

September 2022



Proposed Mixed Use Development Sequential & Impact Assessment Report

**Land off Lindley Moor Road
Lindley, Huddersfield
HD3 3SX**

**Proposed Mixed Use Scheme including Industrial /
Distribution Warehouses, Convenience Store, Restaurant,
Two Coffee Shops/Takeaways and associated works**

On behalf of
2SH Developments Limited

Prepared by

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APPENDICES

Appendix 1: Impact Table

1. Introduction

- 1.1 This Report is provided against the backdrop of the provision of a PreApp response by Kirklees Council in connection with a PreApp Enquiry (2020/20447) and subsequent further comments provided by the Council's planning policy team on the scoping report and Sequential & Impact Assessment Report submitted with the application. Comments received require further information / clarification relating to the proposed business model, catchment area, sequential test and site assessment parameters and the provision of quantitative impact assessment rather than a more qualitative approach as set out in the submitted report.
- 1.2 This report seeks to address outstanding matters addressing the points raised by planning policy with respect to the points above.
- 1.3 This report has been therefore been updated to provide a Sequential and Impact Assessment having regard to the proposed development, Local Plan Policy LP13, PreApp advice given and guidance provided by the NPPF and the online planning guidance.

2. Site Description & Planning History

Site Description

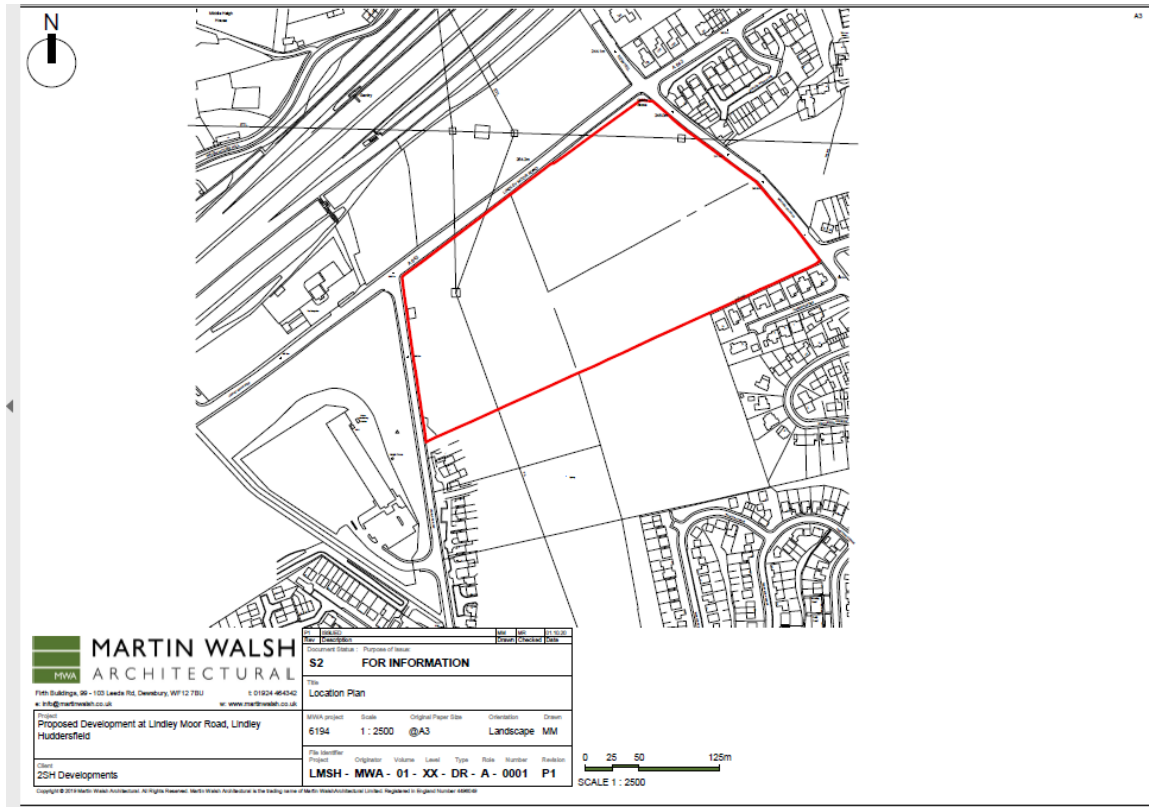
- 2.1 The proposal site measures some 6.3 hectares of land overall and comprises an area of greenfield land that is located between Crosland Road and Weatherhill Road and is currently used as pasture farming.
- 2.2 The site is bound to the north by Lindley Moor Road with the above roads forming the western and eastern boundaries respectively. North of Lindley Moor is the Green Belt. Recently developed residential areas are located to the south west and south east of the site with an area immediately south currently undeveloped greenfield.
- 2.3 To the east of the site are further residential areas with an area of undeveloped land / recent housing immediately to the east. East are further residential areas with the A643 linking to Ainley Top and the M62 motorway with the Clarion Cedar Court Hotel and Toby Carvery. Further employment uses are located to the east on the A643 including John Frederick Plastics.
- 2.4 To the west of the site, beyond Crosland Road, is the Macs Trucks site with access taken off Crosland Road. Further west along the frontage to Lindley Moor Road (A643) are further employment uses including Rybrook Land Rover garage and Lesjofors Springs. Opposite the latter is the Wappy Spring Inn & Bistro.
- 2.5 Lindley Moor Road (A643) is a busy main road running along the northern edge of the wider built up Huddersfield area and connects two motorway junctions, Ainley Top to the east which allows for access on/off onto the M62 in both an east and west direction (J24) and J23 (New Hey Road junction) which only allows access onto the M62 in a westerly direction and access off the motorway for those travelling east.
- 2.6 It therefore forms a busy main road proximate to these two junctions with passing traffic throughout the day and evening.
- 2.7 The proposal site forms part of a larger mixed use allocation in the adopted Local Plan (MXS3) which is just over 32 hectares in total and allocated for housing and employment. Much of the allocation has already been built out. The adopted Site Allocations Plan describes the wider allocation as having an indicative housing capacity of 443 dwellings and an indicative capacity to accommodate 41,702 sqm of employment uses.

Planning History

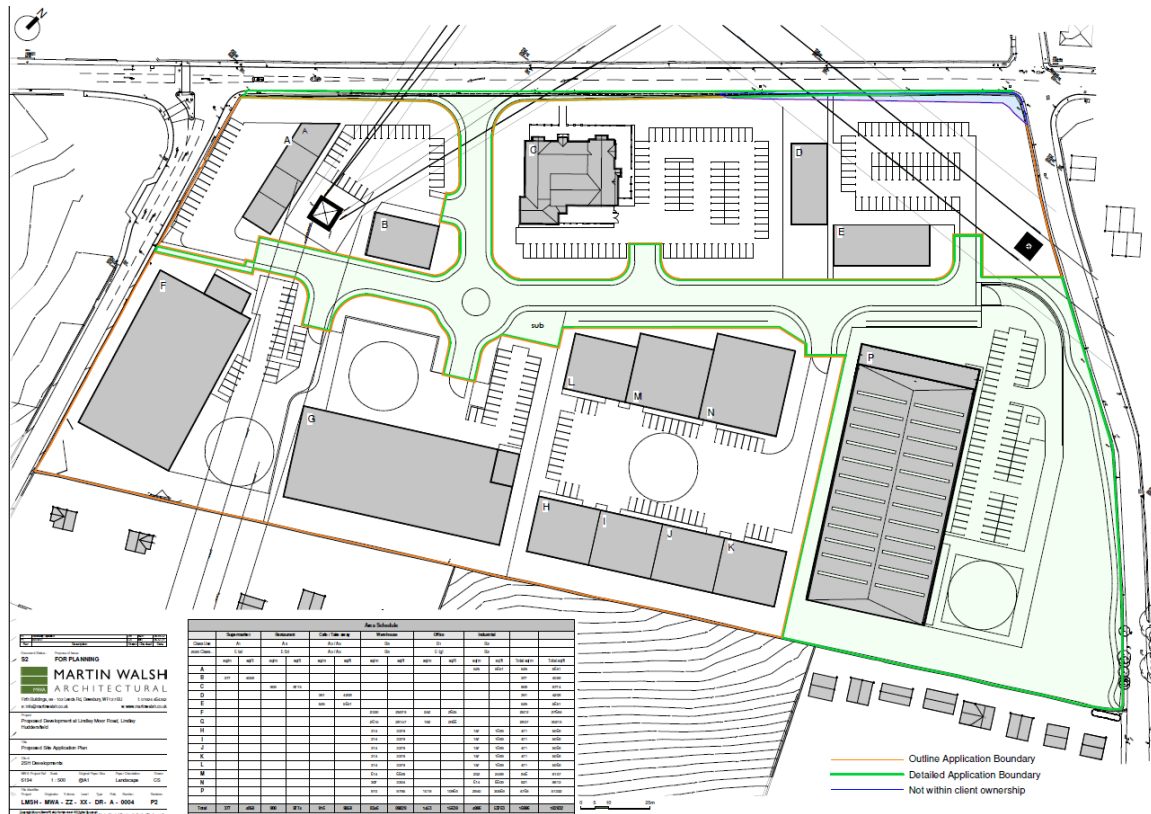
- 2.8 The PreApp enquiry report highlighted that outline planning permission has previously been approved on the site for employment uses (B1b, B1c, B2, B8) under application reference 2013/93433.
- 2.9 The report continues by highlighting that the Leeds City Region has designated this site as an Enterprise Zone with the site being planned to deliver approximately 22,000 m² of employment floorspace. The report confirms the site has been confirmed as having *“an excellent strategic position, as it is centrally located on the East/West M62 motorway link as well as being accessible to the North/South M1 and M6 motorway links”*.

3. Proposed Development

- 3.1 Details of the proposed development have already been set out with further information in the Planning Statement. In summary, the proposal comprises mixed use scheme including a convenience store, restaurant, two café/takeaways and a number of industrial and storage/distribution warehouses.
- 3.2 The above is to be accommodated on a site measuring around 6.3 hectares. The site location plan is shown below.



- 3.3 The details of the scheme are shown on the proposed Site Layout Plan LMSH-MWA-ZZ-XX-DR-A-0004-P2, which identifies those areas for which full detailed permission is sought and those where outline planning permission is sought. The overall proposed layout plan is shown below.



