
April 2025



Retail Policy Statement

Former Conservative Club, Stocks Lane, Batley, WF17 8PA

**Change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area).
(2024/62/93155/E)**

On behalf of

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APPENDICES

Appendix 1: Sequential Sites Plan

1. Introduction

- 1.1 This Retail Policy Statement (RPS) has been prepared on behalf of Yorkshire Property Rentals in support of a planning application for the change of use from the existing conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area) at the former Conservative Club along Stocks Lane, Batley.
- 1.2 The application for the above proposals is currently being reviewed by Kirklees Council and was validated by the council on the 28th of December 2024 (2024/62/93155/E).
- 1.3 The council have stated during the initial discussions with the applicant and agent that a sequential test and retail impact assessment is required as part of the application submission due to the proposals relating to town centre uses in an edge of centre location.
- 1.4 This Retail Statement briefly describes the application site and proposed development before assessing the proposal against the development plan and material considerations so far as they relate to retail policy considerations.
- 1.5 In doing so, it addresses the council's requirement for a sequential and a retail impact assessment for the proposals.
- 1.6 Another application is running parallel to the change of use application, this application relates to car park alterations to the rear of the site in order to fit 58 spaces (2024/62/93139/E), this application was validated on the 5th of November 2024.
- 1.7 A key material consideration includes the National Planning Policy Framework (NPPF) (December 2024). Other material considerations include the online Planning Policy Guidance (PPG).
- 1.8 The report proceeds as follows:
 - Section 2 describes the site, surrounds and its planning history;
 - Section 3 sets out more detail about the proposed development;
 - Section 4 provides an overview of relevant retail planning policy;
 - Section 5 addresses the sequential test;
 - Section 6 deals with retail impact;
 - Section 7 sets out our conclusions on retail policy matters.

2. Site Description and Planning History

Site Description

- 2.1 The application site measures 0.13 hectares. The majority of the site comprises the existing Batley Conservative Club building, which is currently vacant and an area of hardscape to the north of the building.
- 2.2 The site is located on the junction of Branch Road (east of the site), Stocks Lane (west of the site) and Bradford Road (north of the site). Batley Town Centre is located adjacent to the site's eastern boundary.
- 2.3 Aldi is located east of the site, with access of Branch Road. Batley All Saints Church is located south of the site towards the primary shopping area. Various industrial units are located to the west of the site, such as William Hardhill Sons & Co and PP Profiles West Yorkshire, and to the north comprises primarily residential properties along Bradford Road and the B6123.
- 2.4 The site is currently rundown and requires work to be attractive to potential occupiers whilst looking to maintain such a prominent building in a highly visible location.

Accessibility

- 2.5 The application site is easily accessible by a choice of transport mode being located close to a number of residential areas to the north and Batley Town Centre to the South East. The site is a short walking distance from Batley Bus Station. The site is also located adjacent to Bradford Road also, which is a main route through Batley.
- 2.6 There are numerous proposed pedestrian access points to the site enabling those living and working in the surrounding area to access the site on foot or by cycling. The site is well served by existing bus services along Bradford Road. Bus stops are conveniently located proximate to the site. Southeast of the site is Batley Train Station, which is a 15-minute walk through the town centre of Batley.
- 2.7 Access by car is also provided with the main access off Branch Road.

Planning History

- 2.8 A summary of main applications affecting the site are set out below, all other applications relate to minor works such as advertisements:
 - 86/04759 - Change of use from bingo hall to dance club – Approved on the 9th of January 1987.
- 2.9 As stated, this statement is submitted in support of application 2024/93155 for change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area) which is still under consideration by Kirklees Council.
- 2.10 An application was also submitted for an amended car park south of the site (2024/93139) which would provide an expanded car park to accommodate 58 spaces.

3. Proposed Development

Introduction

- 3.1 The following section provides a brief description of the proposed development.
- 3.2 The works comprise a change of use from conservative club to retail, cafe (hot food), external alterations to form covered seating area and accessible entrance to the main entrance, erection of extension to form two retail units and plant room (within a Conservation Area)
- 3.3 The proposal will regenerate what is an unattractive and run down site, whilst providing a variety of units for potential occupiers and a meeting room for the local community to use.

Proposed Scheme

- 3.4 The scheme will amend the existing Conservative Club structure in order to provide a variety of modern units. The Conservative Club currently comprises a Sui Generis use class.
- 3.5 In relation to the proposed works to facilitate the change of use, the ground floor will comprise of an outside seating area underneath a canopy along the south western elevation, as well as the main café/bar area within the centre of the unit. Three small retail units are also proposed on the ground floor and associated works.
- 3.6 The main café/bar will comprise 156m² of floorspace, with a further 54m² of space for “walkers and dogs”, with one retail unit measuring 57m², and the other two retail units measuring 45m² and 28m² respectively. The associated works floor spaces can be found on the plan referenced 0006 P5.
- 3.7 The first floor will comprise the market hall and library area, as well as associated toilets. The market hall has a floor space of 316m², and the enchanted library has a floor space of 72m².
- 3.8 The mid floor will comprise further library space along the eastern part of the building and associated toilets in the western wing.
- 3.9 The two library units on the mid floor will have floor spaces of 14m² and 16m² respectively.
- 3.10 The second floor will comprise a booking office, a manager's office, an MD office, as well as further library space along the eastern part of the building.
- 3.11 The booking office will have floorspace of 23m², the manager's office will have a floorspace of 22m² and the MD office will have a floorspace of 27m². The enchanted library will have a floorspace of 72m² on this floor also.
- 3.12 An extension to the ground floor eastern elevation comprises an external store (12m²), library escape route and parts of the retail units on the ground floor. The extension relates to the ground floor only and extends to a maximum of 6m along the majority of the eastern elevation.

- 3.13 The proposed floor space of the change of use will comprise 221m² of Class E(b) and whilst the application forms states it will include 563 m² of Class E(a) the submitted Plans show 446 m² gross of retail (Class E(a)) floorspace. Other uses include general backup space, library use (which now falls within Class F1) and other associated works such as the toilets and ancillary office for site manager, making up the remaining floorspace to provide a total proposed floorspace of 963m², compared to the existing GIA of 756m².

