

# Planning Consultation Request

## Town and Country Planning Act 1990

### APPLICATION FOR PERMISSION TO DEVELOP LAND

Observations By:	KC, Policy
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Application No.	2024/90945
Proposed Development:	Variation of condition 20 (unit restriction) on previous permission 2023/90075 for variation of conditions 15 (opening hours), 20 (goods restriction) on previous permission 93/04925 for retail park and associated uses
Location:	Leeds Road Retail Park, Leeds Road, HD1 6PF
OS Map Reference	SE 415557.62 418052.78
Applicant/Agent:	Stantec
Class:	Small Major Developments

Your comments on the above proposal are requested. Please e-mail your comments in either a Microsoft Word or PDF Document to [DC.Admin@kirklees.gov.uk](mailto:DC.Admin@kirklees.gov.uk) by **08-May-2024**.

If you would like to contact the Case Officer: William Simcock for any reason then please do so on: Tel. 01484 221000 Ext. 74146.

The submitted plans and documents for the application can be viewed online at the Planning Service Website by holding down Ctrl and Clicking the link below:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90945>

\*If the plans are not available online after 5 working days of the date of this letter then please e-mail: [DC.Admin@kirklees.gov.uk](mailto:DC.Admin@kirklees.gov.uk)

If I do not receive your response by **08-May-2024** then the application may be decided without the benefit of your views.

Dated: 17-Apr-2024

Mathias Franklin  
 Head of Planning and Development

**Consultation Response from KC,  
Policy**

**2024/90945 Leeds Road Retail Park, Leeds Road, HD1 6PF**

**Variation of condition 20 (unit restriction) on previous permission 2023/90075 for variation of conditions 15 (opening hours), 20 (goods restriction) on previous permission 93/04925 for retail park and associated uses**

**Date Responded:14/05/24**

**Responding Officer: JB**

**Responding Ref:**

This response relates to the variation of a condition at Leeds Road Retail Park controlling accepted unit type at units A & B. A recent variation to condition was made in 2023 (2023/90075) which amended a restrictive condition included on the original approval (93/04925) allowing greater flexibility in the form of allowing for a certain amount of convenience retail floorspace within units A & B.

This subsequent variation of condition seeks to amend this recently amended condition (cond 20) further to allow for an increased range of goods to be sold to include *'tents, camping and caravanning equipment and related accessories and outdoor pursuit/activity equipment and related accessories including outdoor pursuit/activity clothing and footwear.'* The reason for this is due to interest from a camping shop operator 'Go Outdoors' in taking up the unit.

The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of relevance to the proposal, other policies that are not mentioned here may also apply.

### **LP13 – Town Centre Uses**

The site is in an out of centre location, approx. 1km walking distance from Huddersfield town centre (TCB1). The proposed variation of condition would amend a use restriction and allow for the sale of camping goods within units A & B of the retail park. Although the units in question are already established retail units, the primary function for Leeds Road Retail Park is to act as destination for bulky goods units. The proposal would therefore widen the range of goods permitted to be sold, although it is considered many of the items proposed to be on offer (camping goods) would still be considered to fall within what would be considered to be bulky goods. Nonetheless Policy LP13 states a town centre first approach should be applied for main town centre uses. LP13 criteria B is therefore relevant in this case.

*B. Sequential Test - Proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered. For offices and small scale proposals in non urban areas\*, the sequential approach will not be required for proposals of 150 square metres and under.*

*The scope and content of any Sequential Test shall be agreed with the council and shall be reflective of the scale, role and function of the proposal.*

*Proposals which fail to pass the sequential test will not be supported.*

The applicant has submitted a sequential test which only considers units within Huddersfield town centre. In this instance, given the size of the proposed unit at 2,269m<sup>2</sup>, and considering units of at least 2,000m<sup>2</sup> to allow flexibility in format and scale, there is no possibility for the proposal to be accommodated in a local or district centre and that a use of this scale and type should look to be accommodated in a town centre. Planning Policy is aware of existing large format 'Go Outdoors' shops in Wakefield, Leeds and Pudsey, as well as other similar offerings within these centres. Therefore, residents in the north of the district are likely to venture to these destinations rather than Huddersfield town centre. As such Huddersfield is considered to be an accepted catchment and the scope of the sequential test can reasonably be limited to Huddersfield town centre.

The submitted sequential test identified four units in Huddersfield that met the site-specific requirements for the proposed user which include:

- Units of approximately 2,000sqm at ground floor
- 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.

Planning Policy accepts most of these as reasonable requirements, although as the proposed offering is not strictly 'bulky goods', a lack of immediate parking should not be considered an acceptable restriction, given the accessibility of Huddersfield town centre by sustainable forms of transport.

The sequential test identifies four units in Huddersfield town centre.

- 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.

All four of these sites have been discounted by the applicant.

- Former Wilko's – discounted due to uncertainty of its availability and non-linear floorplate split across multiple levels, and with lower ceiling heights hindering product advertisement. **Policy response** – this is accepted, and the store can be discounted.
- Former House of Frasers – discounted as site subject to alternate development plans and is therefore not available. **Policy response** – this is accepted, and the store can be discounted.
- Former Kirklees College site – discounted as the site is subject to alternative development plans with an extant permission and confirmed occupier (Lidl). **Policy response** – this is accepted, and the store can be discounted.
- Former BHS – discounted as site is subject to the Council's 'Cultural Heart' regeneration plans and is due to be demolished, therefore will not be available. **Policy response** – this is accepted, and the store can be discounted.

Planning Policy were unable to identify any alternative units within Huddersfield town centre that could reasonably accommodate the use, even when taking flexibility in format and scale into account. As such the proposal is considered to have passed the sequential test.

*C. Impact Assessment - 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 sq.m gross; or*
- *the proposal is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 sq.m gross; or*
- *the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq.m gross.*

*The scope and content of any Impact Assessment shall be agreed with the Council and shall be reflective of the scale, role and function of the proposal.*

*Proposals which would have a significant adverse impact on surrounding centres shall not be supported.*

As the proposal comprises of 2,269m<sup>2</sup> of floorspace the threshold has been met to require a retail impact assessment.

The submitted impact assessment considers the impact on Huddersfield town centre, which is reasonable given the agreed catchment and nature and scale of the proposed use. There are no equivalent offerings within Huddersfield town centre, although it is accepted there is a small scale 'Go Outdoors' store in Huddersfield town centre. This has a reduced offering in terms of range and scale of products and is more suited to a town centre than the 'bulkier' goods intended to be offered by the applicant. The applicant has identified Sports Direct as being potentially comparable in terms of being impacted by the proposal and has prepared an assessment of trading impact from the proposal. This assessment considered that in a worst-case scenario i.e. all trade being drawn from Sports Direct to Leeds Road Retail Park, there would be a 2.69% decline in retail trade in the town centre. Given camping supplies are a small proportion of Sports Direct's sales, it is likely to have a far smaller impact on Sports Direct and thus Huddersfield town centre trade.

As such Planning Policy agree with the applicant's assertions that the impact from the proposal could not be considered to be 'significantly adverse' and as such the proposal has passed the impact assessment and thus complies with Policy LP13.

## **Conclusion**

The proposal is for a variation to a restrictive use condition which seeks to allow a wider range of products within two units at Leeds Road retail park. The applicant and the council have undertaken a sequential test and retail impact assessment for the proposed development. The council is unaware of any other sequentially preferable sites offering realistic potential to accommodate the proposal and the proposal is not considered to have a significant adverse impact on any town, district or local centre. It therefore accords with Local Plan policy LP13 and paragraphs 91-95 of the NPPF.