- 3.4 The area of full planning permission largely comprises the access into the site, estate road and one employment unit. The outline area encompasses the remainder of the site including the frontage land where the proposed convenience store and food & beverage outlets are located and an industrial use.
- 3.5 The floorspace of the convenience store and the food & beverage offer on the site frontage is shown on the layout plan as follows:
- Unit B – 377 m² Convenience store
 - Unit C – 908 m² Restaurant
 - Unit D – 391 m² Coffee Shop (allowance for some takeaway)
 - Unit E - 525 m² Coffee Shop (allowance for some takeaway)
- 3.6 The main employment units are mostly set towards the rear of the site with the potential to provide a number of units of varying size to provide a range of accommodation. This would deliver a total of 14,795 m² of employment use shared between 11 units. This would all be within Class B2/B8 with ancillary office space associated with the larger units.

4. Planning Policy

Statutory Development Plan

- 4.1 The statutory development plan for the area is the adopted Kirklees Local Plan (2019).
- 4.2 Policy LP13 addresses 'Town Centre Uses' and adopts the town centres first approach seeking to direct such uses to locations within defined centres as set out in the centre hierarchy in the local plan. Section B of the policy addresses the sequential test and states:

"Proposals which come forward for main town centre uses, which are located outside of defined centre boundaries, will require the submission of a Sequential Test.....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...."

- 4.3 Under Section B the Sequential Test *"shall be reflective of the scale, role and function of the proposal"*. The policy wording concludes Section B by stating that proposals which fail the sequential test will not be supported.
- 4.4 Section C deals with 'Impact Assessments' highlighting that an impact assessment will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where:
- *"....The proposal provides a floorspace greater than 500 sqm gross; or*
 - *The proposal is located within 800m of the boundary of a Town Centre or District Centre and is greater than 300 sqm gross; or*
 - *The proposal is located within 800 metres of a Boundary of a Local Centre and is greater than 200 sqm gross....."*
- 4.5 Section C concludes by stating that proposals which would have a significant adverse impact on surrounding centres will not be supported.

National Guidance (NPPF)

- 4.6 The NPPF was revised in July 2021 and provides up to date guidance at the national level in relation to the sequential and impact tests.
- 4.7 Section 7 continues to support the role of town centres in the context of **'Ensuring the vitality of town centres'**.
- 4.8 Paragraph 87 confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. In this respect main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period of time) should out of centre sites be considered.

- 4.9 Paragraph 88 goes on to state that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 4.10 When applying the sequential test, applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 4.11 In relation to retail and leisure proposals which are outside town centres and not in accordance with an up-to-date plan, paragraph 90 indicates that an impact assessment should be required where developments are above a locally set threshold, with a default threshold of 2,500m² where no local threshold is identified. Any assessment of impact (Paragraph 90) should include an assessment of:
- a) 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
 - b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 4.12 Where an application fails to satisfy the sequential test or is likely to have “*significant adverse impact*” on one or more of the considerations in paragraph 90, it should be refused.

5. Sequential Test

- 5.1 As highlighted in the preceding section, Policy LP13 of the statutory development plan (Kirklees Local Plan 2019) incorporates the sequential test for town centre uses.
- 5.2 Section B identifies 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. Section B continues by stating that the scope and content of any Sequential Test *"shall be reflective of the scale, role and function of the proposal"*.
- 5.3 The NPPF (July 2021) provides guidance on the development of main town centre uses with paragraph 87 (NPPF) confirming the application of the sequential test for applications for 'main town centre uses' which are not in an existing centre and not in accordance with an up to date development plan.
- 5.4 Where it is necessary to carry out a sequential assessment, the search sequence identified in paragraph 87 is that town centre uses should 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.
- 5.5 The NPPF (paragraph 88) also states that when considering edge of centre or out of centre proposals, preference should be given to 'accessible sites' that are 'well connected to the town centre'. Finally, paragraph 88 of the NPPF highlights that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 5.6 Some guidance on the application of the sequential test is provided by the on line PPG. In this context paragraph 011 (ID:2b-011-20190722) states that:

"The application of the sequential test will need to be proportionate and appropriate for the given proposal"
- 5.7 Paragraph 011 in the online guidance sets out a checklist of considerations that should be taken into account in determining whether a proposal complies with the sequential test. This includes the following guidance:
 - with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
 - is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - if there are no suitable sequentially preferable locations, the sequential test is passed.

- 5.8 The guidance also highlights and acknowledges that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case (Paragraph 012, Ref: ID:2b-012-20190722).

Location of Application Site

- 5.9 The application site is located on Lindley Moor Road and is not within 300 metres of the primary shopping area of any defined 'centre' in the adopted Local Plan.
- 5.10 As such, it is located 'out of centre' in policy terms and the sequential test applies.
- 5.11 Having regard to the above it is therefore necessary to consider if there are sequentially preferable sites in or on the edge of relevant centres which could accommodate the proposed development.

Business Model

- 5.12 The first step that needs to be addressed when carrying out the sequential test is the 'area of search' for sequentially preferable sites. This is referred to as the catchment area or primary catchment area of the proposed development. That being the principal area from which the proposal would be likely to draw its customers.
- 5.13 In this regard, it is necessary for us to consider the Business Model of the proposed development, what it is intending to deliver and to who, to ensure that the Area of Search is appropriate.
- 5.14 The proposed development is located on Lindley Moor Road, a busy connecting road that links two motorway junctions on the M62 leading to access to the wider area. As such the site is strategically located proximate to the motorway network and, in addition, Lindley Moor Road is a busy route along the northern edge of the wider Huddersfield area resulting in a significant element of traffic passing the site. The PreApp officer report to Committee recognises the strategic location of the site in relation to the M62 motorway.
- 5.15 The online PPG recognises that some main town centre uses will have particular locational requirements which mean they may only be accommodated in specific locations. The recognition is that Local Planning Authorities should consider the relative priorities and needs of different main town centre uses, particularly recognising different operational and market requirements.
- 5.16 The proposed business model seeks to provide a mix of food and beverage uses to serve and provide 3 main functions summarised below and considered in more detail in the following paragraphs:
- Road side services and facilities to passing traffic including motorway users;
 - Services and facilities to serve the existing and growing employment land adjoining the site;
 - Services and facilities to serve the new residential areas delivered as part of the wider site allocation;

Road Side Services

- 5.17 The services and facilities are proposed along the frontage of the site in a location on a busy road which runs parallel to the M62 and provides a link between and access to two junctions of the motorway.
- 5.18 The junction to the east, J24 Ainley Top, provides on/off access east and west on the M62 and is situated around 500m to the east of the site with easy access from the main roundabout to the site.
- 5.19 The growth of road service areas and facilities in locations not directly on the motorway, have developed as sustainable meeting hubs providing places to work and meet in accessible areas as part of a longer journeys, providing a link or stopping area within a wider trip.
- 5.20 A similar service hub exists further east along the M62 at J26. The Euro Garages development close to the motorway junction provides a Starbucks, Subway and Greggs for passing traffic
- 5.21 The proposed development builds on the Eurogarages format, providing a similar, albeit slightly larger scale of development which would attract similar transient users on the strategic road network given its location proximate to two motorway junctions.
- 5.22 Motorway users are likely to use the proposed food and beverage outlets for meeting and refreshment purposes as part of their journey. The scale of the proposed development provides a more comfortable environment and choice to increase the dwell time to support the requirement for EV charging for example.
- 5.23 By virtue of its location on the main road(A643), which provides a link and access to and between the motorway junctions, additional trade associated with travel across the northern part of Huddersfield will also benefit from the accessibility and availability of the proposed services.
- 5.24 In addition to the restaurant and coffee shop offer to meet and rest, the proposed convenience store will support a linked trip offering last minute supplies to drivers for their journey.

Services and Facilities to support the existing and growing employment area

- 5.25 As referred to in Section 3 in addition to the proposed convenience store and restaurant/ coffee shops, the application includes the development of 11 industrial/ employment units comprising circa 15,000m². As detailed in the supporting Planning Statement, the application site forms part of a wider mixed use site allocation MXS3 comprising 32 hectares to deliver housing and employment uses. Much of the allocation has been built out, with circa 14,000m² of employment floorspace delivered to date.
- 5.26 The proposed restaurant, takeaway and convenience store will provide services and facilities for those currently working in the local area in the employment units delivered to date on the wider site allocation. In addition, the proposal will support the wider application proposal and employees of the eleven proposed employment units.

- 5.27 The proposal will provide sustainable facilities and services to support the employment uses in the area, promoting accessibility on foot to employees, thereby reducing potential journeys by car to other locations in the area which are outside the accepted walking catchment for such uses.

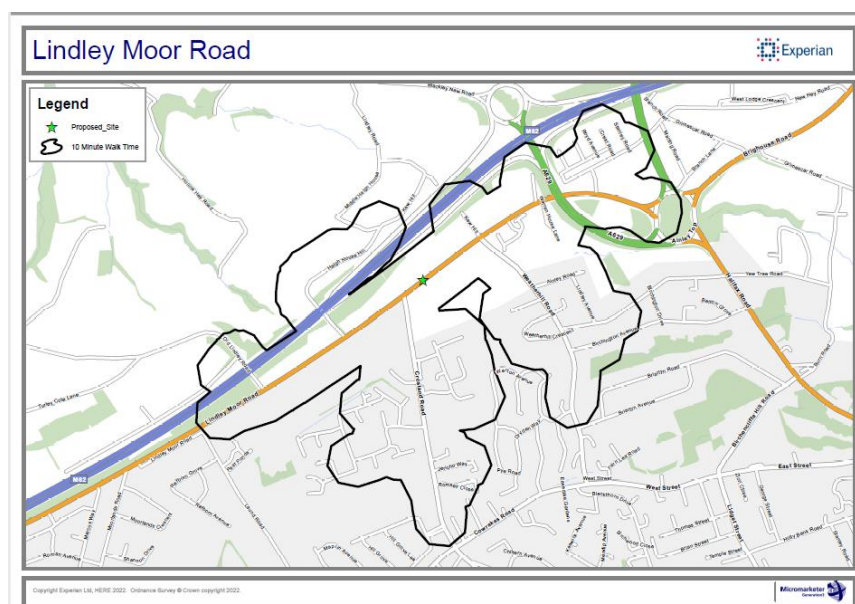
Residential market

- 5.28 The application forms part of a wider mixed use site allocation and the delivery of new residential dwellings as part of the wider allocation forms an extension to existing residential areas on the northern edge of Huddersfield.
- 5.29 These residential areas on the northern edge of the town are located on a plateau at the top of the hill with the land falling southwards towards Huddersfield centre in the valley. Existing town centres providing town centre uses in the northern part of Huddersfield are generally located to the south east of the site, in locations down the hill and in excess of 1km away.
- 5.30 The proposal will provide local residents with accessible food and beverage options and convenience goods. The availability of such facilities in accessible locations to residential areas, supports the flexible working trend, supporting those residents that work at home with accessible facilities to take a break and to meet others in a convenient and accessible location to residents in north Huddersfield.
- 5.31 The proposal will provide food and beverage units and a convenience store within relatively easy access on foot to surrounding residents having regard to the topography of the wider area.