4. Relevant Planning Policy

Statutory Development Plan

- 4.1 The statutory development plan is provided by the 'Kirklees Local Plan' adopted on the 27th of February 2019 and including the:
- Kirklees Local Plan Strategy and Policies (27th of February 2019); and
 - Kirklees Local Plan Allocations and Designations (27th of February 2019).
- 4.2 The submitted Retail Statement addresses retail policy considerations including the sequential and impact tests so far as they are relevant.

Kirklees Local Plan (2019)

- 4.3 The Local Plan's 'Vision' highlights the need to strengthen the role of Batley as a Town Centre.
- 4.4 Local Plan Policy LP1 states that, when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area
- 4.5 The Local Plan Key Diagram identifies Batley as Town Centre within Policy LP13, which is within the second level within the hierarchy of Centres, and behind the Huddersfield and Dewsbury Centres. As stated, the application site is just outside the boundary of the Batley Town Centre.
- 4.6 Part B of Policy LP13 states that 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*, the sequential approach will not be required for proposals of 150 square metres and under.
- 4.7 Part C of Policy LP13 states that a 'Retail Impact Assessment' will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where certain triggers are met. Under the second bullet of 'C' this includes where the proposed is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 m² gross.
- 4.8 Policy LP16 states that proposals for food and drink uses outside of defined centres will be subject to criteria b to g of Policy LP16 and require the submission of a Sequential test and Impact Assessment. Criteria b to g state the following:

"b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;

- c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
- d. the availability of public transport, parking and servicing;
- e. highway safety;
- f. the provision of refuse storage and collection; and
- g. the appearance of any associated extensions, flues and installations.”

- 4.9 It should be stated that the site is adjacent to the Town Centre Boundary of Batley, approximately 100m from the Secondary Shopping Frontage and 230m north west of the Primary Shop Area and parts of the Primary Shop Frontage along Commercial Street.
- 4.10 The proposed development in this case exceeds the threshold in Policy LP13 and is therefore supported by a retail impact assessment and sequential assessment.

National Planning Policy

National Planning Policy Framework (NPPF)

- 4.11 Material considerations include the National Planning Policy Framework (NPPF), with the most recent version published in December 2024.
- 4.12 Section 7 supports the role of town centres in the context of ‘**Ensuring the vitality of town centres**’. Paragraph 91 confirms that 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. In this respect 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 of time) should out of centre sites be considered.
- 4.13 Paragraph 92 goes on to state that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 4.14 When applying the sequential test, 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.
- 4.15 In relation to retail and leisure proposals which are outside town centres and not in accordance with an up-to-date plan, paragraph 94 indicates that an impact assessment should be required where developments are above a locally set threshold, with a default threshold of 2,500m² where no local threshold is identified. Any assessment of impact (Paragraph 94) should include an assessment of:
- a) 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
 - 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).
- 4.16 Where an application fails to satisfy the sequential test or is likely to have “*significant adverse impact*” on one or more of the considerations in paragraph 94, it should be refused.

Kirklees Council – Kirklees Retail Capacity Study Update (August 2017)

- 4.17 WYG Planning were instructed by the Kirklees Council to undertake an update of the principal findings of the Kirklees Retail Study of February 2014 in respect of the future need for additional retail floorspace in Kirklees as part of the evidence base for adopting of the Local Plan in 2019.

5. Sequential Assessment

- 5.1 WYG Planning were instructed by the Kirklees Council to undertake an update of the principal findings of the Kirklees Retail Study of February 2014 in respect of the future need for additional retail floorspace in Kirklees as part of the evidence base for adopting of the Local Plan in 2019.
- 5.2 The NPPF (December 2024) provides guidance on retail development. For retail development proposed outside existing centres (edge of centre or out of centre) the NPPF highlights two key areas that require assessment including the sequential and impact tests. This section addresses the sequential test.
- 5.3 The NPPF (Paragraph 91) confirms a sequential assessment will be required for applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan.
- 5.4 Where it is necessary to carry out a sequential assessment, the search sequence identified in paragraph 91 is that 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.
- 5.5 The NPPF (paragraph 92) also states that when considering edge of centre or out of centre proposals, preference should be given to *'accessible sites'* that are *'well connected to the town centre'*. Finally, paragraph 88 highlights that *"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.
- 5.6 Some guidance on the application of the sequential test is provided by the PPG.

Location of Application Site

- 5.7 Some guidance on the application of the sequential test is provided by the PPG.
- 5.8 The application site is located adjacent to the Batley Town Centre Boundary. The adopted Proposals Map for Batley and the inset defining the extent of the Primary Shop Area is included in the Local Plan Policy Map.
- 5.9 The NPPF defines 'edge of centre' as a location that is well connected and up to 300 metres from the primary shopping area (the site is within 300m). The latter is defined as the area where retail is concentrated.
- 5.10 The application site is within the definition of 'edge of centre' and in our view is 'well connected' to the centre. In this respect the route from the site to the primary shop area is along one road (Branch Road) with pavements either side and the route is tree lined and attractive.
- 5.11 The route is flat towards the main shopping area and at the junction of Henrietta Street / Branch Road / St James Street, there are designated secondary shopping frontages in the town centre. The general character of this stretch of Branch Road up towards the defined primary shop area is one of being within the primary shopping area with active town centre uses either side of Branch Road. For most, the main shopping area and town centre will start at this junction leading up towards Market Place

- 5.12 It is considered the site is 'well connected' to the Primary Shop Area in Batley Centre with good visibility towards the primary shopping area as you walk along Branch Road with pavements either side on an easy walking route.
- 5.13 Whilst the defined Primary Shop Area is focused around the Batley Shopping Centre (Batley Plaza) and along the northern part of Commercial Street, there is a clear route from the site along Branch Road to the Primary Shop Area. The route goes past secondary shopping frontages but it is clear to the person walking the route that you are coming into the core shopping area within the town centre. The site is 'edge of centre' and 'well connected' to the primary shopping area.
- 5.14 The site is therefore "edge of centre" and is considered to be 'well connected' to the primary shopping area and will provide effective linkage with the centre. Currently, this pedestrian route along Branch Road into the town centre is well used by local residents coming from the north.
- 5.15 Having regard to the above it is therefore necessary to consider if there are any suitable and available sequentially preferable sites 'in' the relevant centre (Batley) which could accommodate the proposed development.
- 5.16 In applying the sequential test paragraph 2b-011-20190722 of the online practice guidance (PPG) sets out the following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
- 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.
 - 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.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 5.17 In applying the sequential test there is no requirement for disaggregation. Had it been the intention for that to be the case it would have been included in the NPPF, which has undergone a number of revisions.

