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Planning Development

Retail Sequential Test Assessment: Land off Leeds Road / Huddersfield Road, Birstall, Batley, WF17 9AA

Introduction

The proposed retail (Class E a) use falls within the definition of a 'main town centre use' in accordance with the NPPF and the town centre planning policy.¹

The proposal site is acknowledged to be an 'edge-of-centre' site in accordance with the definition in the NPPF Annex 2 Glossary, because it falls just outside (and within 300m) of the defined District centre of Birstall.

Local Plan Policy LP13² (B) requires main town centre uses located outside the defined centre boundaries to submit a Sequential Test Assessment.

Paragraphs 87 and 88 in the NPPF state the following:

'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.'

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

Paragraph 011 in the Planning Practice Guidance³ states that, 'the application of the test will need to be proportionate and appropriate for the given proposal.'

¹ NPPF Annex 2: Glossary

² Town centre uses

³ Ensuring the viability of town centres

The Proposals

This application seeks planning permission for the demolition of existing buildings and the erection of a Sainsbury's Local Supermarket. The application site is located at the junction of Huddersfield Road (A62) and Leeds Road (A643). The store building would have a footprint measuring approximately 400m² with 279m² of this dedicated as retail space. The application also includes the formation of a car park with 18 car parking spaces, a service yard, landscaping and boundary treatments.

Pre-application discussions

A formal pre-application submission was made in advance of the application in December 2019, followed by a meeting with officers (including the retail policy planner Mr Tom Barrett at the time). Although at that time the proposed occupier was the Co-op and a smaller (second) retail unit was also included, the proposals in the form of a convenience retail food store in the location given at that time remain the same. The Council's advice is therefore still considered to be relevant and applicable.

With reference to the e-mail from Mr Barrett of the Council dated 11th February 2020 (copy at Appendix A), the Council said that given the size and nature of the proposal, it would be likely that Birstall District centre would be the only centre to be assessed. It was also considered at that time that given that only three small units were vacant within the centre at that time, it was considered unlikely that there would be any sequentially preferable sites available.

Sequential test catchment area

The application site is located at the junction of Huddersfield Road (A62) and Leeds Road (A643) on a previously developed brownfield site. The site was formally used as a second-hand car dealership with the residential terraces located at the front of the site and separate from the car dealership. The site is located approximately 45m east from the Town Centre boundary in accordance with the Kirklees Local Plan. The application site is therefore classified as an edge of centre site in accordance with the NPPF.⁴

Policy LP13 (Town centre uses) in the Local Plan categorises Birstall as a District Centre.⁵ The role and function of a District Centre is defined as providing a range of shopping for everyday needs including being the focus for food and drink.⁶

As such, and in accordance with the pre-application discussions above, it is considered that any reasonably available / suitable sites should be located in Birstall as this would enable the everyday shopping needs of local residents to be met in a sustainable and accessible way. Sites should ideally be located close to the local centre to help promote linked trips and reinforce Birstall town centre's vitality and viability.

Size of alternative site required

Whilst the issue of considering flexibility in terms of format and scale is acknowledged to be a requirement of paragraph 88 in the NPPF, the proposals in this case only relate to a single food retail convenience store, which should not consequently be the subject of size reduction or disaggregation.

⁴ NPPF Annex 2: Glossary

⁵ Kirklees Local Plan Table 10 – Shopping Centre Hierarchy

⁶ Kirklees local Plan Table 11 – Delivery of Services

In considering a degree of parking requirement, an alternative site would need to be in the region of 3,000m² to accommodate the proposed development.

Sequentially preferable site search

A survey of Birstall town centre was undertaken on 8th February 2022 to look at any redundant, derelict or available buildings or land. An online search of commercial properties was also carried out on 8th February 2022. The survey/search revealed there were only two vacant premises available in Birstall town centre. However, all of these premises fall extremely short of the floorspace required for the proposed development and are considered unsuitable for the intended use.



No. 2 Low Lane, Birstall



No. 10 Low Lane, Birstall

In terms of edge of centre sites, the only premises identified as being available was the two-storey building directly adjacent to the application site (Evelex Auto Parts Store, No. 14 Huddersfield Road). Like the available properties within Birstall town centre, this building falls short of the floorspace required for the proposed development. Furthermore, this site offers no sequential benefits to the proposed development site next door.



No. 14 Huddersfield Road, Birstall

Turning to land availability, no other sites were identified as being vacant, available or viable for the development proposed. Land around the centre of Birstall mainly consists of residential, commercial, school and pre-school sites, and areas allocated as Urban Greenspace in the Local Plan. 'Out of centre' sites have not been assessed in this case as they would not be sequentially preferable given the application site is classed as an 'edge of centre' site.

Conclusion

Given the above, it is considered that there are no suitable, available or viable sites capable of accommodating the proposed development in or close to Birstall town centre.

Paragraph 88 in the NPPF states that, *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.'* As detailed above, the application site is on the edge of the designated town centre within a couple of minutes' walk to other shops. It is situated on the junction of two main 'A' roads. It therefore offers an accessible location for all customers with the opportunity for customers to make more linked trips, which would help safeguard the vitality and viability of Birstall.

It is therefore submitted that the sequential test is passed in this case in accordance with paragraph 87 in the NPPF and Policy LP13 of the Local Plan, meaning that the principle of the proposed 'main town centre' use should be considered acceptable.

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June 2022

Appendix A – Pre-application Kirklees Council Retail Policy Notes

RebeccaL Drake

From: Tom Barrett
Sent: 18 February 2020 10:05
To: RebeccaL Drake
Subject: 2019/20484 Birstall retail pre-app

Rebecca,

Some brief comments from me on this one:

- For the sequential test and impact assessment, the catchment area would need to be agreed with the Council. Given the size of the proposal and the nature of it; it is likely that Birstall District Centre would be the only centre to be assessed.
- There are only 3 small vacant units in Birstall District Centre and a lack of available sites within the centre; given this site's proximity to the centre it is acknowledged that it's unlikely for more sequentially preferable sites will be available.
- Any assessment should consider the impact of both the larger and smaller retail units for A1 convenience retail
- The covering letter states there is no convenient and free parking close to the store entrance – this is not the case; however the changing needs of the Co-op from when the existing store was first built are acknowledged
- It would be useful to have a comparison between the existing store and the level of floorspace and goods sold; and the new store to consider the impact of the uplift in floorspace

Let me know if you require any other information, otherwise I am able to attend the meeting next week.

Regards

Tom Barrett MTCP (Hons), MA, MRTPI
Planner
Planning and Development – Economy and Infrastructure
Kirklees Council

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