Proposed Catchment Area/ Area of Search

- 5.32 Having established the three elements of the business model it is necessary to consider the appropriate catchment area for the Sequential Assessment.
- 5.33 As discussed, the proposed model, incorporating the mix of food and beverage units and a convenience store seeks to serve three main markets. There is a locational requirement for the proposal on the site which is proximate to the M62 junctions and the A643 Lindley Road and seeks to provide accessible and convenient road side facilities and services to support motorists. NPPF acknowledges the locational requirements of a particular market as is proposed in this application.
- 5.34 It is considered that the locational requirements of the road side facilities carry significant weight to support the proposed food and beverage and convenience units on the site.
- 5.35 In terms of determining a smaller catchment area associated with trade associated with the existing and emerging employment uses and the existing residents, it is helpful to consider and refer to guidance associated with a convenience store in particular.
- 5.36 The proposed convenience store measures 377m² gross. Such stores will sell a limited choice and range of convenience goods and are geared very much towards more day to day convenience purchases or last minute distress purchases of basic essential items due to its location near to where someone lives.

- 5.37 Similar stores tend to attract walk in trade although, as discussed above, in this location the store will attract pass by trade given its location on a busy main route across the northern edge of the town. The association of the proposed store with the food and beverage units serving existing and proposed employment areas will also create linked trips to the food store.
- 5.38 A convenience store of this nature will tend to serve a very local catchment which is typically taken to be around 800m walking distance from the site or a 10 minute walk-in catchment area.
- 5.39 Guidance was issued by the Institute for Highways and Transportation (IHT) on the preferred maximum walking distance by journey type. For town centres a 200m walking distance is desirable, 400m acceptable and the preferred maximum 800m walking distance.
- 5.40 The plan extract below shows an approximate 10 minute walk or 800m catchment area around the proposal site taking account of the convenience store location at the front of the site.



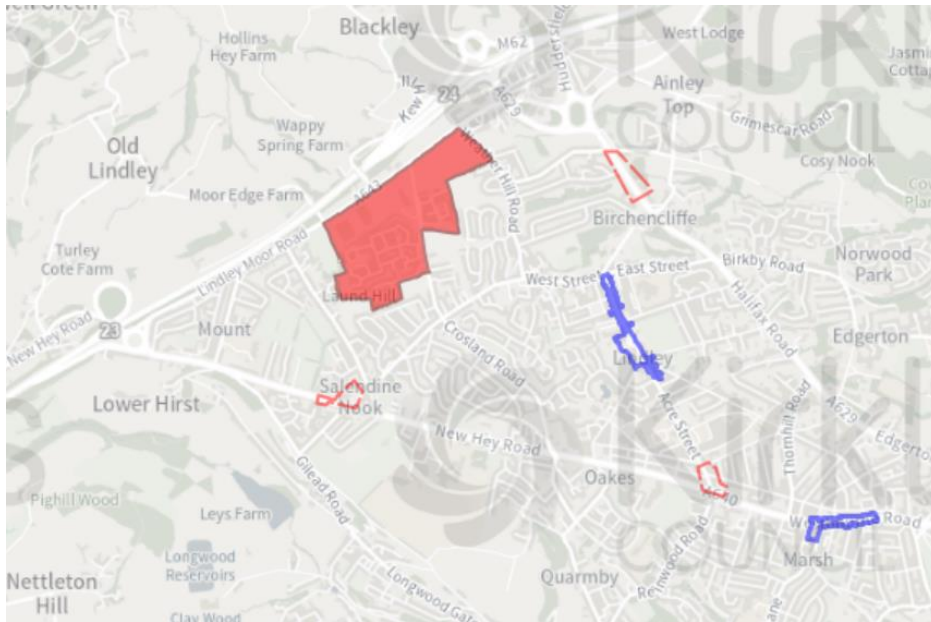
- 5.41 The walking catchment is focussed on the residential areas off Crosland Road and Weatherhill Road extending down the hill to West Street. The catchment also includes the rural residential units accessed from Lindley Moor Road via Old Lindley Road and Haigh House Hill which pass over the motorway.
- 5.42 Whilst the convenience store and food and beverage units may serve a limited number of dwellings in the rural area to the north of the motorway it is not considered the catchment of the proposal would extend beyond these further into Calderdale. The larger residential areas of Holywell Green to the north of the M62 benefits from access including public transport to Elland town centre which is closer to the residential areas than the application site. It is considered that residents are more likely to continue to visit Elland for food and beverage and convenience needs.

- 5.43 The picture below provides a colour map showing the topography of the application site and wider area. Red shows the higher levels moving down to orange, yellow, green then blue in the valley.
- 5.44 The map shows the site situated on a plateau at the top of the hill which falls away to Birchcliffe to the east and Salendine Nook and Oakes (along New Hey Road) to the south. As a result of the topography of the steep sided ridge of Crossland Road, the residential target market of 800m, 10 minute walk is considered robust.



Source: Topographic-map.com

- 5.45 Taking account of all the factors identified above including the proposed business model, incorporating the mix of food & beverage units and the convenience store, along with the site's location proximate to junctions serving the M62 and the location of the site on the busy A643 Lindley Road, we consider that in the context of addressing the 'sequential test', the proposed primary catchment area would be focused on the north western part of Huddersfield.
- 5.46 It is not considered that the catchment area would extend north beyond the M62 into Calderdale district. The areas adjoining the M62 are largely rural and whilst the scattered residential dwellings may be attracted to the application proposals, it is considered that the larger residential mass of Holywell Green will continue to look north and east towards Elland and Halifax for their retail, food and beverage requirements due to the enhanced and established road and pedestrian access to those centres.
- 5.47 Provided below is an extract from the adopted Kirklees Local Plan Proposals Map covering defined 'centres' in the north western part of Huddersfield. It also shows the wider mixed use allocation at Ainley Top as the red shaded area.



- 5.48 Comparing the centres map above to the 10 minute walk time map (para 5.43), the nearest defined 'centre' is Birchcliffe local centre to the east of the site on Halifax Road. The centre is located outside the 800m walk in catchment from the proposed convenience store and located on the main arterial road into Huddersfield from the motorway (Halifax Road).
- 5.49 To the south west is the Salendine Nook local centre which is located on another main arterial route into Huddersfield (New Hey Road) from the M62 (J23) and over 1km from the application site. The centre falls outside the 10minute / 800m catchment of the site.
- 5.50 Further south east of Salendine local centre is another local centre ,New Hey Road local centre, which is located on the same arterial route but around 2.2 km from the site and consequently we consider the local centre to fall well outside the catchment area for the site.
- 5.51 The nearest larger centre to the application site is Lindley District Centre, which is located within densely developed residential areas extending along Lidget Street to the south east of the site with the northern end of the centre around 990m away but falling well outside the 10minue walking catchment due to the topography of the area.
- 5.52 A further district centre, Marsh District Centre is located further east beyond New Hey local centre stretching along Westbourne Road. The centre is located approximately 2.6km from the site, which falls well outside the walking catchment for the proposed development due to the topography of the area.
- 5.53 The paragraphs above explore the primary market of the proposed scheme is to provide facilities and services to vehicle users travelling on or towards the M62. These services have locational requirements acknowledged in NPPF

- 5.54 The secondary market of the proposal relates to the existing and proposed employment land adjacent to the application site and local residents. Based on guidance of appropriate walking distances, 800m is considered acceptable or a 10minute walk time.
- 5.55 Having regard to the Business Model of the proposal, locational requirements of businesses recognised by NPPF, the topography of the area and the 10minute walk time recognised as a suitable catchment for residents to services and facilities from the site, no defined centres fall within the immediate catchment (10 minute walk) of the site.
- 5.56 However, a robust approach to the Sequential Test assessment is to consider a wider secondary catchment area. Whilst all the centres in the northern part of Huddersfield fall outside the walking catchment of the application site, the centres which are located in north west Huddersfield are considered in our assessment under the sequential test and focuses on these centres in the search for suitable and available sites.
- 5.57 In light of all the above, we consider the following centres are the key centres to be included in the Sequential Test assessment in the search for suitable and available sites:
- Birchencliffe Local Centre
 - Salendine Nook Local Centre
 - New Hey Road Local Centre
 - Lindley District Centre
 - Marsh District Centre

Sequential Assessment – Approach to the Sequential Test

- 5.58 The NPPF states that only if ‘*suitable sites*’ are not ‘*available*’ in existing centres should edge of centre sites be considered. The question of ‘*suitability*’ has been the subject of much debate and whilst not specifically referred to in the PPG, viability is clearly one aspect of suitability.
- 5.59 An important issue in setting the parameters for the site search exercise under the sequential test is whether, when considering ‘*suitability*’, a potential alternative site is to be suitable for the ‘proposed development’ or some other scheme. There have been various High Court judgements and appeal decisions which assist in addressing this question and we seek to highlight the main findings below.
- 5.60 Notably, the *Tesco Stores Ltd v Dundee City Council*, 21st March 2012, UKSC13 ruling confirmed that whether a site is considered suitable should be based on:

“...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site” (paragraph 29).

- 5.61 Paragraph 28 also makes reference to the following in the context of flexibility:

“The need for flexibility and realism reflects an inbuilt difficulty about the sequential approach. On the one hand, the policy could be defeated by developers’ and retailers’ taking an inflexible approach to their requirements. On the other hand, as Sedley J remarked in R v Teesside Development Corporation, Ex p William Morrison Supermarket plc and Redcar and

Cleveland BC [1998] JPL 23, 43, to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer.” (our emphasis).