Area of Search

- 5.18 The first step is to identify the area within which the search for sequentially preferable sites should be undertaken. The application site is located within the urban area close to the town centre of Batley.
- 5.19 The BDRLS household survey shows the main foodstores in Batley Town attract approaching or over 80% of their turnover from the Batley area (Zone 9). On this basis Batley town centre (Zone 9) clearly provides the focus for activity in the local area. In light of this and the location of the application site physically on the edge of the centre, we have only considered whether there are any suitable and available sites within Batley town centre.

Sequential Assessment – Approach to the Sequential Test

- 5.20 The NPPF states that only if ‘suitable sites’ are not ‘available’ in existing centres should edge of centre sites be considered. The interpretation of the sequential test has been the subject of a number of High Court judgements. The interpretation and application of the sequential test has also been the subject of a number of appeal decisions.
- 5.21 The question of ‘suitability’ has been the subject of much debate and whilst not specifically referred to in the PPG, viability is clearly one aspect of suitability.
- 5.22 An important issue in setting the parameters for the site search exercise under the sequential test is whether, when considering ‘suitability’, a potential alternative site is to be suitable for the ‘proposed development’ or some other scheme.

- 5.23 The question of ‘suitability’ has been the subject of a significant amount of case law and a number of key appeal decisions. Notably, the *Tesco Stores Ltd v Dundee City Council*, 21st March 2012, UKSC13 ruling confirmed that whether a site is considered suitable should be based on:

“...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site” (paragraph 29).

- 5.24 The question of ‘suitability’ has been the subject of a significant amount of case law and a number of key appeal decisions. Notably, the *Tesco Stores Ltd v Dundee City Council*, 21st March 2012, UKSC13 ruling confirmed that whether a site is considered suitable should be based on:

- 5.25 Paragraph 28 also makes reference to the following in the context of flexibility:

“.....the application of the sequential approach requires flexibility and realism from developers and retailers as well as local planning authorities. The need for flexibility and realism reflects an inbuilt difficulty about the sequential approach. On the one hand, the policy could be defeated by developers’ and retailers’ taking an inflexible approach to their requirements. On the other hand, as Sedley J remarked in R v Teesside Development Corporation, Ex p William Morrison Supermarket plc and Redcar and Cleveland BC [1998] JPL 23, 43, to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer.” (our emphasis).

- 5.26 It is noted the Dundee judgement also makes the point in referring to the guidance that planning authorities should be responsive to the needs of retailers. Whilst flexibility is to be shown by both developers/retailers and local planning authorities, in the same judgement Lord Hope observed (paragraph 38) that:

“.....Here too the context indicates that the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority.....developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. It they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not

some artificial world in which they have no interest in doing so.” (our underlining)

- 5.27 It is noted the Dundee judgement also makes the point in referring to the guidance that planning authorities should be responsive to the needs of retailers. Whilst flexibility is to be shown by both developers/retailers and local planning authorities, in the same judgement Lord Hope observed (paragraph 38) that:
- 5.28 In dealing with the question of flexibility, the *Zurich Assurance Limited (trading as Threadneedle Property Investment) v North Lincolnshire Council and Simons* ([2012] EWHC 3708 [Admin]) ruling emphasised the sequential approach should be addressed having regard to the “real world” and applied having regard to the developer’s requirement as opposed to some other scheme which the LPA may regard as appropriate.
- 5.29 In *Aldergate Properties Limited v Mansfield District Council* [2016] EWHC 1670 [Admin] the judgement emphasised that in considering how to apply ‘suitability’ and ‘availability’ the general meaning would be that a site should be:
- 5.30 Under Aldergate properties, availability must generally mean available for the approximate size and type of town centre use for which permission is being sought.
- 5.31 In addition to the various High Court Judgements above, spanning the period 2012 to 2016, a number of Secretary of State appeal decisions also sought to address the question of ‘suitability’ and ‘flexibility’. The Rushden Lakes (APP/G2815/V/12/2190175) Call-In decision (June 2014) considered the application of the sequential test.
- 5.32 The Secretary of State supported the approach of the Inspector who concluded the sequential test relates to the application proposal and whether it can be accommodated on a town centre site.
- 5.33 The Secretary of State decision at Scotch Corner granting planning permission for an out of centre factory outlet centre (FOC) in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) endorsed his Inspector’s conclusions on the sequential approach and that although the NPPF indicates that applicants are to be flexible the application of the sequential test seeks to see if the application i.e. what is proposed, can be accommodated on a sequentially preferable site.
- 5.34 To summarise, the NPPF (paragraph 91) makes clear that local planning authorities should require applications for main town centre uses to be located in town centres and then follow the sequential sequence.
- 5.35 The sequential test seeks to see whether the application (i.e. what is proposed) can be accommodated on a sequentially preferable site. This is made clearer when the whole of paragraph 91 is read together. Paragraph 91 refers to “planning applications” in the first sentence.
- 5.36 There is no suggestion in the NPPF the sequential test means to refer to anything other than the ‘application proposal’.
- 5.37 However, the NPPF (para 92) goes on to state that 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*”.

- 5.38 Neither the NPPF nor the PPG offers any detailed guidance on the degree of flexibility that should be demonstrated. In case of *Aldergate Properties Limited v Mansfield District Council [2016] EWHC 1670 [Admin]* the question was whether the broad type of town centre use development proposed could be accommodated on a sequentially preferable site. The Judgement makes clear that adopting this approach incorporates the requirement for flexibility in the NPPF.
- 5.39 Taking account of all the above the application of the sequential test applies to the broad type and quantum of development proposed.

