



# Leeds Road Retail Park, Huddersfield

## Planning & Retail Statement

On behalf of **RI Leeds Road Ltd**



Project Ref: 33313413100 | Rev: AA | Date: March 2024

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# 1 Introduction

- 1.1.1 This Planning & Retail Statement is prepared on behalf of RI Leeds Road Limited in support of a planning application, submitted under the terms of Section 73 of the Town & Country Planning Act (1990), which seeks to modify the sales of goods controls at Leeds Road Retail Park, Huddersfield.
- 1.1.2 The application is in direct response to confirmed occupier interest from Go Outdoors. Go Outdoors is the UK's largest camping, outdoor, and activity goods retailer, and currently operate from a smaller format store within Huddersfield town centre. They have identified a requirement for an additional 'full offer' store to serve Huddersfield and are proposing to open the store at Leeds Road Retail Park as it meets their operational requirements.
- 1.1.3 In order to enable Go Outdoors to occupy vacant space at the retail park there is a requirement to modify the existing sale of goods controls which currently limit the occupation to 'bulky goods' type retailers and a food store (the food store having been consented in March 2023).
- 1.1.4 This Planning Statement sets out the commercial requirements of the occupier and assess the proposed change in goods controls against relevant local and national planning policy. The statement demonstrates the proposed development is entirely in accordance with planning policy and that, in particular, there are no alternative town centre sites which could accommodate the proposed use and that the proposed use would not impact on existing town (and smaller scale) centres in the area.
- 1.1.5 This application utilises the general approach to planning policy and town centre use matters as accepted by Kirklees Council in approving a previously application to enable the sale of food and drink from Units A and B at the retail park.

## 2 Factual background

### 2.1 Site and context

- 2.1.1 Leeds Road Retail Park extends to approximately 18,000sqm (gross) with existing tenants including B&M, Home Bargains, Wren, and B&Q. It is formed of two main retail warehouse terraces which face on to the main customer car park, with additional units on the north east corner (Home Bargains) and western corner (Greggs, Starbucks, Subway and Burger King).
- 2.1.2 There are residential properties to the north, east and west of the site on Leeds Road, Springbank Crescent Bradley Mills Road respectively, however these residential uses are set within a generally commercial land use context. The wider area is largely commercial (including retail, offices and industrial) uses are beyond, particularly to the north and east, with generally terraced residential properties along Leeds Road.
- 2.1.3 The retail park has two points of vehicular access, one from Leeds Road (A62) and a second from Bradley Mills Way (which in turn leads to Leeds Road). Both of these junctions with Leeds Road are signalised and provide suitable access in terms of capacity and layout. Leeds Road itself is a main road in the town and is also a main bus route with bus stops being adjacent the site. There is dedicated servicing access from Bradley Mills Road, which leads to a separate service yard for Units A to D, with other servicing accessed from the retail park.
- 2.1.4 The retail park is in a sustainable location within walking distance of a sizeable residential population and commercial area (where employees could visit during lunch breaks or after work, for example).

### 2.2 Designations

- 2.2.1 The site is largely within Flood Zone 1, with small areas of Flood Zone 2 which also encroach on the western part of the site and other areas of the retail park away from the application site.
- 2.2.2 There are no heritage designations (such as Conservation Areas) covering the site, and no designations nearby nor any listed buildings which would be affected by the development. Planning policy allocations are considered in future sections of this report (where relevant).

### 2.3 Planning History

- 2.3.1 Units A to E were delivered in accordance with the original planning permission for the retail park (permission 93/62/04925/W2). Unit A was subject to a later consent for part change of use to A3 (98/62/93039/W2), although the consent was never implemented. However, it is relevant the change of use enabled the unit to open between 0730 and 0000, and did not restrict servicing. The original planning permission was then revised to enable occupation by a food retailer as detailed below.

#### Food use planning permission (March 2024)

- 2.3.2 Most recently, planning permission was granted for the sale of convenience goods and a range of comparison goods from Units A&B (permission 2023/70/90075/W) to enable occupation of Units A&B as a foodstore. This consent confirms:

- Relaxation of the sale of goods controls is acceptable.
- There are not sequentially preferable or alternative sites within the area.
- There would be no significant adverse impact on existing centres.
- There are no technical constraints (such as highways matters) which would prevent the sale of a wider range of goods.

2.3.3 These conclusions are equally relevant and applicable to this latest application. Indeed, the proposed use is likely to have a lower turnover (and therefore impact) than the food use which has already been consented. This recent consent is therefore material to this revised application for an identified occupier.