- 5.62 In dealing with the question of flexibility, the *Zurich Assurance Limited (trading as Threadneedle Property Investment) v North Lincolnshire Council and Simons* ([2012] EWHC 3708 [Admin]) ruling emphasised the sequential approach should be addressed having regard to the “real world” and applied having regard to the developer’s requirement as opposed to some other scheme which the LPA may regard as appropriate.
- 5.63 In *Aldergate Properties Limited v Mansfield District Council* [2016] EWHC 1670 [Admin] the judgement emphasised that in considering how to apply ‘suitability’ and ‘availability’ the general meaning would be that a site should be “...“suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identify and personal or corporate attitudes of an individual retailer....” (Paragraph 35 of Judgement)”
- 5.64 Although applied specifically in the above case to a retail proposal, the principles apply to town centre uses such as that proposed in this case.
- 5.65 In addition to the various High Court Judgements highlighted above, a number of Secretary of State appeal decisions also sought to address the question of ‘suitability’ and ‘flexibility’ with the Rushden Lakes (APP/G2815/V/12/2190175) Call-In decision (June 2014) confirming the sequential test relates entirely to the ‘application proposal’ (paragraph 8.48 of Inspector’s Report)
- 5.66 At Scotch Corner (FOC) (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) the SoS endorsed his Inspector’s conclusions on the sequential approach which confirmed that whilst flexibility is to be shown, the sequential test seeks to see if the application or what is proposed can be accommodated on a more sequentially preferable site.
- 5.67 To summarise, the NPPF (paragraph 87) makes clear that local planning authorities should require ‘applications’ for main town centre uses to be located in town centres and then follow the sequential sequence.
- 5.68 The sequential test seeks to see whether the application (i.e. what is proposed) can be accommodated on a sequentially preferable site. This is made clearer when the whole of paragraph 87 is read together. Paragraph 87 refers to “planning applications” in the first sentence. There is no suggestion in the NPPF the sequential test means to refer to anything other than the ‘application proposal’.
- 5.69 However, the NPPF (para 88) goes on to state that applicants and local planning authorities should demonstrate **flexibility** on issues such as format and scale “so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”.
- 5.70 Taking account of all the above the application of the sequential test applies to the “proposed development” with the requirement to address flexibility on issues such as format and scale in the context of the facts and circumstances of that particular case.

Sequential Assessment – Site Search Criteria

- 5.71 In this case the starting point for the assessment of potential sequentially preferable sites has regard to the need for flexibility in the context of the principles set by the Mansfield judgement.
- 5.72 The application site measures 6.3 hectares and incorporates a mixed use development including the proposed town centre uses and the employment units. The 'proposed development' therefore includes the wider mixed use scheme.
- 5.73 However, in considering the application of the sequential test it would be reasonable to limit the 'proposed development' site to that area to be occupied by the 'main town centre uses'. This would require a site area of 1.34 hectares.
- 5.74 Whilst the need for flexibility is to be taken into account when applying the sequential test, there is no requirement under policy to disaggregate a proposed development. Were disaggregation to be considered appropriate it would have been included under the NPPF and it is not. The NPPF has undergone a number of reviews in recent years, the most recent being in July 2021 with no changes to relevant paragraphs addressing the sequential test other than 'availability' of a site to be considered as within a 'reasonable period of time'.
- 5.75 In light of the above the starting point is the proposed development for the main town centres uses with a site area of 1.34 hectares. Applying flexibility to that site requirement and adopting a tolerance of 10% would require a site in the range of 1.21 ha to 1.47 ha.
- 5.76 The centres below will be assessed to establish if there are any sites within or on the edge of those centres that are 'available' to allow for consideration of what contribution more central sites are able to make individually to accommodate the 'proposal', allowing for flexibility in approach and therefore whether there are any 'suitable' alternative sites in a sequentially preferable location.

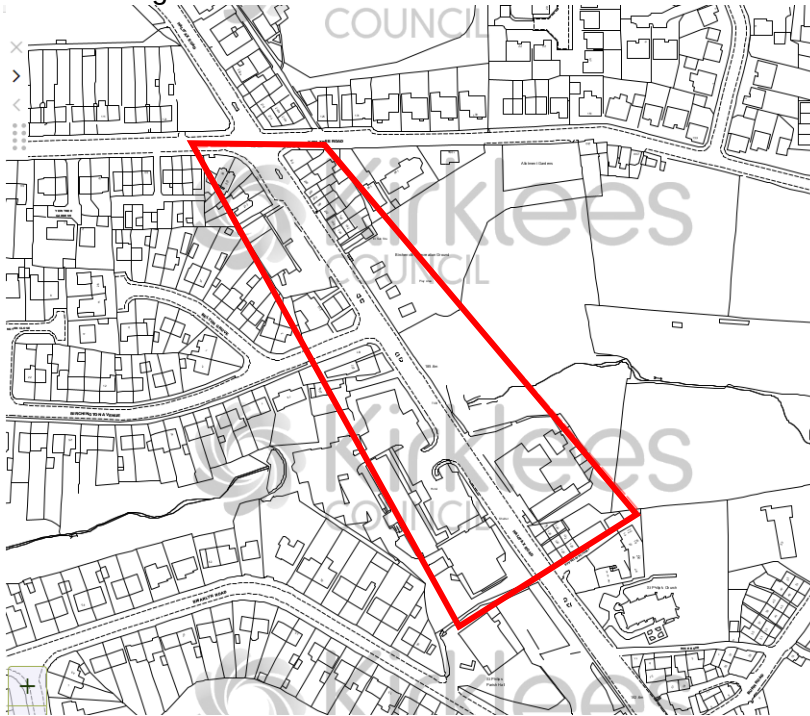
Centre Assessments

- Birchencliffe Local Centre
- Salendine Nook Local Centre
- New Hey Road Local Centre
- Lindley District Centre
- Marsh District Centre

Birchencliffe Local Centre

- 5.77 Birchencliffe local centre is a small local centre located on a busy arterial route into/out of Huddersfield. The centre is located in the northern part of the town towards J24 (Ainley Top) of the M62.
- 5.78 The centre is located proximate to existing residential areas with existing dwellings focussed to the west and south west. The defined centre boundary from the local plan proposals map is set out below.

- 5.79 As can be seen it is a small linear centre located on the busy Halifax Road towards the northern edge of the town.

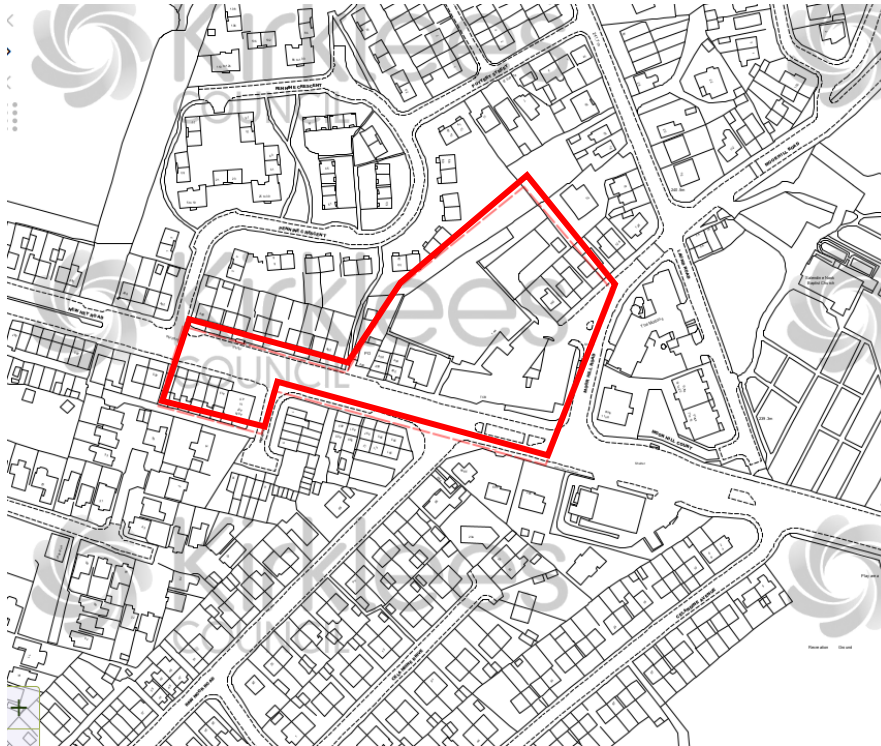


- 5.80 In the northern most part of the centre are residential uses with a small parade of shops on the western side to the north of Birchington Avenue. This includes two purpose built units comprising a Tesco Express and Greggs with off road parking to the front. Both the Tesco and Greggs were well used when visited, particularly the Greggs in the earlier morning, and this is not surprising given its location on a main route into and out of the town attracting passing trade.
- 5.81 At the southern end of the parking area is the service yard for Tesco Express and beyond that also using the car park is an estate agent (Peter David Properties).
- 5.82 This parade provides the main focus for the local centre with bus stops outside on the main road in both directions. Opposite the shops are residential uses to the south of which is a sports ground and woodland area that are both set at a much lower level to the local centre and the main road.
- 5.83 In the southern part of the centre, south of Birchington Avenue is a hair salon (Niche) and to the south of that is the Briar Court Hotel, which provides 3 star hotel accommodation not far from the M62. The hotel also provides function suites for weddings and other events. South of the hotel is the Scouts Hall.
- 5.84 Opposite the hotel is a Co-op petrol filling station with associated shop and a car wash. The shop provides basic day to day shopping goods and motorist related products. Immediately south of the petrol station is a hair salon and residential units.
- 5.85 The centre is somewhat compact being focused on Halifax Road with existing residential areas to the west. The latter limits any further development opportunities.

- 5.86 To east of the central part of the centre and set at a much lower level to the main road, although there is an undeveloped area, it is partly used for recreation purposes with goalposts for a football pitch. The site forms part of a wider Urban Greenspace allocation in the adopted Local Plan (UG123) and is currently in use for playing fields with the remainder of the area providing an attractive area of woodland on the edge of the urban area. At the eastern most end of the greenspace allocation are allotments. It is not suitable for the proposed development and loss of the playing fields, woodland and/or allotments would be contrary to local planning policy.
- 5.87 On this basis alone and whilst in terms of physical area it would be of sufficient size to accommodate the proposed development, its location set well down from the level of the main road making access difficult, its current use, function and policy designations means the site is not suitable for the proposed development. On this basis alone the site can be discounted.
- 5.88 Our search of Birchencliffe local centre and the area around 300m from the edge of the defined centre revealed no further opportunities which merited any further investigation, this included **vacant units** as there were no vacant units within the centre.

Salendine Nook Local Centre

- 5.89 Salendine Nook Local Centre is located on another main arterial route into/out of Huddersfield approximately 1.3km to the south west of the application site. A plan of the defined centre is provided below.