Sequential Assessment – Site Search Criteria

- 5.40 The starting point for the assessment of potential sequentially preferable sites has regard to the need for flexibility in the context of the principles set by the Mansfield judgement.
- 5.41 In this context the search for suitable and available sites should be a search for the broad type of development which is proposed by approximate size, type and range of goods with the identity of the applicant or proposed occupier generally being irrelevant.
- 5.42 Consequently, whilst the need for flexibility is taken into account when applying the sequential test, this must be within the context of what is proposed, in this case a 'retail units and Café/Bar floor space with other associated uses including community uses such as the library space of circa 963 m² gross, along with appropriate provision of car parking and accessibility which is a general commercial requirement for any operator.
- 5.43 In this case the overall concept being brought forward in the regeneration of the former conservative club building is one of a mix of uses that together would assist in the overall attraction of footfall to this location. The amount of floorspace devoted to different aspects is limited but it is anticipated that visitors would use more than one element i.e. if someone was using the library space they might stop for a coffee and equally if someone came for a coffee, they might look at the small retail units. Dog walkers and other walkers may stop at the café on route through.
- 5.44 The retail units on the ground floor are clearly very small scale and therefore more likely to attract local retailers rather than national multiples. With the market hall space on the first floor, the variety of uses will act together to provide an overall viable proposition for the regeneration of the former club.
- 5.45 The inclusion of the main café / bar, a café area for walkers and dogs, a library space on the upper floors and small retail units measuring 28m², 57m² and 45m² on the ground floor with a larger upstairs market hall area is clearly seeking to provide a concept where the various uses would contribute to each others success and those coming to the site would use more than one element. On their own each of the uses would not prove sufficiently attractive or be of sufficient size to be successful on their own. It is the proximity and location of the various uses within the same building that would provide its overall draw to visitors.
- 5.46 The site looks to provide a variety of units supporting each other in unison as Heeleys Batley, therefore the units would not be provided individually but as a whole with the various uses provided and services such as a Library, it would attract customers.
- 5.47 As a starting point, taking this approach would require a search for a site that could accommodate the 'proposed development'. In this case the development area within the application site is 0.13 hectares but this does not include the car parking land to

the south of the site, which is required for the proposed operations, this land also comprises of an additional 0.24ha.

- 5.48 The need for flexibility will be taken into account by not applying the above site range in a rigid fashion but nonetheless assessing sites having regard to the 'proposed development' and not on the basis of some other entirely different development resulting in an inappropriate business decision taken on behalf of the operator. Regard is had to flexibility in line with the Aldergate Properties Limited high court ruling.
- 5.49 The proposed development clearly seeks to provide a particular type of offer through conversion of the old and attractive former conservative club building along with some small extensions to provide some regular shaped units that could attract retailer interest.
- 5.50 Given the location of the site on the edge of the town centre in a location that is 'well connected' to the primary shop area, it would also have the potential to attract people to Batley town centre who would not normally otherwise visit the centre.
- 5.51 With strong linkage and an attractive route, those coming for the library or perhaps the first floor market hall could then also walk into the town centre and visit other shops and services on the same trip thus giving rise to linked trips. This would offer an overall spin off benefit to the town centre attracting more footfall and activity.
- 5.52 As such any sequential site must be capable of accommodating a site of the broad size proposed with appropriate associated car parking and suitable access as identified by the Aldergate judgement.
- 5.53 Against this background we consider below whether any of the sites identified are either suitable or available for the proposed development, having demonstrated flexibility in approach. In doing so we have considered what contribution more central sites are able to make individually to accommodate the proposal.

Sequential Sites Assessed

In Centre Sites

1. 75-77 Commercial Street, Batley WF17 / Newgate Street

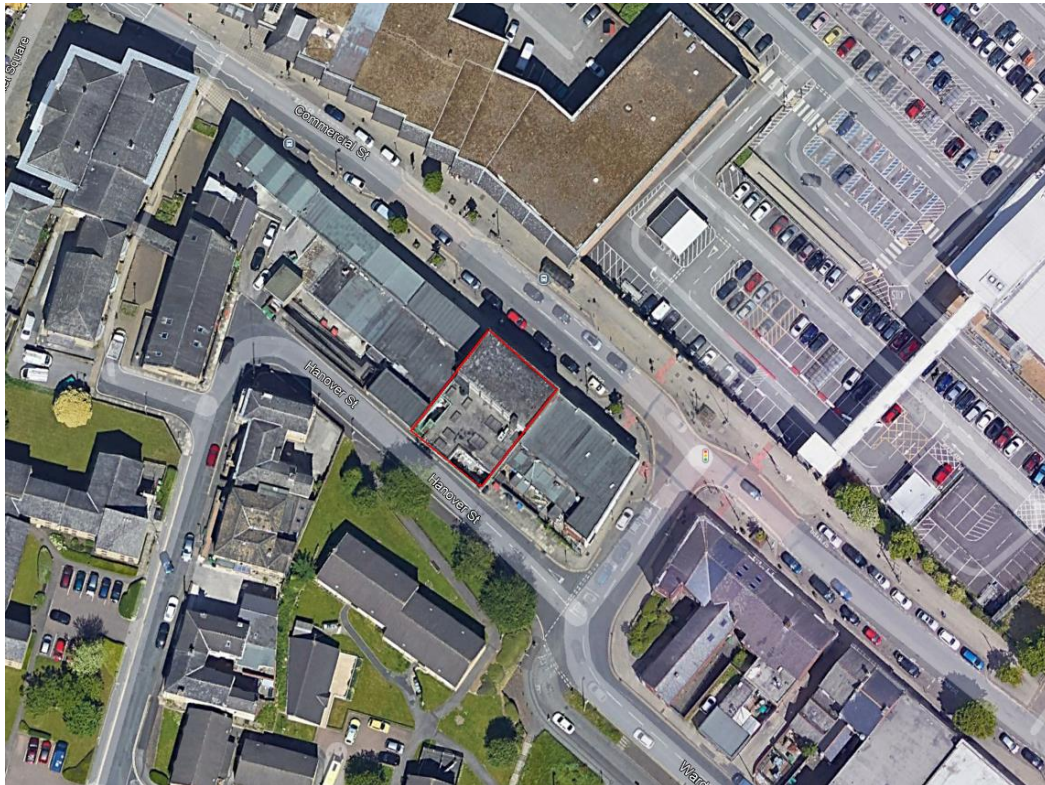
Edge of Centre / Outside Defined Town Centre Sites

2. Garden Centre, Bradford Road, Batley WF17
3. Café to Garden Centre - Bradford Road, Batley WF17
4. 420 Bradford Road, Batley, West Yorkshire, WF17 5LS
5. 379 Bradford Rd, Batley WF17 5PH
6. Site off Wellington Street, Batley

- 5.54 Against this background we consider below whether any of the sites identified are either suitable or available for the proposed development, having demonstrated flexibility in approach. In doing so we have considered what contribution more central sites are able to make individually to accommodate the proposal.
- 5.55 Before doing so and in general terms, Batley Town Centre is relatively closely knit with limited opportunities for development in the centre. With the historic street pattern and canal running through the northern part of the centre and the proximity of surrounding residential areas, there are no vacant sites of any particular size within the 'centre' or primary shop area.

