test in accordance with national planning guidance will need to demonstrate that development has been directed to areas at the lowest probability of flooding, following a sequential risk based approach.

3.18 The policy states that:

**‘Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.’**

#### Biodiversity and Development

3.19 Policy LP30 relates to biodiversity and geodiversity and provides guidance with regard to how new proposals should seek to protect biodiversity across Kirklees.

3.20 In terms of biodiversity and development, Policy LP30 states that:

**‘Development proposals will be required to:**

- i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;**
- ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist...’**

#### Environmental Protection

3.21 Policy LP51 relates to the protection and improvement of local air quality and states that development

will be expected to demonstrate that it is not likely to result in an increase in air pollution which would have an unacceptable impact on the natural and built environment.

3.22 Policy LP52 then provides guidance with regard to the protection and improvement of environmental quality and states that:

**'Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.'**

#### **The National Planning Policy Framework**

3.23 The revised NPPF was published in February 2019. It sets out the Government's overarching policy objectives and, at paragraph 6, identifies that the purpose of the planning system is to contribute to the achievement of sustainable development.

3.24 Paragraph 8 indicates that there are three dimensions to sustainable development: economic, social and environmental. It goes on to identify that:

**'These dimensions give rise to the need for the planning system to perform a number of roles:**

- **an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;**
- **a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and**
- **an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'**

3.25 Paragraph 11 sets out a presumption in favour of sustainable development. It indicates that:

**'For decision-taking this means:**

- **approving development proposals that accord with an up-to-date development plan without delay;**  
**or**
- **where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
  - **the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
  - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'**

3.26 The Government's policies for delivering sustainable development are set out at Section 1 to 13 of the NPPF.

3.27 Of particular relevance to this application are Sections 5, 7, 8, 9, 12, 14 and 15, which we summarise below.

#### Section 4: Decision Making

3.28 In considering the requirements of national planning policy, it is important to recognise the instruction provided to local planning authorities in respect of the determination of planning applications. Paragraph 38 of the NPPF states that authorities should approach decision-making in a positive way to foster the delivery of sustainable development.

#### Section 7: Ensuring the Vitality of Town Centres

3.29 Paragraph 86 sets out the sequential approach to development that is to be applied to proposals for main town centre uses (including retail and food and drink uses) which are not in an existing centre and not in accordance with an up-to-date development plan. In terms of local planning authorities' consideration of such planning applications, paragraph 24 states that:

**'They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that**

**are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'**

3.30 Paragraph 89 sets out a streamlined impact test which focuses on two particular issues. It states that:

**'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m). This should include assessment of:**

- **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'**

3.31 Paragraph 90 suggests that, where an application fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused.

3.32 A reading of paragraph 90 in isolation may give rise to the suggestion that it could act to set out two 'gateway' tests (a sequential test and an impact test), which have to be 'passed' before other considerations could be weighed in the balance. However, such an interpretation is contradictory both to the remainder of the NPPF – which gives primacy to the development plan where it is up to date – and to the key principle established by Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires both the positives and negatives of any application proposal to be considered before reaching a balanced decision. Notwithstanding this, it is accepted that whether a proposal complies with the requirements of the NPPF's sequential and impact tests will clearly be a material consideration to be afforded appropriate weight in the decision making process.

3.33 We assess the application proposal in terms of its accordance with the two key national retail policy tests at Sections 5 and 6 of this Statement.

#### [Section 8: Promoting Healthy and Safe Communities](#)

3.34 Paragraph 92 identifies that planning decisions should provide for community facilities (including local shops) and other local services to enhance the sustainability of communities and residential

environments. The same paragraph also advocates an integrated approach in considering the location of housing, economic uses, and community facilities and services.

#### Section 9: Promoting Sustainable Transport

3.35 Paragraph 108 states that in assessing specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be, or have been taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestions), or on highway safety, can be cost effectively mitigated to an acceptable degree.

3.36 Paragraph 109 then states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

#### Section 12: Achieving Well Designed Places

3.37 Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

3.38 Paragraph 127 identifies that planning decisions should, amongst other considerations, add to the overall quality of the area and reflect the identity of local surroundings.

3.39 Paragraph 130 indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

3.40 In respect of flooding, paragraph 163 of the NPPF indicates that proposed development should not increase flood risk elsewhere. The Policy states:

**‘Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:**

- a) **within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;**
- b) **the development is appropriately flood resistant and resilient;**
- c) **it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;**
- d) **any residual risk can be safely managed; and**
- e) **safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'**

3.41 In this instance, the site falls within Flood Zone 1 and all elements of the proposal are appropriate development.

#### Section 15: Conserving and Enhancing the Natural Environment

3.42 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes, including biodiversity or geological value and preventing new development from contributing to unacceptable levels of soil, air, water or noise pollution.

#### **Other Material Considerations**

#### Ensuring the Vitality of Town Centres Planning Practice Guidance

3.43 The Ensuring the Vitality of Town Centres Planning Practice Guidance ('the Town Centres PPG') provides direction in respect of how the NPPF retail and town centre policies should be applied in practice. It seeks to ensure that local planning authorities plan positively in order to meet identified needs, promote competition, and support local employment.

3.44 With specific reference to meeting future needs, paragraph 006 of the Town Centres PPG identifies that:

**'It may not be possible to accommodate all forecasts needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the needs for these main town centre uses having regard to the sequential and impact tests.'**

- 3.45 In respect of the sequential test, paragraph 010 indicates that the test should be applied in a proportionate manner, with reference to the suitability of individual sites to accommodate the proposal.
- 3.46 Paragraph 011 recognises that main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
- 3.47 In respect of impact, paragraph 017 indicates that it is relevant to consider the current vitality of relevant centres and examine the 'no development' scenario. Paragraph 017 goes on to state that a judgement as to whether identified impacts are significant can only be reached in light of local circumstances.

### Summary

- 3.48 The application site is not allocated for any specific purpose within the adopted development plan. The site is situated in an edge of centre location in planning policy terms. As such, both the sequential and impact tests apply. In the case of the sequential test, it must be demonstrated that there are no sites within Mirfield town centre or in a more accessible edge of centre location in order to comply with Part B of Policy LP16 and paragraph 86 of the NPPF. In terms of the impact assessment, it is necessary to demonstrate that the proposal will not have a significant adverse impact on town centre investment and town centre vitality and viability in order to comply with Part C of Policy LP16 and paragraph 89 of the NPPF.
- 3.49 In light of the above, we consider the application proposal's compliance with general plan policy in the following Section 4 of this Statement. We then provide a detailed assessment of the proposal's compliance with the retail sequential and impact tests at Sections 5 and 6.
- 3.50 In order to deal with development plan policy in a straightforward manner, we provide an overview of policy on a thematic basis at Section 4.

## 4.0 General Compliance with the Development Plan and National Planning Policy

4.1 We provide our assessment of the proposal's general compliance with the adopted development plan and national planning policy below.

### **Presumption in Favour of Sustainable Development**

4.2 As set out at Section 3 above, Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective.

4.3 The planning application would provide an appropriately located foodstore which would meet needs which arise in the local area. In doing so, the development of a new foodstore would improve consumer choice, reduce the need to travel further afield in order to source day-to-day retail needs, and support jobs.

4.4 In addition, the proposed development scheme would substantially improve the appearance of the application site, and provide an attractive, active frontage on a key route running into Mirfield.

4.5 The proposal also fully accords with development plan policy seeking to provide for sustainable development.

### **The Principle of Retail Development**

4.6 As identified above, the type and format of foodstore proposed is such that the development will cater for needs which arise in the local area. Consequently, it is anticipated that the majority of customers will be Mirfield residents, as it would generally be illogical for residents in outlying areas to drive past more convenient options in order to access the site. As we go on to consider in detail at Section 6 of this Statement, the impacts arising from the proposal would generally be borne by retailers which currently trade successfully and would likely continue to do so subsequent to the proposal's implementation. However, it is considered that the current convenience provision within Mirfield is limited relative to the shopping needs arising within the catchment.

4.7 The location of the proposal is such that it meets a local deficiency in terms of foodstore provision

which can support main food shopping trips. As such, the site is both attractive to prospective operators and can be accommodated without any centre being the subject of an unacceptable impact.

4.8 As a consequence of the above, the proposed development would not undermine the viability of any existing centre and is particularly well located in terms of being access by a range of means of transport (most obviously by car, by bus, on foot and by bicycle).

4.9 As we go on to explain in greater detail in Sections 5 and 6 of this Statement, the proposed development also accords with the requirements of the sequential and impact tests as articulated by Policy LP16 of the Local Plan and paragraphs 86, 87, 89 and 90 of the NPPF.

### **Employment**

4.10 The Homes & Communities Agency Employment Density Guide 3<sup>rd</sup> Edition (November 2015) is typically used to provide an estimate of the employment associated with retail proposals. However, the employment density for foodstore development provided at Section 4 of the Employment Density Guide provides for a level of employment in excess of that which we believe will be supported in practice. In actuality, we believe that a foodstore of the scale proposed would likely support in the order of 40 FTE jobs (based on our experience of comparable schemes elsewhere).

4.11 Given the above, we believe that the proposal clearly accords with the NPPF, which indicates that the planning system should support sustainable economic growth.

### **Design**

4.12 The proposed development seeks to respond to the local context and provide a development which improves the current use of the site primarily for storage of caravans and a range of temporary structures including portakabins.

4.13 The height of the store is such that it is able to meet prospective retailers' operational requirements, whilst remaining of a scale that is appropriate to existing nearby uses.

4.14 The Design & Access Statement indicates that the indicative proposed site layout has been directly informed by the need to secure inclusive access for all in the safest and most straightforward manner.

Full details in respect of the design and access of the proposed scheme is provided by the architects in the Design and Access Statement.

4.15 Overall, the submission demonstrates that the proposed development accords with Policy LP24 of the Local Plan and paragraph 130 of the NPPF.

### **Transport and Accessibility**

4.16 A Transport Assessment, prepared by Turner Lowe Associates, has been submitted in support of the application proposal. The Assessment demonstrates that the proposed foodstore will be accessible on foot and will encourage walking as a mode of transport.

4.17 The Assessment demonstrates that the recorded road traffic accidents in the vicinity of the site have been examined and the development should have no effects on the accident rate in the area.

4.18 The parking facilities to be provided will be in accordance with the authority's current parking standards and meet the needs of the development regardless of the ultimate use. Furthermore, the site has good public transport connections to the surrounding area with frequent services directly passing, or passing close to, the site, and access to Mirfield Railway Station, which connects Mirfield to Dewsbury and Leeds.

4.19 Overall, it is concluded that the site is accessible by a choice of modes of transport and that there are no highways/traffic related reasons why the proposed development should not be approved.

4.20 As a consequence of the above, the proposal is consistent with Policy LP22 of Local Plan and paragraphs 109 of the NPPF (relating to the potential impact of the proposal on the surrounding highways network) and 110 of the NPPF (which seeks to encourage sustainable and accessible development).

### **Flood Risk**

4.21 A Flood Risk Assessment & Drainage Strategy, prepared by Waterco Consultants, accompanies this application.

4.22 The EA 'Flood Map for Planning' shows that the majority of the site, including all developable areas, is located within an area outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% annual probability of flooding. An existing embankment adjacent to the River Calder and in the

southern extent of the site is shown in Flood Zone 3.