- 5.90 The centre is focussed on a small parade of shops with some internal and external units, anchored by a Sainsbury's supermarket with surface level car parking to the front and side.
- 5.91 The Sainsbury's provides a reasonable range and choice of goods measuring around 750 m² net. Within the centre is a florist, café and pharmacy along with a range of services including a Pro Sport Physio, Dental practice, hairdresser, estate agent and opticians.
- 5.92 Outside and adjoining Sainsbury's is a Doctor's Surgery on one side and a small taxi hire unit, B Medina Asian takeaway and Fish & Chip shop. On the main road are a small selection of other units including a Post Office with a petrol filling station with associated shop located just outside and south east of the defined centre.
- 5.93 Bus stops are located on New Hey Road and Moor Hill Road from which Sainsbury's car park has its access.
- 5.94 The centre is located within a residential area with housing to the rear off Pennine Crescent, housing immediately to the north on Moor Hill Road and housing opposite the site.
- 5.95 There are no opportunities for physical expansion of the centre itself given immediately surrounding development. Consequently, and in relation to the application of the sequential test there are no suitable or available sites within or immediately adjoining the centre which could be brought forward for development.
- 5.96 In relation to more edge of centre locations, a search was undertaken up to 300 metres from the defined centre to the east and west along New Hey Road and north and south. To the north are further residential areas as is the case to the north east.
- 5.97 To the west and towards the limits of 300 metres is an open area currently used as playing fields and forming part of the wider Huddersfield Laund Hill Community Club grounds. The site is set back behind existing residential uses fronting New Hey Road and therefore has no visibility but in any event is in beneficial community use as playing fields. The site is not suitable or available.
- 5.98 To the east of the centre and north of New Hey Road is a further open area but is the cemetery and grounds of the Salendine Nook Baptist Church. This area is clearly not suitable for future development.
- 5.99 Further east and north of New Hey Road and at around 300m from the defined centre is a further undeveloped area which is the site of the former Spotted Cow Public House. This site has been the subject of proposals by Lidl for a new foodstore. The most recent application (2021/94029) was submitted in 2021 for a 2,061 m² gross foodstore on the site. The site is clearly not available for the proposed development.
- 5.100 On the south side of New Hey Road and south east of the defined centre are playing fields associated with Huddersfield New College which are therefore not available and in any event in beneficial use associated with the college. The wider playing fields area forms part of a wider Urban Greenspace (UG136) designation in the adopted Local Plan. Under Policy LP61 such areas should be safeguarded and enhanced. The site is not suitable for the proposed development and neither is it available.

- 5.101 In light of the above we conclude there are no suitable or available sites in or on the edge of the defined local centre.
- 5.102 Our site visits revealed no **vacant units** in the centre and consequently did not require any further investigation.

New Hey Road/ Acre Street

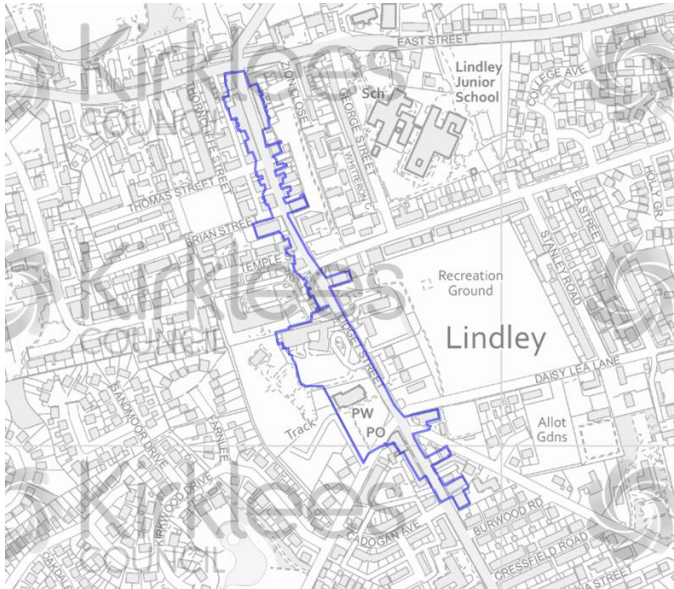
- 5.103 New Hey Road Local Centre is located at the junction of New Hey Road and Acre Street, approximately 2km south west of the application site. A plan of the defined centre is shown below.



- 5.104 The centre is focussed on a small parade of shops situated along the northern side of New Hey Road and stretching round the corner onto Acre Street .
- 5.105 The centre lies within a dense residential area on all sides. Huddersfield Royal Infirmary is situated to the north, Oakes Recreation ground lies to the west off New Hey Road. Further west beyond the recreation ground, an Aldi foodstore is under construction on the site of the former Oakes Mill site (out of centre).
- 5.106 Within the defined local centre, the majority uses are services including takeaways, hairdresser. A small Premier convenience store is situated at the northern end on Acre Street, adjacent to an independent newsagents. A public house, the Bay Horse is situated at the New Hey Road and Acre Street junction.
- 5.107 From our site visit there appeared to be three small vacant units in the centre which would not be suitable for the proposed development.
- 5.108 Overall, the centre is considered to be performing well serving local residents with services and facilities within walking distance.

Lindley District Centre

- 5.109 Lindley District Centre is located to the south east and around 1km from the commercial part of the overall proposed development at its northern point. The centre is a linear centre extending from East Street in the north, south along Lidget Street for around 0.5km to a point just beyond the junction of Plover Road / Acre Street and Occupation Road.



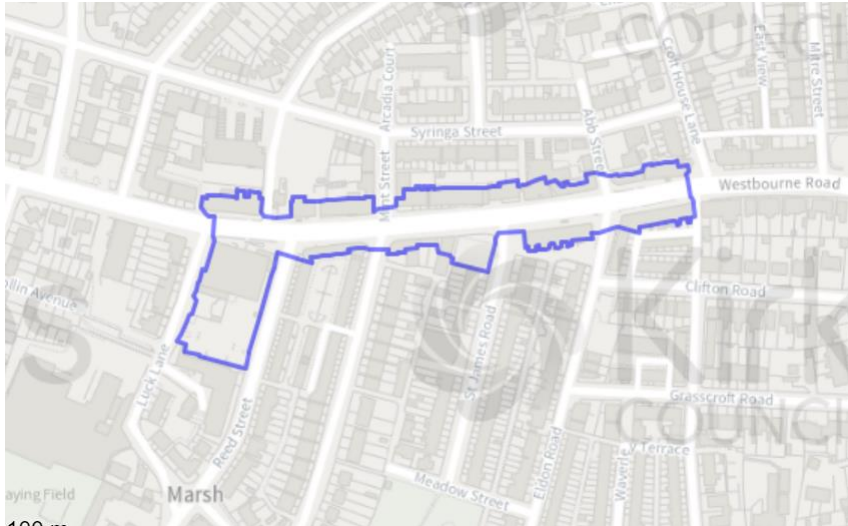
- 5.110 As with many centres in the urban area it is located within a predominantly residential area with existing developed urban areas surrounding the centre. At the southern end of the centre and to the east, behind existing residential properties is an extensive recreation ground (**Daisy Lea Recreation Ground**) which is allocated as urban greenspace in the adopted Local Plan (UD131) covering an area of 3.03 hectares.
- 5.111 The overall site is substantially in excess of the site search criteria that has been set and in any event is a well used recreation ground facility with playing fields and is set well back from any main road frontage. The site has no main road frontage and is located to the rear of residential properties. On this basis alone the site is not suitable for the proposed development. Its designation in the local plan as urban greenspace is a further constraint to future development.
- 5.112 In the south west part of the designated centre is a further undeveloped area including land associated with the **Church of St Stephen** and **Plover Road Allotments**. As above the site is designated as urban greenspace (UG135) and is largely land within the Church grounds. The south eastern part of the site is the Church cemetery. St Stephens Church is a Grade II Listed building with the gate to the church yard also Grade II Listed. In addition, the Manor House Lindley is also Grade II Listed as is Lindley Clocktower on the corner and opposite the Church. With the allotments to the rear, it is considered the site is not suitable for the proposed development.
- 5.113 To the west of the district centre and bounded to the south by Brian Street, to the east by Thorncliffe Street and to the north by Thomas Street, is an area of undeveloped area of land. The **site north of Brian Street** is not located in the district centre but within an edge of centre location as defined by the NPPF. The site is broadly square in shape and

measures approximately 0.25 hectares, substantially smaller than the search criteria outlined above (i.e. 1.21 ha – 1.47 ha). The site is brownfield having formerly been occupied by a Council office before it was demolished.

- 5.114 The planning history of the site includes the grant of an outline permission for 12 semi-detached houses in April 2012, although there is no record of a subsequent reserved matters permission being granted and the outline has therefore lapsed. More recently in 2019 permission (2019/62/90588/W) was granted for the erection of a portable building for a temporary pharmacy. The permission was implemented and the building was removed by June 2020. The site is currently an unused site largely surrounded by residential uses on the edge of the district centre.
- 5.115 It is, however, on backland to the rear of the main district centre focus and proximate to residential uses to the north, west and south. Being located off the main thoroughfare through the district centre (Lidget St) it is a much quieter area with minimal footfall. The site is also surrounded by existing residential uses and in our view irrespective of the fact it is far too small for the proposed development and therefore not suitable for that reason alone, it is close to existing residential in a quiet urban environment which would not be appropriate for the range and number of proposed restaurant / coffee shop with drive thru lanes. In addition, the site is backland with no presence to passing traffic on a main road and unsuitable on this basis in any event.
- 5.116 For all the above reasons we consider the site is not suitable for the proposed development.
- 5.117 A further area investigated was **land to the west of Lidget Street**. The site is an area of open space to the north of the allotments and largely comprises an area of open space and car parking with access taken from Lidget Street. The site is proximate to the Grade II Listed St Stephen's Church and associated grounds located to the south east. Measuring around 0.77 hectares, with a net developable area estimated as 0.58 hectares, the site is allocated for housing in the adopted Local Plan (HS37) with an indicative capacity of 20 dwellings.
- 5.118 Although located in an edge of centre location, it is backland with no main road frontage or presence and in any event is too small for the proposed development. Given the location of the site proximate to the listed Church and Manor House Lindley and limited size, the site would not be suitable for the proposed development. Furthermore, the site is allocated for housing in the local plan.
- 5.119 In terms of **vacant units** in the centre, there was one vacant unit which appeared to have formerly been a pharmacy. The unit was very small and clearly would not be suitable for the proposed development.

Marsh District Centre

- 5.120 Marsh District Centre is located to the south east and around 2.6km south east from the application site. The centre is a linear centre extending along Westbourne Road from Luck Lane in the west to Croft House Lane in the east. The centres boundaries are shown on the plan below.



- 5.121 As with Lindley District Centre, Marsh District Centre lies within a residential area with residential terraced streets running perpendicular to Westbourne Road. Bus stops are located along Westbourne Road and a number of pedestrian crossings assist pedestrian movement through the centre.
- 5.122 The centre benefits from two surface car parks, at St James's Road and on Reed Street (Associated with the Co-op food store) but these are well use and therefore not available for development. A further car park is located to the north of Westbourne Road in an edge of centre location, associated with Playworld, a soft play area, so again is unavailable in sequential terms.
- 5.123 The centre itself provides a range of services and facilities including hair and beauty salons, cafes and takeaways and a Co-op supermarket. From our assessment and recognised by Nexus Planning response to the Lichfields Retail and Planning Statement (application 2021/94029) suggests that over two thirds of the total number of units in the centre are service sector uses. With the exception of the Co-op, the convenience goods of the centre are limited.
- 5.124 In terms of **vacant units** there were two units at the time of our visit. The units were very small and would not be suitable for the proposed development.
- 5.125 Marsh district centre is embedded in a largely residential area of Huddersfield on a main route into/out of the town. As such there are no redevelopment opportunities that are suitable or available for the proposed development with good main road frontage on the edge of the centre.