- 5.56 A significant part of the central core of the town centre is located in a Conservation Area which acts as a constraint to the identification of larger development opportunities. The Conservation Area extends some distance to the east of the main town centre shopping area.
- 5.57 Notwithstanding this we have considered the above sites to determine what contribution they could make individually to accommodate the proposed development.

Site 1 – 75-77 Commercial Street, Batley WF17 / Newgate Street



- 5.58 The site at 75-77 Commercial Street comprises a three-storey building. It provides a bank and retail unit on the ground floor with two floors of offices above and storage in the basement. The site is located within the Primary Shop Area of the town centre
- 5.59 The ground floor and basement of the building are currently being marketed, with the first and upper floor being under offer currently. The ground floor and basement unit measures 221 m² in total floorspace.
- 5.60 The site is very limited in size measuring 221m² in floorspace and is clearly significantly smaller than the site search parameters, adopting a flexible approach. The site could not accommodate the broad type and quantum of floorspace proposed on the application site.
- 5.61 On this basis and on site size alone the site can be discounted as not 'suitable' for the proposed development.

Site 2 and 3 - Garden Centre, Bradford Road, Batley WF17



- 5.62 **Site 2 and 3** is located outside the defined town centre of Batley. It is located between around 410-465 metres walking distance from the defined Primary Shop Area in the town centre with a convoluted route down Hick Lane before crossing over a busy junction to the east side of Bradford Road and then walking north and either through the Mill Outlet area or around on the access road to the Mill Outlet car parking area. It is therefore not an 'edge of centre' site when regard is had to the guidance contained in the NPPF.
- 5.63 The site is taken to comprise two different parts of the Mill Outlet & Garden Centre, which is located off Bradford Road, Batley, on the outskirts of the Batley Town Centre.
- 5.64 **Site 2** comprises a first-floor café/restaurant area which measures 260 m².
- 5.65 **Site 3** comprises a retail unit within the current Garden Centre, which measures 483 m² internal space.
- 5.66 In order to occupy this site, the applicant would need to undertake substantial work in order to facilitate the proposed uses on site and the size of unit would not accommodate the proposed mix of uses or floorspace proposed in the application scheme on Branch Road.
- 5.67 The site also does not have an active frontage onto a main road with a location to the rear of the Mill Outlet and would not prove attractive to visitors to use a library space, café, dog walkers area and other uses within the converted conservative club building.
- 5.68 In any event the site is not considered sequentially preferable to the application site given the distance to walk into the Primary Shop Area in the town centre. It is not a

site that is 'well connected' to the centre or 'edge of centre' having regard to relevant guidance.

- 5.69 As a result, we consider the site can be discounted and is not sequentially preferable to the application site.

Site 4 – 420, Bradford Road, Batley, WF17 5LS



- 5.70 The property comprises a single storey brick built showroom/trade counter unit with workshop to the rear, which is mainly open plan internally with some partitioning to the offices and toilet facilities. The site measures 134.71 m².
- 5.71 The site is very limited in size measuring 134.71 m² in floorspace and is clearly significantly smaller than the site search parameters, adopting a flexible approach. On this basis alone the site can be discounted given it is not 'suitable' for the proposed development.
- 5.72 The site is clearly not 'suitable' for the proposed development and can be discounted.

Site 5 – 379 Bradford Rd, Batley WF17 5PH



- 5.73 379 Bradford Road comprises a three storey former showroom building. The planning history of the site on the Council's planning public access reveals one application (Ref: 2007/91352) granted in January 2008 for change of use from retail (Class A1 at the time) to public house (Class A4) with the Conservation Area.
- 5.74 Internally the property benefits from 3 floors of predominantly open plan space incorporating toilet facilities on each floor. Adjoining the property are 2 'garage' buildings along with a loading area to the first floor accessed from the rear of the building. The application forms for the above change of use application states the existing floorspace as 1,153 m² gross.
- 5.75 The site is located outside the defined town centre boundary. The location of the site is around 200 metres walking distance from the edge of the defined Primary Shop Area within Batley town centre. The walking route into the town centre from the site has no visual connection with the main shopping area being uphill, around a corner and also along a route (Hick Lane) with no other town centre type uses thus providing no interest or uses that suggest the town centre or main shopping area is close by. It is not an attractive walking route into the centre.
- 5.76 Whilst physically within the distance taken to define 'edge of centre', the site is not considered to be 'well connected' to the Primary Shop Area in the town centre for the above reasons. Consequently, it carries no sequential preference to the application site. However, even if it were deemed to be well connected, which we consider is not the case, it would carry no sequential preference to the application site.

- 5.77 In addition to the above the site is located on a very busy main junction (Bradford Road / Rouse Mill Lane / Hick Lane), with the building located right up to the busy trafficked street frontage with no space for an outdoor seating area providing a café offer in a pleasant environment. The frontage is onto a heavily trafficked street. In addition, this type of location would be very unlikely to appeal to dog owners and other walkers. Added to all the above, there is no parking provided proximate to the site as is the case with the proposed development.
- 5.78 Given the approach and concept being adopted for the former conservative club building on the application site, we do not consider the site would be 'suitable' for the proposed development. Notwithstanding the 'unsuitable' nature of the site, we do not consider it to be sequentially preferable and can be discounted on this basis alone.

Site 6 – Land off Wellington Street, Batley



- 5.79 The site is located along Wellington Street, just outside the Batley Town Centre Boundary and a short walking distance from the Primary Shop Area. The site comprises hardstanding and evidence of a car washing operation on site. The site has a live planning application for the erection of a hand car wash with associated store (within a Conservation Area), it seems this is in reflection of the current operations on site and has been submitted retrospectively. It is therefore not 'available' for the proposed development and can be discounted on this basis alone. The retrospective application is clear intent on the current owners/occupiers to continue use of the site for a hand car wash use.
- 5.80 In addition to the above, the applicant would also be required to build a completely new structure on-site, which is not feasible given the nature of the proposed use and its

intended concept providing re-use of an old building to incorporate a range and mix of uses in the proposed development.

- 5.81 In any event, whilst edge of centre it carries no sequential preference to the application site. It is also considered to not be 'suitable' or 'available' for the propose development in this case.

