RETAIL ASSESSMENT

2025/62/91888/E - Part change of use and alterations to Banqueting Suite to form a mixed short-term let / café restaurant use at Eden Banqueting, 297, Bradford Road, Batley, WF17 6HY

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1.0 INTRODUCTION

1.1 RR Planning Ltd, based in Leeds, West Yorkshire is a planning consultancy specialising in retail matters throughout the United Kingdom and advises retail and non-retail clients on change of use and other retail proposals. We specialise in town centre uses including restaurant and hot food takeaway as well licenced gaming establishments and tanning shop uses.

1.2 The subject proposal is currently described as an application for Part change of use and alterations to nightclub to form a hostel. The submitted details however describe the proposal as a short term let use with 18 single/double rooms available and a café/restaurant on the ground floor which would be open to the public. The overall existing GIA floor space is 688sqm with 370sqm on the G round floor and 318sqm on the first floor. The proposal is for a 130 Sqm restaurant /café on ground floor and 558 sqm of short term let use.

1.3 We note the lawful use of the premises is not nightclub as currently described but as a banqueting suite catering for weddings, corporate events and private parties. Planning permission 2011/92411 Change of use from nightclub to wedding venue/assembly and leisure was approved on 23 November 2011. Google street view imaging from October 2012 to date confirm that the established use of the premises is as a wedding venue. There are also many images online of functions taking place at the premises and the premises has its own Instagram page. On 23 March 2020 application 2020/62/90095/E was approved for part change of use with the whole of the ground floor converted to restaurant use. Due to the Covid 19 pandemic this permission was not implemented and the premises continued operating as a wedding venue / assembly and leisure use. As such, the principle of restaurant use at the subject premises is established and is a material consideration. Furthermore, the existing use of the premises as a wedding venue/assembly and leisure use is also an established town centre use. The NPPF defines main town centre uses as –

Retail development (including warehouse clubs and factory outlet centres); ***leisure, entertainment*** *and more intensive sport and recreation uses (including cinemas,* ***restaurants****, drive-through restaurants, bars and pubs,* ***nightclubs****, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls,* ***hotels and conference facilities****).*

1.4 The proposed use of the premises as modest sized café and restaurant use (that is smaller than the one previously approved on site) and a short term let use is a

replacement of existing town centre uses on site. Indeed, the principle of town centre use on site has been established since the mid 1990s when planning permission 95/62/91594/E1 was approved for erection of fast-food outlets, wine shop and fish & chip shop with 13-bedroom motel over and erection of two storey restaurant with associated car parking.

1.3 The site is approximately 695metres from the boundary of Batley town centre and is quite obviously an established commercial location. The application site has a combined floorspace of 688sqm. This is well below the NPPF guideline of 2500 sqm for impact assessments and as such an impact assessment is not necessary. Uses in the immediate vicinity include a many large commercial premises, such as car showrooms, former night clubs, garages, a large gym and shopping centres such as the Red Brick Mill, restaurants and desert shops and hot food takeaways.

1.4 RR Planning has engaged from the outset with Kirklees Planning Officer Kerri Simpson to agree the scope of the sequential statement. The advice received is as follows –

The sequential assessment will ideally ensure it covers both Batley Town Centre and Dewsbury Town Centre, as well as the nearest Local Centres at Batley Carr and Mount Pleasant.

This would better reflect the sites position between Batley and Dewsbury within the town centre hierarchy. The assessment should demonstrate whether there are any suitable, available , and viable sites within these centres before justifying the current out-of-centre location.

1.6 On this basis a town centre survey of available units was undertaken in Batley and Dewsbury town centre, as well as the local centres of <Mount Pleasant and Batley Carr.

2.0 PLANNING POLICY

The National Planning Policy Framework

2.1 The primary objective of the NPPF is to allow development that is sustainable to proceed, without delay. A presumption in favour of sustainable development is the basis for every plan and every decision. The NPPF sets out clearly what could make a proposed plan or development unsustainable. The NPPF is a material consideration in planning decisions.

