

**Consultation Response from KC,
 Policy**
2023/91405 Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA
Erection of foodstore (class E) with associated access, parking, servicing area and landscaping
Date Responded:
Responding Officer: Sarah Smith
Responding Ref:

The Local Plan was adopted on 27th February 2019. The following response relates to specific Local Plan policies which are particularly relevant to the proposal. The Local Plan strategy and policies should be considered as a whole, so other policies not mentioned here may also apply.

The comments below relate to retail matters only.

The application seeks planning permission for the erection of a class E foodstore on land at Blackmoorfoot Road, Crosland Moor, Huddersfield. The final development proposal (as set out in updated documents from the applicant dated 18/12/2023) is for a 2,000 sq.m (gross internal) foodstore, with a net sales area of 1,241 sq.m.

The site is in an edge of centre location, with the store entrance being located approx. 100m walking distance from Crosland Moor Local Centre. As the proposal is for a foodstore which is not within a defined centre in the Local Plan, a sequential test and impact assessment (as the floorspace is above 200 sqm gross) are required as set out in Local plan policy LP13 Town centre uses and in NPPF, chapter 7 Ensuring the vitality of town centres, paragraphs 91 and 94.

For the sequential test, main town centre uses should be located in town centre locations, then edge of centre locations and only if suitable sites are not available within a reasonable period should out of centre sites be considered (LP13 part b, NPPF para 91). NPPF also states that *'when considering edge and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre'* (para 92). LP13 part b, makes it clear that the boundary for retail proposals is the primary shopping area and for all other main town centre uses it is the centre boundary. Local Plan paragraph 9.12 provides further guidance on the scope of the sequential test and that applicants will be expected to provide details of the business model for the development, an appropriate catchment that the business would seek to serve and an appropriate audit trail of any sequentially preferable sites that have been discounted with a robust justification.

Planning Practice Guidance Town Centres and Retail (para 011) provides a checklist that should be considered in determining whether a proposal complies with the sequential test;

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?
- Is there scope for flexibility in format or scale of the proposal?

In terms of the impact assessment, paragraph 94 of the NPPF states that if the development is over a proportionate, locally set floorspace threshold an impact assessment is required and should include:

*'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).'*

The required sequential test and impact assessment has been undertaken by Lichfields on behalf of the applicant and is set out in their Planning and Retail Statement and updated Retail Assessment (Dec 2023). This has been independently assessed by the Council's retail planning advisers, Nexus. A summary of their appraisal of the assessment and findings are set out below.

Sequential test

Site Search Parameters

At Paragraph 6.6 of the planning and retail statement the criteria for considering potential alternative sites is set out by Lichfields as follows:

- *whether the site lies within, or on the edge of, an existing centre;*
- *whether there are any development plan policies of relevance to a site's potential redevelopment;*
- *whether the site allows safe access and manoeuvring by customer vehicles;*
- *whether the site could accommodate adjacent surface level car parking;*
- *whether the site can accommodate an appropriate servicing arrangement;*
- *the ability to accommodate a single-storey store which benefits from generally level topography;*
- *whether there are any extant permissions for other uses on the sequential alternative site;*
- *whether there are any land assembly issues that could constrain future development;*
- *what the current land use is at the alternative site and whether there is a requirement for this to be relocated;*
- *whether the site is commercially attractive to operators; and*
- *other potential constraints, such as conservation area and listed building designations, tree preservation orders, topography, and so on.*

Area of Search

The proposal seeks to meet needs arising in the western part of Huddersfield, some distance away from Huddersfield town centre therefore adjacent surface car parking is an integral element of the proposal in order for the store to function effectively and compete against existing comparable main food shopping foodstores.

Lichfields state that any alternative should be at least 0.6ha in size, however, broadly similar developments have been brought forward on slightly smaller sites as such potential of sites of at least 0.5 ha should be considered when applying the sequential test.

It is stated that the proposal (para 6.2, Planning and Retail Statement) would draw the majority of trade from the south western side of Huddersfield and zone 1 of the study area of the Kirklees Retail Capacity Study 2016 would act as the primary catchment area. Based on

this and the extent of a five minute drivetime the following defined centres have been considered:

- Milnsbridge district centre;
- Crosland Moor local centre;
- Blackmoorfoot Road local centre;
- Thornton Lodge, Huddersfield local centre;
- Lockwood local centre;
- Paddock local centre
- Paddock Foot, Huddersfield local centre;
- Manchester Road/Longroyd Lane local centre;
- Newsome local centre;
- Manchester Road/Mount Street, Milnsbridge local centre; and
- Berry Brow local centre.

It is accepted that there are no other centres that should be considered.

Lichfields have identified 8 sequentially alternative sites.

- **Land Between Market Street and Dowker Street, Milnsbridge**

The site comprises of 0.5 ha, is constrained by an irregular shape and highways which bound the site are relatively narrow. It does not access or have visibility to Market Street.

It is accepted that the site is not suitable to accommodate the proposal.

- **50 Market Street, Milnsbridge**

Existing footprint is around 120 sqm therefore not suitable for the proposal.

- **Former Car Wash Site, Market Street, Milnsbridge**

The site is 0.1 ha in size therefore not suitable for the proposal.

- **Land at Hart Street, Newsome**

The site is approx. 0.6 ha in size, however, it is at the edge of the area of search and unlikely to cater for the same broad market opportunity. It is subject to residential planning permission, there is no evidence that the site is available, and it is not suitable given it's location in relation to the catchment.

- **Newsome Mills, Newsome**

The site is a local plan residential allocation and located on the periphery of the search area, it is not suitable for meeting the needs of the catchment.