### Previous consents

2.3.4 The retail park has also been extended and improved, with additional retail and leisure units added and previous consents being altered to allow a wider sale of goods (including food retail). Of note, Unit G has two further consents for food and wider non-food retail:

- Planning permission 2016/62/93905/W allowed the sale of food (and wider convenience goods) from 1,115sqm of the unit, with a specific but unnamed food retailer in mind.
- A further relaxation of goods controls for the remainder of the unit (planning permission 2018/70/91316/W) (Appendix 4) allows unrestricted convenience goods retail and up to 20% of general 'comparison' goods to enable occupation by B&M.

2.3.5 The recent consent for Units A&B and the previous consent for Units F and G confirms the principle that the sale of non-bulky comparison goods from the retail park can be acceptable.

## 2.4 Retail context in Huddersfield

2.4.1 In understanding the context for the proposed development, it is also useful to set out the existing retail market and retailer offer in Huddersfield.

2.4.2 Huddersfield is the largest centre in Kirklees and serves the town and nearby settlements. As would be expected for the main centre in the area, in addition to the provision of retail and leisure uses it provides a range of service and wider commercial in addition to civic and community uses. The town centre 'offer' is therefore commensurate to the size of the centre and includes a range of established high street retailers.

2.4.3 Notably, in the context of the proposed development (i.e., an outdoor goods retailer) there is a very limited offer for such goods within Huddersfield. There is an existing Go Outdoors Express store in the town centre, but no other larger format stores which are comparable to the proposed store at Leeds Road Retail Park. Within the town centre the only other potentially comparable store is Sports Direct, however, even then this is a largely different offer to Go Outdoors.

2.4.4 Beyond the town centre there are smaller outdoor type stores, along with larger format sports and fashion stores at locations such as Great Northern Retail Park. However, as with the town centre stores, these are different format retailers which are not directly comparable to the proposed tenant at Leeds Road Retail Park.

### Huddersfield town centre investment

- 2.4.5 Huddersfield Town Centre has a variety of uses within a relatively tightly bound built fabric of historic street patterns in parts, with more modern shopping mall and precinct type areas. The main shopping area is concentrated along the pedestrianised routes of New Street and King Street with several indoor shopping centres (Piazza Shopping Centre, the Kingsgate Centre, and the Packhorse Centre) with a concentration of national operators.
- 2.4.6 It is recognised that Huddersfield town centre has been affected by the structural changes in the retail market that have impact all centres across the UK, and particularly larger centres with large anchor tenants.
- 2.4.7 In response, Kirklees Council and key landowners are investing in the town centre to provide a diverse offer. For the most part, this approach will see a reduction in the amount of retail floorspace within the town centre in response to lower levels of demand for space. For example, The Kirklees Council led Huddersfield Blueprint aims to deliver five key objectives: 'A vibrant culture, art, leisure, and nightlife offer, thriving businesses, a great place to live, improved access and enhanced public spaces. It focuses on regenerating six key areas: Station Gateway, St Peter's, Kingsgate and King Street, New Street, the Civic Quarter and a new Cultural Heart in Queensgate and Piazza area. Many of these initiatives are being progressed and in particular the Cultural Heart proposals in the Queensgate and Piazza areas benefit from planning permission.
- 2.4.8 Additionally, the Kingsgate Centre is a focus for investment with existing floorspace being refurbished and repurposed to provide an enhanced leisure and smaller format retail offer. In particular, the former House of Frasers store is being repurposed and reconfigured to create offer a six-screen cinema operated by The Light, a 10-lane bowling alley and a variety of other leisure activities and food and beverage offerings.

## 3 Proposed development

### 3.1 Amended condition

- 3.1.1 The occupier requires a retail consent which allows the sale of Tents, camping and caravanning equipment and related accessories and outdoor pursuit/activity equipment and related accessories including outdoor pursuit/activity clothing and footwear, within Class E of the Town & Country Planning (Use Classes) (Amendment) (England) Regulations (2020).
- 3.1.2 To enable this occupation, a revision of condition 20 (goods controls) of planning permission 2023/70/90075/W (as the most recent planning permission) is required. The suggested alternative conditions are set out below, with amended wording
- 3.1.3 The sale of goods condition would be amended as follows:

#### **Part 1**

*Unit A/B shall operate as follows:*

- a) *The unit shall have no more than 1,382sq.m of net internal sales floorspace and 2,269sq.m of gross internal floorspace;*
- b) *The unit shall be used for no other purpose than that which falls under Sch.2, PART A, Class E (a) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any use ancillary to the purpose of operating the unit for the purpose of the approved use (Class E (a));*
- c) *Notwithstanding clause b of this condition, 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 276 sq.m with the remaining net internal sales floorspace dedicated to convenience goods*

*Or*

- d) *If Unit A/B is not occupied by a convenience retailer as controlled by Parts a, b & c above, The unit shall operate in accordance with Part 2 of this condition*