2.2 Paragraph 11 of the NPPF sets out the foundation upon which planning proposals should be considered.

2.3 Local authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.4 With regard to business and the economy the NPPF advises at Paragraph 85 that –

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

2.5 The NPPF places an emphasis on local planning authorities being flexible enough to accommodate needs not anticipated in the plan and to allow for new and flexible working practices. Local authorities are advised that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

2.6 Whereas the NPPF advises 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 it should be noted that the existing long-established ground and first floor use is already a main town centre use that is located outside a defined centre

2.7 Paragraph 92 of the NPPF explains 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.

2.8 Paragraph 94 of the NPPF states -

When assessing applications for retail and leisure 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 locally set threshold, the default threshold is 2,500m2 of gross floorspace). This should include 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).

2.9 An application should only be refused where there is *significant* adverse impact on one or more of the considerations in paragraph 90. The parameters of the sequential assessment have been agreed with the local planning authority in accordance with the NPPF

Adopted Development Plan Policy

2.10 The Kirklees Local Plan was adopted on 27 February 2019. Policy LP13 identifies the retail hierarchy of centres. Dewsbury sits atop as a Principal Town Centre. Batley and Heckmondwike are defined town centres and Birstall is classed as a District Centre. the local plan definition of each centre is as follows –

Level	Role and Function
1. Principal Town Centre	• Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees. • The main focus in Kirklees for the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services.
2. Town Centre	• Provide for the shopping needs of residents across Kirklees mainly in the convenience (food) goods sector. • Be the focus for the local provision of financial services; offices; entertainment and leisure facilities; arts, culture and tourism facilities, further education; and health services.
3. District Centre	• Provide a range of shopping for everyday needs and serving specialist markets. • Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.
4. Local Centre	• Provide for top-up shopping and local services particularly food and drink.

2.11 LP13 requires sequential assessments for main town centre uses, which are located outside of the defined centre boundaries.

2.12 Policy LP1 outlines a presumption in favour of sustainable development. Kirklees Local Plan Policy LP7 (Efficient and effective use of land and buildings) states that proposals should encourage the efficient use of previously developed land and encourage the reuse or adaptation of vacant and underused properties, which this development proposes.

3.0 SEQUENTIAL ASSESSMENT

3.1 As the proposed development is located out of centre in retail policy terms, it is necessary to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development. It is, however, important at the outset to correctly interpret and apply the sequential test, taking into account case law and relevant appeal decisions. For example, as highlighted in the Dundee (March 2012) case, the Supreme Court ruled that "suitable" means "suitable for the development proposed by the applicant", subject to the applicant having demonstrated reasonable flexibility in terms of scale and format – an approach endorsed by the Secretary of State in the Rushden (June 2014) and Exeter (June 2016) decisions. Ultimately, whether sufficient flexibility has been demonstrated is a matter of judgement, albeit the purpose of flexibility is not to require the application to be transformed into something significantly different – a view also reflected in the aforementioned decisions. Furthermore, nor is it the purpose of national and local planning policy to require a developer/retailer to compromise their "real world" proposal to the extent that it no longer meets their business requirement and, as a consequence, becomes unviable. Moreover, it is also clear that the requirement for flexibility in applying the sequential test also applies to Local Planning Authorities. The Rushden decision also confirms that there is no policy requirement to disaggregate elements of the proposed development onto smaller, sequentially preferable sites. With regard to "availability", whilst neither the NPPF nor the PPG provide any elaboration, the Rushden decision clearly points towards the requirement for a site to be currently available rather than have some uncertain prospect of becoming available at a future date. The three decisions referred to above, assist in demonstrating how the sequential test should be lawfully and properly applied.

3.2 As noted above, the application site has a long-established history of town centre use with planning permission originally permitted for a large restaurant use and thereafter long periods of use as a nightclub and as a wedding venue/banqueting suite and most recently a part restaurant use. The proposed use as part restaurant use and short term lets is acceptable in principle.