Conclusion

- 5.82 Having regard to the above we do not consider there to be any sequentially preferable site to accommodate the proposed development. This conclusion has been reached whilst demonstrating a flexible approach in our assessment of potential sites in line with the Aldergate Judgement.
- 5.83 In relation to vacant units in the town centre, all other vacant units would be far too small to accommodate a proposal of the approximate size proposed on the Batley Conservative Site, irrespective of the need for associated suitable car parking adjoining the unit. Consequently, none of those units represent 'suitable' alternative sites.
- 5.84 In our view the sequential test is met.

6. Retail Impact Assessment

- 6.1 Paragraph 94 of the NPPF sets out the requirements for impact assessments. When determining planning applications for retail development outside town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no local threshold, the default is 2,500 m² gross).
- 6.2 Kirklees Council Local Plan Policy LP13 sets a threshold for convenience proposals of 500m² gross.
- 6.3 Paragraph 94 states an impact assessment should include an assessment of:
- 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.

Impact on Vitality and Viability of Existing Centres

- 6.4 Impact on town centre vitality and viability can be assessed having regard to the health of a relevant centre(s).
- 6.5 A precursor to assessing the implications of any trading impact is to understand the health or vitality and viability of the existing centre(s). The online PPG identifies a number of factors that can be used to gain an overall picture of the vitality and viability of a centre. These include:
- diversity of uses
 - proportion of vacant street level property
 - commercial yields on non-domestic property
 - customers' views and behaviour
 - retailer representation and intentions to change representation
 - commercial rents
 - pedestrian flows
 - accessibility
 - perception of safety and occurrence of crime
 - state of town centre environmental quality

- 6.6 Having regard to the assumed primary catchment (PCA) area of the proposed development, we have carried out a detailed up to date assessment of the health of **Batley** Town Centre.

Batley Town Centre

- 6.7 Batley sits at the second level in the development plan settlement hierarchy, with the principal Town Centres of Huddersfield and Dewsbury being at the highest level of the hierarchy.
- 6.8 Batley is a market town in West Yorkshire located south-west of Leeds, north-west of Wakefield and Dewsbury, south-east of Bradford and north-east of Huddersfield, in the Heavy Woollen District.

- 6.9 Batley Town Centre is focussed on Commercial Street which runs through the middle of the centre, with Batley Library, Old Police Station and the Memorial Gardens located to the south west of the centre boundary.
- 6.10 Batley Shopping Centre (Batley Plaza) is the main focus of the centre, located next to the Batley Central Methodist Church and north of the Town Hall. A Tesco Extra is also located just south of the main shopping street, which makes up most of the eastern part of the centre, with smaller retail units along Commercial Street.
- 6.11 An Asda and Iceland are located in the northern part of the centre with a range of smaller units in the centre. An Aldi store is located to the north west of the core shopping area, near the bus station and opposite the application site.
- 6.12 Although the GOAD plan for Batley Town Centre does not match the development plan definition of the centre and primary shopping area, it provides a means to consider the overall health and function of the centre.

Diversity of Uses

- 6.13 The composition of Batley Town Centre has been assessed using source material including the July 2023 GOAD survey and update work undertaken by ID Planning in March 2025.

GOAD Category	No. of Units GOAD November 2023	% of Units GOAD November 2023	No. of Units ID Planning Update March 2025	% of Units ID Planning Update March 2025	(%) National Average 2025
Convenience	19	11.95%	19	11.94	9.41%
Comparison	36	22.64%	32	20.12%	26.06%
Retail Service	27	16.98%	24	15.09%	16.05%
Leisure Service	48	30.19%	50	31.44%	26.01%
Financial & Business Services	7	4.40%	5	3.14%	8.11%
Vacant Outlets	22	13.84%	29	18.23%	14.16%
TOTAL	159	100%	159	100%	100%

Note - Figures taken from GOAD Reports and amended via the March 2025 site visit

- 6.14 The largest sector in Batley Town Centre back in 2023 is **Leisure Services**, occupying around 31% of units in the centre, which is 5% higher than the national average, which is 26%. This sector has increased slightly since then.
- 6.15 Our update in March 2025 indicated a number of comparison stores have closed within the Batley Town Centre. These units comprise of the Scope Charity Shop along Commercial Street, and three clothes shops within the Batley Town Plaza Shopping Centre. These are included in a run of six vacant shops at the entrance to the covered centre. The current owner of the centre has indicated their intention to repurpose this part of the centre for a more leisure orientated offer with some food and beverage

occupiers in the centre and therefore there are currently a run of vacant units as they put this strategy into effect.

- 6.16 Whilst the number of comparison shops in the town centre has reduced by 4 units, as above three of units were comparison retailers in the row of six units just inside the covered shopping centre that are being repurposed for alternative uses.
- 6.17 There are a number of charity shops in the town centre which are increasingly a positive addition to a centre. The move by many charity shop occupiers to become more professional in appearance and quality of fit out means that although they are selling second hand goods, they can provide a good quality of product to the more discerning customer and offer a good covenant.
- 6.18 Their general approach to locate off the prime pitch also enables them to occupy vacant units that might otherwise have remained vacant for a longer period of time. Given the past decade and current economic climate, they are often viewed as a good addition to a location, rather than detracting from the overall shopping offer and experience.
- 6.19 The comparison units within the centre mainly comprise clothes stores within the Batley Shopping Centre and also along Commercial Street.
- 6.20 The March 2025 survey indicates that **convenience** provision (11.94%) remains above the national average (9.41%) in terms of number of units. In relation to floorspace, convenience provision provides a substantial proportion of the convenience floorspace in the centre with the presence of the Tesco Extra, Asda, Iceland and Aldi.
- 6.21 There are a number of other complementary convenience outlets that, along with the regular street market, provide smaller day to day top up shopping destinations.
- 6.22 **Retail service uses** (i.e. health & beauty / opticians / travel agents / vehicle repairs) are slightly below the national average (March 2025) (15.09% compared to 16.05%). Of the 24 retail service units, some 16 are health & beauty-related, which shows the dominance of users such as hairdressers/nail salons etc, in this category.
- 6.23 **Leisure services** bars, restaurants, hotels, sports facilities, cafes, cinemas, betting offices are above the national average (31.44% compared to 26.01%). In this category 23 units (out of 50) are occupied by fast food takeaways, with 12 units being occupied by Cafes. This shows the growing trend for the more leisure orientated economy of town centres.
- 6.24 The growth of cafes in town centres is a welcome trend as many centres expand the more leisure orientated economy. There is a reasonable coffee representation with a range of independents, including Sapphire, Chocoberry, and Dukes Doughnuts & Coffee, all located along Commercial Street.
- 6.25 The November 2023 GOAD states that **Financial and business services** are below the national average (4.40% compared to 8.11% nationally). With 7 units across the centre, this includes banks, building societies and other financial services.
- 6.26 During ID Planning's site visit in March 2025. It was noted that Lloyds Bank and Halifax Bank units have both become vacant along Commercial Street, which results in there being only 5 Financial and Business Services within the centre. Whilst this sector is likely to have contracted over the past years, this is a national trend as major banking

and financial institutions have rationalised and consolidated their estates and representation on the High Street with the growth of online banking and online services.