#### **Part 2**

*The occupancy of the units shall be restricted to DIY goods (including gardening equipment and garden plants and motor accessories,) electrical goods, furniture and carpets, tents, camping and caravanning equipment and related accessories and outdoor pursuit/activity equipment and related accessories including outdoor pursuit/activity clothing and footwear. together with goods sold as a subsidiary activity, unless otherwise agreed in writing by the Local Planning Authority.*

## 3.2 Proposed occupier

- 3.2.1 Subject to the grant of planning permission, Go Outdoors would occupy vacant and underutilised space at the retail park. Go Outdoors the UK's largest camping, outdoor, and activity goods retailer, and currently operate from a smaller format store within Huddersfield town centre which has a more limited product offer. They have identified a requirement for an additional 'full offer' store to serve Huddersfield and are proposing to open the store at Leeds Road Retail Park as it meets their operational requirements.
- 3.2.2 Their format differs from other 'town centre' type camping and leisure retailers, in that Go Outdoors stores accommodate large display and demonstration areas for tents and bulky camping furniture and associated activity equipment / trailers. For example, a standard family (up to eight people) framed tent requires approximately 32sqm each to display, and this necessitates a large and clear floorplate. This approach allows customers to visualise the product range within a campsite setting and understand how the products operate and function before they purchase their items. In addition to this, they also sell bulky items such as bikes, kayaks/canoes, sleeping equipment, fishing rods and caravan appliances.
- 3.2.3 These items require a certain type of retail unit with clear operational characteristics such as; a large single level floorplate in an open format, potential for large format mezzanine space, and direct access to a customer car park to enable the easy transfer of larger purchases from the store (due to the size and bulk of the items).
- 3.2.4 The business model also includes a clothing and footwear element, which is specialist insulative and protective clothing and is not fashion clothing. The product range generally comprises outdoor jackets, ski wear, fleeces, wetsuits, cycling gear, equestrian wear, and climbing apparel, for example, along with a small selection of general clothing which aligns with the store format and operational requirements (for example there is no sale of fashion goods and accessories). The sale of such items is also typically secondary to the sale of larger bulkier items such as tents, camping and outdoor activity equipment and accessories.
- 3.2.5 This type of use is commonly located in retail warehouse type units, such as those at Leeds Road Retail Park, where the scale, format, and operational characteristics of the use are well aligned with the typical types of units.

## 4 Planning Policy

### 4.1 Decision making framework

- 4.1.1 Section 38(6) of the Planning & Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.1.2 The development plan is formed of the Kirklees Local Plan (2019) which includes Strategy & Policies and Allocations & Designations documents. A number of supplementary documents and guidance support the implementation of development plan policies. The National Planning Policy Framework ('NPPF') and Planning Practice Guidance are material considerations.

### 4.2 Kirklees Local Plan

- 4.2.1 The Local Plan seeks to encourage sustainable development (Policy LP1) in line with national policy, this means proposals that accord with the Local Plan will be approved without delay.
- 4.2.2 LP7 encourages efficient use of previously developed land in sustainable locations, particularly where this encourages the reuse of vacant or underused properties.

#### Town centre use development

- 4.2.3 The application site is not allocated for a specific purpose within the development plan. It is an 'out of centre' site in town centre use terms being more than 300m of the identified Primary Shopping Area of Huddersfield town centre.
- 4.2.4 Policy LP13 sets the retail hierarchy for Kirklees. Huddersfield is identified as a principal centre which sits at the top of the retail hierarchy and is the largest centre in Kirklees with a range of commercial uses along with cultural, and administrative functions being the location for key public services and Kirklees Council.
- 4.2.5 LP13 seeks to focus main town centre uses to defined centres and direct such uses in accordance with the sequential test, such that sites are directed first to existing centres before edge of centre and finally out of centre sites are considered. A retail impact assessment is required for town centre uses not within defined centres where the scale of floorspace exceeds the locally set threshold. The local threshold for development relevant to a principal centre is 500sqm (gross).

#### Other relevant policies

- 4.2.6 The site is not specifically allocated in the Local Plan but is an existing retail location within the Huddersfield urban area. Relevant policies including those noted above are:
- LP1 – Presumption in favour of sustainable development;
  - LP3 – Location of new development;
  - LP7 – Efficient use of buildings;
  - LP13 – Town centre uses;

- LP20 – Sustainable travel;
- LP21 – Highway safety and access;
- LP22 – Parking;
- LP24 – Design;
- LP27 – Flood risk;
- LP28 – Drainage;
- LP30 – Biodiversity & geodiversity;
- LP33 – Trees; and
- LP51 – Air quality.

### 4.3 National Planning Policy Framework

4.3.1 The NPPF, at its core, is aimed towards delivery sustainable development and economic growth. Paragraph 8 identifies the three overarching sustainable objectives; economic, social, and environmental.

