



PLANNING

SEQUENTIAL ASSESSMENT

WSG PROPERTY HOLDINGS (LTD)

DEWSBURY FIRE STATION

SEQUENTIAL ASSESSMENT

On behalf of: WSG Property Holdings (LTD)

In respect of: Dewsbury Fire Station

Date: June 2017

Reference: 2789le

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1.0 Introduction

- 1.1 This sequential assessment has been prepared on behalf of WSG Property (Holdings) LTD, to assist Kirklees City Council in the consideration of planning application 2017/62/91047; part demolition of fire station and erection of 4no. warehouse units and 4no. apartments at the former fire station at Huddersfield Road, Scout Hill, Dewsbury, WF13 3RN.
- 1.2 The Planning application was submitted on 20th March 2017 and validated on 13th May 2017.
- 1.3 As the site is not located within a defined town centre, it is necessary to demonstrate compliance with the sequential approach outlined in paragraphs 24 and 27 of the NPPF. This seeks to ensure that in-centre sites are assessed before less central options and considered; it gives preference to accessible sites that are well connected to the town centre; and requires flexibility to be demonstrated on issues such as format and scale.
- 1.4 As part of the formal consultation process Kirklees Council have requested that the Sequential Assessment include a search of sites within and on the edge of Dewsbury Town Centre and Ravensthorpe District Centre as shown within the Kirklees Council's latest evidence base. The sequential assessment therefore proceeds on this basis.
- 1.5 The assessment first describes the site and the proposed development before setting out national and local policy and guidance relevant to the sequential assessment. The findings of the sequential assessment are then presented together with summary and conclusions.
- 1.6 The assessment confirms that there are no sequentially preferable sites within or on the edge of Dewsbury or Ravensthorpe and as such the proposed development is compliant with the NPPF and relevant local policies.

2.0 The Site and Proposed Development

The Site

- 2.1 The site is located approximately 1.7km to the south-west of Dewsbury Town Centre and to the immediate north-east of Scout Hill. The A644/Huddersfield Road forms the north-west boundary of the site, with Broad Street to the south-east. The site measures 0.38 hectares and is currently occupied by the redundant Dewsbury Fire Station and associated buildings. Immediately surrounding the site are a number of residential properties.

Proposed Development

- 2.2 Full details of the proposed scheme are set out within the Design and Access Statement prepared by Martin Walsh Architectural.
- 2.3 The proposal for this site is for a home improvement/factory trade outlet comprising of 4 warehouse units that include small ancillary retail/showroom spaces as well as office space. In addition to this, the upper floors of the development will provide 4.no 2 bed apartments.
- 2.4 The intention of the proposed development is to demolish all the buildings with the exception of the 3-storey administration building. The administrative building will house the retail and administrative office space of unit 1 with the 4 apartments set on the two floors above. A new extension will be provided alongside the existing administration building to provide 4 warehouse spaces.
- 2.5 The largest unit (Unit 1) will be occupied by G-tuft, a local based carpet manufacturer. Unit 1 comprises a large warehouse element which will be used for the storage of carpet rolls and also have cutting facilities (Class B8 Use). The warehouse element will be connected to a small sales/display area and administrative office space. These spaces will be located on the ground floor of the existing administration building. The retail space will be used for supplying carpet and ancillary sundries.
- 2.6 The remaining three warehouse spaces will be provided alongside the largest unit and will each have small ancillary retail spaces/showrooms set over two floors. The intention for the remaining units is for them to be occupied by homeware related operators, such as, but not limited to, ceramic tiles, hardwood flooring, kitchen and bedroom furniture and bathrooms.
- 2.7 A schedule of the non-residential floor space is provided below.

