

Our Ref: 2995/MR/LT20240708

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Via email only: David.wordsworth@kirklees.gov.uk

Dear Mr Franklin,

PROPOSED OUT OF CENTRE FOODSTORE, ST LUKE'S HOSPITAL SITE, BLACKMOORFOOT ROAD, CROSLAND MOOR, HUDDERSFIELD. PLANNING REFERENCE: 2023/62/91405/W

We act on behalf of [redacted] in respect of the above application. Our client trades from [redacted] within Huddersfield Town Centre. The store was the subject of considerable investment when it opened in [redacted] and [redacted] continue to invest in Huddersfield today.

It is relevant to start by confirming the applicant's current and potential stores in Huddersfield. First, approval has been given for a retail store (as part of a wider planning permission including 229 homes) at the former Kirklees College on New North Road (2018/62/92647/W) in 2022. This is promoted as replacing an existing edge-of-centre Lidl store on Castlegate Street by Lichfields (Planning and Retail Statement, paragraph 6.20). Lidl also trades from an existing out-of-centre Lidl store on Wakefield Road and a recently approved unit on the Leeds Road Retail Park (2023/62/90076/W), which is yet to open.

It is important to note that the former College Site, on New North Road is located within Huddersfield town centre and is identified within the Local Plan as one of *"two key development site opportunities... to support capacity for growth within the town centre"* (paragraph 9.37 of the Kirklees Local Plan 2019).

Demolition of the site is underway, with Lidl having demonstrated a clear interest in operating from the foodstore (Lichfield's Planning and Retail Statement paragraph 5.35). Work on the wider site is progressing however the foodstore element of the former College Site has not yet been built.

The sequential test forms a fundamental principle of the Government's 'Town Centre First' objective and related NPPF policy at paragraph 90 and informs the development plan's policy LP13. As such 'town centre' sites have a preference not only spatially but in temporal

terms, i.e. they must come forward before spatially less preferable sites. Until such a time that the foodstore at the former College Site is operational, it will continue to be a sequentially preferable site.

As part of the Planning and Retail Statement (prepared by Stantec) for the recently approved Lidl at Leeds Road Retail Park, the Former College site was discounted as being a sequentially preferable site, due to a confirmed operator (Lidl, themselves) and that the store would likely serve a different, yet complementary catchment area. The applicant's agent's (Lichfields) Planning and Retail Statement application at Crosland Moor, has not considered the former College site in the sequential assessment.

Our own analysis, using the 7-min catchment area confirms that there would be overlapping catchment areas between the proposed Crosland Moor proposal catchment area and the College site, within the town centre. Indeed, as part of the Leeds Road Retail Park application, the applicant's agent (Stantec) assessed the whole town centre, as part of a 7-min catchment area, as specifically requested by the officers (paragraph 6.13 of the Planning and Retail Statement). It therefore follows that a similar approach should be taken for this application, given its context. As such, the former College site would form part of the core catchment area and considered part of the sequential assessment.

In so far as the applicant might have some kind of contractual relationship with the College site, this has no bearing. As the judgement in Aldergate held "*'Available' cannot mean available to particular retailer but must mean available for the type of retail use for which permission is sought*" (paragraph 42). Therefore, the former College site must be considered as a sequentially preferable site, both spatially and temporally, until such time that the foodstore is operational.

Prejudice to Town Centre Investment

Out-of-centre proposals are also required to demonstrate that they are not likely to have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres, as set out in paragraph 90(a) of the NPPF and Policy LP13 of the development plan.

As mentioned above, the Local Plan identifies the former Kirklees College site as a key development site opportunity. The redevelopment of this site is thus a key priority of the Council bearing in mind the vacant college has been described as an "eyesore" (Huddersfield Hub, August 22) and thus the permission offers an excellent opportunity for not only its redevelopment but also significant investment in the town centre (paragraph 9.37 of the Kirklees Local Plan 2019).

The NPPG identifies that key considerations relating to the impact of a proposal on planned investment include "*The extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence*".

Whilst the Planning and Retail Statement states at paragraph 8.3 that the former College site is in addition to the Crosland Moor site, the assessment 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.

The application may undermine investor confidence and affect the potential to deliver investment in the town centre as a result. Locating the store out-of-centre will fundamentally prejudice the opportunity to secure this critical regenerative investment benefit. Indeed, we cannot find any confirmation from Lidl that they will be developing out the retail consent at the College site and opening it first. Indeed, there are no statements of intent at all.

The proposal will therefore have a harmful impact on the role of this site as a regeneration project and thus an unacceptably significant impact on the town centre.

Given the above, there should be a mechanism to ensure that the retail store on the Trinity One (Former College) comes forward (i.e. opens for trade) prior to the commencement of construction of the Crosland Moor site, on the basis it is otherwise acceptable. This is to ensure that a town centre foodstore is established, and not substituted for an out-of-centre store that would certainly not provide the proposed town centre benefits and investment that are required by both National and local policy.

Yours sincerely,

cc Nick Hirst Nick.Hirst@kirklees.gov.uk