4.3.2 Paragraph 11 states that plans and decisions should apply a '*presumption in favour of sustainable development*'. In terms of planning applications this means:

*'c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

4.3.3 For the purposes of this application, it is noted the Local Plan was adopted after the publication of the NPPF and key relevant policies in the NPPF have not substantially changed in the interim.

#### Town centre uses

##### Sequential test

4.3.4 Paragraph 91 states that local planning authorities should apply a sequential test to main town centre uses which are not in an existing centre nor in accordance with an up-to-date plan. It states town centre uses should focussed to town centres in the first instance, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 4.3.5 Practice Guidance ('PPG'), which provides detail on interpreting and implementing NPPF policy, accepts it is not always possible to accommodate development within a town centre due to site or operator constraints and in such circumstance the authority should plan positively whilst having regard to the sequential and impact tests (Paragraph Reference ID: 2b-006-201 40306).
- 4.3.6 Of note, the PPG also highlights that the use of the sequential test should recognise that certain main town centre uses have market and locational requirements which mean that they may only be accommodated in specific locations (Paragraph Reference ID: 2b-012-20190722).

#### Impact test

- 4.3.7 Paragraph 95 states for retail uses outside town centres, not in accordance with an up-to-date plan, a retail impact assessment should be required. If there is no locally set threshold, a default threshold of 2,500sqm gross floorspace should be applied. In this instance there is a locally set threshold of 500sqm (Policy LP13).

#### **Highways and transport**

- 4.3.8 The NPPF is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe (paragraph 115).
- 4.3.9 Paragraph 116 then provides detailed criteria to be considered in the proposed development, relating to design, suitable access, sustainable transport, servicing requirements and emergency access. Paragraph 117 is clear that Travel Plans and Transport Statements are only required for developments which generate significant amounts of movement.

#### **Other policy**

- 4.3.10 Paragraph 124(c) highlights the need for decision to give substantial weight to the value of using suitable brownfield land. Paragraph 125(d) then provides specific support to the use of under-utilized land and buildings.
- 4.3.11 Other relevant NPPF principles include:
- Supporting strong, vibrant, and healthy communities (paragraph 8);
  - Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change (paragraph 11).

## 5 Principle of development – town centre uses

- 5.1.1 The assessment of the proposals must be in the context of the site, proposed development, and relevant policies in the NPPF and Development Plan (the Kirklees Local Plan).
- 5.1.2 In this context, the proposed development is effectively a ‘bulky goods’ type use as Go Outdoors sell a range of larger outdoor and activity products (such as tents, trailers, and larger equipment, for example). They are a retailer with a relatively modest turnover per sqm of floorspace, not least due to the large areas dedicated to product displays. In this context, the proposed use is not materially different from the
- 5.1.3 Local Plan Policy LP13 and the NPPF set the approach to town centre use development; i.e. the sequential and impact tests. The scope of required retail work has been agreed with the local planning authority. The site is in an ‘out of centre’ location in town centre use terms and LP13 directs main town centre uses to existing centres in accordance with the retail hierarchy.

### 5.2 Sequential test

- 5.2.1 There are clear locational benefits for the development, not least it reuses an existing unit in an established retail area. This context is important, as the site evidently has a longstanding retail use. This context was agreed with the local planning authority during previous pre-application discussions and again during the determination of the recent application.
- 5.2.2 Town centre uses policy guidance is clear the sequential test should be applied proportionately. The sequential test approach and findings are detailed below.

#### Application of the sequential test

- 5.2.3 The practical application of the sequential test has been the subject of clarification through Appeal decisions and the Courts. It is accepted that flexibility is required when applying the test and the test must operate ‘*in the real world*’ (see The Supreme Court in ‘*Tesco vs Dundee*’<sup>1</sup>). This means the practical application must consider the context of the site and realities of delivering development. For example, site that would require an operator to compromise their business to a commercially unrealistic or unviable extent not be ‘suitable’ for the purposes of the sequential test.
- 5.2.4 The ‘*Tesco vs Dundee*’ case establishes an alternative site must be suitable for the development proposed not another hypothetical form of development. This approach was ratified in ‘*Aldergate*’ (*Aldergate Properties Ltd v Mansfield District Council & Anor [2016]*). Appeal and Secretary of State Call-In decisions (notably see, *Rushden Lakes*<sup>2</sup>, *Exeter*<sup>3</sup>, *Tollgate*<sup>4</sup> and *Kingswood*<sup>5</sup> decisions) provide further practical guidance on applying the test. Whilst now more dated, the ‘*Cribbs Causeway*’ decision<sup>6</sup> (at paragraph 572) summaries the approach to sequential test matters and the Inspector’s decision is clear the test should be