	Unit 1	Unit 2	Unit 3	Unit 4	Total
B8 Warehouse Space	569	127	131	134	961

	Unit 1	Unit 2	Unit 3	Unit 4	Total
A1 Retail Space/Showroom	77	64	65	68	274
B1 Administrative Office Space	134	0	0	0	190
Total	780	191	196	202	1369

3.0 Planning Policy

National Planning Policy Framework ('NPPF')

- 3.1 The NPPF sets out the Government's economic, environmental and social planning policies for England. It supports sustainable economic growth and gives significant weight to supporting economic recovery through the planning system. The NPPF requires Local Planning Authorities to approve development proposals without delay unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits.
- 3.2 The NPPF confirms that the Development Plan remains the statutory basis for the determination of planning applications unless material considerations indicate otherwise.
- 3.3 The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

The Presumption in Favour of Sustainable Development

- 3.4 Paragraph 14 of the NPPF states that 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking.'
- 3.5 'For plan making this means that:
- Local planning authorities should positively seek opportunities to meet the development needs of their area;
 - Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - 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; or
 - Specific policies in this framework indicate development should be restricted.'
- 3.6 Paragraph 14 goes on to confirm that for decision taking this means:
- 'Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.'

- 3.7 At paragraph 17, the NPPF also identifies 12 core land-use planning principles which should underpin both plan making and decision taking. These principles include the need to proactively support sustainable economic development to deliver thriving local places.

Delivering Sustainable Development

- 3.8 To deliver sustainable development, the NPPF is divided into a number of topic based areas. Of relevance to the proposal are the following.

Section 1: Building a Strong and Competitive Economy

- 3.9 Section 1 of the NPPF sets out the Government's approach to building a strong and competitive economy. The section highlights that the planning system should encourage and not act as an impediment to sustainable growth.

- 3.10 The NPPF sets out at paragraph 22 that,

'Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

Section 2: Ensuring the Viability of Town Centres

- 3.11 Section 2 of the NPPF sets out the approach that local planning authorities should adopt to manage town centre growth over the plan period. The NPPF confirms that local planning authorities should be promoting competitive town centres and that they should also be setting *'policies for the consideration of proposals for main town centre uses [such as retail] which cannot be accommodated in or adjacent to town centres.'*

- 3.12 The NPPF advises the following at paragraph 24:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'.

- 3.13 Paragraph 26 of the NPPF indicates that developers should provide an impact assessment for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan and where development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sqm). If required, the assessment should include the following:

- 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; and

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Decision Taking

- 3.14 The Development Plan remains the statutory basis for the determination of planning applications unless material considerations indicate otherwise and the NPPF is a material consideration in planning decisions.
- 3.15 The NPPF establishes that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development; they should look for solutions rather than problems and should seek to approve applications for sustainable development wherever possible (paragraphs 186 and 187).
- 3.16 This section goes on to encourage pre-application engagement with Local Authorities, statutory planning consultees and the local community.
- 3.17 Paragraph 197 states that ‘in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’.

Implementation

- 3.18 Turning to implementation, paragraph 214 of the NPPF states that ‘For 12 months from the date of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework’.
- 3.19 Paragraph 215 goes on to state that ‘In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.
- 3.20 Paragraph 216 states that ‘From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- 3.21 The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
- 3.22 The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- 3.23 The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given)’.

National Planning Policy Guidance ('NPPG')

- 3.24 The NPPG was published on 6th March 2014 and replaces 155 circular and guidance documents. Whilst the NPPG reiterates much of the superseded guidance, it has been updated to reflect and support the NPPF.
- 3.25 Of relevance to this application is the guidance on Ensuring the Vitality of Town Centres (ID:2b). This section of the NPPG establishes that the application of the sequential test should be proportionate and appropriate for the given proposal. It also establishes that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. This assessment has therefore been undertaken on this basis.

The Development Plan

- 3.26 The Development Plan for Kirklees Council currently comprises the Saved Policies of the Kirklees Unitary Development Plan adopted in 1999.

Unitary Development Plan (1999)

- 3.27 Within the adopted UDP this site is unallocated and lies within the settlement limits of Dewsbury.
- 3.28 The following saved policies are of relevance to this proposed development and the sequential assessment.
- 3.29 **Policy S1** refers to shopping and services, stating that 'town centres and local centres will remain the focus of shopping, commercial, cultural and social activity and priority locations for environmental improvement.'
- 3.30 **Policy S4** is concerned with retail stores outside of defined centres. Proposals for large stores will be considered by having regard to, amongst other matters, whether suitable sites capable of meeting any identified need for new retail development are likely to be available within, and for out of centre schemes, on the edge of, established town or large local shopping centres.