Sequential Assessment

- 5.126 Our assessment of identified centres in the area of search has revealed no suitable and available sites in a sequentially preferable location which could accommodate the proposed development having regard to the need for flexibility and taking into account the nature of the proposed development and the particular market it seeks to serve.
- 5.127 We conclude the sequential test is passed.

6. Impact Assessment

6.1 Policy LP13 of the adopted Kirklees Local Plan addresses 'Town Centre Uses' with Part C of the policy addressing 'Impact Assessment' including the setting of local thresholds.

6.2 An impact assessment is deemed necessary for proposals:

".....for/or which include retail, leisure and office developments which are not located in a defined centre where:

- The proposal provides a floorspace greater than 500 sqm gross; or*
- The proposal is located within 800m of the boundary of a Town Centre or District Centre and is greater than 300 sqm gross; or*
- The proposal is located within 800 metres of a Boundary of a Local Centre and is greater than 200 sqm gross.*

6.3 The application proposal includes Class E(a) and Class E(b) uses.

6.4 The PreApp officer report indicates that the requirement for an Impact Assessment is triggered by the fact the proposal includes 'main town centre uses' amounting to a total of 2,537 m² gross, in excess of the 500 m² gross set out in the first bullet of Policy LP13 and consequently triggering the need for a sequential test and impact assessment. The total floorspace of the revised scheme town centre uses is 2,201 m² gross.

6.5 Whilst taken as a whole, the floorspace of the town centre uses element would be in excess of 500 m² gross, when considering any impact consequences, it is relevant to note the proposed convenience store measures 377 m² gross.

6.6 The proposed convenience store falls under the threshold of the first bullet in Policy LP13 given the floorspace is less than 500 m² gross and under this bullet would not trigger the need for an impact assessment unless it is triggered by the second and third bullet in the policy.

6.7 In relation to the second and third bullet points, the convenience unit is greater than the thresholds specified at 300 m² gross and 200 m² gross. The need for an impact assessment would occur if the proposed unit is within 800m of either a Town, District or Local Centre.

6.8 The nearest defined centre to the proposed convenience store is the Birchencliffe Local Centre to the east on Halifax Road. The defined centre's northern point is at the junction of Yew Tree Road / Halifax Road. The centre boundary is located around 895 metres from the location of the proposed convenience store on the site layout. It is therefore located more than 800m from the local centre.

6.9 The convenience store is also located around 989m from Lindley District Centre to the south east, again outside 800m. The local centre at Salendine Nook is located approximately 1.19km from the proposed location of the convenience store and also outside 800m.

6.10 Based on the above, it should not be necessary to undertake an impact assessment in connection with the proposed convenience store element. The intent of the Policy is to

allow smaller convenience stores to come forward without the need for an impact assessment, provided they are not over a particular size threshold in the context of their location relevant to defined district and local centres. In other words, provided they are far enough away from an existing defined centre and not greater than 500 m² gross, any impact is deemed acceptable.

- 6.11 In this case the convenience store is less than 500 m² gross and its proposed location is not within 800m of either a local or district centre.
- 6.12 The requirement for an impact assessment is simply triggered by the location of the convenience store as part of a wider mixed use development incorporating a food & beverage offer.
- 6.13 Against this background, the online PPG advises the impact test should be undertaken in a proportionate and locally appropriate way. Ideally, applicants and local planning authorities should seek to agree the scope, key impacts for assessment, and level of detail required in advance of applications being submitted.
- 6.14 Having regard to the above, under normal circumstances an impact assessment would not be required for the convenience store, the implication being that its impact would be acceptable in the context of the pattern of existing provision in defined local/district centres.
- 6.15 However, the Council's planning policy consultation response on the application has requested that a quantitative assessment is undertaken for the convenience store element of the proposal. The following paragraphs consider the impact of the convenience element of the development proposal.

Convenience Impact Assessment

- 6.16 NPPF requires an impact assessment to include an 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. It is not considered the proposed convenience store will have any adverse impact on other investment in existing centres being brought forward. This conclusion is supported by evidence including:
 - The sequential assessment in section 5 of this statement demonstrates there are no other suitable more sequentially preferable sites located within or on the edge of the defined centres in north west Huddersfield;
 - A new Aldi foodstore is under construction on New Hey Road, the store has been considered in the impact assessment and it is concluded that the proposal would not have an unacceptable impact on the proposed development.
 - An application for a new Lidl foodstore is pending a decision. The impact assessment considers this proposed store in the cumulative impact assessment.
 - It is considered the committed Aldi and proposed Lidl are unlikely to be affected by the proposed development, those stores catering for main food shops and not top up shopping as is proposed.

- The proposed convenience store is part of a wider mixed use development of an allocated mixed use site in the Kirklees Local Plan. The development represents significant investment in the area which will result in significant benefits to existing residents, existing and proposed employees of industrial development and passers by using the road side food and beverage services.

Impact on Consumer Choice

- 6.17 As has been discussed earlier in this statement, the proposal would provide a new convenience foodstore for top up shopping in a sustainable and accessible location. The store would support the existing and recent growth in the residential population in the area surrounding the application proposal.
- 6.18 As explored in section 5, the topography of the area informed the catchment area of the proposal and supports the need for the proposal, enhancing consumer choice in a accessible location at the top of the hill.
- 6.19 The proposed store is part of a wider mixed use scheme including food and beverage uses providing a road side service/ facility and employment units. The proposed store will provide motorists with convenient top up shopping during their journey and for employees associated with the new units and existing businesses in the area.

Retail Impact on existing local centres

- 6.20 The local planning authority requested that the impact assessment considers extant planning permissions and referred the applicant to the application for a new Lidl foodstore on New Hey Road which is pending determination (2021/94029).
- 6.21 The Lidl Retail Impact Assessment is informed by evidence from a household survey carried out in 2021. ID Planning have used the data within the Lidl (Litchfield Planning and Retail Assessment) and the subsequent Council Response by Nexus to inform the impact assessment for this application.

Turnover of proposed store

- 6.22 The proposed foodstore is 377m² gross, the assessment assumes 85% net to gross, resulting in 320m² net sales. Based on average sales density of eight convenience retailers 2019 at 2020 prices, table 1 in Appendix 1 shows the proposed stores turnover as £2.87m in 2025.

Turnover of existing stores

- 6.23 Table two (Appendix 1) shows the turnover of existing stores and centres in the north west Huddersfield area. The table provides the convenience turnover of existing stores/ centres in the study area and other destinations based on the 2021 household survey carried out by Lidl/ Litchfield and further comments and assessment by Nexus.
- 6.24 The closest store to the application site, Sainsburys at Salendine Nook is expected to be trading at circa £7.65m (after existing commitments including the pending Lidl on the former Spotted Cow public house site). At paragraph 4.58 of their response, Nexus

conclude that the benchmark trading performance of convenience goods is around £7.36 and is therefore currently 'overtrading slightly'.

The Sainsbury Local in Lindley Large Local Centre comprises approximately 180m² net floorspace. A further 8 convenience retail uses are located in the centre including two bakeries, a butcher, newsagent and off licence. The centre as a whole is estimated to have a turnover of £5.5m following commitments. Based on the floor area, the benchmark turnover of Sainsbury is around £2.2m. Based on the overall turnover of nine units in the centre, it is considered the Sainsbury local is currently 'overtrading'.

- 6.25 The Tesco Express in Lindley District Centre (adjacent to Marsh District Centre) is estimated to be trading at £3.16m (after commitments).
- 6.26 The Co-op at the Marsh District Centre is estimated to trade at £5.64m with the remaining stores in the centre trading at £1.1m. In relation to the Co-op it is relevant to refer to the Nexus response to the Lidl Spotted Cow application which discusses the performance of the Co-op against the benchmark trading performance (£8.99). Nexus conclude that the Co-op store is likely to be trading above the estimated £5.64m due to household shopper surveys repeatedly underestimating the turnover of the Co-op. In the absence of any representation from the Co-op regarding the ongoing viability of the store, and in the context of the vitality and viability of Marsh District Centre, Nexus conclude the Co-op store is unlikely to close.

Turnover of commitments

- 6.27 The turnover of convenience commitments are included in the tables in Appendix 1. Within the catchment/ study area of the proposed scheme are two new convenience stores, Aldi (Oakes Mill) off New Hey Road and Lidl (pending approval) also off New Hey Road on the site of the former Spotted Cow public house.
- 6.28 The turnover of the Aldi store after diversion to other commitments is assumed at £8.41m and the turnover of the proposed Lidl is £7.37m (after diversion to other commitments). As shown in the tables at Appendix 1, which are sourced from the Nexus response Table July 2022), the proposed Lidl off New Hey Road (Spotted Cow) is expected to divert £2.66m trade from the committed Aldi store on New Hey Road.

Impact of the proposed convenience store

- 6.29 The table at Appendix 1 shows the most significant trade diversion impact (solus impact column) anticipated from the proposed convenience store (16%) would be on Birchencliffe Local centre which includes a Tesco Express and Co-op shop associated with the petrol station further to the south. The cumulative impact on this centre after commitments is 18%.
- 6.30 The centre is in an accessible location on a main arterial route providing direct access to the M62 junction and Huddersfield town centre. The impact reflects the similar function and offer of the centre and proximity to the application. However, on the basis of our recent visits, the centre is performing strongly and the trade diversion and impact would not result in any significant impact on its overall viability.