<sup>1</sup> *Tesco Stores Ltd v Dundee City Council (Scotland) [2012] UKSC 13 (21 March 2012)*

<sup>2</sup> *Rushden Lakes - APP/G2815/V/12/219017*

<sup>3</sup> *Exeter - APP/Y1110/W/15/3005333*

<sup>4</sup> *Tollgate (Colchester) - APP/A1530/W/16/3147039*

<sup>5</sup> *Kingswood (Hull) - APP/V2004/W/17/3171115*

<sup>6</sup> *Cribbs Causeway - APP/P0119/V/17/3170627*

applied proportionately on a case by case basis recognising specific issues. Disaggregation is also no longer a policy requirement, but flexibility must be considered with commercial realities in mind, and this approach is reflected in the more recent Altringham Retail Park decision<sup>7</sup>. In this instance the store cannot be disaggregated as it operates as a single functional outlet.

- 5.2.5 The methodology and approach to implementing the test is also clarified in PPG which established the sequential test should be flexibly applied by both the applicant and local planning authority. Specifically, PPG paragraph 2b-011-20190722 states:

*'The application of the test will need to be proportionate and appropriate for the given proposal.'*

- 5.2.6 PPG paragraph 2b-012-20190722 goes on to state:

*'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.*

- 5.2.7 This is entirely relevant to this application, which seeks to improve existing retail facilities in a highly accessible location where the Local Plan (LP1) encourages development in such locations. Furthermore, the proposed occupier is effectively a 'bulky goods' type retailer and it is accepted that such retailing has certain operational and locational requirements which can only be met in locations such as this. In this instance there is a clear rationale the proposed unit can only be provided in this location as it relates to an existing established retail location. This is entirely the type of development which is suited for this location.

- 5.2.8 The need for development to take place in this location is established by the development context and overall benefits as detailed earlier in the report. This approach is not driven by land ownership or site assembly criteria, rather a beneficial approach to reusing an existing retail site for occupation by a retailer who requires a unit of this type.

- 5.2.9 Nevertheless, a sequential assessment has been undertaken in accordance with Local Plan policy LP13. In line with PPG, the sequential test is proportionate in light of the previous consents for food retail at the retail park where no alternative sites were identified.

### Sequential Test Methodology

- 5.2.10 A robust approach to the sequential test has been undertaken which involves:

- Setting the development parameters – i.e. a store of 2,269sqm (gross) (ground floor), with associated car parking and access (a site area of circa 1.2ha), to reflect the proposed development, accepting the need for flexibility.
- Then taking a flexible approach by considering units of approximately 2,000sqm at ground floor;
- Identifying suitable sites within an appropriate centre, in this instance that centre is Huddersfield town centre due to the scale and type of use proposed;

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<sup>7</sup> Altringham Retail Park - APP/Q4245/W/21/3267048

- Applying the site specific considerations (i.e. conversion of an existing retail unit in an accessible location) and development parameters in the context of relevant case law and appeal precedent; and
- Assessing the identified sites based on their suitability and availability.

5.2.11 Regard must also be had to the scale of development proposed and the fact that planning policy does not require the arbitrary subdivision or disaggregation of development proposals. Indeed, there is no scope to disaggregate the proposed development, for example the various functions within the store be split to separate units or sites.

5.2.12 Furthermore, in order for a site to be suitable and available it must be able to meet occupier requirements and align with the broad parameters of the proposed development, in this instance this requires sites with:

- Safe access and manoeuvring by customer vehicles;
- Adjacent surface level or immediately accessible car parking to enable the transfer of larger items that cannot be easily carried;
- Dedicated servicing, ideally to the rear of the store;
- Suitable space for deliveries and manoeuvres from heavy goods vehicles;
- An open and unrestricted sales floor area to allow for the display of larger items such as tents and trailers;
- Generally level footprint or a unit which can be adapted to accommodate a level footprint at ground floor and mezzanine;
- Uncomplicated land assembly issues (e.g. multiple ownership) which could constrain the potential for future development;
- No existing uses, or existing uses which cannot be readily relocated within appropriate timeframes;
- Commercially attractive frontage and visual prominence;
- No other constraints such as tree preservation orders, topography, etc., which could prevent the store from being refurbished and occupied.

5.2.13 Furthermore, it is material that that proposed use would reoccupy an existing unit meaning it makes best use of existing buildings and the intended occupier can quickly and efficiently undertake relatively minor works. A vacant site would not be comparable in this regard.

5.2.14 These operational requirements are all material to the planning assessment and influence the approach to assessing alternative sites.