- **Former Shine On Car Wash, Lockwood**

The site is 0.1 ha in size therefore not suitable for the proposal.

- **Site North of Longroyd Lane, Manchester Road**

The site is 0.6ha. However, the site is to act as a compound to assist in the delivery of the Transpennine Route Upgrade. The site is not considered to be available and it is unlikely to be available for sometime.

- **Paddock Civic Youth Centre**

The site is 0.3ha therefore not suitable for the proposal.

None of the sites above could be considered both available and suitable to accommodate the application proposal, even allowing for appropriate flexibility in format and scale. We are not aware of any other site in a sequentially preferable location which could support the proposal.

The application proposal accords with the requirements of the sequential test set out in policy LP13 of the Local Plan and paragraphs 91 and 92 of the NPPF.

Impact Assessment

Part 1 Town Centre Investment

The Planning and Retail Statement (para 8.3) states that the proposed development would not have any adverse impact on the ability to bring forward investment at Crosland Moor local centre or any other existing centre.

Lichfields note that there are no sequentially preferable sites that are suitable and available, the proposed foodstore is a different scale to the majority of development/redevelopment opportunities within centres in the area, there is no other planned investment in any of the centres in south-west Huddersfield that could be affected by the proposal. The cultural facilities and public spaces being progressed in Huddersfield Town Centre are fundamentally different to the proposal and any other schemes in more distant centres would serve different catchments.

In addition to the above, a discount foodstore (operator Lidl) forms part of the proposed redevelopment of the former Kirklees College site within the Huddersfield Town Centre boundary. The former college site is 2.5km from the application site and it is considered that they will serve substantially different catchment areas. Lidl has formally been identified as the future operator for both sites. It is considered that the granting of planning permission for the Crosland Moor proposal would not have a prejudicial impact on the redevelopment of the former Kirklees College site.

The proposal complies with the first part of the impact test as it is considered there is no town centre investment that would be prejudiced by the proposal.

Part 2 Impact on Town Centre Vitality and Viability

Lichfields set out its approach to trade diversion impact at Sections 6 and 8 and appendix 2 of its Planning and Retail Statement and within their updated Retail Assessment summary (December 2023).

The assumptions presented including the updated information requested by Nexus have been reviewed and are satisfactory.

It is accepted at the outset that comparison goods floorspace associated with the application is limited (248 sq m) and that in practice this element of the proposal will trade against a wide

range of destinations. The viability of existing retailers will not be materially affected by this floorspace.

The highest proportion of trade will be diverted from Aldi in Milnsbridge District Centre (£1.27m or 13.7% of the proposals turnover). It is not considered that the expected cumulative impact would have a significant adverse impact on the future performance of the Aldi store and the wider district centre.

In regard to Crosland Moor local centre and in particular the Co-op, it is considered that the store is probably performing strongly against its benchmark average given its likely catchment with limited direct competition nearby. Therefore, it is considered that the store would continue to trade well following assumed cumulative trade diversion levels and that the impact on the store would not be at a level which is significantly adverse. The wider implications of the diversion on Crosland Moor local centre as a whole have been considered and it is not at a level which would have any material impact on its future trading performance.

It is considered that the potential cumulative impact of the proposal when considered alongside other commitments will not materially impact on the performance of any other defined centres.

The proposal will not have a significant adverse impact on the vitality and viability of any defined centre, particularly Milnsbridge District Centre and Crosland Moor Local Centre from which Lichfield estimate the highest cumulative diversion occurs.

The proposal complies with the second part of the impact test and is in accordance with local plan policy LP13.

Conclusion

The application seeks planning permission for the erection of a class E foodstore on land at Blackmoorfoot Road, Crosland Moor, Huddersfield. The final development proposal (as set out in updated documents from the applicant dated 01/12/2023) is for a 2,000 sq.m (gross internal) foodstore, with a net sales area of 1,241 sq.m.

As the proposal is for foodstore in an edge of centre location the application requires a sequential test and impact assessment as set out in Local Plan policy LP13 and NPPF chapter 7.

A sequential test has been undertaken and all sites assessed by the applicant have been reviewed and it is considered that there are no sequentially preferable sites that are both available and suitable to accommodate the proposal even when allowing for flexibility in format and scale. We are not aware of any other site in a sequentially preferable location which could support the proposal.

The application accords with the requirements of the sequential test set out in policy LP13 of the Local Plan and paragraphs 91 and 92 of the NPPF.

The proposal complies with the first part of the impact test as it is considered there is no town centre investment that would be prejudice by the proposal.

The proposal accords with the second part of the impact test relating to town centre vitality and viability as it is considered that the trade diversion impacts on defined centres are acceptable and no centre would be the subject of a significant adverse impact.

The proposal therefore accords with Local Plan policy LP13 and NPPF paragraphs 91,92, 94 and 95.

If you are minded to approve the application, appropriate conditions should be applied to restrict the development to what has been applied for and been tested through the appraisal.

Suggested condition wording:

- a) The unit shall have no more than 1,382sq.m of net internal sales floorspace and no more than 2,000 sq.m of gross internal floorspace;*
- b) The unit is restricted to the sale of convenience goods and comparison goods. The quantum of net internal sales floorspace dedicated to comparison goods shall be no more than 248 sq.m with the remaining net internal sales floorspace dedicated to convenience goods;*
- c) The unit shall not be sub-divided without prior approval of the Local Planning Authority*

Reason: To protect the vitality and viability of Town Centres in accordance with Kirklees Local Plan Policy LP13 Town centre uses and National Planning Policy Framework Chapter 7 Ensuring the vitality of town centres.