SEQUENTIAL TEST TO SUPPORT THE CHANGE USE OF THE BULLS HEAD PUBLIC HOUSE FOR USE AS A CONVENIENCE STORE - THE BULLS HEAD, HIGH STREET, KINGSLEY. ST 10 2AE



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APPLICANTS:-	**MRS RATHY KUMARASAMY**
SEQUENTIAL TEST DATE:-	**JUNE 1ST - JULY 5TH 2020**

1. INTRODUCTION

1.1 This Sequential Test (ST) has been prepared by Mr Mike Carr MSc MRTPI (MAT Design Limited) on behalf of Mrs Kumarasamy, to support of a planning application that proposes the change of use of the vacant Bulls Head Public House (Use Class A4) to a use comprising of a Convenience Store (Use Class A1)

1.2 Further to the above, this ST also takes into account the specific Policy directions that are set out in the Staffordshire Moorland Local Plan (1016 - 2031), Section 7 (Ensuring the vitality of town centres) paragraph 86 of the National Planning Policy Framework 2019 (NPPF), given that this site lies outside a recognised Town or Local Centre.

In addition, this ST will also highlight how the reuse of this redundant commercial building will comply with the provisions set out in Section 2 of the NPPF, which would follow the presumption in favour of sustainable development and should be supported by the Local Planning Authority, so long as there is no demonstrable harm to the nearest Town Centre at Cheadle, and that there are no severe highway or pedestrian safety problems as a result of the development.

1.3 Overall, this Sequential Test will set out and assess the following details:-

- The application site;

- The planning history;

- The proposed development;

- The national and local planning policy context;

- Site suitability for the proposed use;

- The sequential test approach;

- The proposed use of the site and the requirements of paragraph 24;

- The suitability of the site for the proposed use;

- The sequential test results assessment;

- The wider regeneration benefits and other material planning considerations attached to this planning application

- The sequential test summary;

- The sequential test conclusions and;

- Annex 1, Table 1 – Identified sites and sequential assessment

2. THE APPLICATION SITE

The site subject of this planning application is a public house that has been vacant for almost 2 years, and lies to the north of the High Street, Kinglsey, which is the main thoroughfare through the village. The Bulls Head in a central location within the Kinglsey Settlement boundary. As such, the site is close to the surrounding pockets of residential accommodation that lie to the south east and north west.

Taking the above factors into account, the application site can be described as being in a very sustainable location within Kinglsley.

However, in terms of the setting of the site within the wider locality, Kinglsley is located 14.5 miles from Biddulph, 10 miles from Leek and 4miles from Cheadle. Whilst the 3 centres provide shopping and other Town Centre uses for the Borough, their proximity to Kinglsey means that residents have to travel some distance even for the most basic convenience goods.

TOWN CENTRE USES

For the avoidance of doubt, those use are identified 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).

3. RELEVANT PLANNING HISTORY AND EMPLOYMENT OPPORTUNITIES

There is no planning history attached to the application site that affects the consideration of this planning application, although the it is highlighted that despite being marketed for sale over the past 2 years, there has been little interest shown in the site in being economically viable as a public house.

4. NATIONAL & LOCAL PLANNING POLICY AND GUIDANCE

National & Local Planning Policy for the purposes of this test and application comprises of:-

- The National Planning Policy Framework 2019 (NPPF);

- National Planning Practice Guidance (NPPG)

- The Staffordshire Moorland Local Plan 2016

4.1 THE SEQUENTIAL TEST APPROACH

4.11 This section assesses the proposal against the key planning policy requirements, which are identified within the above mentioned national and local policy frameworks.

As the proposed development is located out of centre in policy terms, it is necessary to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development.

4.12 For purposes attached to this test, the key planning policy requirement is paragraph 86 of the NPPF, which states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

In the context of this Sequential Test document, guidance advises that applicants and also Local Planning Authorities should demonstrate flexibility on issues such as format and scale attached to such a test.

4.13 The proposal for the site is identified as being a main town centre use and is not located within an existing centre on the Local Plan Proposals Map. The approach of the Local Plan generally reflects the requirements of paragraph 86 of the NPPF.

4.14 Further to the above, it is also 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" and, more recently, the Secretary of State in the Rushden appeal decision (June 2014), has confirmed that the sequential test needs to be considered in the context of the specific development proposed by the applicant, and not simply a "class of goods" approach or some attempt at disaggregation that might otherwise seek to accommodate elements of the proposed development on a smaller, sequentially preferable site.***

4.15 Therefore, if a site is to be considered suitable for the commercial requirements of a developer/the development, any such site clearly needs to be considered in light of the specific proposals and floor space required for the use.

The Supreme Court decision and the later Secretary of State decisions referred to above, both assist in demonstrating how the sequential test should be lawfully and properly applied.