- 4.23 The Flood Risk Assessment demonstrates that the proposed development and any associated earthworks would not reduce flood storage capacity and not result in an increased risk of flooding elsewhere.
- 4.24 As a consequence of the above, there are no particular issues relating to flood risk or drainage arising from the application proposal. The proposal is thereby compliant with the requirements of Policy LP21 of the Local Plan and Section 10 of the NPPF.

### **Ecology**

- 4.25 An Ecological Appraisal has been produced by WYG, which includes a desk study, extended Phase 1 habitat survey and an assessment of potential constraints/opportunities relating to ecological receptors on and directly adjacent to the site.
- 4.26 Overall, it is recommended that the proposed works are considered unlikely to have any significant impact upon designated sites and that in order to prevent pollution of the river, best practice guidance for pollution prevention is reviewed and appropriate measures adopted.
- 4.27 In terms of habitats, it is concluded that works are considered unlikely to impact upon the River Calder, but best practice guidance for pollution prevention should be reviewed and adopted where relevant.
- 4.28 Finally, in terms of protected and notable species, it is noted that existing buildings offer suitability to support roosting bats and should be subject to emergence surveys.
- 4.29 Overall, the appraisal demonstrates that subject to further investigatory work, the proposal will be compliant with policy LP30 of the Local Plan and paragraph 170 of the NPPF.

### **Ground Conditions**

- 4.30 A Phase 1 Geotechnical and Geo-environmental Desk Study has been produced by Waterco, to summarise the history of the site and the underlying geology and hydrogeology, along with providing a conceptual site model for the prevailing ground conditions. The report concludes with a series of recommendations for undertaking further investigative work. The purpose of the recommendations is

to substantiate the findings of the preliminary evaluation and thereby reduce uncertainty in the Conceptual Site Model and investigate potential geotechnical risks.

- 4.31 The Report concludes that potential sources of contamination have been identified in the vicinity of the site but given the location of the potential contamination sources, it is unlikely that there has been a direct significant impact on the site.
- 4.32 Furthermore, any risks identified can be satisfactorily mitigated through intrusive ground investigation and risk assessment at the detailed design stage, and if necessary, the inclusion of routine construction measures. As such, the potential risks identified are not considered to pose a significant risk to the proposed development.
- 4.33 The Report demonstrates that subject to appropriate mitigation and further investigation, the proposed development will be compliant with Policy LP52 of the Local Plan and paragraph 178 of the NPPF.

### **Conclusion**

- 4.34 This application proposal comprises a comprehensive set of documents, which set out the proposal's compliance with relevant planning policy. Our above summary indicates that the development is consistent with the general requirements of: the NPPF; the adopted Kirklees Development Plan; and, all other policy considerations of material relevance.
- 4.35 Notwithstanding the above, given that the application seeks to provide main town centre uses in an out of centre location, it is appropriate to provide detailed consideration of the proposal's compliance with the key sequential and impact tests. As such, the below Section 5 addresses the requirements of the sequential test and Section 6 considers the town centre impacts arising from the proposal.

## 5.0 The Sequential Test

### Application of the Sequential Test

- 5.1 As highlighted at paragraph 3.29 of this Statement, paragraph 86 of the NPPF identifies the sequential approach to development proposals for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan. Paragraph 86 indicates that proposals for main town centre uses should be located in town centres, then in edge of centre locations, and only then in out of centre locations, should no other suitable sites be available. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Paragraph 86 goes on to state that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 5.2 Paragraph 010 of the Town Centres PPG clarifies that, in applying the sequential test, consideration should be given to:
- the suitability of more central sites to accommodate the development proposal; and
  - whether there is scope for flexibility in the format and/or scale of the proposal.
- 5.3 Both the NPPF and the associated Town Centres PPG provide limited clarification in respect of how the above criteria should be applied and, as such, it is appropriate to consider how the concepts of 'suitability' and 'flexibility' have been considered by the Courts and by the Secretary of State ('SoS').

### Suitability and Flexibility

- 5.4 Case law has emphasised that the 'suitability' of sequential alternatives must be considered with reference to the subject application proposal and whether the proposal (or a variant thereof, allowing for some flexibility in respect of its format) could be accommodated at a sequentially preferable location.
- 5.5 In particular, it is helpful to take into account the *Tesco Stores Limited v Dundee City Council [2012] UKSC 13* Supreme Court Judgment which gave specific consideration to the meaning of 'suitable' in respect of the application of the test.
- 5.6 Paragraph 38 of the Dundee Judgment states 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...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 in doing so.' (Our emphasis.)**

5.7 The Supreme Court has jurisdiction over England and, whilst there is a clearly need to consider its findings in the appropriate local policy context, both the Courts and the SoS have found the direction to apply the test 'in the real world' to be of some relevance to the English planning system. This is demonstrated by the 'call in' decision in respect of an application by LXB RP (Rushden) Limited to provide for large-scale retail-led development at land adjacent to Skew Bridge Ski Slope at Rushden Lakes (Planning Inspectorate reference APP/G2815/V/12/2190175).

5.8 Paragraph 8.46 of the Rushden Lakes Inspector's Report states that:

**'It is important to bear in mind that the sequential test as set out in NPPF require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether *the application* i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF.'** (Inspector's emphasis.)

5.9 Given the above, it is evident that sequential alternatives must be viewed in the context of whether they meet the specific 'real world' requirements of a development of this nature.

5.10 In this regard, the broad type of retail development proposed provides for occupation of the unit by a discount foodstore operator. The business model of such operators is widely known and requires a minimum site size of 0.6 hectares. However, in order to consider all sites with any potential whatsoever to accommodate the proposal, we have adopted the very cautious position that any available site comprising more than 0.5 hectares should be given consideration.

5.11 We consider the area of search for the sequential test below.

### **Locational Requirements and the Area of Search**

5.12 Paragraph 011 of the Town Centres PPG acknowledges that the characteristics of an application

proposal and the market it would serve may act to restrict the area within which it can be accommodated. It states that:

**‘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.’**

5.13 In this case, the proposed development seeks to provide a discount foodstore which is able to meet the shopping needs of residents in the Mirfield area. As a consequence of its location and accessibility, we believe that the only centre which could meet such needs is Mirfield itself.

5.14 We note that the May 2016 Officer’s report, which commended that planning permission (reference 2015/94112) be granted for the replacement Lidl store at Station Road, has previously established the Council’s position in respect of the sequential area of search for a discount foodstore in Mirfield.

5.15 Page 34 of the Officer’s report states that:

**‘Lidl have assessed whether there are any sequentially preferable sites within Mirfield which could accommodate the proposed new store. They have confirmed that the catchment area for customers forms the Mirfield area, but have highlighted that there are no suitable and available sites to accommodate a new retail development of the size and scale proposed with the associated parking and servicing. The points raised by Lidl have been considered by Officers and the assessment put forward is considered to be acceptable.’**

5.16 As such, the Council has previously accepted that the area of search for a foodstore of the same scale, meeting the same needs as this application proposal, is Mirfield itself. We believe this position remains appropriate and are unaware of any other centre which offers genuine potential to accommodate the application proposal.

5.17 Notwithstanding this, we have given consideration to areas falling within a five minute off-peak drivetime (which is broadly reflective of the primary catchment area for the application proposal). A plan setting out a five minute drivetime isochrone from the application site is provided at Appendix A.

5.18 There are four smaller defined centres located within the five minute drivetime area, these being Greenside, Knowl, Lower Hopton and Old Bank Road local centres. In addition, Ravensthorpe district centre is at the boundary of the five minute drivetime isochrone.

### Identified Parameters

5.19 Based on the above, we believe that alternative sequential sites should be:

- at least 0.5 hectares in size, in order to accommodate a materially similar form of development;
- within the Mirfield area, such that any sequential alternative site would serve the same broad catchment area; and
- in a visible location which benefits from good access to the transport network in order to meet the needs of prospective operators.

5.20 We have undertaken surveys of Mirfield district centre, and the centres of Greenside, Knowl, Lower Hopton, Old Bank Road and Ravensthorpe, on the above basis to identify potential sequential sites that may be available and suitable to accommodate the broad type of development proposed. We have also consulted property databases in order to identify any land and buildings for sale or to let which may offer any realistic potential to accommodate the application proposal.

### Review of Sequential Alternative Sites

5.21 In undertaking this exercise, we note that Greenside, Knowl and Lower Hopton centres are all of a very small scale and principally comprise historic residential properties that have been converted to accommodate commercial uses at ground floor level. Due to the fine grain street patterns and surrounding residential uses, there are no opportunities to accommodate any significant retail development within these centres.

5.22 There are two sites at Old Bank Road local centre which merit some consideration as part of the sequential assessment.

5.23 Firstly, **The Thirsty Man public house** occupies a site of around 0.36 hectares and is located within Old Bank Road local centre. Whilst the site was vacant earlier in 2019, we are aware that planning permission (reference 2019/90013) was granted on 8 March 2019 for the redevelopment of the site for a Class A3/A4 restaurant and bar use. Work has commenced on site to deliver the development and, as such, the site is not available to accommodate a food retail development. In addition, the land is far too small to accommodate the application proposal and its location (on a relatively quiet B-road to the far north of Mirfield) would not support such a use in practice.

- 5.24 Secondly, we note there has been a longstanding objective to secure planning permission for a residential development on vacant **land to the north of residential properties at 47 to 69 Old Bank Road**. The most recent outline planning application (reference 2019/91105, validated on 15 April 2019) provides for the development of 63 dwellings across a site of 1.73 hectares. Access to the site would be secured through the demolition of residential dwellings at 45, 51, 53 and 55 Old Bank Road as the site is effectively 'hemmed in' by existing development on all sides. As such, an alternative form of development is currently being actively pursued and the site is not available. Furthermore, whilst the site is of sufficient size to physically accommodate the proposed development, its lack of visibility and location at the far north of Mirfield preclude it being of any interest to a foodstore operator.
- 5.25 Neither of the above two sites are available and suitable to accommodate the proposed development and both can therefore be dismissed from the sequential assessment.
- 5.26 In respect of Mirfield, we have reviewed the Planning and Retail Statement<sup>5</sup> submitted in support of the new Lidl development at Station Road (planning permission reference 2015/94112 approved 17 June 2016), and note that no sequential alternative sites were identified through the sequential assessment undertaken as part of this application.
- 5.27 The Lidl site was previously the subject of a planning application (reference 2014/92001 validated 25 June 2014) that provided for a larger food superstore on the site. The application was submitted in June 2014 and was subsequently withdrawn on 18 March 2015 prior to its determination.
- 5.28 Notwithstanding the fact that this planning application dates from five years ago, we have also reviewed the Planning Statement<sup>6</sup> submitted in support of the proposal. The Planning Statement considered the potential of a 1.23 acres site (equating to 0.50 hectares) at **Foldhead Mills, off Newgate** as part of the sequential assessment. The site is located to the south of Mirfield district centre and was being marketed at the time of the submission of the 2014 planning application, but there has been no recent indication that it remains available. In any event, the part of the site that was available in 2014 is extremely narrow and offers no realistic potential to accommodate the application proposal. Given the configuration of the site, it clearly affords no realistic potential to accommodate a foodstore development. In addition, Newgate is a very narrow highway and it would likely be very difficult to secure appropriate access to the site. Due to its location, the site also fails to provide the visibility that

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<sup>5</sup> Undertaken by Bilfinger GVA

<sup>6</sup> Undertaken by GVA

a foodstore operator requires. As a consequence of the above, this site is also neither available nor suitable for the proposed development.