### **Sequential site analysis and conclusions**

5.2.15 It has already been established that Leeds Road Retail Park is in an accepted accessible location for bulky goods and indeed the principle of a proportion of comparison goods sales has been considered acceptable in enabling Home Bargains and B&M to occupy the retail park. This existing position is material to the application.

5.2.16 Nevertheless, following a desk based assessment and site visit, the following units and sites have been identified for further assessment, are:

- Former Wilko store, New Street, Huddersfield
- Former House of Frasers store, Kingsgate Shopping Centre
- Former Kirklees College site ('Trinity West')
- Former BHS, Piazza Centre, Huddersfield.

5.2.17 These units and sites are considered in further detail.

Former Wilko store, New Street, Huddersfield

5.2.18 The property is vacant following Wilko's administration and subsequent store closures in 2023. It extends to approximately 7,500sqm arranged over five floors with various split levels across the ground and upper floors. The ground floor extends to approximately 2,300sqm (gross) albeit the floorplate is compromised by the change in levels. It is a building with historic interest and the wider store incorporates the Grade II Listed former Co-operative Butchers Department, which limits the scope of significant changes.

5.2.19 Although the property is vacant it has been recently sold, with the property being purchased as a '*redevelopment prospect*' and the immediate intentions for the property are unclear.

5.2.20 Regardless of the likely redevelopment and refurbishment opportunities for the store, the current configuration with lower ceiling heights and split levels is not suitable for Go Outdoors as it would prevent the display and sale of their key larger items (such as tents, for example).

5.2.21 The site is therefore **unavailable** notwithstanding that the layout is also **unsuitable**.

Former House of Frasers store, Kingsgate Shopping Centre

5.2.22 The former House of Fraser store is being converted to a cinema, bowling alley, and smaller scale retail and leisure uses in accordance with planning permission 2018/93568. The unit is **unavailable** and **unsuitable** in both its existing and future format.

Former Kirklees College site

5.2.23 The former Kirklees College site is a 2.46ha regeneration site within the wider Huddersfield town centre boundary albeit the site is separated from the town centre by Castlegate. In retail terms it is arguably an 'edge of centre' site as it is away from, but within 300m of, the defined town centre secondary retail frontages.

5.2.24 The site benefits from an implemented Hybrid planning permission (application 2018/62/92647/W) for a mixed-use development including a foodstore, residential, and commercial uses. The former buildings have been cleared and works to deliver the foodstore have been commenced. Lidl is the confirmed occupier of the retail element and has purchased the freehold for that portion of the site. The remainder of the site will deliver residential and office space, incorporating the retained Listed Buildings,

5.2.25 Therefore, whilst the site is suitable for retail uses (on the basis of the extant consent) it is **unavailable** as there is a confirmed occupier and a store is being delivered to meet their requirements. The site can be discounted on this basis.

### Former BHS, Piazza Centre, Huddersfield

- 5.2.26 The vacant former BHS store extends to approximately 3,900sqm over two floors with ancillary basement/storage space and is within the town centre.
- 5.2.27 The unit is planned for demolition as part of the Kirklees Council 'Cultural Heart' regeneration proposals which include new public open space, indoor/outdoor performance space, an art gallery, museums, and ancillary leisure uses. The regeneration proposals recognise there is an overprovision of retail in this part of the centre meaning footfall vitality and vibrancy of the area have suffered due to the number of vacant units. The Cultural Heart project will create a more varied and attractive destination that responds to trending market conditions and helps drive footfall back into the town centre, and will see a move away from large format retail uses.
- 5.2.28 Planning permission for the regeneration was approved in August 2023 (planning application 2022/48/93248/W), with a number of pre-commencement conditions have been discharged. The planning permission is subject to an ongoing amendment to deliver minor changes to the approved development (2024/70/90257/W). As such, there is evidently an intention to progress the proposals and initial funding has been secured.
- 5.2.29 The unit in its current form is clearly **unavailable** pending demolition, and the proposed regeneration of the site and types of uses proposed means it both **unsuitable and unavailable**. The site can be discounted on this basis.
- 5.2.30 The site was also discounted as a sequentially preferable site as part of the previous applications at the retail park, and the conclusions were agreed with Kirklees Council.

### **Summary**

- 5.2.31 There are **no sites or units within Huddersfield town centre that could accommodate the proposed store**. The floorspace cannot be disaggregated as it is an essential component of a wider development.

## **5.3 Retail impact**

- 5.3.1 NPPF paragraph 94 states that for retail development outside town centres, not in accordance with an up-to-date plan, a Retail Impact Assessment should be required. If there is no locally set threshold, then a default threshold of 2,500sqm should be applied. In this instance, Local Plan policy LP13 sets a local impact threshold of 500sqm for Principal Centres.
- 5.3.2 LP13 does not, however, define the scope of retail assessments. The default position at NPPF paragraph 94 is relevant, which requires 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;
  - 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).
- 5.3.3 The assessment considers the additional convenience goods sales and ancillary comparison goods sales, as required by the intended occupier.