Emerging Local Plan

- 3.31 The Council are currently in the process of preparing a Local Plan to replace the Unitary Development Plan. The plan has now been submitted to the Secretary of State for examination by an independent inspector. The examination is yet to commence and therefore limited weight can be afforded to the Local Plan at this stage.
- 3.32 **Policy PLP13** is concerned with town centre uses and highlights that main town centre uses should be located within defined centres. This policy highlights Dewsbury as a Principal Town Centre and Ravensthorpe as a District Centre.
- 3.33 The policy goes on to discuss the need for sequential testing. Proposals which come forward for main town centre uses, located outside of the defined centre boundaries require 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.

3.34 The policy goes onto state that:

‘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.’

‘Main town centre uses shall first be 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.’

3.35 The policy provides further requirements for the sequential assessment as states that

‘All proposals in out of centre locations shall demonstrate:

- *The business model for the development and appropriate catchment that the business would seek to serve in accordance with the Shopping Centre Hierarchy; and*
- *An extensive audit trail of any sequentially preferable sites that have been discounted and robust justification given; and*
- *Any regeneration or economic benefits brought forward by the development; and*
- *Appropriate access or improvements to access by all travel modes, in particular by public transport, safe and convenient pedestrian and cycling routes, and provision of an appropriate level of vehicular and cycle parking; and*
- *Connectivity to surrounding defined centres, and appropriate enhancements to these linkages.’*

4.0 Sequential Assessment

- 4.1 As discussed in sections 2.0 of this assessment the planning application proposes the conversion of a former fire station to improvement/factory outlet and residential apartments.
- 4.2 As the site is not located within a defined town centre, it is necessary to demonstrate compliance with the sequential approach outlined in paragraphs 24 and 27 of the NPPF. Kirklees Council have requested that the Sequential Assessment include a search of sites within and on the edge of Dewsbury Town Centre and Ravensthorpe District Centre as shown within the Kirklees Council's latest evidence base. The sequential assessment therefore proceeds on this basis.