5.29 Our research and site survey has not identified any other site in Mirfield or Ravensthorpe (or any other centre) that merits consideration as part of the sequential test.

#### **Conclusion in Respect of the Sequential Test**

5.30 The application proposal would meet main food shopping needs which principally arise in Mirfield and, as such, the sequential test is necessarily focused around sites located in this area.

5.31 Our assessment has considered three sites (two at Old Bank Road local centre and one to the south of Mirfield district centre), none of which have any realistic potential whatsoever to accommodate the application proposal.

5.32 Furthermore, we are unaware of any other site which offers the potential to accommodate the proposed development in a sequentially superior location. As such, we find that the proposal clearly accords with the requirements of the NPPF sequential test as set out at paragraph 86.

## 6.0 The Impact Test

### Application of the Impact Test

- 6.1 The NPPF requires an impact assessment to be submitted for proposals which provide greater than 2,500 sq.m of retail and leisure floorspace (unless there is a different, locally set threshold). Part C of Policy LP13 of the adopted Kirklees Local Plan indicates that the applicable local threshold for developments within 800 metres of a district centre is 300 sq.m (gross). Policy LP13 does not set out the specific requirements of the impact assessment but indicates that its scope and content should be reflective of the scale, role and function of the proposal.
- 6.2 In this context, paragraph 89 of the NPPF requires consideration of:
- the impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).
- 6.3 In considering the impact test, it is relevant to reflect on the direction provided at paragraph 017 of the Town Centres PPG, which identifies that a judgement as to whether likely adverse impacts are significant can only be reached in light of local circumstances.
- 6.4 As set out in Section 5 above, the proposed development seeks to provide a discount foodstore which is able to meet the shopping needs of residents in the Mirfield area. As a consequence of its location and accessibility, we believe that the only centre which could meet such needs is Mirfield itself.
- 6.5 In this regard, it is important that there is an up-to-date understanding of the current health of Mirfield district centre, from which the implications of any potential impact and trade diversion can be assessed.

### The Health of Mirfield District Centre

- 6.6 The latest available healthcheck data for Mirfield district centre is from May 2014, sourced from the survey undertaken by GVA in respect of the Lidl planning application at Station Road (reference 2015/94112). We are not aware of any available healthcheck data within the Council's retail evidence

base which was produced to support the recent Local Plan Examination.

- 6.7 As such, Nexus Planning has visited Mirfield district centre on 10 June 2019 in order to provide an updated position in respect of the health of Mirfield. The analysis of the healthcheck is provided below, having regard to the previous survey undertaken in 2014 and the subsequent changes which have taken place.

**Figure 6.1: Photos of Mirfield District Centre**



- 6.8 Nexus Planning recorded a total of nine vacant units on the day of the visit, equating to 10.8% of the total number of units in the district centre. In 2014, the proportion of units which were vacant totalled in 8.4%, indicating a slight increase in the proportion of vacant units, albeit importantly the total still falls below the UK average.
- 6.9 The largest of the vacant units is the former Council office located to the west of the centre fronting Huddersfield Road. The former offices have recently been sold to a private developer and press articles indicate that the unit will be regenerated to form premises suitable for food and drink operators.
- 6.10 In terms of convenience provision, the Co-op foodstore is located within the centre of Mirfield to the south of Huddersfield Road. The unit is accessed on foot via a ramp and steps from Huddersfield Road, with adjacent car parking provided both next to the Co-op but also within a separate free (for three

hours) town centre car park to the south east of the unit. Co-op's car park was busy on the day of our visit, with more than three quarters of the spaces being occupied at 11.30am. We also visited the Co-op at 12pm on 5 April 2019 and found the Co-op car park to be fully occupied with customers waiting for spaces. Both of our visits have confirmed that the Co-op store appears to trade well with a good amount of shoppers and staff noted (who have a dedicated staff car park to the rear), and multiple tills open despite the off-peak hours of our visit. The vast majority of shoppers visiting the Co-op was to undertake 'basket shops', which correlates with the findings of the household survey.

- 6.11 In addition to the Co-op, a Tesco Express is located to the north of Huddersfield Road and east of Queen Street, occupying a former public house unit. Again, footfall from Huddersfield Road and the adjacent car park was recorded on the day of our visit.
- 6.12 The Lidl, located to the south of Mirfield district centre along Station Road, opened in 2017 following a relocation from its original site to the south of the Co-op. The Lidl is the largest grocery operator in Mirfield, and is the sole destination able to appropriately meet most of the main food shopping needs.
- 6.13 The centre has a variety of retail, leisure, service and community uses, including restaurants, cafes, a community hall and dance centres, health club, Library and florists, alongside a range of comparison operators. As such, the centre provides a range of facilities and amenities which meet residents' needs.
- 6.14 The environmental quality of the centre is good, with no obvious signs of littering or graffiti and areas of soft landscaping. The footfall on the day of the visit was generally dispersed around the centre, with clear signs of shoppers walking from the town centre and Co-op car park in the centre.
- 6.15 The centre is served by a series of bus stops located along Huddersfield Road and Newgate, from which regular bus services stop, linking the centre with Leeds and Dewsbury centres. In addition, Mirfield railway station is located to the south of the Lidl on Station Road, connecting the centre to Leeds, Huddersfield and further afield to Southport and London.
- 6.16 Overall, Mirfield district centre is considered to be a vital and viable centre, with a below average vacancy rate and good mix of retail, service and leisure facilities. The environmental quality is also good and the centre is accessible by both private and public modes of transport, with a good provision of free town centre car parking, and good access to both the train station and bus stops.

### **Impact of the Proposal on Public and Private Investment**

- 6.17 The first part of the impact test requires an assessment of the proposal on future existing, committed or planned public or private sector investment within defined centres.
- 6.18 In this respect, we are not aware of any investment within Mirfield district centre which could be prejudiced as a result of the proposed development.
- 6.19 The only current investment within the centre is the Darren Smith Homes scheme which is currently being constructed on the former Lidl site. The development is for the construction of 70 retirement apartments, alongside a community building and associated infrastructure works. As such, the proposed development will not have a negative impact on the realisation of the residential scheme, and instead will provide additional consumer choice for local residents.
- 6.20 As a consequence, the proposal accords with the requirements of the first part of the impact test set out by Policy LP13 of the Kirklees Local Plan and paragraph 89 of the NPPF.

### **Impact of the Proposal on Town Centre Vitality and Viability**

- 6.21 In order to inform judgements in respect of the likely impact of proposals on established centres, it is necessary to consider the likely diversion of expenditure that may occur when the proposed development is implemented and trading patterns have been established. Whilst the NPPF sets out the second part of the impact test, paragraph 017 of the Town Centres PPG establishes a checklist for its application in practice.
- 6.22 The checklist identifies the following steps:
- establish the state of existing centres and the nature of current shopping patterns at base year;
  - determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur;
  - examine the 'no development' scenario;
  - assess the proposal's turnover and trade draw;
  - consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities;

- set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues; and
- any conclusions should be proportionate; for example, it may be sufficient to give a broad indication of the proportion of the proposal’s trade derived from different centres and facilities in the catchment area and the likely consequences to the viability and vitality of existing centres.

6.23 Using the above checklist as a guide, we set out below our methodology and conclusions in respect of the retail impacts arising from the proposal. Detailed tables providing our step-by-step retail impact assessment comprise Appendix B of this Statement. In order to assist with the interpretation of our assessment, we provide a brief summary of the retail impact tables (and associated inputs) below at Table 6.1.

**Table 6.1: Summary of Appendix B Retail Impact Tables**

| Table Reference   | Summary of Information  | Data Sources Utilised   |
|-------------------|---|---|
| Tables 1, 2 and 3 | Study Area population and convenience and comparison goods expenditure by zone  | Experian MMG3 2018 data report; allowances made to account for future growth of trading in accordance with recommendations of Experian Retail Planner Briefing Note 16.   |
| Table 4           | Convenience goods turnover and market share of relevant existing retail venues at 2016  | Derived directly from Appendix 7 of the Kirklees Retail and Leisure Study Update 2016   |
| Table 5           | Updated convenience goods turnover of relevant existing retail venues at 2019   | Derived by multiplying the convenience goods zonal market share of venues (as identified at Table 4) by the updated available zonal convenience goods expenditure at 2019 (as identified at Table 3)            |
| Table 6           | Updated convenience goods turnover of relevant existing retail venues at design year 2023   | Derived by multiplying the convenience goods zonal market share of venues (as identified at Table 4) by the updated available zonal convenience goods expenditure at 2023 (as identified at Table 3)            |
| Table 7           | Estimated convenience and comparison goods turnover of application proposal (there are no commitments of relevance to the assessment) | Floorspace of proposal derived from submitted plans and application forms. Convenience goods sales densities derived from Mintel Retail Rankings 2018 and Verdict GlobalData Major Grocers Sales Densities 2018 |
| Table 8           | Assessment of convenience goods trade diversion   | Turnover of stores based on Table 6, with assumptions in respect of trade diversion based on Nexus Planning judgement for the planning application  |

6.24 The assessment does not consider the additional comparison goods turnover that will arise in the assessment of trading impacts. The non-food impacts would be imperceptible. They are expected to fall mainly on the comparison goods offer of other supermarkets although, by virtue of the frequently changing nature of the goods sold, impacts will similarly vary week to week and will be transient.

Establish the State of Existing Centres and the Nature of Current Shopping at Base Year

- 6.25 Our assessment estimates the turnover of existing centres at base year with reference to the quantitative need assessment provided in the 2016 Kirklees Retail Study.
- 6.26 In order to adopt an approach that is consistent with the 2016 Retail Study, we have sourced up to date Experian MMG3 population and expenditure data<sup>7</sup> for those Study Area zones that surround or are proximate to Mirfield; these being Zones 2, 4 and 8, which form our extended catchment for the proposal. However, it is important to note that we consider that the majority of the proposal's trade will be drawn from residents within Zone 4, within which Mirfield is situated.
- 6.27 Table 1 of Appendix B of this Statement identifies the estimated population of each relevant zone at the base year of 2019 and design year 2023. Tables 2a and 2b of Appendix B identify the average per capita convenience goods expenditure which is available on a zonal basis at 2019 and 2023 (after an allowance has been made to account for increases in growth and expenditure committed through special forms of trading in accordance with the recommendations of Experian Retail Planner Briefing Note 16).
- 6.28 Having estimated the zonal population and the zonal per capita convenience goods expenditure, it is a straightforward exercise to calculate the overall 'pot' of expenditure that exists to sustain retail facilities in the area. We set out this calculation at Tables 3a and 3b of Appendix B and provide summary tables below at Table 6.2.

**Table 6.2: Estimated Catchment Area Convenience Goods Expenditure at 2019**

| Zone  | 2      | 4      | 8      | Total   |
|---|--------|--------|--------|---------|
| Per Capita Expenditure at 2019 (£)<br>(minus SFT) | 1,892  | 1,938  | 1,719  | -       |
| Population at 2019                                | 63,517 | 77,226 | 65,460 | 206,203 |
| Total Expenditure at 2019 (£m)                    | 120.3  | 149.8  | 112.3  | 382.7   |

Note: Extract from Tables 1, 2a and 3a of Appendix B; 2017 prices

- 6.29 Table 6.2 identifies that a total of £382.7m<sup>8</sup> of convenience goods expenditure originates within the catchment area at 2019. Within Zone 4 alone (within which the application site is situated), there is a total of £149.8m of convenience expenditure available.