3.3 The defined local centres of Batley Carr (LCB2), and Mount Pleasant (LCB33) have been assessed as follows.

Batley Carr Local Centre (LCB2)

3.4 The application site is located approximately 635m walking distance to Batley Carr Local centre



Batley Carr Local Centre and application site (pinned) – Kirklees Local Plan Proposals Map Extract

3.3 There are no available premises in Batley Carr Local Centre which comprises a convenience shop/post office, butchers' shop, hot food takeaway, laundrette and plumbers merchant/DIY shop. We have also reviewed local property agents' websites and confirm that there are no commercial properties available to let in Batley Carr

Mount Pleasant Local Centre (LCB33)



Mount Pleasant Local Centre and application site (pinned) – Kirklees Local Plan Proposals Map Extract

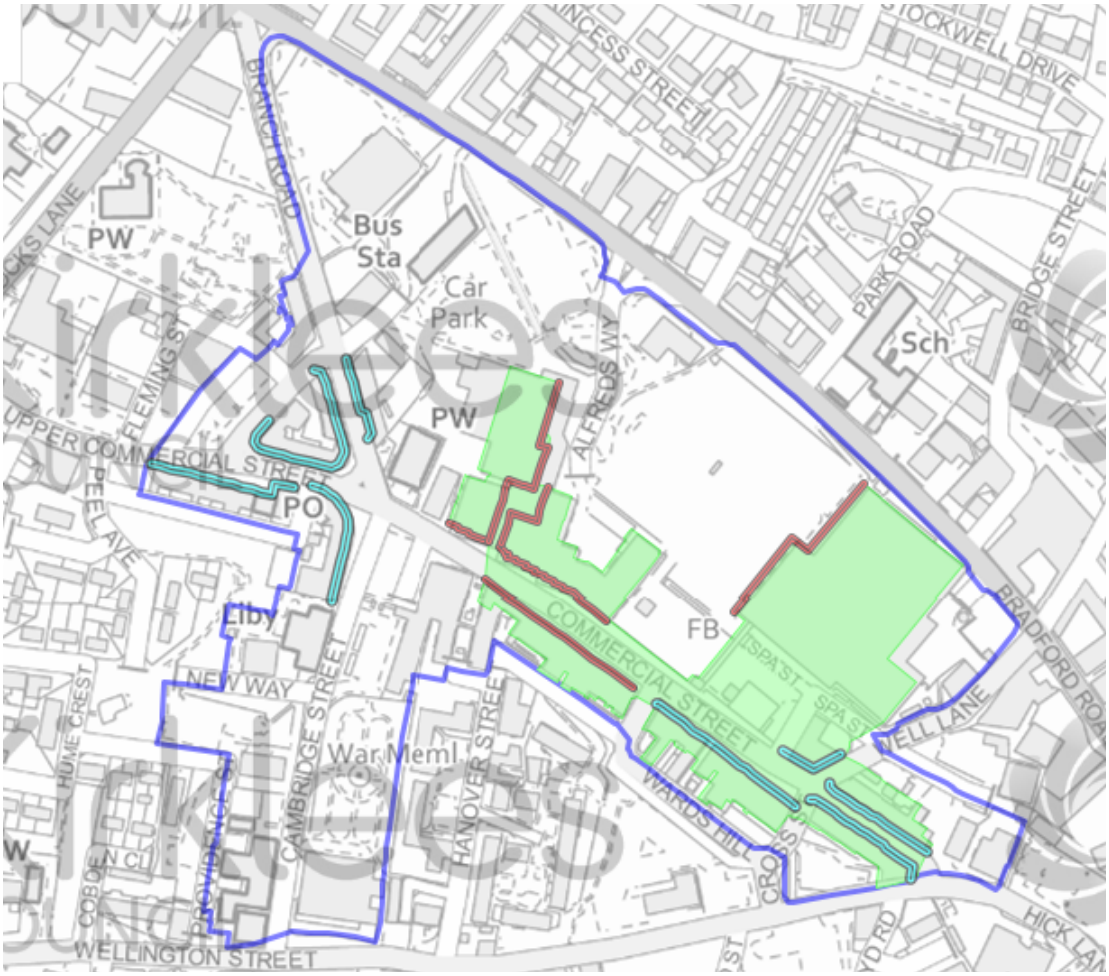
3,4 Mount pleasant local centre is a larger local centre located 4 minutes' drive or 18-25 minute's uphill walk of the application site. The local centre is not easily accessible by public transport as there are no bus services from this section of Bradford Road.