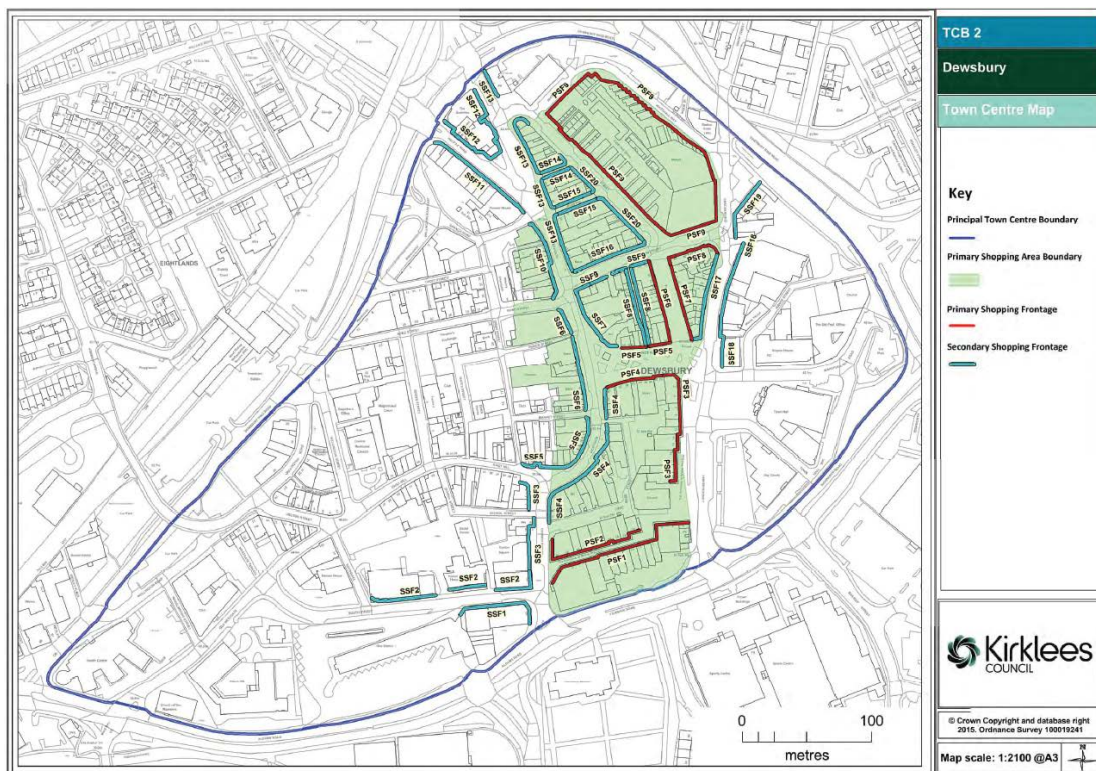
Search Parameters for the Client

- 4.3 Before beginning the sequential assessment, it is important to consider the operator's requirements to inform the site search as there are only particular sites that would be progressed for viability and suitability/feasibility reasons. This is supported by the Supreme Court Judgement – Tesco Stores Ltd v. Dundee City Council (21st March 2012) UKSC13 which provides clarity on the policy interpretation and application of the sequential approach. The judgement ruled that the sequential test and the idea of 'suitable' sites closer to the town centre is about explaining the unsuitability of alternative sites for developer's schemes. If a site is not deemed suitable for commercial requirements of the developer in question, then it is not a suitable site for the purposes of the sequential approach. In relation to the size of alternative sites, the Judgement also establishes that, if the Applicant has demonstrated flexibility with regards to format and scale, the question to be asked is whether such sites are suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. The Judgement confirms that the Local Planning Authority should not take inappropriate business decisions on behalf of a developer and that they should bear in mind the need for realism and acknowledge that such developments are generated by the developer's assessment of the market that they seek to serve. *'Criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interests in doing so'.*
- 4.4 The Judgement also confirms that it is not necessary for disaggregation of sites to form part of the sequential approach; as such only sites which accommodate the whole of the development proposed should be considered.
- 4.5 With the above in mind, a total of 274 sq.m of A1 retail space is proposed as part of the scheme, however, this retail space will operate as ancillary showroom spaces or as trade counter space to the associated warehouse units. As such, it would be inappropriate to disaggregate the retail and warehouse elements of the proposed development. In addition G-tuft, who are set to occupy Unit 1 of the scheme, have a requirement of circa 190sq of administrative office space to assist in the day to day running of the warehouse, showroom and the wider company. As such, again it would be inappropriate to disaggregate the B1 office space from the rest of the scheme.

- 4.6 Whilst the proposed development also includes 4 residential units these are not considered as part of the sequential assessment and it is agreed that these could be provided separate from the warehouse, retail and office uses proposed.
- 4.7 In light of the above, the sequential assessment has been carried out based on a floor space requirement of 1,369sqm. This includes 961 sq.m required for B8 warehouse space, 274 sq.m for retail/showroom space and 190 sq.m for B1 office space.

Dewsbury Town Centre

- 4.8 Dewsbury Town Centre is bound by Dewsbury Ring Road forming the north-west and north-east boundary and Vicarage Road to the south. The primary shopping area, runs central to the town centre boundary and comprises Northgate and Westgate to the west, and Corporation Street in the centre among others.
- 4.9 The Princess of Wales Precinct to the south of the primary shopping area is the location of more prominent national retailers such as Boots, EE, New Look, Whsmiths, Dorothy Perkins and Greggs.
- 4.10 The market is located to the north of the primary shopping area and is mostly covered. This market provides a variety of goods being sold by local merchants. There are also some units within the main market building which provide hot and cold food outlets and beauty facilities.
- 4.11 Footfall is most dominant at the intersection of Northgate and Corporation Street.