<sup>7</sup> Derived from a 2018 Experian MMG report

<sup>8</sup> At 2017 prices, as is every subsequent monetary reference unless specified

- 6.30 The zonal market shares secured by convenience goods retailers are used to apportion to the available expenditure and estimate the turnover of existing retail destinations. This is calculated by using the market share of the existing destinations taken directly from the 2016 Kirklees Retail Study, and multiplying these by the available expenditure within each zone. The turnover of convenience goods provision in the catchment area at 2019 is set out at Table 5 of Appendix B and the turnover at 2023 is set out at Table 6 of Appendix B.
- 6.31 In analysing the shopping patterns of residents in the catchment area, it is important to acknowledge that Zone 4, within which Mirfield and the application site are located, covers a relatively extensive area including the urban areas of Cleckheaton and Heckmondwike. The extent of Zone 4 is such that a relatively limited number of surveys will likely have been undertaken within the Mirfield area, which may impact on the accuracy of the surveys.
- 6.32 Furthermore, it is important to note that subsequent to the completion of the household survey, the Lidl store relocated to the north on Station Road, and substantially expanded and improved its offer. As such, the identified survey turnover for the Lidl store will also be underestimated. We provide further explanation below in respect of how the turnover of the Lidl store has been uplifted (and indeed, the turnovers of other stores in Mirfield adjusted to take account of the expanded Lidl offer) later in this section.
- 6.33 Furthermore, our site visit to the stores in June 2019 have helped our assessment of how the proposed development may function in the context of the existing provision within the district centre.
- 6.34 We summarise the estimated turnover of retail facilities in and around Cleckheaton, Heckmondwike and Mirfield on this basis below at Table 6.3.

**Table 6.3: Turnover of Existing Destinations at 2019**

| Destination                                    | Estimated Convenience Turnover Derived from Catchment (£m) | Convenience Goods Inflow (£m) | Total (£m) |
|--|--|-------------------------------|------------|
| <b>Cleckheaton In Centre</b>                   |  |                               |            |
| Tesco Superstore, Northgate, Cleckheaton       | 18.8   | 7.1                           | 25.9       |
| Local Shops, Cleckheaton Town Centre           | 1.2  | 0.3                           | 1.5        |
| <b>Heckmondwike In Centre</b>                  |  |                               |            |
| Morrisons, Union Street, Heckmondwike          | 60.4   | 9.9                           | 70.3       |
| Local Shops, Heckmondwike Town Centre          | 1.4  | 0.0                           | 1.4        |
| Indoor Market – Heckmondwike                   | 1.1  | 0.0                           | 1.1        |
| <b>Heckmondwike Edge of Centre</b>             |  |                               |            |
| Lidl, Northgate, Heckmondwike                  | 3.7  | 1.4                           | 5.1        |
| <b>Mirfield In Centre</b>                      |  |                               |            |
| Co-operative Food, Huddersfield Road, Mirfield | 3.3  | 0.4                           | 3.7        |
| Tesco Express, Huddersfield Road, Mirfield     | 0.7  | 0.3                           | 1.0        |
| Local Shops, Mirfield District Centre          | 3.8  | 0.3                           | 4.1        |
| <b>Mirfield Edge of Centre</b>                 |  |                               |            |
| Lidl, Station Road, Mirfield                   | 5.8  | 0.7                           | 6.5        |
| <b>Mirfield Outside Centre</b>                 |  |                               |            |
| Co-operative Food, Nab Lane, Mirfield          | 1.6  | 0.0                           | 1.6        |
| Co-operative Food, Old Bank Road, Mirfield     | 2.5  | 0.0                           | 2.5        |

Notes: Extract from Table 5 of Appendix B; 2017 prices

The turnover of the Lidl in Mirfield is calculated from the Kirklees Retail Study and does not take account of the uplift in turnover following its relocation along Station Road

6.35 As such, we estimate that Mirfield district centre has a total convenience turnover of £8.9m at 2019, with a further £6.5m attracted to the Lidl on Station Road (i.e. the former Lidl store).

6.36 In addition to the convenience destinations set out in Table 6.3 above, another key existing destination from which trade is likely to be diverted is the Aldi foodstore at Gallagher Retail Park to the south west of Mirfield, located to the east of Huddersfield town centre. The Aldi at Gallagher Retail Park is the closest existing Aldi store to the application site and Mirfield district centre.

#### Determine the Appropriate Time Frame for Assessing Impact

6.37 Paragraph 017 of the Town Centres PPG indicates that the design year for the testing of impact should equate to the year when the proposal has achieved a 'mature' trading pattern and that this is conventionally taken as the full second year of trading after the opening of a new retail development.

6.38 On the basis that the proposal could likely commence trading at some point in 2021, we believe that 2023 could represent the second complete year of trading and should therefore acts as the appropriate design year for the testing of impact.

Proposal Turnover and Trade Draw

6.39 This planning application seeks to provide for a development with a gross internal floorspace of 1,890 sq.m. In considering the impacts arising from the development, it is important to note that no specific retailer is formally associated with the proposal and, as such, Unit 1 could theoretically be occupied by a range of convenience operators. However, given the proposed floorspace associated with the development, the format of the store is suited to a discount retailer (i.e. Aldi or Lidl).

6.40 We provide our estimate of the turnover of the proposed development below at Tables 6.4 and 6.5. It is assumed that the foodstore would have a net sales area of approximately 1,254 sq.m and that approximately 80% of the sales area would be dedicated to convenience goods sales (equating to 1,003 sq.m). Given the format of the foodstore, we have estimated its turnover based on the mid-point between the Aldi and Lidl company average sales densities as identified by Verdict GlobalData 2018.

6.41 On this basis, we estimate that the proposal would likely have a convenience goods turnover of up to £10.2m at 2023.

**Table 6.4: Estimated Convenience Goods Turnover of Application Proposal at 2019 and 2023**

| Floorspace  | Net Sales Floorspace (sq.m) | Net Sales Floorspace (sq.m) | Sales Density (£ per sq.m) | 2019 Turnover (£m) | 2023 Turnover (£m) |
|-------------|-----------------------------|-----------------------------|----------------------------|--------------------|--------------------|
| Convenience | 1,254                       | 1,003                       | 10,165                     | 10.2               | 10.2               |
| Comparison  |                             | 251                         | 6,525                      | 1.6                | 1.8                |

Note: Extract from Tables 5 and 10 of Appendix B; 2017 prices

6.42 Given the limited turnover of the comparison goods floorspace proposed as part of the foodstore (which would equate to approximately £1.8m at 2023), we have not undertaken a full impact assessment of this element of the development. Any trade diversion as a result of the proposed comparison floorspace would be spread over a number of destinations and would be of no material consequence in practice.

6.43 We have assessed the likely patterns of convenience goods trade diversion to the proposal having regard to existing trading patterns throughout the catchment and the principle identified at paragraph

016 of the Town Centres Planning Practice Guidance that '**Retail uses tend to compete with their most comparable competitive facilities**' (often referred to as 'like competes with like').

#### Assessing the Impact of the Proposal

- 6.44 It is widely accepted that competing facilities with a similar offer, which are located close to the application proposal, are likely to be the subject of greater trade diversion impacts. In this context, it is necessary to review the trade draw of competing facilities to understand current shopping patterns, and identify those shoppers who may be tempted to visit new facilities. In this regard, we believe that the greatest monetary diversion would be from the Lidl located on Station Road to the south of Mirfield district centre (outside of the defined boundary).
- 6.45 Given that the Lidl has relocated and expanded its store since the household survey was undertaken, it is important that the potential implications of this uplift are taken account of when calculating the estimated impact of the proposed development. As such, we have included the potential trade diversion to the relocated Lidl at Table 9 of Appendix B and adjusted the pre-development convenience turnovers at 2023 to take account of the slight shifts in shopping patterns as a result of the development.
- 6.46 The diversion figures have been taken directly from the Retail Statement produced by GVA which supported the planning application for the relocated Lidl in 2015, and which were accepted by the Council in approving the development.
- 6.47 In addition, we have increased the pre-development turnover of the Lidl store at 2023 to take account of the uplift in floorspace. This has been achieved by adding the convenience goods benchmark turnover of the additional floorspace to the convenience goods expenditure that the household survey indicates was claimed by the previous store.
- 6.48 Of particular importance when analysing the shopping patterns and locations from which trade may be diverted, is the fact that the existing convenience provision in Mirfield which serves 'main food' shopping requirements is limited to the Lidl, and to a lesser extent, the Co-op. As such, some residents are choosing to travel greater distances to meet their main food shopping requirements, including the stores within and on the edge of Heckmondwike and the existing Aldi at Gallagher Retail Park. Therefore, the proposal will also seek to 'claw back' some of the convenience expenditure which is being 'lost' to destinations located outside of the catchment, and more importantly, Mirfield.

The Identified Likely Impact

6.49 Our detailed convenience goods trade diversion assessment is set out at Table 8 of Appendix B; we provide a summary table below which includes the key destinations from which we estimate the majority of the trade will be diverted.

**Table 6.5: Estimated Convenience Goods Impact Summary Table at 2023**

| Destination                                    | Estimated Convenience Goods Turnover (£m) | Trade Diversion to Proposal Foodstore (£m) | Post-Impact Turnover (£m) | Solus Impact of Proposal (%) |
|--|---|--|---------------------------|------------------------------|
| <b>Mirfield In Centre</b>                      |   |  |                           |                              |
| Co-operative Food, Huddersfield Road, Mirfield | 3.2                                       | 0.2  | 3.0                       | -4.8%                        |
| Tesco Express, Huddersfield Road, Mirfield     | 1.0                                       | 0.1  | 1.0                       | -5.0%                        |
| Local Shops, Mirfield District Centre          | 4.2                                       | 0.1  | 4.1                       | -2.4%                        |
| <b>Mirfield Edge of Centre</b>                 |   |  |                           |                              |
| Lidl, Station Road, Mirfield                   | 13.0                                      | 5.1  | 7.9                       | -39.2%                       |
| <b>Mirfield Outside Centre</b>                 |   |  |                           |                              |
| Co-operative Food, Nab Lane, Mirfield          | 1.6                                       | 0.1  | 1.5                       | -3.2%                        |
| Co-operative Food, Old Bank Road, Mirfield     | 2.1                                       | 0.1  | 2.1                       | -2.4%                        |
| <b>Heckmondwike In Centre</b>                  |   |  |                           |                              |
| Morrisons, Union Street, Heckmondwike          | 70.0                                      | 2.0  | 67.9                      | -2.9%                        |
| Local Shops, Heckmondwike Town Centre          | 1.4                                       | 0.0  | 1.4                       | -0.0%                        |
| Indoor Market - Heckmondwike                   | 1.1                                       | 0.0  | 1.1                       | -0.0%                        |
| <b>Heckmondwike Edge of Centre</b>             |   |  |                           |                              |
| Lidl, Northgate, Heckmondwike                  | 4.5                                       | 0.5  | 4.0                       | -11.2%                       |
| <b>Other Destinations</b>                      |   |  |                           |                              |
| Aldi, Gallagher Retail Park, Huddersfield      | 12.4                                      | 1.0  | 11.4                      | -8.2%                        |

Note: Extract from Table 8 of Appendix B; 2017 prices

6.50 Table 6.5 above indicates that we estimated that the highest level of trade will be diverted from the existing Lidl store located to the south of Mirfield district centre, due to the comparable nature of the two schemes. In this instance, we estimate that approximately 50% of the turnover of the store will be diverted from the existing Lidl, resulting in an impact of approximately -39.2%. In considering this level of diversion, it is important to note that the store is not situated within a defined centre and is therefore not afforded 'policy protection'. In any event, it is not considered that the diversion would have an untenable effect on the trading characteristics or performance of the store, given its nature, location and attraction to local residents. We are of the view that the Lidl will continue to trade successfully and

although not located within the defined centre, its ongoing operation will not be impacted upon significantly by the proposed development.