- 5.3.4 In applying the test, the Local Plan and NPPF are clear that planning applications should only be refused on retail impact grounds where any impact is demonstrated to be '*significant adverse*'. Thus, some form of impact is both expected and acceptable and in fact the occupation of a vacant unit is beneficial and improves consumer choice.
- 5.3.5 The proposed store will serve the Huddersfield area and results in the reuse of vacant floorspace (floorspace itself which has a theoretical 'baseline' turnover).
- 5.3.6 There is an absence of similar retailers in Huddersfield Town Centre selling such goods. There is an existing Go Outdoors Express store in the centre, but no other larger format stores which are comparable to the proposed store at Leeds Road Retail Park. Within the town centre the only other potentially comparable store is Sports Direct, however, even then this is a largely different offer to Go Outdoors. Accordingly, and following the accepted approach that 'like affects like' in retail terms, it is not considered that a Go Outdoors store at Leeds Road Retail Park would have a 'significant adverse' impact on these retailers nor Huddersfield town centre as a whole.
- 5.3.7 Overall, the use will not result in a significant adverse impact on the vitality or viability of Huddersfield Town Centre nor any future planned investment in the centre, on the basis the application is essentially for a bulky goods use at an existing bulky goods retail park and there is no comparable offer within the town centre that would be directly or indirectly impact on.
- 5.3.8 Nevertheless, a broad and proportionate assessment of the trading impact of the store on Huddersfield town centre has been undertaken. The assessment uses the tenants anticipate turnover of approximately £3,900 per sqm against the overall net sales area of the store (excluding back of house, other storage, and associated non-retail spaces), which gives a store turnover of approximately £7.7m. It then considers the approximate turnover of Huddersfield town centre based on previous Retail Study data and subsequent updates and planning applications. This results in a town centre comparison goods turnover of approximately £288.81m
- 5.3.9 The assessment then assumes, as a significantly worse case scenario that 100% of the store turnover would be drawn from the town centre. In reality only a fraction of the turnover would be drawn from the town centre given the absence of similar retailers. Evidently, a lower level of trade being drawn from the town centre would result in even lower levels of 'impact'.
- 5.3.10 The assessment then considers a further robust scenario of the impact on comparison retail turnover only, when in reality the town centre offer is formed of a range of retail, leisure, cultural, and civic uses, and that ongoing investment is likely to improve the performance (and therefore the turnover) of the town centre in real terms.
- 5.3.11 Even based on an entirely hypothetical scenario of all trade being drawn from the town centre the impact would be less than 2.7% of the total comparison turnover, and less than 1.5% of the overall town centre turnover. This level of impact is evidently not significant and in any case is over estimated given the above robust assumptions.

<b>Impact consideration (Assessment date of 2025)</b>	<b>Figure</b>
Turnover of the development	<b>£7.7m</b>
Turnover of Huddersfield town centre (comparison goods only)	<b>£288.81</b>

Resultant turnover of turnover of Huddersfield town centre	<b>£281.03m</b>
% impact on Huddersfield town centre	<b>2.69%</b>

Figure 5.1 – Impact assessment

5.3.12 As detailed in Section 3 of this statement, the performance of Huddersfield centre is improving and there is ongoing committed investment which will further improve the town centre offer and performance. The proposed use at Leeds Road Retail Park would not be adversely affect the town centre.

## **5.4 Summary of retail matters**

5.4.1 There are no sequentially preferable sites, following a robust assessment undertaken in accordance with national and local planning policy and the approach advocated in relevant legal judgements and Appeal decisions. The proposals therefore pass the sequential test. The retail impact assessment demonstrates there will be no significant adverse effect on existing centres.

5.4.2 The proposals are entirely compliant with town centre use policy as established in the Local Plan (LP13) and NPPF. There are no sequentially preferable sites and the development will not have a significant adverse effect on the centres in the hierarchy.

## 6 Sustainable development and technical matters

### 6.1 Sustainable Development

#### Economically Sustainable

- 6.1.1 The economic benefits should be viewed within the accepted position that the application site is an established retail location which is well-connected to the wider area. Economic benefits realised at the retail park can benefit the area through linked trips for example.
- 6.1.2 It is relevant that retail jobs add value to the economy due to a range of factors including; (i) volume of roles, (ii) commitment of national retailers to pay a 'living wage', (iii) range and flexibility of roles available (e.g. part time, shop floor, management, etc.), and (iv) training and development opportunities offered. These benefits are material to the planning case and weigh heavily in favour of granting planning permission.
- 6.1.3 Key economic considerations therefore include:
- Delivering investment in an existing retail area, including a vacant property;
  - Enabling the re-provision of retailing on a brownfield site, and the associated investment required to deliver development;
  - Creating new jobs, on a range of hours contracts which will be available to the local community, with flexible employment opportunities, offering full and part time work with posts suitable for, and accessible to, the local population;
  - The scheme has been designed to meet retail demand, as opposed to being a speculative claim on available retail expenditure;
  - Similarly, the unit is responding to an identified need for retail space; and
  - Increased revenue to the local authority through business rates associated with the development.
- 6.1.4 Therefore, the economic benefits of development are notable.