In and Edge of Centre Vacant Units

- 4.12 The sequential site survey was undertaken on foot by DPP in June 2017. Whilst it is acknowledged that the emerging Local Plan states that only the primary shopping needs to be assessed as part of any sequential assessment it is considered that little weight can be attached to the Local Plan at this stage. As such DPP carried out a survey of the town centre as a whole including edge of centre locations.
- 4.13 This assessment identified that the following units are currently vacant within Dewsbury Town Centre:
- 4 Bond Street
 - 6, 14 Corporation Street
 - 13 Crackenedge Lane
 - 30-32, 46, 47-51, 67, 69, 71, 70, 72, 74 Daisy Hill
 - 10, 17 Foundry Street
 - Pioneer House, Halifax Road
 - 9, 11, 15-17, 16-18, 23, 29 Market Place
 - 2, 2a, 10, 11 Market Street
 - 7, 18-22, 23, Northgate House, Northgate
 - Textile WMC, Oates Street
 - 1 – 22 The Arcade
 - 35 Union Street
 - 16-18, 25-27, 29 Westgate
 - 6, 11, 12, 33-33a Wellington Road
- 4.14 Other than Pioneer House on Halifax Road none of the above units are of a sufficient scale to accommodate the proposed retail use and on this basis, they are not suitable for the development proposed.
- 4.15 The Arcade on Corporation Street comprises of a number of vacant units that individually would not be large enough to accommodate the proposed development. However, given that the arcade is completely vacant and that a number of units adjacent to the arcade such as 9, 11, 15-17, 16-18 Market Place and 14 Corporation Street we have considered the Arcade and these adjacent properties in greater detail below.

Pioneer House

- 4.16 Pioneer House, Halifax Road along with its ground floor units 103-110 are currently vacant. This property has a floor space of 2,970 Sq.m, and is therefore large enough to accommodate the proposed development. However, Kirklees Council are currently assessing planning applications to develop Pioneer House into part of Kirklees College's new town campus following a £11.1 million investment through the Leeds City Region Enterprise Partnership (LEP) growth fund. A number of applications have already been approved:

- 2013/92287 – Alterations and change of use to convert existing building to 6 dwellings. Approved September 2013.
- 2015/90014 – Variation of Condition 2 (plans) on previous permission. Approved April 2015.
- 2015/91630 – Erection of single storey rear extension. Approved July 2015.
- 2016/93191 – Listed Building Consent for internal alterations, rear extension and new shopfronts. Approved February 2017.

4.17 A number of applications are still being considered,

- 2017/90935 – Listed Building Consent for erection of three storey rear extension and change of use to form mix of classrooms, studios and workshops.
- 2017/90934 – Erection of three storey rear extension and change of use to form mix of classrooms, studios and workshops.

4.18 It is clear from the above that the site forms part of current and future development works and as such the building is neither suitable nor fully available for the proposal.

The Arcade and adjacent units

4.19 The Arcade, located in the centre of the primary shopping area acts as a link from Corporation Street to Market Place. All 22 units of The Arcade are currently vacant following a trader walkout in 2016 regarding a landlord dispute. Further retail units adjacent to the arcade are also vacant including 9, 11, 15-17, 16-18 Market Place and 14 Corporation Street.

4.20 The units within the arcade are currently being marketed by Adhan lettings. It is understood that the units are being let on an individual basis and not collectively and as such the site is considered unsuitable on these grounds.

4.21 Even if the arcade was available for redevelopment in its entirety it is not considered to be large enough to accommodate the proposed development.

4.22 Taking into account the adjacent vacant units listed above a potential development site could, in simple footprint terms, be capable of accommodating the proposed development. However, the site/units are not controlled by a single landowner and obtaining control of the site collectively in order to deliver the scheme would be difficult. Furthermore, and even if the site could be brought under a single ownership, the site would require major redevelopment that would likely require the Arcade to be remodelled to accommodate the proposed development. This would likely cause significant and unacceptable harm to the listed arcade.