- 6.51 In addition to the Lidl, we also estimate that the proposed store will divert approximately £0.4m from the convenience destinations within Mirfield district centre (£0.2m from the Co-op, £0.1m from the Tesco Express and £0.1m from other local shops). The overall diversion on in-centre stores is therefore estimated to be -3.6%, is not considered to be of consequence.
- 6.52 Looking beyond Mirfield, based on existing shopping patterns, we also estimate that the store will divert trade from the Morrisons on Union Street in Heckmondwike and the Aldi at Gallagher Retail Park. We estimate that approximately 20% of the application proposal's turnover will be diverted from the Morrisons and approximately 10% will be diverted from the Aldi. This would result in an impact on the Morrisons at -2.9% and on the Aldi at -8.2%. Again, it is important to note that the Aldi at Gallagher Retail Park is situated in an out of centre location and therefore affords no policy protection.

#### Conclusions in Respect of Trade Diversion Impact

- 6.53 We believe it to be evident in this case that any identified impacts arising within any defined centre as a consequence of the proposal are substantially below the level that could be deemed 'significant adverse'.
- 6.54 The highest identified town centre impact is estimated to be on existing convenience destinations in Mirfield district centre, which when considered together, would equate to a trade diversion impact of approximately -3.6%.
- 6.55 As stated above, we estimate the highest impact to arise at the existing Lidl store located to the south of Mirfield district centre on Station Road. However, based on our own consideration of the trading performance and popularity of the Lidl store, we do not consider that the level of diversion would be at a level which would untenably impact on the store's performance. Indeed, we are of the view that the Lidl store would continue to trade very successfully subsequent to the implementation of the proposal. In any event, the store is not located within the defined centre and therefore affords no policy protection.
- 6.56 The level of impact arising at other in-centre destinations is very limited and is not considered to be such that it would materially impact upon any centre's role and general trading performance.

- 6.57 It is important to recognise that the proposal will ensure (in accordance with the aspirations of paragraph 89 of the NPPF) that there is greater consumer choice within the area by providing an alternative destination for residents to meet their main food shopping needs, at a sustainable location which is accessible on foot and by car from Mirfield district centre and the surrounding residential areas.
- 6.58 As a consequence of the above, we believe it to be clear that the impacts arising from the proposal are either very limited or fall at destinations which would continue to trade viably subsequent to the scheme being implemented. There would be no land-use implications arising from the proposal and no material impact on the role and function of any centre. We therefore believe it to be clear that there would be no significant adverse impacts arising from the application.

#### **Conclusion in Respect of the Impact Test**

- 6.59 Our review of the current health of Mirfield district centre demonstrates that the centre is trading well and has a good mix of retail, leisure and service uses. Overall the centre performs its function as a district centre and is considered to be vital and viable. It is on this basis that the potential implications of the proposal have been assessed.
- 6.60 The first part of the NPPF impact test relates to the impact of a proposal on existing, committed and planned public and private investment in centres. We are unaware of any investment in any centre which could be impacted or prejudiced by the application proposal.
- 6.61 The second part of the impact test relates to the vitality and viability of existing centres. In this regard, it is clear that no significant adverse impact would result from the proposal and that the application thereby accords with the provision of Policy LP13 of the Local Plan and paragraphs 89 and 90 of the NPPF. In addition, we note that NPPF paragraph 89 supports development which provides (as this development clearly would) for increased consumer choice.

## 7.0 Summary and Conclusions

### The Proposed Development

- 7.1 Morbaine Limited seeks outline planning permission, with all matters reserved except access, for the redevelopment of land at Huddersfield Road in Mirfield. The site is situated within 300 metres walking distance of Mirfield district centre and is therefore considered to be an edge of centre location in planning policy terms.
- 7.2 The proposed development would provide a Class A1 foodstore, along with car parking, servicing and landscaping. The proposal would be able to meet main food shopping needs and, as such, would materially improve local consumer choice in the area.

### Compliance with the Development Plan and other General Material Considerations

- 7.3 A comprehensive package of documents has been submitted in order to set out the application proposal and how it relates to its surroundings.
- 7.4 The submission documents demonstrate that the indicative proposal:
- comprises a contemporary design, which meets the needs of modern operators and significantly improves the appearance of the site;
  - can be accommodated without adversely impacting upon the nearby residential uses;
  - is accessible through a range of means of transport and provides an appropriate level of car parking; and
  - would support around 40 full time equivalent jobs.
- 7.5 In addition, there are no designations, notable habitats or species, contamination or geotechnical issues which impact on the ability to deliver an appropriate development on the site.
- 7.6 As a consequence, the proposal is in accordance with the provisions of adopted development plan policy, and the general policies of the NPPF.

### **The Sequential Test**

- 7.7 Paragraph 011 of the Town Centres PPG acknowledges that not all main town centres uses may be able to be accommodated 'in centre'. It indicates that certain main town centre uses have particular market and locational requirements, which mean they may only be accommodate in specific locations. In this instance, there is a clear benefit in providing an additional foodstore in the Mirfield area that is capable of competing with the Lidl foodstore. As such, it is appropriate for Mirfield district centre to be the focus of the sequential test.
- 7.8 In accordance with paragraph 86 of the NPPF, we have reviewed the potential for alternative sites in and around Mirfield district centre and find that there are none which are available and suitable to accommodate the application proposal, even allowing for appropriate flexibility. We have also extended our search for sequentially superior sites to the surrounding local centres, and again have demonstrated that there are no sites which are available and suitable to accommodate the proposal.
- 7.9 As such, the proposal accords with the requirements of Policy LP13 of the Local Plan and paragraph 86 of the NPPF.

### **The Impact Test**

- 7.10 The first part of the impact test relates to impact on town centre investment and we are unaware of any such existing, committed or planned private or public sector investment which could be prejudiced by the proposal. The second part of the impact relates to town centre vitality and viability, and we have demonstrated that the impacts arising from the development would be limited and dispersed over a number of locations.
- 7.11 The identified impacts are considered to be substantially below the magnitude of 'significant adverse' which could merit the refusal of the application in accordance with Policy LP13 of the Local Plan and NPPF paragraph 89.

### **Overall Conclusion**

- 7.12 Based on the detailed analysis contained within this Planning and Retail Statement, it is concluded that the proposal accords with the up to date policy provisions of the statutory development plan and

national planning policy, including the requirements of the sequential and impact tests as articulated by the NPPF.

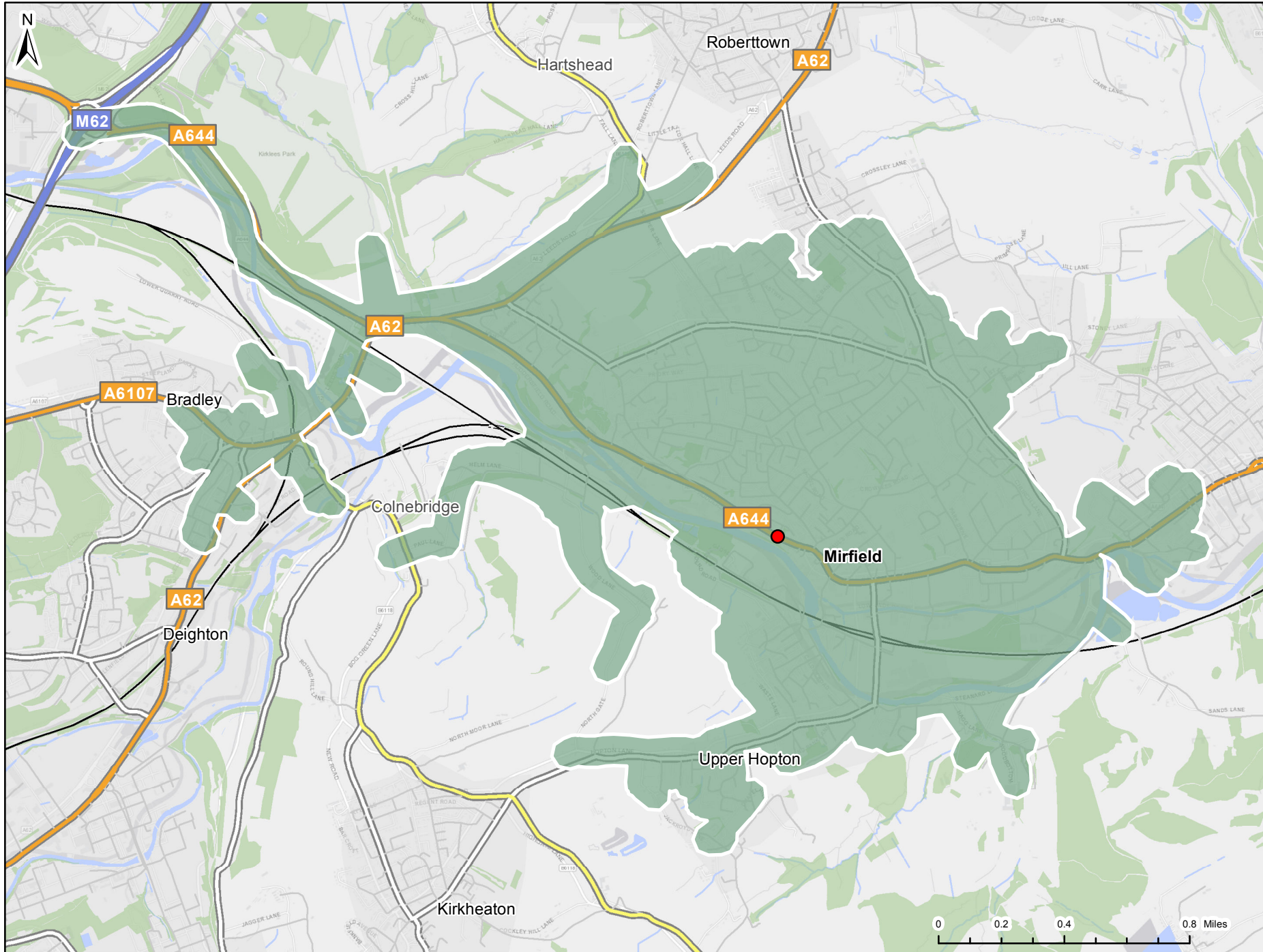
7.13 Importantly, the proposal would also help improve consumer choice in the area, bring back into active use a previously developed site, and support a greater number of jobs than the previous use of the site.

7.14 Paragraph 38 of the NPPF commends to decision-makers that they should ‘...**seek to approve applications for sustainable development wherever possible.**’ Given the findings of this Statement and the clear benefits associated with the proposal, we commend to the Council that it grants planning permission for this important development.



