

**Consultation Response from KC,  
Policy**

**2024/91591 Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT**

**Variation conditions 2-6, 15, 29 on previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping**

**Date Responded: 13/09/24**

**Responding Officer: JB**

**Responding Ref:**

This response relates to an application to vary conditions on a previous permission for the erection of a retail development and associated parking, servicing areas and landscaping. The application seeks to vary 7 conditions, which primarily relate to updated plans and changes to accepted volumes of floorspace of the Lidl store. The other conditions being varied relate to boundary treatment plans, Biodiversity Net Gain contributions and air quality mitigation.

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.

These Policy comments only address the relevant conditions associated with the changes to volumes of retail floorspace as they relate to Local Plan policy LP13 – Town Centre Uses.

### **LP13 – Town Centre Uses**

The application proposes minor alterations to a consented Lidl supermarket located at Birstall Retail Park. The site is in an out of centre location. The changes include variations to conditions related to the floorspace to revise the layout to bring it in line with Lidl's latest store specification. The alteration would create an additional net 102m<sup>2</sup> of sales floorspace. The principle of the development has already been established and as such these comments only consider the uplift in retail floorspace and its potential impact on town centres in the district.

A full retail impact assessment and sequential test was undertaken as part of the original application (2021/92528). This was independently assessed for the council by Nexus Planning which concluded that the applicant's approach to the sequential test and retail impact assessment was sound and agreed with the conclusions that there were no suitable and available alternative sites to house the proposal. It also concluded that the proposal would not have a significantly adverse impact on existing centres/competitors and was therefore in accordance with LP13.

The proposed amendment to condition 4 would make the following changes to unit 1 (proposed Lidl) Convenience Goods:

- 1,131m<sup>2</sup> – 1,213m<sup>2</sup> = + 82m<sup>2</sup>

Comparison Goods

- 283m<sup>2</sup> – 303m<sup>2</sup> = + 20m<sup>2</sup>

The applicant has submitted an updated retail impact assessment which considers the impact of the 7.2% uplift in convenience and comparison good floor space using updated convenience and comparison goods turnover figures but with the same trade diversion patterns.

The updated retail impact assessment finds that the revised scheme would only result in a marginal increase in both convenience and comparison goods impact from the relevant centres, though notes this is largely due to the use of more recent company average turnover figures rather than the small floorspace increase. The methodology used to determine the updated impact assessment is considered to be sound and therefore Policy are in agreement with the applicant that the proposed variation to the relevant conditions can be supported and would accord with Policy LP13.

**Conclusion**

The application proposed to vary a number of conditions for a consented retail development. The above comments relate to the proposed changes to retail floorspace, which would see a 102m<sup>2</sup> increase of the Lidl store with increases in both comparison and convenience goods floor space. A retail sequential test and retail impact assessment was submitted in support of the original application, finding that there would be an acceptable impact on the relevant centres. This was independently assessed and found to be sound. An updated retail impact assessment was submitted as part of this s73 application which provides an assessment utilising updated average revenue turnover. The findings of the updated retail impact assessment indicate that there would be minimal impact over and above the consented scheme and would not result in unacceptable trade diversion from the relevant affected centres. As such the proposal is considered to accord with LP13.