3.5 Mount Pleasant Local Centre is centred around the crossroads of Purlwell Lane, Oxford Street and Banks Street. There are many shops that serve the local catchment including four medium/large greengrocer/butchers' shops, a convenience shop, laundrette, travel agent, charity shop, clothing retailer, two barber shops, jeweller, bakery, and café.

3.6 All units are occupied and there are no available units to let.

Batley Town Centre

3.3 The area of study is Batley Town Centre as shown by the area bounded by a blue line on the local plan policy map below. The areas coloured green are defined primary shopping areas with red lines defining primary shopping frontages and green/blue lines designating secondary shopping frontages. The application site itself is approximately 695m from the boundary of the town centre.



Batley Town Centre Proposals Map Extract

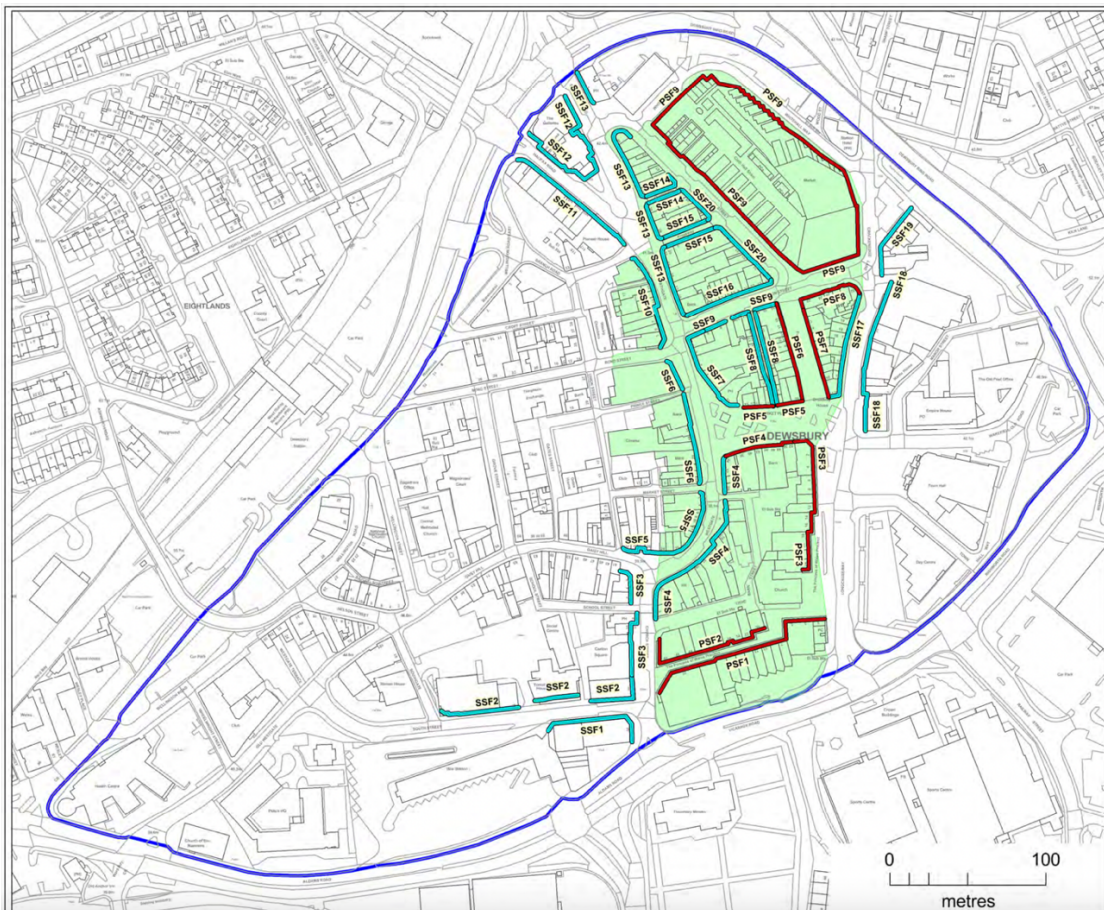
3.4 The adopted Kirklees Local Plan identifies Batley as a defined 'Town Centre' in its hierarchy of centres which provides for the shopping needs of residents mainly in the convenience (food) goods sector and is the focus for the local provision of financial services; offices; entertainment and leisure facilities; arts, culture and tourism facilities, further education; and health services. We have surveyed all of the properties within the defined town centre boundary and also researched the main commercial property websites in the UK being –