## Appendix A: Five Minute Drivetime Catchment Plan

# Drivetime Mapping

## Kenmore Caravans, Mirfield



### Legend

-  Kenmore Caravans
-  5 minutes (off-peak)

## Appendix B: Retail Impact Assessment Tables

**Table 1: Population**

| Zone         | 2019           | 2023           |
|--------------|----------------|----------------|
| 2            | 63,517         | 65,035         |
| 4            | 77,226         | 79,070         |
| 8            | 65,460         | 67,239         |
| <b>Total</b> | <b>206,203</b> | <b>211,344</b> |

**Table 2a: Convenience Goods Expenditure Per Capita (2019)**

| Zone | 2018 (inc SFT) | 2018 (minus SFT) | 2019  | 2023  |
|------|----------------|------------------|-------|-------|
| 2    | 1,965          | 1,892            | 1,894 | 1,890 |
| 4    | 2,012          | 1,938            | 1,939 | 1,936 |
| 8    | 1,785          | 1,719            | 1,721 | 1,717 |

**Table 3a: Total Convenience Goods Expenditure**

| Zone         | 2019         | 2023         |
|--------------|--------------|--------------|
| 2            | 120.3        | 122.9        |
| 4            | 149.8        | 153.0        |
| 8            | 112.6        | 115.5        |
| <b>Total</b> | <b>382.7</b> | <b>391.5</b> |

**Table 3b: Main and Top-up Split at 2019**

| Zone         | Main         | Top-up       |
|--------------|--------------|--------------|
| 2            | 84.2         | 36.1         |
| 4            | 104.8        | 44.9         |
| 8            | 78.8         | 33.8         |
| <b>Total</b> | <b>267.9</b> | <b>114.8</b> |

**Table 3c: Main and Top-up Split at 2023**

| Zone         | Main         | Top-up       |
|--------------|--------------|--------------|
| 2            | 86.1         | 36.9         |
| 4            | 107.1        | 45.9         |
| 8            | 80.8         | 34.6         |
| <b>Total</b> | <b>274.0</b> | <b>117.4</b> |

**Notes**

- a. Zones based on postcode sectors derived from Kirklees Retail Study 2016
- b. Population estimates at 2019 and 2023 derived from Experian MMG3 2018 data release
- c. Expenditure estimates at 2018 derived from Experian MMG3 2018 data release
- d. Expenditure estimates projected forward in accordance with forecasts set out at Figure 6 of Experian Retail Planner Briefing Note 16

**2017 prices**

Table 4a: Main Food Convenience Goods Turnover at 2016

| Destination                                     | Zone 2 - PCA  |                | Zone 4 - SCA  |                | Zone 8 - SCA  |                | Other Zones   | Total         |
|---|---------------|----------------|---------------|----------------|---------------|----------------|---------------|---------------|
|   | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | 2016 Est. T/O |
| <b>Zone 4</b>                                   |               |                |               |                |               |                |               |               |
| <b>Cleckheaton In and Edge of Centre</b>        |               |                |               |                |               |                |               |               |
| Tesco Superstore, Northgate, Cleckheaton        | £0.0          | 0.0%           | £11.93        | 10.6%          | £0.00         | 0.0%           | £4.8          | £16.7         |
| Local Shops, Cleckheaton Town Centre            | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| <b>Heckmondwike In and Edge of Centre</b>       |               |                |               |                |               |                |               |               |
| Lidl, Northgate, Heckmondwike                   | £0.0          | 0.0%           | £1.19         | 1.1%           | £0.00         | 0.0%           | £0.5          | £1.7          |
| Morrisons, Union Street, Heckmondwike           | £1.0          | 1.1%           | £43.33        | 38.5%          | £8.32         | 9.8%           | £8.8          | £61.5         |
| Local Shops, Heckmondwike Town Centre           | £0.0          | 0.0%           | £0.00         | 0.0%           | £1.06         | 1.2%           | £0.0          | £1.1          |
| Indoor Market - Heckmondwike                    | £0.0          | 0.0%           | £1.19         | 1.1%           | £0.00         | 0.0%           | £0.0          | £1.2          |
| <b>Mirfield In and Edge of Centre</b>           |               |                |               |                |               |                |               |               |
| Co-operative Food, Huddersfield Road, Mirfield  | £0.0          | 0.0%           | £0.84         | 0.7%           | £0.71         | 0.8%           | £0.0          | £1.5          |
| Lidl, Station Road, Mirfield                    | £1.0          | 1.1%           | £3.81         | 3.4%           | £0.00         | 0.0%           | £0.7          | £5.5          |
| Tesco Express, Huddersfield Road, Mirfield      | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| Local Shops, Mirfield District Centre           | £0.0          | 0.0%           | £1.41         | 1.3%           | £0.00         | 0.0%           | £0.0          | £1.4          |
| <b>Mirfield Outside Centre</b>                  |               |                |               |                |               |                |               |               |
| Co-operative Food, Nab Lane, Mirfield           | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| Co-operative Food, Old Bank Road, Mirfield      | £0.0          | 0.0%           | £1.12         | 1.0%           | £0.00         | 0.0%           | £0.0          | £1.1          |
| <b>Other Zone 4</b>                             |               |                |               |                |               |                |               |               |
| Co-operative Food, Oxford Road, Gomersal        | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | £0.0          |
| Co-operative Food, Westfield Lane, Scholes      | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| Local Shops, Gomersal Local Centre              | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | £0.0          |
| Local Shops, Hightown Neighbourhood Centre      | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | 0.0%           | £0.0          | £0.0          |
| Local Shops, Liversedge                         | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| Local Shops, Scholes (Cleckheaton) Local Centre | £0.0          | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.0          | £0.0          |
| <b>Other</b>                                    |               |                |               |                |               |                |               |               |
| Aldi, Gallagher Retail Park, Huddersfield       | £6.7          | 7.2%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £7.7          | £14.4         |
|   | £92.8         | 100.0%         | 112.5         | 100.0%         | 85.1          | 100.0%         |               |               |

**Notes**

a. Market share at 2016 calculated by dividing the expenditure attracted to each destination by the total available expenditure in each respective zone from the 2016 Kirklees Retail Study Update

**2017 Prices**

Table 4b: Top-up Food Convenience Goods Turnover at 2016

| Destination                                     | Zone 2 - PCA  |                | Zone 4 - SCA  |                | Zone 8 - SCA  |                | Other Zones   | Total         |
|---|---------------|----------------|---------------|----------------|---------------|----------------|---------------|---------------|
|   | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | 2016 Est. T/O |
| <b>Zone 4</b>                                   |               |                |               |                |               |                |               |               |
| <b>Cleckheaton In and Edge of Centre</b>        |               |                |               |                |               |                |               |               |
| Tesco Superstore, Northgate, Cleckheaton        | 0.00          | 0.0%           | £5.10         | 17.1%          | £0.0          | 0.0%           | £2.2          | £7.3          |
| Local Shops, Cleckheaton Town Centre            | 0.00          | 0.0%           | £0.77         | 2.6%           | £0.0          | 0.0%           | £0.2          | £1.0          |
| <b>Heckmondwike In and Edge of Centre</b>       |               |                |               |                |               |                |               |               |
| Lidl, Northgate, Heckmondwike                   | 0.00          | 0.0%           | £1.71         | 5.7%           | £0.0          | 0.0%           | £0.7          | £2.4          |
| Morrisons, Union Street, Heckmondwike           | 0.00          | 0.0%           | £5.72         | 19.2%          | £1.8          | 8.3%           | £1.2          | £8.8          |
| Local Shops, Heckmondwike Town Centre           | 0.00          | 0.0%           | £0.27         | 0.9%           | £0.0          | 0.0%           | £0.0          | £0.3          |
| Indoor Market - Heckmondwike                    | 0.00          | 0.0%           | £0.00         | 0.0%           | £0.0          | 0.0%           | £0.0          | £0.0          |
| <b>Mirfield In and Edge of Centre</b>           |               |                |               |                |               |                |               |               |
| Co-operative Food, Huddersfield Road, Mirfield  | 0.00          | 0.0%           | £1.25         | 4.2%           | £0.0          | 0.0%           | £0.4          | £1.6          |
| Lidl, Station Road, Mirfield                    | 0.00          | 0.0%           | £0.89         | 3.0%           | £0.0          | 0.0%           | £0.0          | £0.9          |
| Tesco Express, Huddersfield Road, Mirfield      | 0.00          | 0.0%           | £0.46         | 1.5%           | £0.0          | 0.0%           | £0.3          | £0.7          |
| Local Shops, Mirfield District Centre           | 0.00          | 0.0%           | £1.06         | 3.5%           | £0.6          | 2.6%           | £0.3          | £1.9          |
| <b>Mirfield Outside Centre</b>                  |               |                |               |                |               |                |               |               |
| Co-operative Food, Nab Lane, Mirfield           | 0.00          | 0.0%           | £1.04         | 3.5%           | £0.0          | 0.0%           | £0.0          | £1.0          |
| Co-operative Food, Old Bank Road, Mirfield      | 0.00          | 0.0%           | £0.93         | 3.1%           | £0.0          | 0.0%           | £0.0          | £0.9          |
| <b>Other Zone 4</b>                             |               |                |               |                |               |                |               |               |
| Co-operative Food, Oxford Road, Gomersal        | 0.00          | 0.0%           | £0.3          | 0.9%           | £0.0          | 0.0%           | £0.0          | £0.3          |
| Co-operative Food, Westfield Lane, Scholes      | 0.00          | 0.0%           | £0.97         | 3.3%           | £0.0          | 0.0%           | £0.0          | £1.0          |
| Local Shops, Gomersal Local Centre              | 0.00          | 0.0%           | £0.7          | 2.5%           | £0.0          | 0.0%           | £0.0          | £0.7          |
| Local Shops, Hightown Neighbourhood Centre      | 0.00          | 0.0%           | £0.0          | 0.0%           | £0.3          | 1.5%           | £0.0          | £0.3          |
| Local Shops, Liversedge                         | 0.00          | 0.0%           | £1.12         | 3.8%           | £0.0          | 0.0%           | £0.0          | £1.1          |
| Local Shops, Scholes (Cleckheaton) Local Centre | 0.00          | 0.0%           | £0.00         | 0.0%           | £0.0          | 0.0%           | £0.4          | £0.4          |
| <b>Other</b>                                    |               |                |               |                |               |                |               |               |
| Aldi, Gallagher Retail Park, Huddersfield       | £0.3          | 1.2%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £3.4          | £3.7          |
|   | £24.7         |                | £29.8         |                | £22.2         |                |               |               |

**Notes**

a. Market share at 2016 calculated by dividing the expenditure attracted to each destination by the total available expenditure in each respective zone from the 2016 Kirklees Retail Study Update