- 6.27 Overall, the survey shows that Batley Town Centre has a good variety of uses with a focus on Leisure Services such as cafes and restaurants, as well as large convenience units. Whilst the comparison offer has reduced slightly this is not an unusual trend as town centres are becoming more leisure orientated.

Vacant Units

- 6.28 Vacancies occur in the most healthy centres as tenant leases come to an end and occupiers decide to relocate or close. As leases come to an end, new occupiers also take space. Units becoming vacant and take up of vacant units is part of the natural churn of any town centre and consequently there will always be some vacancies in a centre.
- 6.29 The GOAD Report indicates there were 22 vacant units (13.84%) in the November 2023 GOAD survey and 29 vacancies (18.23%) in the March 2025 ID Planning review.
- 6.30 The ID Planning updated the survey in March 2025 and therefore found that, as would expected, there were some vacant units that have been occupied and some units in the centre that have become vacant since November 2023. Whilst the number of vacant units has increased by 7 units, a number of the vacancies have arisen at the entrance to the covered centre which are being re-purposed for more leisure orientated uses.
- 6.31 Overall, our March 2025 update survey found that 11 units have become vacant with an overall increase of 7 vacant units in the centre and four units that were previously vacant were occupied. The latter included a range of occupiers such as a restaurant along Commercial Street (Seoul Kripsy), 'Pass It On' Charity Shop along Commercial Street, a new Hot Food Takeaway along the south side of Commercial Street (at Unit 1 Commercial Street), as well as new office space located at 18 Commercial Street.
- 6.32 Whilst a vacancy rate of 18.23% (March 2025) is above the current Experian national average 14.16%, the evidence suggests the vacancy rate is relatively focussed within the Batley Shopping Centre (Batley Plaza) and its frontage along Commercial Street, with two of the main units being made vacant comprising of Halifax Bank and Lloyds Bank. As highlighted above the vacant units at the entrance to the covered shopping centre are being re-purposed for more leisure type uses and consequently we would anticipate they could be re-occupied.
- 6.33 Overall, the vacancy rate has slightly increased over the past two years. However, there is evidence of continued investment in the centre. In January 2025, a major "Revival Scheme" was announced, which comprises £14.5m of investment into the Centre of Batley. The project is being delivered through £12m of funding from the Ministry of Housing, Communities & Local Government, secured under the previous government's Levelling Up Fund, alongside around £2.5m from Kirklees Council's Local Centres funding and the West Yorkshire Combined Authority.
- 6.34 Overall, the vacancy rate has risen above the national average but this is partly due to the run of six vacant units in the covered shopping centre that are being re-purposed for more leisure orientated uses and the loss of two banks, reflecting a national trend rather than any particular issues with Batley town centre. Vacancies have therefore increased slightly although this is more of a general national trend than specific to Batley.

Commercial Yields & Rents

- 6.35 There is no readily published available evidence on commercial yields in the town centre.

Pedestrian Flows

- 6.36 There is no independent pedestrian flow data for the town centre. However, observations during our visit to the centre in March 2025 indicated that pedestrian flows were strongest towards the northern end of Commercial Street. There was also a good level of footfall observed around the Batley Plaza.

Accessibility

- 6.37 Access on foot from surrounding residential areas is easy and convenient. Public transport includes the bus station at St James Street. This is close to the main shopping area and provides residents with easy and convenient access into the town centre core. It is also close to the application site.
- 6.38 Batley railway station is located to the South East of the town centre on Station Road. Northern trains provide hourly connections to a range of destinations including Leeds. It is understood that frequency of train services is set to improve in future years.
- 6.39 A variety of car parks are provided across the centre.
- 6.40 Overall, the centre benefits from good access by a range of modes of transport.

Perception of Safety and Environmental Quality

- 6.41 Natural surveillance along the main shopping areas (Commercial Street and Branch Road) is good during the day time. Activity around public houses and restaurants provide some level of activity during the evenings. From visits made it is considered the core parts of the town centre are safe and accessible at all times and there was little evidence of vandalism or graffiti.
- 6.42 The environmental quality of the town centre is mixed. The main commercial street area is good quality with an attractive environment in much of the Market Place. The quality of the environment in the western part of the centre is very good.
- 6.43 Some fringe areas, such as along Wellington Street and Hick Lane, would benefit from investment but overall, the centre has a relatively attractive environment for visitors in the core area.

Overall Conclusion on Vitality and Viability

- 6.44 Compared to the national GOAD average, in terms of number of units, the town centre is well provided for in terms of convenience units and also leisure units. The centre includes a range of complementary smaller shops including smaller European/Asian convenience stores. The comparison goods offer in the centre is reasonable and reflective of the town centre's position in the retail hierarchy and proximity to larger centres including the Birstall Shopping Park to the north.
- 6.45 With a range of other uses in the town centre, whilst the vacancy rate is above the national average, there is continued investment in the centre with new occupiers taking

space for a variety of reasons. Taking account of all the above factors the town centre is relatively well used and in reasonable health.

