



YEW TREE ASSOCIATES

LAND, TOWN PLANNING &
DEVELOPMENT CONSULTANTS

RETAIL SEQUENTIAL TEST

FOR

**PROPOSED CHANGE OF USE OF EXISTING
DWELLING (C3)**

TO BEAUTY SALON (SUI GENERIS)

**PLANNING APPLICATION REF 2018/93662
AT**

358 WAKEFIELD ROAD

DENBY DALE

HUDDERSFIELD

HD8 8RT

27.11.18

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1.0 INTRODUCTION

- 1.1 On 6th November 2018 a full planning application was submitted to Kirklees Council for a proposed change of use of existing dwelling (C3) to beauty salon (sui generis) and erection of 2No fascia signs at 358 Wakefield Road Denby Dale (LPA ref 2018/93662).
- 1.2 This document is concerned with the beauty salon element of the application, and the Planning Case Officer at Kirklees Council has requested a Sequential Test as he has confirmed that the site is in an edge of centre location being some 110 metres from the main shopping area of Denby Dale and it forms part of a terrace of dwellings.
- 1.3 The subject building is currently used as a single dwelling (C3) and the beauty salon use would be sui generis. The proposed use as a beauty salon is required to satisfy the applicant's need to purchase a suitable property to establish a beauty salon and the size and nature of the property at 358 Wakefield Road adequately meets that need in terms of size and floorspace.
- 1.4 The property is on three floors and as can be seen from the drawings that accompany the planning application, they would be ideal for the practices which form part of the services to be provided within the salon.
- 1.5 The site does not have on-site parking, however customers who will frequent the business will be local and as such the need for onsite parking is therefore not required, as there is ample free on street parking in the locality.
- 1.6 The use can be accommodated adjacent to a residential property as the proposed use will have minimal impact, if any, on neighbours and in any case the use will only operate in business hours and not outside those hours when residential properties are generally occupied.
- 1.7 Further detail on the application is set out in a supporting planning statement which should be read in conjunction with this report.

Sequential Test Parameters

- 1.8 On 21st November 2018 Josh Kwok, Planning Case Officer of Kirklees Council requested by email that a sequential test was required to satisfy paragraph 86 of NPPF 2018 and will include to:-
 - 1) Show the existing commercial premises that are in Denby Dale town centre and
 - 2) Show how many vacant commercial premises are available and if so how many are unsuitable.
- 1.9 The proposal engages paragraph 86 of the NPPF, which states:-

'86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

1.10 Paragraph 85 of NPPF is also important in that it states:-

'85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should: Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;'

....where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.

1.11 In addition NPPG states at Paragraph: 009 Reference ID: 2b-009-20140306 Revision date: 06 03 2014 that:-

'How should the sequential test be used in decision-taking?

It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

1. with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

2. is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

3. if there are no suitable sequentially preferable locations, the sequential test is passed.

(Our emphasis)

1.12 Policy PLP 13 of the Kirklees Publication Draft Local Plan - Strategy and Policies states in respect of the Sequential Test that:-

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, theThe 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.'

(Our emphasis)

- 1.13 Due to the short distance to the centre of Denby Dale, the site is considered to be an 'edge of centre site' which has been confirmed by the Planning Case Officer. This means a sequential test is required as the proposal is for a town centre use in an edge of centre site.
- 1.14 For the purposes of this report and specifically to fulfil the request by Kirklees Council to complete it, it is assumed in general that 'sui generis' class, beauty salons are a town centre use as defined within the NPPF.
- 1.15 Accordingly, Yew Tree Associates has undertaken a full assessment of potentially alternative development sites within the town centre of Denby Dale. This statement sets out the findings of this assessment and is therefore submitted to address the request of the Planning Case Officer in respect of the above application.