- 6.31 The next highest impacts are on the Sainsbury Local at Lindley Local Centre and Sainsbury's at Salendine Nook Local Centre, 9.7% and 4.5% respectively. The diversion from these stores to the proposed store reflects the similar top up function of the stores and the proximity to the application site.
- 6.32 It is not considered that the proposed diversion and impact would result in any significant impact on their overall viability.
- 6.33 With regard to the cumulative impact of proposals on these stores, this is calculated at 15% impact on the Sainsbury at Lindley Centre and 20% on Sainsbury's at Salendine Nook. The cumulative impact on Lindley Centre is considered to be acceptable, the Sainsbury Local is relatively small at approximately 200m² and sits at the southern end within a larger district centre. The centre provides a range of services and facilities and local residents will continue to visit the centre for a range of purposes and top up shopping at the Sainsbury Store. It is not considered that the proposed diversion of trade to the proposed convenience store will result in any material impact on the vitality or viability of the centre.
- 6.34 With regard to Salendine Nook, the cumulative impact on the Sainsbury store is estimated at 20% after diversion to the proposed store at Lindley Moor and existing commitments. The majority of the cumulative impact (16%) has been accepted as trade diversion to the commitments.
- 6.35 The Nexus Planning response to the Litchfield RIA (for Lidl Spotted Cow) provides a detailed assessment of the diversion of trade and impact on Sainsburys at Salendine Nook. Paragraph 4.58 of the Nexus response refers to the benchmark trading performance of the Sainsbury's store floorspace at Salendine Nook at around £7.36m. The turnover of the store post commitments (to the Lidl store) was assumed at £7.65m, slightly overtrading according to benchmark and therefore concluded to be acceptable.
- 6.36 The Tables at Appendix 1 of this Statement estimate the stores turnover in 2025 post cumulative impact as £7.31m. This assumes that following the development of the proposed store at Lindley Moor, the Sainsbury's store at Salendine Nook would broadly be trading at benchmark turnover.
- 6.37 We believe that this is acceptable, whilst the proposed development would divert some shopping trips from the Sainsburys at Salendine Nook, the Sainsbury store is larger and the proposed store seeks to primarily meet day to day needs of residents and passing motorists. The solus impact of 4.5% represents a limited and acceptable impact on the Sainsbury's store. The centre provides a range of other goods and services which would not be available at the proposed store. Residents would still have a need to visit the centre to access the other goods and services available and will make top up purchases or continue to carry out their main food shop at this location.
- 6.38 We do not consider that the solus impact of the proposed store would result in any material impact on centre or Sainsbury's store at Salendine Nook. The cumulative impact of larger proposed convenience stores which are more likely to directly compete with the Sainsbury's offer has been found acceptable and a further small impact, increasing the cumulative impact to 20% is considered to be acceptable with the store continuing to trade around benchmark levels.

- 6.39 The table at Appendix 1 shows low levels of impact of between 3% and 5% on the stores at Marsh District Centre and on the committed Aldi store in an out of centre location near Marsh District Centre. The level of assumed trade diversion reflects the distance of these shops from the proposed convenience store.
- 6.40 It is noted that cumulative impacts on these stores are higher, between 14% and 20%, again the majority of this impact is associated with the committed Aldi store (and proposed Lidl) and have been found acceptable by the Council.
- 6.41 As is discussed in the sequential test section of this report, Marsh District Centre is considered a vibrant and vital centre with a wide range of services and facilities. It is considered that residents will continue to visit the centre to access these services and the Tesco Express and Co-op Store for top up and larger basket shopping needs. It is not considered the proposed store will have a significant impact on the viability or vitality of the centre.
- 6.42 In addition to those centres listed above, our sequential site assessment also investigated New Hey Road Local Centre. As described earlier the centre is focussed on a small parade of shops within a dense residential area and Huddersfield Royal Infirmary to the north. Convenience provision is very small scale with a Premier convenience store at the northern end of the parade on Acre Street. Given the location and nature of the Premier store, we do not consider the proposed convenience store would draw trade from that unit.
- 6.43 The table in Appendix 1 shows that 16% of the proposed stores turnover will be diverted from elsewhere in Huddersfield and a further 24% from elsewhere outside Huddersfield. These figures account for the locational requirement of the wider application scheme and the mixed market the scheme is intending to serve.
- 6.44 The proposed 16% from elsewhere in Huddersfield reflects the proximity of the store to existing and proposed employment units, employees of which are likely to carry out some top up shopping in the proposed convenience on their trips to and from work.
- 6.45 Up to 24% of the turnover is expected to be diverted from elsewhere. The location of the proposed convenience store and additional facilities on a main route connecting two arterial routes and providing access and exit from the M62, will provide road side services to passing traffic in an accessible location. The proposed food and beverage offers will attract motorists and are then likely to make linked trips to the convenience store for purchases for their journey or to take home.
- 6.46 The Impact Assessment demonstrates the proposed new convenience store at Lindley Moor would not result in any significant adverse impact on the vitality or viability of existing centres within the catchment area of the store.
- 6.47 The proposal represents significant investment as part of a wider mixed use development in north west Huddersfield. There is no evidence the proposed development would impact on existing or future planned investments in existing centres. As such it is considered the scheme is in accordance with the requirements of NPPF.
- 6.48 The proposed convenience store would provide a convenient and accessible location for residents and employees in the northern part of the town to carry out top up shopping. In

addition, the proposed store will provide essential goods for passing motorists using the wider location and proposal for a stopping and meeting place as part of a wider journey.

Food and Beverage Impact Assessment

- 6.49 With regard to the impact of the food & beverage offer, again taking a proportionate approach and against the background of the proposed business model, the assessment will focus on a more qualitative approach, examining the nature, quality and location of existing food & beverage facilities in the surrounding area, with a focus on provision within existing centres.
- 6.50 The approach to any impact assessment must be proportionate. The impact assessment has assessed the nature and type of food and beverage offer in the nearest defined centres including those below to assist an understanding of likely impact consequences arising. In addition, a proportionate assessment has been made of the vitality and viability of each of the centres assessed before addressing impact consequences. The following centres have been assessed:
- Birchencliffe Local Centre
 - Salendine Nook Local Centre
 - Lindley District Centre
 - Marsh District Centre

Birchencliffe Local Centre

- 6.51 Birchencliffe local centre is a small linear centre focussed on Halifax Road, towards the edge of the urban area and proximate to Ainley Top and J24 of the M62. The centre includes the following representation at the time of our site visits:
- Greggs
 - Tesco Express convenience store
 - Peter David Properties Ltd (Estate Agent)
 - Niche Hair Salon
 - Briar Court Hotel
 - Scouts Hall
 - Grameen Lounge (Indian Restaurant)
 - Co-op Petrol Filling Station & Shop
 - Angie's Hair Salon
- 6.52 There were no vacant units in the centre on the day visited. The car park outside the Tesco Express and Greggs was busy when visited on a Friday morning, with Greggs attracting a good level of morning trade in particular given the nature of its offer, but also trading well around lunchtimes and through the day.
- 6.53 The centre benefits from its location on a main route into and out of Huddersfield. Passing traffic through the day and evenings will mean it is a convenient place to stop for some day to day top up shopping for those that regularly travel along this route. A similar point will apply with the Co-op shop associated with the petrol filling station.
- 6.54 The hotel will attract visitors at all times in the week and over the weekend. It is clearly used for functions and will therefore no doubt be busy at weekends with the more leisure

based trade and during the week from business trade. The hotel incorporates a pizza restaurant which will attract trade throughout the week. Given that it forms an integral part of the hotel offer, it is also likely to be well used by those staying at the hotel.

- 6.55 At the northern end of the local centre is an Indian restaurant offering a particular type of specialist cuisine rather than general dining.
- 6.56 Other uses include more service based uses including the two hair salons and the estate agent.
- 6.57 There were no vacant units in the local centre. Our observations of the centre is that it is a busy local centre benefitting from its location on a main road and with a good national multiple offer in the centre. Consequently, we conclude the centre to be vital and viable.
- 6.58 The proposed development includes provision of a convenience store, restaurant and two coffee shops.
- 6.59 In our view the Tesco Express in Birchencliffe local centre would continue to attract passing customers on Halifax Road who regularly use that route. Those shoppers that use the store from time to time for last minute top up purchases are not likely to divert to a small convenience store on the northern edge of the urban area. The shop will also be used by those living local and near the local centre. We do not consider the trading viability of the Tesco Express would be adversely impacted by the proposed development.
- 6.60 Equally, the Greggs bakers will attract a loyal customer base who would continue to use the shop for a range of pastries, hot snacks and sandwiches. The Greggs is currently busy and its brand is strong such that we do not consider any adverse impact would arise. The Co-op shop is supported by its customers refilling with fuel and would continue to trade providing a service for those stopping for fuel and who need a few basic food items.
- 6.61 The food & beverage offer in the centre is either linked to another use such as the hotel, from which it would derive a lot of custom or more specialist in nature (Indian Restaurant) and would not provide an offer similar to that in the proposed development. We do not consider the current food & beverage offer in the local centre underpins the vitality and viability of the centre.
- 6.62 We do not consider the proposal would divert customers from the local centre to a degree that it would result in closures and a significant adverse impact on the health of the local centre. It will complement the offer in the local centre, which will continue to draw from its immediately surrounds and the passing custom on Halifax Road.

Salendine Nook Local Centre

- 6.63 Salendine Nook Local Centre is located around 1.3km to the south west of the application site and is located on a main arterial route into/out of Huddersfield (New Hey Road).
- 6.64 The centre is anchored by a small purpose built shopping centre with Sainsbury's providing the main unit in the centre, measuring around 750 m² net and providing a reasonable range and choice of goods providing more than a top up shop. Surface level car parking for the store and local centre is provided to the front of Sainsbury's and the

store is attached to a small internal parade of shop units providing further shopping and other services. The centre includes a recycling centre in the car park.

- 6.65 Bus stops are located on New Hey Road and on Moor Hill Road to the front of the site. With its location on a main road and near residential areas it is accessible by a choice of transport mode, with walk-in from surrounding areas, including the nearby school.
- 6.66 Aside from the GP Doctor's Surgery, existing occupiers in the small covered shopping centre include the following:
- ProSports Physio
 - Nook Café
 - Pennine Dental
 - Varnham (Hairdresser)
 - Debra (Charity Shop)
 - Martin Thornton (Estate Agent)
 - Inspirations (Florist)
 - Phone Guru
 - Pharmacy
 - Oakes Opticians
 - Amanda Evans - Hypnotherapy
- 6.67 Next to Sainsbury's and accessed externally are further units including:
- Executive Travel (taxi hire)
 - B Medina (Asian takeaway)
 - Nook Fishery (Fish & Chip Shop)
- 6.68 The local centre also includes a number of units that are outside the purpose built centre and are located on New Hey Road. These include the following:
- Cadders (Hair Salon)
 - Shady Nook Sandwich Shop
 - Salendine Nook Post Office
- 6.69 Adjoining the centre to the south east and on the opposite side of New Hey Road is a BP petrol filling station and associated shop. It is not in the centre.
- 6.70 The local centre provides a typical range of shops as would be expected with a foodstore element complemented by a range of other small shops, service related uses and food & beverage offer including a café and takeaways.
- 6.71 Given its location on the main New Hey Road, our observations of the centre during the course of a day is that it is well used, popular and benefits from a location near a school and surrounding residential areas, as well as attracting trade from those travelling past the centre through the day.
- 6.72 It is a healthy, vital and viable centre with the Sainsbury's store appearing to trade very well.

