

**Supplementary Planning Note: Sequential Assessment**  
**Planning Application Reference: 2020/92546**

1. This Supplementary Planning Note has been prepared at the request of Kirklees Metropolitan Borough Council (“the Council”), in respect of a live outline planning application comprising major residential-led development proposals at the Black Cat Fireworks site and surrounding land, located to the north of Blackmoorfoot Road, Huddersfield.
2. The Note specifically responds to comments received from the Planning Case Officer regarding the need for supporting justification to be provided in respect of the provision of main town centre uses within the proposed masterplan, which comprises 500 sq m of Class A1, A2, A3, A4, A5, and D1 uses (dual use).
3. The development also comprises 350 sq m of Use Class D1 doctor’s surgery to be delivered specifically as part of a care home (subject to market interest); however, this use does not fall under the same policy tests as the retail provision noted above and is therefore not considered further within this Note.
4. By way of background, the proposed provision of a dual-use local centre was included within a previous outline planning application for the site (planning reference: 2018/90748), following a comprehensive programme of pre-application consultation with local residents, Ward Councillors and Local Planning Authority officers. It was clear from this engagement with key stakeholders that existing retail and convenience provision in the area was unlikely to be adequate to serve the proposed uplift in housing more than 1km from existing shops and that there was sufficient encouragement for the inclusion of a small local centre to serve both the development itself and the immediate surrounding area.
5. The previous application included assessment of the relevant policy tests for main town centre uses outside of a designated centre. Whilst the Council determined to refuse planning permission for the previous application, the planning officer’s report to Planning Committee included support for the proposed retail provision in this location, stating inter alia (paragraph 10.5):

*“Whilst this location is out of centre, it is within a residential area and is intended to meet local needs. It is considered that the limited scale of the unit would not give rise to the level of having any significant retail impact on existing centres. There are no defined town centres within the catchment area of the community that the unit is intended to serve and therefore the proposal is compliant with Local Plan Policy LP13.”*

6. For completeness, the current development proposal now incorporates an additional 70 dwellings compared to the previous application.
7. The justification below broadly follows the approach taken during the previous submission with additional commentary provided in respect of the nearest local centre at Blackmoorfoot Road / Dryclough Road.

### **Development Outside Designated Centres**

8. In planning policy terms, the site is situated in an 'out-of-centre' location as there are no designated local or town centres within the application site and the site boundary is situated more than 300 metres away from an existing designated centre (i.e. it is not an 'edge-of-centre' location). The nearest designated local centre is located at Blackmoorfoot Road and Dryclough Road approximately 1km to the east of the application site's closest boundary, which comprises a small number of retail and commercial units including some convenience retail uses and services such as a Post Office, but also a high proportion of residential dwellings (predominantly on the southern side of Blackmoorfoot Road).
9. The supporting uses proposed as part of this current planning application are defined by national planning policy as 'main town centre uses'<sup>1</sup>. Local Plan Policy LP13 confirms that if main town centre uses are not located within defined centres then a sequential assessment should be undertaken. The sequential approach aims to direct development of main town centre uses towards existing designated centres, before considering edge-of-centre locations, and only then out-of-centre locations if no other suitable sites are available, suitable or viable. The policy does however note that new local centres will be supported in areas of "*significant residential growth*" and where "*existing centres cannot be expanded to deliver local services*".
10. Given the context of the major residential proposals and the policy context above, it is evident that the principle of a small local centre is acceptable as part of a major 770-dwelling development proposal; however, a sequential assessment should be undertaken in order to fully satisfy Policy LP13.
11. Planning Practice Guidance, which is a material consideration in the determination of planning applications, indicates that the application of the sequential assessment should be proportionate

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<sup>1</sup> NPPF Glossary - 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).

and appropriate to the development proposal<sup>2</sup>. It goes on to state that the use of the sequential assessment should recognise that certain main town centre uses have particular market-related and locational requirements, which mean that they may only be accommodated in specific locations<sup>3</sup>, such as to support areas of residential growth. In this instance, the guidance is supported by Policy LP13 that confirms that areas of significant residential growth are appropriate for new local centres in principle.

12. Taking the above guidance into account, it is considered that the scale of the proposed supporting uses and their location will clearly only meet a specific, localised need resulting from the proposed residential development and immediate surrounding area. The uses proposed would not come forward in isolation of this development and are unlikely to serve a catchment area that would compete with existing centres at Dryclough Road (circa 1km to the east) and Crosland Moor (circa 1.5km to the east).
13. Briefly considering existing catchment areas, and for comparison, the local centre at Dryclough Road is situated approximately 500m to the west of the Crosland Moor local centre by Nabcroft Lane: the proposed local centre would be located approximately 1,000-1,200m to the west of Dryclough Road, clearly serving a different catchment area. This assessment is compounded by the small size of the proposed local centre of up to 500 sq m – comparable to a local food convenience store (i.e. 280 sq m) and a couple of independent business like a hairdresser, launderette, off-license, salon etc. – which would have a proportionately limited catchment area.
14. Following discussions with the planning officer, it has been noted that the Council requires further justification as part of this current planning application with specific reference to the Dryclough Road local centre and the potential availability of existing retail or commercial premises. As such, a search of local real estate agents' websites has been carried out to review any vacant or available units within the local centre, that may be sequentially preferable to the proposed local centre. In order to be considered 'sequentially preferable', a unit or combination of units should satisfy the following criteria:
  - Available for rent or sale for the same or similar types of land use as proposed (i.e. a residential dwelling for sale within a centre would not be considered to be 'available')
  - Suitable to provide a similar quantum of floorspace to the proposed development, accounting for flexibility (it is widely accepted that flexibility includes an allowance of +/- 10%)

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<sup>2</sup> Reference ID: 2b-011-20190722

<sup>3</sup> Reference ID: 2b-012-20190722

- Suitable for the land uses proposed including being accessible and commercially functional in terms of layout or adaptability (e.g. street level entrance, unimpeded sales area etc)
- Viable for the intended use (i.e. vacant units that require significant refurbishment or potential development sites without planning permission are not considered to be commercially viable for the purposes of the sequential test).

15. The following websites have been reviewed:

- Rightmove
- Zoopla
- Realla
- Prime Location
- Commercial People
- Property Link - Estates Gazette
- Move Hut

16. No properties were identified as being available within the Dryclough Road local centre for any of the proposed uses forming part of the current planning application. It is noted that a site visit has not been carried out in preparation of this Note and the search may therefore exclude premises that are being marketed directly by the property owner or not via a website. As such, the Applicant is willing to consider reassessing any premises that the Council subsequently identifies.

17. In addition to the consideration of available existing properties, Policy LP13 considers whether existing local centres could be expanded to meet the increased demand associated with significant additional housing development. In the case of the Dryclough Road local centre, the existing shops/businesses are tightly neighboured by adjoining residential properties, preventing any natural extensions to the local centre. There are no available development plots either within or on the edge of the centre at this time that could facilitate the development of additional shops.

## **Conclusion**

18. Taking the above assessment into account and considering the Council's positive assessment of the proposed local centre during the determination of the previous outline planning application (reference: 2018/90748), it is considered that the sequential assessment has been satisfied in this case. As such, the inclusion of retail and community uses as part of a major residential-led development is acceptable.