4.16 Whilst this report acknowledges the requirement for some flexibility in applying the sequential test approach, as referred to in the National Planning Guidance, experience has shown that such an approach this needs to be applied sensibly in the context of scale and format of the development proposed. In this case, a small scale bespoke office space development that is well located in terms of its position to Pemberton and main transportation links to the surround motorway network..

Furthermore, it is clearly not the purpose of national or local planning policy to require a developer to seriously compromise their proposals, by requiring them to separate into different parts, or to take on floor space that is either too small or too large, which may mean the development becomes economically unsustainable.

In this context, it would be wholly unreasonable to expect the applicant/retailer to amend a proposal to the extent that it no longer meets their business requirement and becomes un-viable.

4.22 THE SCOPE OF THE SEQUENTIAL TEST

In terms of the sequential test approach, given the proximity of Leek & Biddulph to Kinglsey, it is considered both sensible and reasonable that the scope of the sequential test in this case, is limited to potential sequentially preferable sites within Cheadle Town Centre, given that it may have some capacity for the proposed development

This test will therefore assess the merits of available sites that could reasonably accommodate the proposed development, allowing for a reasonable degree of flexibility as required by national policy, which are currently available and suitable in Cheadle Town Centre and commercial premises for sale or rent within 2 miles of that centre.

5. **THE SUITABILITY OF THE SITE FOR THE PROPOSED USE**

5.1 **Availability: -** The NPPF (Paragraph 86) helpfully sheds light on the correct interpretation of this aspect of the test, and simply asks whether town centre or edges of centre sites are "available or expected to become available within a reasonable period".

Importantly, it does not ask whether such sites are likely to become available during the remainder of the plan-period or over a period of some years.

Put simply, the correct approach is to ascertain whether a site is currently available or will be available soon, rather than speculate if a site may become available at some indeterminate future date.

5.2 **Suitability: -** Suitability relates to whether the proposed development can be reasonably and successfully located at a particular site. There are a number of key considerations in this respect.

Firstly, as previously indicated, the test is only relevant in the context of the "requirement" the proposed development will meet the needs of the proposed use in terms of commercial floor space provision, car parking and accessibility, although local employment generation can also be a material factor in favour of the development.

Secondly, the basic business requirements of the applicants business are of fundamental importance.

In this respect, what it is significant is the requirement for the new gymnasium facility to be of a certain size, so as to allow the operator to be able to provide the floor space needed to meet client expectations and business plan requirements of the applicant.

Put simply, units that are materially smaller or larger would be seriously compromised and would not represent a viable development from the applicant's perspective.

Taking the above into account, the suitability of any land, building or its lawful use and any future changes of use are fundamental planning considerations in this planning application ,

particularly when planning policy requirements require the application site to be sequentially assessed against any other vacant buildings within the area of the sequential test.

In this case, it is highlighted that the built configuration and proposed layout of application site provides the most suitable floor space requirements for the proposed development.

5.3 **Viability: -** Any alternative site sites should not present any obvious economic obstacles to the proposed development. In this case, given that the applicant has secured the purchase of the site, this is a significant finacila consideration in this case.

5.4 THE SUITABILITY OF THE BULLS HEAD FOR THE PROPOSED USE

The Bulls Head provides the following specific benefit and business requirements:-

- 120m2 of clean floor space for retail sales, which is accessible to local residents;
- There is a small area that is sub-divided for use as storage and WC facilities;
- Target market for customers are local residents and passing customers. The position of the site in Kinglsey means that this is a significant consideration that will benefit local people;
- Whilst we would expect many customers to walk to the premisses from their homes, car parking is available within the site boundary meaning that those who want to travel by car, can be accommodated.

When the above mentioned business suitability requirements are sequentially considered against other sites that are currently available, it is clear that the Bulls Head site provides the most sequentially preferable site when site suitability, availability and unnecessary investment (viability) are taken into account.

6. SEQUENTIAL TEST RESULTS ASSESSMENT - JUNE 1ST - JULY 5TH 2020

6.1 For the purposes of this sequential test examination, the results assessment focuses on available sites within the sequential test area identified in Annexe 1 of this report.

The Sequential Test period covered June 1st - 5th July 2020 and involved a walkabout search around Cheadle Town Centre and is perimeter, along with a desktop survey using:-

- Council commercial property for sale registers site availability listing;

- Rightmove's online search engine of commercial premises for sale;

- Zoopla's online search engine of commercial premises for sale;

- Websites of local independent commercial agents.

6.12 Further to the above, Table 1, set out in Annex 1, identifies the following:-

- Sites available for sale in the test area;

- The size of the site (suitability;

- The lawful use of the premises (suitability if planning permission is required);

- The viability of any alternative site in terms of the inward investment that would be required.

6.13 The results of the test examination were that there were no sites that were currently available to accommodate the use, which were suitable or viable, for the reasons identified above and set out in column 5 of Table 1.