2.0 THE SEQUENTIAL APPROACH TO SITE SELECTION

- 2.1 This section of the statement assesses the proposed development against the provisions of paragraph 86 of the NPPF in addition to the guidance at Paragraph: 009 Reference ID: 2b-009-20140306 of NPPG.
- 2.2 Paragraph 86 of the NPPF states that Local Planning Authority's should apply the sequential test to planning applications for main town centre uses (such as retail) which are neither in an existing centre nor in accordance with an up-to-date plan.
- 2.3 The application site lies outside of a designated centre and the Case Officer has thus requested a sequential test assessment.
- 2.4 The order of preference for the sequential approach remains unchanged from previous Government guidance in that:-
 - First, locations within existing centres;
 - Second, edge of centre locations, with preference given to accessible sites that are well-connected to the centre and then;
 - Out of centre sites, only in circumstances where there are no in-centre or edge of centre sites available. Preference should again be given to accessible sites that are well-connected to the town centre.
- 2.5 The guidance contained within the NPPG in respect to this sequential approach is a supporting document to the NPPF, it is useful to consider this guidance contained.
- 2.6 Within this document in respect of the sequential approach, this indicates that sequential sites should be assessed for their suitability, availability (within a reasonable period of time) and viability; accordingly, this is the basis on which we have prepared

our sequential assessment. More details are set out in the following section on methodology. The justification provided in respect to the sequential approach therefore goes over and above the simple requirements of the NPPF.

3.0 SEQUENTIAL TEST METHODOLOGY

- 3.1 This section of the sequential test assessment report sets out the methodology utilised to consider potential sites within the area of search. Confirmation of the area of search is also set out below.

The Search Area

- 3.2 In agreement with the Planning Case Officer, it has been agreed that as the clients who will frequent the business will be local, that it is sufficient to restrict the area of search to that of Denby Dale town centre only.
- 3.3 Available sites identified for consideration would be assessed against a variety of considerations in terms of the size of the site, its character and suitability in planning terms as outlined below:
- 3.4 Site and Surroundings - Establishing the character of and the surrounding area is an important consideration when assessing the suitability of any site in planning terms.
- 3.5 Physical Capacity - The physical size of a site is critical when considering whether or not it is capable of accommodating the proposed development. Although operators need to be flexible in terms of the format and size of any new outlet, it is not reasonable to change this to the extent that it can no longer perform its intended function or meet any identified need.
- 3.6 Planning Suitability - This is determined having regard to a broad range of factors including:-
- Relationship to the town centre - the proximity of the site will affect the propensity for linked visits between it and any nearby town centre. The guidance advises that the site should be preference should be given to accessible sites that are well connected to the town centre, however, it is also important to take into account other factors such as ease of access, difficulty of walk - actual distance, gradient and surface quality.
- The size/quality of the town centre and the proposed retail facility. The better the range and choice of facilities offered in any town centre the greater the ability for it to draw customers from an edge of centre site. Similar considerations apply in reverse.
- 3.7 Accessibility - consideration of whether the site is accessible on foot by public transport and by car, as well as for ease of service vehicles undertaking deliveries. The choice of mode of access will in practice be determined by a number of factors, including convenience, safety, time involved, environment which are all factors which determine the attractiveness of that option.
- 3.8 Access and traffic impact - any development can contribute directly and indirectly to traffic impact, both in terms of effect on adjacent roads and impact on the amenity of neighbouring uses as a result of increased traffic.

- 3.9 Land use - the existing use of the site and the consequence of its loss and any proposed future use as indicated by current planning permissions or development plan allocations.
- 3.10 Retail location - the suitability of the site in retail terms. Whilst of particular relevance to the retail operators themselves, it is also a relevant planning consideration. The retail suitability of the location in terms of prominence will influence the success of a proposal to perform the function it was intended to serve and the likelihood of any planning permission being implemented. It is undesirable in planning terms to grant planning permissions where these will remain unimplemented thus making future decisions for alternative retail developments more difficult due to uncertainties as to whether or not past permissions will in fact be implemented.
- 3.11 Compatibility with surrounding uses - the possible impact of retail development on surrounding uses, and particularly any impact on residential amenity in terms of its physical structure, built design, signage, as well as the impact of its operation - noise, lighting, smells etc,
- 3.12 Site Availability – For a site to represent a practical opportunity for retail development it needs to be available either immediately or within the foreseeable future. The availability of the site will depend upon various factors such as the number of ownerships involved as well as the nature of those ownerships. Sites must be likely to become available within a reasonable period of time (determined on the merits of a particular case but usually considered to be five years) to qualify for consideration under the sequential approach.
- 3.13 Commercial Feasibility -For a site to be practical, it needs to be commercially viable. This will be determined by the cost of acquiring the site, site preparation, building costs and the rate of return sought by the developer other factors such as prominence will also be relevant.
- 3.14 The formal sequential test assessment of sites within Denby Dale is set out in the following section.

