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Planning Services
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Our ref: 63026/01/JW/DGg/32470955v1

Dear Sir/Madam

Proposed Lidl Foodstore, Former St Lukes Hospital Site, Blackmoorfoot Road, Huddersfield

We are writing on behalf of our client, Lidl GB Ltd, in relation to the full planning application submitted on their behalf to Kirklees Council for a new foodstore at the site of the former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield. This letter responds to the comments made in a separate letter dated 8 July 2024 from

to the Council in relation to this application. These comments relate to the relationship between the proposed Lidl foodstore and that already approved on the former Kirklees College site (ref. 2018/62/92647/W), in the context of the sequential and impact tests set out in the National Planning Policy Framework (NPPF).

Sequential Test

Suitability

The letter argues that there would be overlapping catchment areas between the proposed store on the former St Lukes Hospital site and that previously approved on the former Kirklees College site. This is on the basis of their view that these stores serve catchment areas which comprise a seven-minute drive-time from each site, an approach which was taken in respect of the approved foodstore at Leeds Road Retail Park (ref. 2023/62/90076/W). This approach resulted in sites within Huddersfield Town Centre (which incorporates the former College site) being considered as part of the assessment of sequentially preferable sites.

Lidl do not currently have an interest in the Leeds Road Retail Park scheme. In any event, however, based on a review of the Planning and Retail Statement which accompanied this application, the use of a seven-minute drive-time to define the catchment area was taken at the request of Council Officers, and no evidence has been provided by to substantiate this approach. The above statement also confirms (at paragraph 6.13) that catchment areas for this type of operator (i.e. discount food retail) are usually defined using a five-minute drive-time. This is reflected in Lidl's own approach to defining

catchment areas which, for urban areas such as this - including where there are other existing or committed/proposed Lidl stores – is to use a five-minute drive-time as a starting point.

The comments in the letter ignore the fact that the Core Catchment Area (CCA) was defined for the proposed new store on the St Lukes site on this basis – and that this approach was agreed through discussions with Council Officers and their appointed retail planning consultants. They also ignore the fact that, as set out in the Planning and Retail Statement, the CCA reflects the extent to which the new store here would serve residents living on the south-western side of Huddersfield, focused upon the Crosland Moor area.

This is, in turn, reflected in the fact that the site is allocated for mixed-used development, including retail, in the adopted Kirklees Development Plan, under Policy LP67 (site. ref. MXS1), and indeed was subject to a previous outline planning permission which included around 3,900 sqm (42,000 sqft) gross new retail development. The potential for new floorspace on the site which serves the surrounding areas on this side of Huddersfield has already been recognised by the Council who, in granting permission for the previous scheme, accepted that the sequential test had been satisfied.

In practice, the new Lidl store coming forward on the former college site would serve a different – and complementary - catchment area to that on the St Lukes site. As such, and as neither the college site nor the wider Huddersfield Town Centre fall within the CCA for the St Lukes site, it cannot be considered suitable for the current application proposals.

Availability

It is contended that the former College site must be considered as a sequentially preferable site until such time that the foodstore is operational. However, it has already been confirmed that Lidl is the intended operator in this site, and indeed a Section 73 (variation of condition) application has recently been submitted and validated for various amendments to the scheme required in order to facilitate their occupation of the new store. Furthermore, and as set out in the attached letter from Lidl themselves, they will be looking to start on site and bring a new store to Trinity Street in Huddersfield once this application has been approved. This letter also confirms this applies regardless of the outcome of the St Lukes application.

It is contended by the Council that the former college site must be considered as a sequentially preferable site until such time that the foodstore approved there is operational. However, Lidl's position – as clearly set out in their separate letter – is that not only that they will be occupying this foodstore, but that it will serve a different (and complementary catchment area to that on the St Lukes site). Whether the store is operational or not yet is therefore not relevant.

In the context of the above, given the different catchment areas served, and the fact that the new foodstore on the former college site is intended to be built and occupied well in advance of any store approved on the former St Lukes site, the latter is neither suitable nor available for the new Lidl store proposed on the latter site.

Impact upon Investment

The letter argues that the assessment undertaken as part of the proposal on the St Lukes site does not account for the impacts that the development of an out-of-centre foodstore would have on

securing a foodstore at the former College site. It also contends that the current application may undermine investor confidence, affecting the potential to deliver investment, and having an unacceptably significant impact upon the town centre, on the basis that there is no confirmation that Lidl will be developing a store on the former college site.

However, the letter actually acknowledges that the store on the former college site was promoted as a replacement for the existing Lidl store on Castlegate. Lidl have confirmed in the attached letter that they are the operator of this store, and that the store is intended to commence construction following approval of the recently submitted/validated Section 73 application. Clearly, Lidl would not be progressing with an application for amendments to the approved scheme if they had no intention of occupying it.

There are, therefore, no grounds for any concern in relation to whether this store will be implemented, or indeed in relation to the potential impact upon investment in the town centre or the wider development plan strategy.

For the same reasons, and given the different catchment areas which the two stores would serve, there are no grounds for the imposition of any mechanism to ensure that the approved store on the former college site comes forward prior to construction of any store approved at Blackmoorfoot. Any such planning condition would not be necessary for the granting of planning permission, nor would it be reasonable.

Summary

This letter has been prepared in order to respond to the comments made in a letter from [redacted] to the Council in relation to the current application by Lidl GB Ltd for a new foodstore at the site of the former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield.

It has been demonstrated that, given that the former college site lies outwith the Core Catchment Area of the St Lukes site, and that the new foodstore on the former is likely to commence construction following approval of the current Section 73 application, the college site cannot be considered either suitable or available for the new Lidl store proposed on the former St Lukes site. For the same reasons, and given the clear evidence that the new store on the college site is coming forward, there are also no grounds for concern that the current application would result in any material adverse impact upon investment within Huddersfield Town Centre. On this basis, taking into account the statements previously submitted with the application, it is clear that the proposals satisfy the sequential and impact tests.

We trust that the above is helpful to you in the determination of the above application. However, please let us know if you have any queries at all on the above or would like to discuss further.



Yours faithfully