- Estates Gazette
- ShopProperty/CoStar LoopNet;
- Zoopla;
- Prime Location;
- BoxPod Commercial Property;
- Completely Retail and
- Holroyd Miller (local retail agents including telephone request for all available properties in Batley TC); and
- Michael Steel and Co. (local retail agents including telephone request to confirm all available property in Batley and Dewsbury TC)
- Ernest Wilson – specialist regional business agent including telephone request to all available businesses in Batley and Dewsbury town centre.
- Whitegates Estates Agents local bespoke database search for available property in Batley town centre.

4.2 The ground floor and basement of number 75 Commercial Street Batley is available to rent at £27,000/annum. This is the former Lloyds Bank premises that has been vacant since September 2024. The ground floor space comprises 145sqm of accommodation and this is not at all suitable for the proposed use as short term let. The premises is also a prime ground floor retail unit in the primary shopping frontage which the council would want to retail for commercial purposes. The rent is prohibitive and the property does not meet the applicant's needs for their business plan.

4.3 There are no other commercial properties available to rent being advertised in Batley town centre.

Dewsbury Town Centre



Dewsbury Town Centre Proposals Map Extract

4.4 Dewsbury Town centre is 1. mile away from the application site. Dewsbury is the principal town centre in the north of the district and serves a population of approximately 66,000. Dewsbury town centre plays an important role in serving the town and its surrounding areas, as well as adjacent town, district and local centres providing an extended provision of retail goods and services.

4.5 There are 8 commercial units available to let in the Princess of Wales Precinct, Dewsbury with the smallest being 90sqm and the largest being 320sqm. Rents however are extremely prohibitive with rent for the smallest unit being £20,000/annum and the largest unit available at £30,000/annum. Over the last decade or so these units have fallen out of favour with even large national multiple operators who cannot viably trade from these premises. In contrast the rateable value of £11,250 of the application is likely to qualify for 100% small business rates relief. The available premises are neither large enough to accommodate the proposed use nor would location in the town centre make financial sense.

4.6 There is a small 81sqm commercial unit available at 37-39 Union Street. these premises are too small to accommodate the proposed use.

4.7 No.25-27 Westgate is available to let with ground floor accommodation of 243sqm. Theses premises are too small for the applicant's needs.

4.8 Similarly, No. 12 Corporation street is an available Victorian premises formerly uses as a Betting office. However, combined accommodation over four floors totals only 166 sqm and is therefore unsuitable.

4.9 Other units that are too small include –

- 9 Northgate (85sqm)
- 7 Wellington Road East (92sqm) and Grade II Listed
- 21 Wellington Road (311 Sqm and Grade II listed

4.10 The former Netto supermarket premises at Unit 1 the Railway Centre is available and provides 100sqm of accommodation with a rateable value of £94,000. This is prohibitive and beyond the applicants means.

4.11 It is also pertinent to note that recent proposals for a 33-room hotel on land to the rear of Yorkshire House were met with numerous objections from residents and Dewsbury Chamber of Trade and as such were refused. An objection by the town's Chamber of Trade said Dewsbury needed genuine hotel accommodation to support the tourism and the business community. But it said it did not think the standard of the proposed accommodation matched the "long-term plans of the council nor the aspirations of the people of Dewsbury to see an improvement in the social fabric of this area of town. The applicant's proposal is for short term lets for professional and trades people working in the area and the proposed use does not harm local vitality or viability.

5.0 CONCLUSIONS

5.1 The proposal has been evaluated with regard to its conformity with NPPF guidance and a bespoke sequential assessment has been undertaken, as agreed with the LPA. There are no sequentially preferable or available sites being actively marketed by commercial agents in the areas of search.

5.2 In light of the above, we consider the proposal passes the NPPF sequential test and as such the proposals will not have any adverse impact on the vitality or viability of the identified centres. The change of use of the site is consistent with guidance set out in the NPPF and Local Plan Policy LP13 and as such planning permission should be granted.