

**Consultation Response from KC,
Policy**
2020/90501 Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU
Change of Use and alterations to convert trade counter retail unit to function room and store
Date Responded:
**Responding Officer: Sarah
Smith**
Responding Ref:

The proposed development is for a function room D2 leisure use of 520 sq m, a B1a office of 23 sq m and a store (B8 use) of 306 sq m, totalling 849 sq m of gross internal floorspace. It is located on the edge of the Dewsbury Town Centre approx. 80 m from the town centre boundary as defined in the Local Plan which was adopted in February 2019.

Leisure is defined in the NPPF as a main town centre use and as the proposal is in an edge of centre location a sequential test is required. As the proposal is greater than 300 sq m gross an impact assessment is also required as set out in Local Plan policy LP13 Town centre uses part B and C.

The site is unallocated in the Local Plan. It is adjacent to the A644 which has been designated for the Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone transport scheme TS5. This highlights that there will be improvements to the A644 and its environs as such highways should be consulted for their view.

Relevant History

A planning application (2019/90155) for change of use and alterations to convert a trade counter retail unit to function room of 826 sqm with a B1a office of 23 sq m was submitted in January 2019 and subsequently withdrawn.

Sequential test and impact assessment

The scope and content of the sequential test and impact assessment should be reflective of the scale, role and function of the proposal. The applicant has provided supporting information in a planning policy statement which sets out the sequential test and impact assessment undertaken.

The applicant makes the case that the proposed function room is for weddings and is specifically aimed at serving the Asian community. It has no food preparation area and there will be no licensed bar, any food served will be prepared away from the premises. It will host occasional functions only at weekends and people visiting the venue will be private guests. They state at para 2.6 that

*'The proposed use is **not** open to members of public; it does **not** generate or benefit from high footfall, it opens at irregular hours, usually weekends and occasionally evenings. We would therefore conclude that the proposed development is **not** a main town centre use and therefore there is not a requirement to undertake a sequential assessment.'*

Whilst there may not be a high level of linked shopping trips to town centres associated with weddings which is the prime purpose for the proposal set out in the planning statement, the planning application is for a function room use class D2. It could therefore be used for other leisure, entertainment uses such as parties, dance hall, bingo hall, other community activities which would potentially generate a higher level of linked trips and support the vitality and viability of town centres.

In addition, the applicant states on the application form that the opening times are Monday to Friday 17:00 to 22:00, Saturday, Sunday and Bank Holidays 11:00 to 22:00.

In the appeal, Venue East Limited vs London Borough of Newham, the Inspector provides guidance on the likely characteristics of proposed uses falling outside Use Class D2. These uses are likely to generate large numbers of people and the majority of guests will come to the appeal site by car, being dressed up in their best clothes and shoes as such uses which fall outside Use Class D2 are the wedding banquet/reception use, birthday / anniversary celebrations and fashion shows. It is considered therefore if this application was for a wedding /reception only venue, it would fall outside of use class D2, a leisure use and would not need a sequential test.

Sequential Test

The applicant has undertaken a sequential test with the parameters based on a proposed wedding hall catering for Asian weddings with 200 guests. Dewsbury, Batley, Cleckheaton, Heckmondwike town centres and Ravensthorpe district centre have been assessed for premises within a range of 400 sq and 700 sq m. It is concluded that there are no suitable premises within town centres that are suitable for the proposal. The council agree with the assessment made and is not aware of any sequentially preferable premises within these town centres that could be suitable for the proposal. In any event the sequential test would not be required if the proposal is for weddings only for the reasons set out above. Should the function room wish to be used for informal events then the sequential test needs to reflect this.

Impact Assessment

NPPF, paragraph 89 sets out what the impact assessment should include;

- a) the impact of the proposal on existing, committed and planned public private investment in a centre or centres in the catchment area of the proposal and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

In terms of the first test, it should be noted that there is planned investment in Dewsbury Town Centre through the Dewsbury Strategic Development Framework which aims to increase activity, make the town centre more attractive and improve accessibility. This includes introducing new residential and educational uses into the centre, consolidating and improving the existing Market and improving public realm. However, it is considered that the proposed development does not conflict with the aims of Dewsbury Strategic Development Framework.

We are not aware of any additional planned or committed investment which could be untenably affected by the proposed development.

For the second test, Planning Practice Guidance, Town centres and retail highlights that as guiding principle impact should be assessed on a like for like basis in respect of that particular sector. It is acknowledged that it is difficult to obtain detailed and reliable information to address quantitative issues due to the nature of the proposal.

The applicant states that the proposed development will cater solely for Muslim wedding ceremonies, it will not have a licensed bar and all food served will be cooked off site. There are only a couple of venues catering for specifically for Asian weddings, these are the Kabana Banqueting Suite, Wellington Road, Dewsbury and The Courts Banqueting and Conference Suite, Grove Street Dewsbury.

The Kabana Banqueting Suite is on the edge of Dewsbury Town Centre and as such is not afforded any planning policy protection. The Courts Banqueting and Conference Suites is located within Dewsbury Town Centre and therefore needs to be considered.

In terms of demand for Asian wedding venues, the applicant has stated that they have anecdotal evidence that one party has used a venue in Leeds and one in Bradford due to the lack of available venues in Dewsbury.

The applicant highlights at paragraph 5.7 of their planning statement that The Courts Banqueting and Conferences Suites is a very successful venue, with a good reputation, providing two wedding suites catering for weddings ranging from 200 to over 650 guests. Also, it has a full diary of events booked for at least the next 12 months. It is acknowledged that as the proposed development will cater only for a maximum number of 200 guests and as such it will only compete with The Courts for smaller weddings. Therefore, it is considered that any trade diversion from The Courts to the proposal would not be significantly adverse. In any event the impact test is not required if the proposal is for weddings only for the reasons set out above. Should the function room wish to be used for informal events then the sequential test needs to reflect this.

Summary and conclusion

The proposed development is for a function room, office and store located on a site on the edge of Dewsbury Town Centre. Function rooms are regarded as a leisure use and therefore a sequential test and impact assessment as the proposal is above 500 sq m are required as set out in Local Plan policy LP13 Town centre uses.

The sequential test and impact assessment have been undertaken on the basis that the function room will be used for Asian weddings only, with no licensed bar and no food preparation on the premises. It has been demonstrated that there are no suitable in centre premises that could accommodate the proposal and as such the sequential test has been passed.

The impact assessment has provided sufficient information in relation to the size and nature of the proposal to consider that the proposal would not have a significant adverse impact on the vitality and viability of Dewsbury Town Centre. In any event, weddings are a formal occasional falling outside a D2 leisure use therefore a sequential test and impact assessment would not be required.

However, as the sequential test and impact assessment have been undertaken on the basis of weddings only, a condition is required to limit the use of the function to formal occasions only.

Condition

In light of the information provided in the Planning Statement, conditions are required limited the number of guests to a maximum of 200 and on the uses of the function room as suggested below to protect the vitality and viability of Dewsbury Town Centre.

'It shall not be used for any purposes specified at all including those set out in the NPPF glossary main town centre uses except for formal occasions e.g. weddings and funerals'.