

17 KISTVAEN GARDENS
MELTHAM
HOLMFIRTH
HD9 5NQ

Fao Adam Walker
Kirklees Metropolitan Council
Planning Services
P.O. Box B93
Civic Centre III
Market Street
Huddersfield
HD1 2JR

21 March 2021

Dear Adam,

Proposed erection of foodstore (Use Class E) with associated, servicing areas and landscaping at former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield HD3 4BU (application reference 2020/93308).

I am acting on behalf of _____ in their objection to the above application.

You have already received an objection letter on behalf of _____ which principally sets out objections on retail grounds.

It also objects on the grounds that the proposal conflicts with the allocation of the site in the Local Plan for housing development.

This letter makes further points on those and other issues which it is considered fully justify a decision by the Council to refuse the application.

History.

On 12 February 2020 the Council refused permission for essentially the same proposal for 3 reasons – adverse impact on the vitality of existing Local Centres; contrary to the housing allocation and thirdly; detriment to the character of the area.

It is noted that no appeal was lodged against that decision and that this current application seeks to overcome those concerns.

I consider each in turn:-

Retailing Impact. The letter clearly sets out my client's objection.

There has been considerable public comment on the current application, both in support and against.

Given that the proposals are essentially the same as those previously submitted I would suggest that the petition with well over 2,000 signatures submitted against that scheme because of its detrimental impact on the Salendine Shopping Centre is a material consideration with regard to this application. (See paragraph 7.2 of Officers Report).

The Council refused the earlier application having regard to the fact that an application by Aldi (2019/91556) for a foodstore at the former Oakes Mill had been approved earlier. The view taken was that when that application together with the application by Lidl were considered cumulatively there would be a significant adverse impact on the vitality of existing Local Centres.

Development of a foodstore by Aldi at the former Oakes Mill site is now underway. Accordingly to approve the current application would be contrary to the position adopted by the Council previously. As set out by there is no justification to do so without having a significant adverse impact on Salendine Nook Shopping Centre.

Housing Allocation.

The letter clearly sets out that development of the site for a food store is in direct conflict with its Local Plan allocation and that recent under delivery of housing in Kirklees has resulted in the need for a Housing Delivery Action Plan. To remove it from the stock of sites would be illogical in those circumstances.

It is noted at paragraph 9.9 of Lichfield's Planning and Retail Statement (October 2020) submitted on behalf of Lidl, a confidential Financial Viability Assessment, prepared by Allsop LLP, has been submitted in support of the application.

No doubt the Council will carefully consider the assumptions and conclusions that development is not viable and that the site is highly likely to remain undeveloped should the proposed retail development be refused.

At paragraph 9.7 of that Planning and Retail Statement it is acknowledged that, '*... the local area has seen a high level of housing delivery in recent years*'. As such it is certainly not a depressed area. Without the benefit of seeing the submitted Financial Viability Assessment it is not possible to know, but I do wonder whether Allsop's assessment fully reflects the popularity of the area for housing.

Clearly, without having the assessment made public and appraised by ourselves it is impossible to challenge it directly.

However, my client has arrived at his own initial appraisals and is prepared in principle to buy the site from Lidl and build town houses and flats for letting.

Visual Amenity.

The third reason for refusal of the previous application is that the development would be at odds with the prevailing character of the area, contrary to Local Plan Policy LP 24 and NPPF guidance.

The Officers Report at paragraph 10,32 on the previous application concludes that, *'... a development of this nature and size is contrary to the nature of the surrounding area, that being one of residential ... Such a large building set behind a car park fails to respect the residential character of the area and does not enhance the area apart from the re-use of the land of the former public house. However, this could be enhanced in a number of ways including through residential development'*.

I would respectfully suggest that revisions to the proposals to include natural stone, revised boundary treatment to New Hey Road and additional landscaping do not overcome the fundamental issue of this being an inappropriate site for a commercial development of this scale.

Furthermore, on a more detailed level, the amount of digging out towards the back of the site to accommodate the store itself, car parking and servicing vehicles results in a high, unsightly backcloth to the car-parking at the site's north-eastern corner.

To remove from the site the amount of material proposed would be contrary to good practice as part of the Council's green agenda of retaining as much material on site.

CONCLUSION.

It is concluded that there has been no significant change in the proposals themselves or in their context to justify a decision other than to refuse the application for the same reasons as set out previously.