#### Socially Sustainable

- 6.1.5 Social benefits are intrinsically linked to the economic benefits. Employment opportunities will be available to residents, and the roles available can be in a range of positions on full and part time contracts and are attractive to those requiring flexible arrangements. The roles will be accessible, both in terms of employment prospects and physical accessibility, to residents, providing a notable increase in the choice of jobs available in the area. New jobs bring greater wealth and wellbeing, reduced joblessness and increased social mobility.
- 6.1.6 The social benefits of the application should not be discounted and support the benefits of the development and are a material benefit.

#### Environmentally sustainable

- 6.1.7 The proposals will deliver a high quality, modern and improved form of development on site. The re-use of vacant buildings in an existing retail location to provide beneficial development

(and the economic gains which can flow from that) is a cornerstone of sustainable development.

- 6.1.8 The site is accessible by sustainable transport. Bus stops with regular services are 20m from the retail park, providing direct and frequent services to the wider residential areas. The site is highly accessible.
- 6.1.9 The proposals also include new and replacement landscaping which provides an overall betterment to the existing.

## **6.2 Technical Considerations**

### **Sustainable Transport**

- 6.2.1 The development is in accordance with the local plan strategy and there are sustainable travel options for the site, notwithstanding the site is and existing retail location with other commercial uses close by and therefore promotes the co-location of similar uses. The site is also close to dedicated cycle infrastructure and cycle parking spaces are provided on site.
- 6.2.2 It is highly accessible via a range of transport modes including alternatives to the car. There are bus stops within 20m of the retail park and the site is within walking distance of residential areas of Huddersfield. A unit in this location minimises the need to travel and provides safe, suitable, and attractive access for all transport users.
- 6.2.3 The proposals are entirely acceptable in highways terms and are in accordance with the NPPF and Local Plan policies LP20 and 21.

### **Highways and traffic**

- 6.2.4 The development will not affect highway safety or prejudice the free flow of traffic and is entirely appropriate development in highways terms. There are no works affecting the public highway in terms of vehicle movements and the existing service access will be maintained.
- 6.2.5 The site is an existing retail location within a wider retail area and therefore it is realistic to conclude that some customers will visit the unit alongside trips to other stores nearby (i.e. linked trips). This is an inherently more sustainable form of shopping than visiting a range of different locations at different times, and there is a realistic prospect that these trips will be linked to trips to the town centre.
- 6.2.6 Any additional parking demand created by the use can be accommodated within the site. The parking provision is appropriate and in accordance with Local Plan policy LP22.

## 7 Conclusion

- 7.1.1 This Planning & Retail Statement is prepared on behalf of RI Leeds Road Limited in support of a planning application, submitted under the terms of Section 73 of the Town & Country Planning Act (1990), to modify the sales of goods controls at Leeds Road Retail Park.
- 7.1.2 The application is in direct response to confirmed occupier interest from Go Outdoors. Go Outdoors is the UK's largest camping, outdoor, and activity goods retailer, and currently operate from a smaller format store within Huddersfield town centre. They have identified a requirement for an additional 'full offer' store to serve Huddersfield and are proposing to open the store at Leeds Road Retail Park as it meets their operational requirements.
- 7.1.3 In order to enable Go Outdoors to occupy vacant space at the retail park there is a requirement to modify the existing sale of goods controls which currently limit the occupation to 'bulky goods' type retailers and a food store (the food store having been consented in March 2024).
- 7.1.4 Leeds Road Retail Park is an established retail destination, within a mixed retail and commercial area in Huddersfield. Only a very modest change to the sale of goods controls is needed to enable the wholly beneficial occupation of the units, which in turn delivers sustainable growth within the Huddersfield urban area.
- 7.1.5 The statement demonstrates the proposed development is entirely in accordance with planning policy:
- There are no sequentially preferable units or sites which could accommodate the proposed use.
  - The proposed use would not impact on the vitality and viability of existing town centres in the area.
  - There will be no impact on planned investment in those centres.
  - The proposed use has no highways safety implications, and is in a sustainable location which is accessible by a range or means of modes of transport.
- 7.1.6 On this basis the proposed variation of condition is entirely acceptable and can be approved without delay.