**2017 Prices**

Table 4c: Total Convenience Goods Turnover at 2016

| Destination (Zone 4)                            | Zone 2 - PCA  |                | Zone 4 - SCA  |                | Zone 8 - SCA  |                | Other Zones   | Total         |
|---|---------------|----------------|---------------|----------------|---------------|----------------|---------------|---------------|
|   | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | % Market Share | 2016 Est. T/O | 2016 Est. T/O |
| <b>Cleckheaton In and Edge of Centre</b>        |               |                |               |                |               |                |               |               |
| Tesco Superstore, Northgate, Cleckheaton        | £0.00         | 0.0%           | £17.03        | 12.0%          | £0.00         | 0.0%           | £7.03         | £24.1         |
| Local Shops, Cleckheaton Town Centre            | £0.00         | 0.0%           | £0.77         | 0.5%           | £0.00         | 0.0%           | £0.22         | £1.0          |
| <b>Heckmondwike In and Edge of Centre</b>       |               |                |               |                |               |                |               |               |
| Lidl, Northgate, Heckmondwike                   | £0.00         | 0.0%           | £2.90         | 2.0%           | £0.00         | 0.0%           | £1.18         | £4.1          |
| Morrisons, Union Street, Heckmondwike           | £0.99         | 0.8%           | £49.05        | 34.5%          | £10.16        | 9.5%           | £10.06        | £70.3         |
| Local Shops, Heckmondwike Town Centre           | £0.00         | 0.0%           | £0.27         | 0.2%           | £1.06         | 1.0%           | £0.00         | £1.3          |
| Indoor Market - Heckmondwike                    | £0.00         | 0.0%           | £1.19         | 0.8%           | £0.00         | 0.0%           | £0.00         | £1.2          |
| <b>Mirfield In and Edge of Centre</b>           |               |                |               |                |               |                |               |               |
| Co-operative Food, Huddersfield Road, Mirfield  | £0.00         | 0.0%           | £2.08         | 1.5%           | £0.71         | 0.7%           | £0.37         | £3.2          |
| Lidl, Station Road, Mirfield                    | £0.99         | 0.8%           | £4.69         | 3.3%           | £0.00         | 0.0%           | £0.71         | £6.4          |
| Tesco Express, Huddersfield Road, Mirfield      | £0.00         | 0.0%           | £0.46         | 0.3%           | £0.00         | 0.0%           | £0.25         | £0.7          |
| Local Shops, Mirfield District Centre           | £0.00         | 0.0%           | £2.47         | 1.7%           | £0.57         | 0.5%           | £0.28         | £3.3          |
| <b>Mirfield Outside Centre</b>                  |               |                |               |                |               |                |               |               |
| Co-operative Food, Nab Lane, Mirfield           | £0.00         | 0.0%           | £1.04         | 0.7%           | £0.00         | 0.0%           | £0.00         | £1.0          |
| Co-operative Food, Old Bank Road, Mirfield      | £0.00         | 0.0%           | £2.06         | 1.4%           | £0.00         | 0.0%           | £0.00         | £2.1          |
| <b>Other Zone 4</b>                             |               |                |               |                |               |                |               |               |
| Co-operative Food, Oxford Road, Gomersal        | £0.00         | 0.0%           | £0.27         | 0.2%           | £0.00         | 0.0%           | £0.00         | £0.3          |
| Co-operative Food, Westfield Lane, Scholes      | £0.00         | 0.0%           | £0.97         | 0.7%           | £0.00         | 0.0%           | £0.00         | £1.0          |
| Local Shops, Gomersal Local Centre              | £0.00         | 0.0%           | £0.73         | 0.5%           | £0.00         | 0.0%           | £0.00         | £0.7          |
| Local Shops, Hightown Neighbourhood Centre      | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.33         | 0.3%           | £0.00         | £0.3          |
| Local Shops, Liversedge                         | £0.00         | 0.0%           | £1.12         | 0.8%           | £0.00         | 0.0%           | £0.00         | £1.1          |
| Local Shops, Scholes (Cleckheaton) Local Centre | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £0.37         | £0.4          |
| <b>Other</b>                                    |               |                |               |                |               |                |               |               |
| Aldi, Gallagher Retail Park, Huddersfield       | £7.00         | 6.0%           | £0.00         | 0.0%           | £0.00         | 0.0%           | £11.10        | £18.1         |
|   | £117.5        |                | £142.2        |                | £107.3        |                |               |               |

**Notes**

a. Turnover at 2016 derived from adding the main and top-up food turnovers from Tables 4a and 4b

**2017 Prices**

Table 5: Estimated Convenience Goods Turnover at 2019

| Destination                                     | Zone 2    |             |            | Zone 4    |             |            | Zone 8    |             |            | Catchment Area Total | Inflow % | Inflow (£m) | Total (£m) |
|---|-----------|-------------|------------|-----------|-------------|------------|-----------|-------------|------------|----------------------|----------|-------------|------------|
|   | Main (£m) | Top-up (£m) | Total (£m) | Main (£m) | Top-up (£m) | Total (£m) | Main (£m) | Top-up (£m) | Total (£m) |                      |          |             |            |
| <b>Cleckheaton In and Edge of Centre</b>        |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Tesco Superstore, Northgate, Cleckheaton        | 0.0       | 0.0         | 0.0        | 11.1      | 7.7         | 18.8       | 0.0       | 0.0         | 0.0        | 18.8                 | 29%      | 7.1         | 25.9       |
| Local Shops, Cleckheaton Town Centre            | 0.0       | 0.0         | 0.0        | 0.0       | 1.2         | 1.2        | 0.0       | 0.0         | 0.0        | 1.2                  | 22%      | 0.3         | 1.5        |
| <b>Heckmondwike In and Edge of Centre</b>       |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Lidl, Northgate, Heckmondwike                   | 0.0       | 0.0         | 0.0        | 1.1       | 2.6         | 3.7        | 0.0       | 0.0         | 0.0        | 3.7                  | 29%      | 1.4         | 5.1        |
| Morrisons, Union Street, Heckmondwike           | 0.9       | 0.0         | 0.9        | 40.4      | 8.6         | 49.0       | 7.7       | 2.8         | 10.5       | 60.4                 | 14%      | 9.9         | 70.3       |
| Local Shops, Heckmondwike Town Centre           | 0.0       | 0.0         | 0.0        | 0.4       | 0.4         | 0.4        | 1.0       | 0.0         | 1.0        | 1.4                  | 0%       | 0.0         | 1.4        |
| Indoor Market - Heckmondwike                    | 0.0       | 0.0         | 0.0        | 1.1       | 0.0         | 1.1        | 0.0       | 0.0         | 0.0        | 1.1                  | 0%       | 0.0         | 1.1        |
| <b>Mirfield In and Edge of Centre</b>           |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Huddersfield Road, Mirfield  | 0.0       | 0.0         | 0.0        | 0.8       | 1.9         | 2.7        | 0.7       | 0.0         | 0.7        | 3.3                  | 12%      | 0.4         | 3.7        |
| Lidl, Station Road, Mirfield                    | 0.9       | 0.0         | 0.9        | 3.5       | 1.3         | 4.9        | 0.0       | 0.0         | 0.0        | 5.8                  | 11%      | 0.7         | 6.5        |
| Tesco Express, Huddersfield Road, Mirfield      | 0.0       | 0.0         | 0.0        | 0.7       | 0.7         | 0.7        | 0.0       | 0.0         | 0.0        | 0.7                  | 36%      | 0.3         | 1.0        |
| Local Shops, Mirfield District Centre           | 0.0       | 0.0         | 0.0        | 1.3       | 1.6         | 2.9        | 0.0       | 0.9         | 0.9        | 3.8                  | 8%       | 0.3         | 4.1        |
| <b>Mirfield Outside Centre</b>                  |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Nab Lane, Mirfield           | 0.0       | 0.0         | 0.0        | 0.0       | 1.6         | 1.6        | 0.0       | 0.0         | 0.0        | 1.6                  | 0%       | 0.0         | 1.6        |
| Co-operative Food, Old Bank Road, Mirfield      | 0.0       | 0.0         | 0.0        | 1.0       | 1.4         | 2.5        | 0.0       | 0.0         | 0.0        | 2.5                  | 0%       | 0.0         | 2.5        |
| <b>Other Zone 4</b>                             |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Oxford Road, Gomersal        | 0.0       | 0.0         | 0.0        | 0.4       | 0.4         | 0.4        | 0.0       | 0.0         | 0.0        | 0.4                  | 0%       | 0.0         | 0.4        |
| Co-operative Food, Westfield Lane, Scholes      | 0.0       | 0.0         | 0.0        | 0.0       | 1.5         | 1.5        | 0.0       | 0.0         | 0.0        | 1.5                  | 0%       | 0.0         | 1.5        |
| Local Shops, Gomersal Local Centre              | 0.0       | 0.0         | 0.0        | 0.0       | 1.1         | 1.1        | 0.0       | 0.0         | 0.0        | 1.1                  | 0%       | 0.0         | 1.1        |
| Local Shops, Hightown Neighbourhood Centre      | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0       | 0.5         | 0.5        | 0.5                  | 0%       | 0.0         | 0.5        |
| Local Shops, Liversedge                         | 0.0       | 0.0         | 0.0        | 0.0       | 1.7         | 1.7        | 0.0       | 0.0         | 0.0        | 1.7                  | 0%       | 0.0         | 1.7        |
| Local Shops, Scholes (Cleckheaton) Local Centre | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0                  | 100%     | 0.0         | 0.0        |
| <b>Other</b>                                    |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Aldi, Gallagher Retail Park, Huddersfield       | 6.1       | 0.4         | 6.5        | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 6.5                  | 61%      | 6.4         | 13.0       |
|   | 7.9       | 0.4         | 8.3        | 60.4      | 33.6        | 94.0       | 9.5       | 4.2         | 13.5       | 115.8                |          | 26.9        | 142.8      |

Notes

a. Estimated turnover derived from convenience goods market shares set out at Table 4 and assumed available zonal expenditure for 2019 set out at Table 3a