Trade Diversion and Impact of the Proposed Development

- 6.46 Against this background we consider the impact implications arising from the proposed development.
- 6.47 As indicated earlier in this report, the level of retail floorspace (446 m²) is actually slightly below the threshold above which impact assessment is required under the relevant local plan policy. The floorspace of the relevant components is shown on the submitted plans. On this basis and whilst provision of a formal impact assessment should not be technically required, a proportionate approach has been taken having regard to the current health of the town centre as described above.
- 6.48 At this stage it is not known whether the occupiers of the retail space in the three ground floor units would be convenience or comparison. For the purposes of our assessment we have assumed the middle unit would be convenience (45 m²) and the other two units (28 m² and 57 m²) would be comparison goods.
- 6.49 The market hall space on the first floor measures 316 m² and given the nature of the potential use is likely to be predominantly comparison based. We have therefore assumed the split could be around 75%/25% comparison / convenience.
- 6.50 Total retail floorspace as shown on the submitted plans is around 446 m² and therefore slightly below the local plan policy threshold. A formal retail impact assessment is therefore technically not required. However, in order to demonstrate there are no material issues arising in the context of retail impact considerations, we have carried out a proportionate assessment to address the point.
- 6.51 Having regard to the above the comparison floorspace could be $237 \text{ m}^2 + 85 \text{ m}^2 = 322 \text{ m}^2$ gross. The convenience element would likely be $79 \text{ m}^2 + 45 \text{ m}^2 = 124 \text{ m}^2$ gross.
- 6.52 The Council's latest retail study is the Kirklees Retail Capacity Study Update carried out by WYG in August 2017. This included updated spending information applied to an existing household shopping survey to derive estimated turnovers of existing stores and centres in Kirklees.
- 6.53 For Batley town centre, the household survey derived **convenience goods** turnover of the centre is £72.81m.
- 6.54 Assuming the new development incorporated 124 m² gross of convenience floorspace this would equate to around 93 m² net floorspace (75/25 net to gross).
- 6.55 To calculate the estimated convenience turnover of the units requires the application of an average sales density across the proposed net floorspace. Published data does not include for small convenience shops average sales densities. In such circumstances it is a matter of judgement but such local shop floorspace would normally be assumed to trade at around £4,500 per m².
- 6.56 Applying that sales density (£4,500 per m²) to the net floorspace of 93 m² would result in an estimated turnover of £0.42m. That is likely to be at the higher end for local convenience shops in this type of location.

- 6.57 Not all the turnover would divert from town centre shops given that some would be walk in and pass by for walkers and dog walkers, who might not have otherwise purchased such goods or perhaps bought them from a variety of other locations.
- 6.58 On this basis we have assumed that the vast majority of the turnover (80%) would be diverted from town centre shops resulting in a trading impact of -0.5%. This would clearly not have any material effect on trading patterns of convenience shops in Batley town centre.
- 6.59 In relation to comparison goods and assuming the upper level of comparison floorspace would be 322 m² gross, this would equate to an approximate net floorspace of 242 m².
- 6.60 As with the convenience assessment above, a company average sales density would need to be assumed in order to derive the potential turnover of that floorspace. In the case of small comparison shops and market type floorspace, they will tend to trade at a much lower sales density compared to convenience shops. The Kirklees Retail Study update 2017 estimated the comparison goods turnover of the centre as £7.6m with the GOAD Report suggesting a total of 3,056 m² of comparison floorspace, resulting in an average sales density of circa £2,487 per m².
- 6.61 Applying that average sales density to the estimated potential comparison goods floorspace would result in a turnover of £0.6m. It is likely that a proportion of that turnover would be derived from locations outside Batley town centre, particularly given the proximity of Batley to other surrounding areas and shopping destinations. Comparison spend will tend to be more likely to go elsewhere and to a variety of locations.
- 6.62 On this basis if it is assumed that around 75% of the turnover would divert from Batley town centre, this would result in a trading impact of around -5.9%. We do not consider this limited level of trade diversion would give rise to material planning harm on Batley town centre comparison trade.
- 6.63 Taking the centre as a whole, the relevant NPPF impact test, the overall trading impact on the town centre retail turnover would be -£1.02m and a trading impact of -1.3%. When considering the overall health of the centre, the quantum of trade diverted and the resultant impact, we do not consider the proposal would give rise to significant adverse impact on the centre, when considered as a whole, the relevant NPPF test.
- 6.64 Our assessment of the health of the centre suggests a town centre in reasonable health. The relevant NPPF impact test is whether a proposed development would give rise to 'significant adverse' impact on the centre as a whole. In Batley the convenience sector is particularly strong with the Tesco Extra, Aldi, Iceland and Asda stores with a reasonable comparison goods offer.
- 6.65 We do not consider the levels of trading impact predicted above would result in significant adverse impact on the town centre as a whole. Neither are we aware of any existing, committed or planned public or private sector investment in the town centre that would be threatened by the proposed development.
- 6.66 In light of the above we consider the proposal would not lead to significant adverse retail impact on the centre as a whole.
- 6.67 The proposal would include for an element of café space in the conversion of the former Conservative Club building. As highlighted earlier the leisure services sector in

the town centre has grown in recent years, reflecting a broad national trend in this sector. The town centre includes 50 units, with 12 cafes and 23 takeaway units. The former includes openings in recent years of a number of independent cafes.

- 6.68 We do not consider the proposed café element would result in any significant adverse impacts on this sector in the town centre. Indeed, it is likely the café use in the proposed development would be more likely to attract those that previously might have not visited the town centre with the 'walkers and dogs' area providing for a very different type of clientele and one that could then link that trip with a visit to the rest of the town centre. This would give rise to wider spin off benefits for the centre.
- 6.69 We consider the impact test to be passed.






7. Conclusions

- 7.1 This report has addressed relevant retail policy considerations of the proposed development on the Batley Conservative Club site on the edge of Batley town centre.
- 7.2 The proposed development will enhance local consumer choice in Batley and provide for the regeneration and reuse of the former conservative club building.
- 7.3 Our assessment of retail issues has considered both the sequential and impact tests as set out in the NPPF.
- 7.4 In relation to the sequential test, a thorough assessment has been carried out and we conclude there are no suitable or available sites that could accommodate the proposed development within a sequentially preferable location, taking account of the need for flexibility.
- 7.5 With regard to the impact test, we do not consider the proposed development would give rise to significant adverse impact on existing committed or planned public or private sector investment in Batley town centre. Neither would the proposal result in significant adverse impact on the town centre as a result of any trading impact.
- 7.6 Indeed, we consider it would deliver significant benefits by enhancing consumer choice in an accessible location whilst also delivering regeneration of an unattractive site, creation of jobs, provide investment in the local economy and a range of other benefits set out in the submitted Planning Statement.
- 7.7 Against this background we consider the sequential and impact tests to be addressed.

APPENDIX 1

SEQUENTIAL SITES PLAN

Key:

- Application Site: 
- Town Centre Boundary: 
- Primary Shop Area: 
- Primary Shop Frontage: 
- Secondary Shop Frontage: 
- Sequential Sites: 