- 6.73 The centre is located some distance from the application site and the proposed convenience store. It is situated on a busy arterial route into/out of the town and with residential areas nearby, the centre will attract trade from its immediate local area and passby trips. Proximity to a school was observed to also provide further custom during lunch hours and after school for pupils and parents who may be dropping off / collecting each day.
- 6.74 On this basis we do not consider the development of a small convenience store around 1.3km away and on the northern edge of the town, would have any noticeable affect on the trading profile of the Sainsbury's anchor store or other shops/services in the centre. They will continue to be used and the centre will maintain its attraction for that local area as well as those who regularly pass the site.
- 6.75 As highlighted earlier, the Sainsbury's will continue to trade well and around company average with the proposed convenience store in place and alongside any cumulative impacts arising from the committed Lidl and Aldi stores further to the south east on New Hey Road.
- 6.76 The services, such as the Doctors, Dentist, Sport Physio, Post Office, Hair Salons, takeaways will all continue to operate in the centre.
- 6.77 Food & beverage offer in the centre currently includes The Nook café within the covered centre, the B Medina Asian takeaway and a Fish & Chip Shop. These provide a more independent offer geared towards more specialist provision other than the café in the covered shopping centre anchored by Sainsbury's.
- 6.78 The Nook café is located within the covered shopping mall and provides a small attractive independent run café that benefits from its location next to a range of other uses and shops, including Sainsbury's. Those using the centre now for a variety of reasons and who visit the café are likely to continue to do so. We seen no materially harmful impacts arising in relation to the operation of the café in the centre or loss of custom to the proposed development.
- 6.79 The Asian takeaway and the Fish & Chip Shop provide a distinct offer in the centre and will attract customers looking for that type of cuisine than a modern restaurant offer or coffee shop that would be likely attracted to the proposed development. The distinction will mean they would continue to attract custom for their particular offer and this would not be adversely impacted by the proposed development.
- 6.80 In light of the above we do not consider the proposed development would lead to significant adverse impact on the local centre, when taken as a whole.

Lindley District Centre

- 6.81 Lindley District Centre is the largest of the three centres in the surrounding area and is more embedded within the urban area with the northern end of the centre located around 1km to the south east of the site. The centre is a long linear centre extending south along Lidget Street for around 600 metres.
- 6.82 The district centre provides an attractive centre incorporating a range and choice of retail and other services including coffee shops and restaurants. The southern part of the centre

is more historic in character with a number of listed buildings including St Stephens Church, the Lindley Clock Tower and Manor House Lindley.

- 6.83 There are a total of 55 units with a mix of convenience, comparison and service uses. In relation to the convenience sector and at the southern end of the centre is the Sainsbury's local, around 600m from the northern end of the centre. The store sells the usual range of basic day to day convenience good items attracting some walk-in trade from surrounding areas and passby shoppers with some on street parking outside the store. A further small convenience shop is located in the heart of the centre (Soor's of Lindley) providing a very limited range and choice of everyday goods.
- 6.84 Other convenience goods shops include a more specialist offer with Hartley's bakers in the northern part of the centre, Hadfields at the southern end of the centre and a butchers (Gary Butler) towards the northern end. Other specialist offer includes the Hip Hops beer shop on the west side of the main through road and 'The Larder', an attractive deli and wine shop at the northern edge of the centre. All these shops complement the convenience store provision and provide an attractive offer that individually are likely to attract some people to the centre just to visit those shops.
- 6.85 Comparison shopping in the centre includes a large clothing store (Shop 4 Less) centrally located on Lidget Street. Other comparison retail includes some more specialist fashion clothing shops, florist, charity shop, children's bookshop, pharmacy, card shop, post office, flooring and blinds and a gift shop. This provides a good range and choice of non food shopping in the centre with a good variety of retailers comprising mostly independents.
- 6.86 Aside from more traditional retail uses, the centre includes a number of more service orientated uses including hairdressers, barbers, health & beauty salons and other spa type treatments.
- 6.87 The café / restaurant offer is varied and focussed on independents through the centre including some café / bars providing a range of cuisine and places to drink. A more traditional public house offer is also provided. The food offer also includes a number of take aways in the centre providing further diversity and offer for residents.
- 6.88 The centre also includes a range of other uses such as the Library & Information Centre, along with a place of worship and hotel (Manor House Lindley).
- 6.89 Our observations of the centre is that it provides an attractive environment with some off road parking in a small car park located centrally, which also includes recycling facilities. There are pedestrian crossing points provided in the centre, properties are kept in good condition with shop fronts well presented and with many of the buildings being more traditional stone fronted, the centre is an attractive local shopping centre. There is one small more modern parade with flats above, which provides more modern attractive accommodation with wide pavement and planting outside further enhancing the environment.
- 6.90 With 55 units and only 2 being vacant, along with the range and choice of shops and the nature of the retail and service related offer, we consider the centre to be vital and viable and attractive place to visit. A vacancy rate of just 3.6% is well below the current GOAD national average standing at around 15%. This is a clear indication of a healthy centre with few vacant units suggesting good demand for representation to allow for some

turnover or churn of units when some leases come to an end and some occupiers vacate but with new occupiers wanting to take space in the centre.

- 6.91 The quality of the environment is good with ease of movement around the centre. Bus stops are located through the centre with further bus stops a short walking distance along West Street to the north. Car parking is provided on and off street.
- 6.92 Overall, we consider the district centre to be healthy, well used by local residents and a vital and viable centre.
- 6.93 In relation to any potential impact arising from the proposed development and as highlighted earlier, we consider this would be limited. Convenience provision includes the Sainsbury's Local, but this is situated at the southern end of the centre and around 1.6km from the proposed convenience store. Being a national retailer and providing for local people and passby trips, as indicated earlier we do not consider the proposed convenience store would have any noticeable effect on the trading profile of Sainsbury's. The small convenience shop in the middle of the centre is not likely to be affected at all, attracting more local custom predominantly from walk in trade with a limited range and choice of goods provided.
- 6.94 Other convenience shops offer a more specialist range and choice of goods with two bakers and butchers. People are likely to use those shops due to the particular offer they provide and are likely to be more loyal. We do not consider any of those who shop at those stores would divert to the proposed convenience store.
- 6.95 The café offer in the centre is very strong with good independent representation providing a wider variety and choice of coffee shops. This offer is very different to what is likely to be provided in the proposed development with more well known brands, including both the restaurant and coffee shop offer.
- 6.96 Given the number of cafes in the centre that are clearly operating near each other, we do not consider the proposal will divert any noticeable level of custom and activity away from established coffee shops in the district centre. People will continue to visit them and they are likely to already have a loyal customer base competing with each other.
- 6.97 Complemented by a number of bars / public houses and some restaurants, we do not see this sector in the district centre being affected by the proposed development.
- 6.98 Having regard to the health of the district centre, its vitality and viability resulting from the good range and choice of retailers in the centre providing a good district offer, complemented by other more service related uses, we do not consider the proposed development would result in significant adverse impact on the centre, when taken as a whole.
- 6.99 In conclusion, we consider the proposal would largely complement existing provision in established centres in the area around the proposal. It would provide a different offer with modern national multiple brands enabling the more locally based independent sector to continue to thrive in the established centres as identified above.

Marsh District Centre

- 6.100 Marsh District Centre is located to the south east and around 2.6km south east from the application site. The centre is a linear centre extending along Westbourne Road from Luck Lane in the west to Croft House Lane in the east. The centre includes a number of independent retailers and representation by the following national multiples at the time of our site visits:
- Co-op
 - Tesco Express (edge of centre)
 - KFC
 - Subway
 - Post Office
- 6.101 The centre comprises 63 units, three of which were vacant on the day visited. The other units are in a good state of repair and provide a range of services and facilities which seem to be trading well.
- 6.102 The centre benefits from its location on a main route into and out of Huddersfield. Passing traffic through the day and evenings will mean it is a convenient place to stop for some day to day top up shopping for those that regularly travel along this route with areas of on street parking and the Co-op store providing conveniently located car parking facilities.
- 6.103 The centre has a high proportion of retail and leisure services including hair and beauty salons, financial services and property lettings. The Convenience goods function of the centre is limited and includes Co-op, a butchers and a bakers.
- 6.104 Our observations of the centre is that it is a busy local centre benefitting from its location on a main road and with large range of services and facilities with convenient parking. Consequently, we conclude the centre to be vital and viable.
- 6.105 The proposed development includes provision of a convenience store, restaurant and two coffee shops.
- 6.106 The impact of the convenience store on existing centres has been considered in the paragraphs above. Our view is that whilst there may be a small impact on the Co-op, it would continue to serve residents nearby and those attracted to the centre to use the range of services and facilities. We do not consider the trading viability of the Co-op would be adversely impacted by the proposed development.
- 6.107 The food & beverage offer in the centre is largely associated with takeaway food, providing a service to those passing through or working in the area. We do not consider that the food and beverage offer underpin the vitality or viability of the centre, a significant proportion of which comprises retail and financial services which attract customers who are likely to continue their linked trips to other services and facilities in the centre.
- 6.108 We do not consider the proposal would divert customers from the local centre to a degree that it would result in closures and a significant adverse impact on the health of the local centre. It will complement the offer in the local centre, which will continue to draw from its immediately surrounds and the passing custom on Westbourne Road.

Impact Conclusions

- 6.109 With regard to convenience shopping, the impact assessment demonstrates that the diversion of spend from existing stores would not result in any significant adverse impact on the vitality or viability of those existing stores in the catchment area.
- 6.110 Equally, any impacts from the proposed food & beverage offer would be minimal and not noticeable given proximity of the site to the centres assessed, the nature of the proposed development providing a more modern offer with national multiples and the current offer in those centres being focused more on the independent sector with a range of more specialist food tastes catered.
- 6.111 In addition and from our assessment, we are not aware of any adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 6.112 Overall, we conclude the impact of the proposed development would not give rise to significant adverse impact on defined centres and the impact test is passed.

7. Conclusions

- 7.1 This report has addressed relevant 'town centre use' policy considerations, namely the sequential and impact tests.
- 7.2 Our assessment concludes there are no sequentially preferable sites within or on the edge of any defined centre in the area of search that would be suitable or available for the proposed development, having regard to the need for flexibility.
- 7.3 Neither do we consider the proposal would give rise to significant adverse impact on any defined centre, when taken as a whole, the relevant NPPF policy test.
- 7.4 Our assessment of existing centres is that they are all vital and viable and will continue to meet the needs of their current customers. The health of the centres will not be significantly adversely affected by the proposed development. Neither would the proposed development give rise to significant adverse impact on any existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 7.5 On this basis we conclude the proposal would not lead to material planning conflict with relevant provisions of the development plan or other material considerations (NPPF) insofar as they relate to retail and other 'town centre use' related policies.

Appendices

Appendix 1 – Impact Table