2017 Prices

Table 6: Estimated Convenience Goods Turnover at 2023

| Destination                                     | Zone 2    |             |            | Zone 4    |             |            | Zone 8    |             |            | Catchment Area Total | Inflow % | Inflow (£m) | Total (£m) |
|---|-----------|-------------|------------|-----------|-------------|------------|-----------|-------------|------------|----------------------|----------|-------------|------------|
|   | Main (£m) | Top-up (£m) | Total (£m) | Main (£m) | Top-up (£m) | Total (£m) | Main (£m) | Top-up (£m) | Total (£m) |                      |          |             |            |
| <b>Cleckheaton In and Edge of Centre</b>        |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Tesco Superstore, Northgate, Cleckheaton        | 0.0       | 0.0         | 0.0        | 11.4      | 7.9         | 19.2       | 0.0       | 0.0         | 0.0        | 19.2                 | 29%      | 7.3         | 26.5       |
| Local Shops, Cleckheaton Town Centre            | 0.0       | 0.0         | 0.0        | 0.0       | 1.2         | 1.2        | 0.0       | 0.0         | 0.0        | 1.2                  | 22%      | 0.3         | 1.5        |
| <b>Heckmondwike In and Edge of Centre</b>       |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Lidl, Northgate, Heckmondwike                   | 0.0       | 0.0         | 0.0        | 1.1       | 2.6         | 3.8        | 0.0       | 0.0         | 0.0        | 3.8                  | 29%      | 1.4         | 5.2        |
| Morrisons, Union Street, Heckmondwike           | 0.9       | 0.0         | 0.9        | 41.3      | 8.8         | 50.1       | 7.9       | 2.9         | 10.8       | 61.8                 | 14%      | 10.1        | 71.9       |
| Local Shops, Heckmondwike Town Centre           | 0.0       | 0.0         | 0.0        | 0.0       | 0.4         | 0.4        | 1.0       | 0.0         | 1.0        | 1.4                  | 0%       | 0.0         | 1.4        |
| Indoor Market - Heckmondwike                    | 0.0       | 0.0         | 0.0        | 1.1       | 0.0         | 1.1        | 0.0       | 0.0         | 0.0        | 1.1                  | 0%       | 0.0         | 1.1        |
| <b>Mirfield In and Edge of Centre</b>           |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Huddersfield Road, Mirfield  | 0.0       | 0.0         | 0.0        | 0.8       | 1.9         | 2.7        | 0.7       | 0.0         | 0.7        | 3.4                  | 12%      | 0.4         | 3.8        |
| Lidl, Station Road, Mirfield                    | 0.9       | 0.0         | 0.9        | 3.6       | 1.4         | 5.0        | 0.0       | 0.0         | 0.0        | 5.9                  | 11%      | 0.7         | 6.6        |
| Tesco Express, Huddersfield Road, Mirfield      | 0.0       | 0.0         | 0.0        | 0.0       | 0.7         | 0.7        | 0.0       | 0.0         | 0.0        | 0.7                  | 36%      | 0.3         | 1.0        |
| Local Shops, Mirfield District Centre           | 0.0       | 0.0         | 0.0        | 1.3       | 1.6         | 3.0        | 0.0       | 0.9         | 0.9        | 3.9                  | 8%       | 0.4         | 4.2        |
| <b>Mirfield Outside Centre</b>                  |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Nab Lane, Mirfield           | 0.0       | 0.0         | 0.0        | 0.0       | 1.6         | 1.6        | 0.0       | 0.0         | 0.0        | 1.6                  | 0%       | 0.0         | 1.6        |
| Co-operative Food, Old Bank Road, Mirfield      | 0.0       | 0.0         | 0.0        | 1.1       | 1.4         | 2.5        | 0.0       | 0.0         | 0.0        | 2.5                  | 0%       | 0.0         | 2.5        |
| <b>Other Zone 4</b>                             |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Co-operative Food, Oxford Road, Gomersal        | 0.0       | 0.0         | 0.0        | 0.0       | 0.4         | 0.4        | 0.0       | 0.0         | 0.0        | 0.4                  | 0%       | 0.0         | 0.4        |
| Co-operative Food, Westfield Lane, Scholes      | 0.0       | 0.0         | 0.0        | 0.0       | 1.5         | 1.5        | 0.0       | 0.0         | 0.0        | 1.5                  | 0%       | 0.0         | 1.5        |
| Local Shops, Gomersal Local Centre              | 0.0       | 0.0         | 0.0        | 0.0       | 1.1         | 1.1        | 0.0       | 0.0         | 0.0        | 1.1                  | 0%       | 0.0         | 1.1        |
| Local Shops, Hightown Neighbourhood Centre      | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0       | 0.5         | 0.5        | 0.5                  | 0%       | 0.0         | 0.5        |
| Local Shops, Liversedge                         | 0.0       | 0.0         | 0.0        | 0.0       | 1.7         | 1.7        | 0.0       | 0.0         | 0.0        | 1.7                  | 0%       | 0.0         | 1.7        |
| Local Shops, Scholes (Cleckheaton) Local Centre | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 0.0                  | 100%     | 0.0         | 0.0        |
| <b>Other</b>                                    |           |             |            |           |             |            |           |             |            |                      |          |             |            |
| Other   | 6.2       | 0.4         | 6.7        | 0.0       | 0.0         | 0.0        | 0.0       | 0.0         | 0.0        | 6.7                  | 61%      | 6.5         | 13.2       |
|   | 6.1       | 0.0         | 1.8        | 61.7      | 34.3        | 96.1       | 9.6       | 4.3         | 13.9       | 111.8                | -        | 21.0        | 132.7      |

Notes

a. Estimated turnover derived from convenience goods market shares set out at Table 4 and assumed available zonal expenditure for 2023 set out at Table 3a

2017 Prices

**Table 7: Estimated Proposal Convenience Goods Turnover at 2023**

|                        | Gross Internal Area (sq.m) | Net Sales Floorspace (sq.m) | Net Convenience Floorspace (sq.m) | Sales Density | Turnover at 2019 | Turnover at 2023 |
|------------------------|----------------------------|-----------------------------|-----------------------------------|---------------|------------------|------------------|
| Convenience Floorspace | 1,837                      | 1,254                       | 1,003                             | 10,165        | 10.2             | 10.2             |
| Comparison Floorspace  |                            |                             | 251                               | 6,525         | 1.6              | 1.8              |
| <b>Total</b>           | <b>1,837</b>               | <b>1,254</b>                | <b>1,254</b>                      | <b>-</b>      | <b>11.8</b>      | <b>12.0</b>      |

**Notes**

- a. Proposal foodstore net sales area based on our understanding of operational requirements
- b. Convenience and comparison goods sales density for proposal foodstore based on company averages of Aldi and Lidl as derived from Verdict 2018 and Mintel Retail Rankings 2018
- c. Turnover of units to 2023 adjusted in accordance with recommendations provided at Figures 4a and 4b of Experian Retail Planner Briefing Note 16

**2017 prices**

**Table 8: Uplift in Turnover of Lidl, Mirfield at 2023 (uplift in floorspace)**

|                        | Gross Internal Area (sq.m) | Net Sales Floorspace (sq.m) | Net Convenience Floorspace (sq.m) | Sales Density | Turnover at 2019 | Turnover at 2023 |
|------------------------|----------------------------|-----------------------------|-----------------------------------|---------------|------------------|------------------|
| Convenience Floorspace | 1,502                      | 807                         | 646                               | 9,814         | 6.3              | 6.3              |
| Comparison Floorspace  |                            |                             | 160                               | 5,830         | 0.9              | 1.0              |
| <b>Total</b>           | <b>1,502</b>               | <b>807</b>                  | <b>806</b>                        | <b>-</b>      | <b>7.3</b>       | <b>7.3</b>       |

**Notes**

- a. Proposal foodstore net sales area based on our understanding of operational requirements
- b. Convenience and comparison goods sales density for proposal foodstore based on company average of Lidl as derived from Verdict 2018 and Mintel Retail Rankings 2018
- c. Turnover of units to 2023 adjusted in accordance with recommendations provided at Figures 4a and 4b of Experian Retail Planner Briefing Note 16

**2017 prices**

Table 9: Estimated Trade Diversion

| Destination                                     | Survey Derived Pre-Development Turnover at 2023 | Trade Diversion to Relocated Lidl |     | Adjusted Pre-Development Turnover Post Lidl at 2023 | Trade Diversion to Proposal |      | Post Development Turnover | Impact |
|---|---|-----------------------------------|-----|---|-----------------------------|------|---------------------------|--------|
|   |   | %                                 | £m  |   | %                           | £m   |                           |        |
| <b>Cleckheaton In Centre</b>                    |   |                                   |     |   |                             |      |                           |        |
| Tesco Superstore, Northgate, Cleckheaton        | 26.5  | 0.0%                              | 0.0 | 26.5  | 0.0%                        | 0.0  | 26.5                      | 0.0%   |
| Local Shops, Cleckheaton Town Centre            | 1.5   | 0.0%                              | 0.0 | 1.5   | 0.0%                        | 0.0  | 1.5                       | 0.0%   |
| <b>Heckmondwike In Centre</b>                   |   |                                   |     |   |                             |      |                           |        |
| Morrisons, Union Street, Heckmondwike           | 71.9  | 30.0%                             | 1.9 | 70.0  | 20.0%                       | 2.0  | 67.9                      | 2.9%   |
| Local Shops, Heckmondwike Town Centre           | 1.4   | 0.0%                              | 0.0 | 1.4   | 0.0%                        | 0.0  | 1.4                       | 0.0%   |
| Indoor Market - Heckmondwike                    | 1.1   | 0.0%                              | 0.0 | 1.1   | 0.0%                        | 0.0  | 1.1                       | 0.0%   |
| <b>Heckmondwike Edge of Centre</b>              |   |                                   |     |   |                             |      |                           |        |
| Lidl, Northgate, Heckmondwike                   | 5.2   | 10.0%                             | 0.6 | 4.5   | 5.0%                        | 0.5  | 4.0                       | 11.2%  |
| <b>Mirfield In Centre</b>                       |   |                                   |     |   |                             |      |                           |        |
| Co-operative Food, Huddersfield Road, Mirfield  | 3.8   | 10.0%                             | 0.6 | 3.2   | 1.5%                        | 0.2  | 3.0                       | 4.8%   |
| Tesco Express, Huddersfield Road, Mirfield      | 1.0   | 0.5%                              | 0.0 | 1.0   | 0.5%                        | 0.1  | 1.0                       | 5.0%   |
| Local Shops, Mirfield District Centre           | 4.2   | 0.5%                              | 0.0 | 4.2   | 1.0%                        | 0.1  | 4.1                       | 2.4%   |
| <b>Mirfield Edge of Centre</b>                  |   |                                   |     |   |                             |      |                           |        |
| Lidl, Station Road, Mirfield                    | 6.6   | 0.0%                              | 0.0 | 13.0  | 50.0%                       | 5.1  | 7.9                       | 39.2%  |
| <b>Mirfield Outside Centre</b>                  |   |                                   |     |   |                             |      |                           |        |
| Co-operative Food, Nab Lane, Mirfield           | 1.6   | 0.5%                              | 0.0 | 1.6   | 0.5%                        | 0.1  | 1.5                       | 3.2%   |
| Co-operative Food, Old Bank Road, Mirfield      | 2.5   | 6.0%                              | 0.4 | 2.1   | 0.5%                        | 0.1  | 2.1                       | 2.4%   |
| <b>Other Zone 4</b>                             |   |                                   |     |   |                             |      |                           |        |
| Co-operative Food, Oxford Road, Gomersal        | 0.4   | 0.0%                              | 0.0 | 0.4   | 0.0%                        | 0.0  | 0.4                       | 0.0%   |
| Co-operative Food, Westfield Lane, Scholes      | 1.5   | 0.0%                              | 0.0 | 1.5   | 0.0%                        | 0.0  | 1.5                       | 0.0%   |
| Local Shops, Gomersal Local Centre              | 1.1   | 0.0%                              | 0.0 | 1.1   | 0.0%                        | 0.0  | 1.1                       | 0.0%   |
| Local Shops, Hightown Neighbourhood Centre      | 0.5   | 0.0%                              | 0.0 | 0.5   | 0.0%                        | 0.0  | 0.5                       | 0.0%   |
| Local Shops, Liversedge                         | 1.7   | 0.0%                              | 0.0 | 1.7   | 0.0%                        | 0.0  | 1.7                       | 0.0%   |
| Local Shops, Scholes (Cleckheaton) Local Centre | 0.0   | 0.0%                              | 0.0 | 0.0   | 0.0%                        | 0.0  | 0.0                       | 0.0%   |
| <b>Other Destinations</b>                       |   |                                   |     |   |                             |      |                           |        |
| Aldi, Gallagher Retail Park, Huddersfield       | 13.2  | 12.0%                             | 0.8 | 12.4  | 10.0%                       | 1.0  | 11.4                      | 8.2%   |
| Other Destinations                              |   |                                   |     |   | 11.00%                      | 1.1  |                           |        |
|   |   | 57.5%                             |     |   | 100.0%                      | 10.5 | 138.8                     |        |

Notes

- Estimated turnover derived from convenience goods market shares set out at Table 4 and assumed available zonal expenditure for 2023 set out at Table 3a
- Estimated trade diversion are Nexus' professional judgements based on shopping patterns, nature of existing destination and proximity to the proposed development
- Post development turnover calculated by deducting the trade diversion from the survey derived turnovers
- Gross floorspace figures for existing stores taken from VOA where available. Net figures calculated using Verdict Global Data averages
- Sales densities for existing foodstores taken from Verdict GlobalData 2018

2017 prices

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