4.0 SEQUENTIAL TEST ASSESSMENT

- 4.1 An assessment of the main town centre of Denby Dale has been undertaken to review locations and types of existing businesses present and whether there were any premises available to let or for sale on 23rd November 2018.
- 4.2 The commercial properties noted below are indicated on Appendices 1 and 2 to this report and show the spread of existing businesses within the town. The list does not include unmarked businesses running from homes, churches, schools, filling stations etc. Notwithstanding the local plan town centre boundary, there are other businesses that are spread throughout the main route through Denby Dale on both sides of the road.
- 4.3 The majority of shops were local independents, with two national companies (newsagents and supermarket), but generally butchers, food/grocery sales, clothes boutiques, estate agents, financial advisers, charity shop, hobbies, fish and chips, accountants, and hair and beauty shops.

- 4.4 The list of business premises by name, type and availability are noted below with reference numbers as shown on the attached plans at Appendices 1 and 2.

Property Address	Business Name	Ref. No.	Use	Available
331 Wakefield Road	Evelyn Bridal	1	Bride Shop	No
333 Wakefield Road	VIP Cutz Barber	2	Barbers	No
335 Wakefield Road	Mei-licious Chinese Takeaway	3	Takeaway	No
335a Wakefield Road	Kirkwood Hospice	4	Charity Shop	No
335b Wakefield Road	Citrus Financial	5	Financial Advice	No
335c Wakefield Road	Robertshaws	6	Chartered Surveyors	No
	Chartered Surveyors			
337 Wakefield Road	W H Smith Local	7	Newsagents	No
341 Wakefield Road	Denby Dale Fisheries	8	Fish and Chip Shop	No
353-345 Wakefield Rd	Hair and Beauty Studio	9	Hairdressers & Beauty	No
345a Wakefield Road	Gawthorps Butchers	10	Butchers	No
347a Wakefield Road	The Hair Shop	11	Hairdressers	No
347b Wakefield Road	Utterly Yorkshire	12	Food/Drinks Gift Shop	No
347c Wakefield Road	Appleton Dale	13	Accountants	No
	Accountancy			
347 Wakefield Road	Nisa Local	14	Supermarket	No
351 Wakefield Road	Thinking of You	15	Gift Shop	No
355 Wakefield Road	Unravel	16	Craft Shop	No
357 Wakefield Road	Post Office	17	Post Office	No
359 Wakefield Road	Shanghai Palace	18	Food Takeaway	No
361 Wakefield Road	Butchers Estate Agents	19	Estate Agents	No
363 Wakefield Road	Florists	20	Florists	No
365 Wakefield Road	The Good Health Store	21	Health Food Shop	No
367 Wakefield Road	Springfield Hobbies	22	Hobby Shop	No
369 Wakefield Road	Dale Bakery	23	Bakery	No
373 Wakefield Road	Bloomingdales Florist	24	Florist	No

- 4.5 In addition, there are a number of other commercial premises close to the application site, but outside the town centre boundary as follows:-

Property Address	Business Name	Ref. No.	Use	Available
313 Wakefield Road	Denby Dale Surgery	25	Doctors Surgery	No
315a Wakefield Road	Aspectual Beauty	26	Beauty Cosmetic Salon	No
315 Wakefield Road	Denby Pharmacy	27	Pharmacy	No
321 Wakefield Road	Tandoori Palace	28	Indian Restaurant	No
323 Wakefield Road	Bella Dale Takeaway	29	Food Takeaway	No
325 Wakefield Road	Anne's Hairdressers	30	Hairdressers	No
329 Wakefield Road	Cornerstones			
	Estate Agents	31	Estate Agents	No
378 Wakefield Road	Denby Dale Tea Rooms	32	Café	No
380 Wakefield Road	The White Hart	33	Public House	No

- 4.6 In the light of the above and as there are no available premises within the designated town centre or indeed outside the town centre, it was not necessary to test any of the above properties against the criteria within the above methodology.

5.0 CONCLUSION

- 5.1 We submit therefore in the light of the above findings, that as there are no readily available properties that would meet the requirements of the proposed change of use of No 358 Wakefield Road, Denby Dale from a dwelling to a beauty salon, we consider that the sequential test has been passed.