7. **WIDER REGENERATION BENEFITS AND OTHER MATERIAL PLANNING CONSIDERATIONS ATTACHED TO THIS PLANNING APPLICATION**

7.1 Setting aside the specific requirements set out above (NPPF paragraphs 86 – 87), the NPPF provides the most up to date planning policy framework, which is designed to replace out of date local planning policy, where an adopted Local Plan is not in place or is out of date, and to support Local Planning Authorities in the preparation of new Local Plans and also to help assess the consideration of planning applications.

The overall purpose of the NPPF is to contribute to the achievement of sustainable development, with paragraph 8 identifying There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

It is considered that the proposals set out in this planning application would contribute towards the three strands of sustainable development.

Further to the above, the NPPF recognises that these roles should not be undertaken in isolation, because they are mutually dependent on each other. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

In addition to the above, and in the context of this planning application, whilst Section 7 (Ensuring the vitality of town centres), paragraph 86 advises that LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, it is equally clear that the NPPF also directs LPA's to consider many other material planning considerations in its decision making process.

In this context, it is considered that following national planning policy applies in this case:-

- Section 6 identifies that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

The proposals for this site will create employment opportunities and help to bring economic prosperity to site and the Borough.

- The NPPF makes it clear that there is a presumption in favour of sustainable development, and the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposals for this site will bring the land forward for economic use and will encourage sustainable growth in the Borough.

- Paragraph 80 advises 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

The proposals for this site will bring the site forward for economic use and will support economic growth by providing a sustainably located leisure space development in the Borough.

Overall, the Local Planning Authority has a positive track record by granting planning permission for a wide variety of Town Centre uses that are outside existing centres, by recognising the positive regeneration contribution that such proposals can bring. This approach is clear, given the existing uses that surround the site.

The applicant considers that this same positive approach should also be applied to the redevelopment of this site.

8 SUMMARY

8.1 Taking into account the above report information and test results set out in Annex 1, it is clear that there are no sites identified in the local search and the sequential test that are currently available, suitable and/or viable to accommodate the application as proposed.

If during the determination period of the application the LPA become aware of any available sites, we will of course address these as necessary. However at present and for the purposes of this assessment, there are no suitably available sites within the sequential test area.

8.2 As such, it is considered that the analysis of this test, as set out, and represents a reasonable interpretation and assessment the sequential approach towards site selection at this time.

Furthermore, it is clear has been clearly demonstrated that there are no sequentially preferable alternative sites that are available or suitable and consequently the brownfield application site, which is accessible by a variety of transport modes, is sequentially the most appropriate location for the proposed development, taking into account all materially available planning considerations.

9 CONCLUSIONS

9.1 Having considered the availability of sites within the identified sequential test area, it has been concluded that there are no sites that are sequentially more preferable or adequate in their capacity for the type of development proposed. This covers the below suitability test reasons:-

- Location;

- Floor space available;

- Internal floor space and floor level restrictions;

- The need for planning permission and;

- The financial investment required

9.2 As such, for the reasons identified within this report, it is considered that a satisfactory sequential test has been carried out, so as to demonstrate compliance with paragraph 86 of the NPPF and with the relevant policies set out in the Staffordshire Moorlands Local Plan.

Overall, it is clear that there are no material planning reasons that would justify the refusal of planning permission in this case, given that the proposed development represents a sustainable form of development.

Furthermore, should the planning application be refused, the would simply mean that the wide-ranging local benefits associated with the site's regeneration would be denied to the applicant investment into the site and the local community.

ANNEX 1 - TABLE 1 – SITES FOR SALE OR LET THAT ARE REASONABLY AVAILABLE AND TESTED WITHIN THE TEST TIMEFRAME (1st June 2020 – 5th July 2020), ITHIN THE SEQUENTIALLY TESTED AREA BY USING THE SEARCH MECHANISMS IDENTIFIED IN SECTION 6 OF THIS REPORT.

SITES FOR SALE/RENT	SITE SIZE & LOCATION (IN OR OUT OF CENTRE)	LAWFUL USE OF THE PREMISES	FINANCIAL INVERSTMENT REQUIRED	SUITABILITY OF THE SITE TO ACCOMMODATE THE USE
Garage for sale Cheadle, Staffordshire, West Midlands,	85m2	Sui Genris	£149,500	Use unacceptable without planning permission. Floor space to small Financial investment required not viable.
Mixed Use for sale Cross Street,	51m2	A1 shop with flats above	£190,000	Planning permission not required.

Stoke-On-Trent				Floor space to small Financial investment required likely to be not viable
3 bedroom retail property (high street) for sale High Street, ST10	45m2	A1 shop with flat above	£150,000	Planning permission not required. Floor space to small Financial investment required not viable.
Light industrial to let Unit 1, New Haden Industrial Estate, Draycott Cross Road, Cheadle, Stoke On Trent ST10	1532m2	B1 - Planning permission required	£45,364	Use needs planning permission. Location in centre. Floor space to large Financial investment required un-viable