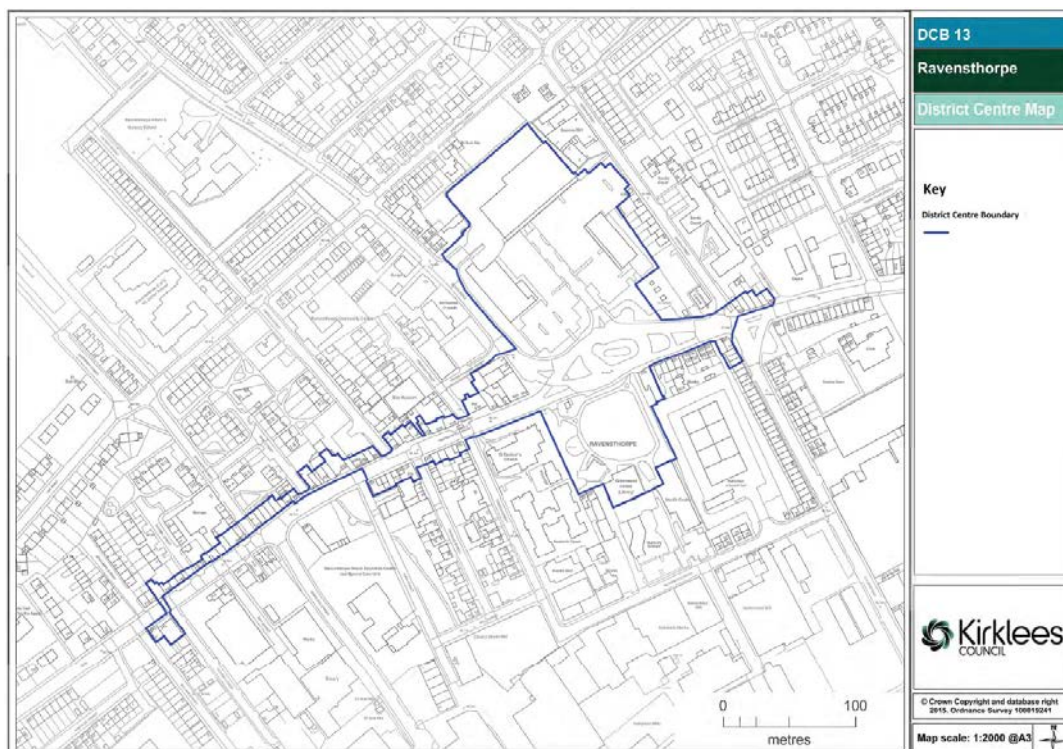
4.23 For reasons set out above the Arcade itself and the surrounding vacant units are considered to be unsuitable and unavailable for the proposed development.

Summary

4.24 In summary, there are no suitable or available sites within or on the edge of Dewsbury Town Centre which could accommodate the proposed development.

Ravensthorpe District Centre

- 4.25 Ravensthorpe District Centre is formed predominantly by the A644/Huddersfield Road, located approximately 2.5km to the south-west of Dewsbury Town Centre. The north-east of the centre is predominantly taken up by a retail park with prominent retailers such as Poundland, Home Bargains, Card Factory, Heron Foods and Subway, among others. The western portion of the centre follows a more linear 'high street' pattern comprising small independent local shops, fast food outlets and beauty salons. These services tend to predominantly serve the surrounding residential areas.



In and Edge of Centre Vacant Units

- 4.26 The sequential site survey was undertaken on foot by DPP in June 2017. This assessment identified that the following units are currently vacant within Ravensthorpe District Centre:
- 629 Huddersfield Road
 - 3 John Street
- 4.27 In terms of 629 Huddersfield Road this unit is too small to accommodate the proposed development and on this basis, is not suitable.
- 4.28 3 John Street lies just outside of the District Centre boundary and is therefore classed as edge of centre. This unit is also too small to accommodate the proposed development, at only 255 Sq.m, and on this basis, is also unsuitable.

Summary

- 4.29 In summary, there are no suitable or available sites within or on the edge of Ravensthorpe District Centre which could accommodate the proposed development.

5.0 Summary and Conclusions

- 5.1 This sequential assessment has been prepared on behalf of WSG Property (Holdings) Ltd, to assist Kirklees Council in the consideration of a planning application for the conversion of a former fire station into an improvement/factory outlet and residential apartments (class A1, B1, B2 and B8 uses).
- 5.2 The assessment demonstrates that there are no sequentially preferable sites within or on the edge of the allocated centres of Dewsbury and Ravensthorpe that are suitable or available to accommodate the proposed development.
- 5.3 The proposal is therefore in full accordance with the sequential approach outlined in paragraphs 24 and 27 of the NPPF, the relevant sections of Policy S1 and S4 of the Kirklees UDP and the relevant sections of Policy PLP13 of the emerging Local Plan.