



Sequential Test Report

On behalf of

**M and B Company Shop
Arbour Lane
Knowsley Industrial Park,
Kirkby
L33 7XB**

December 2021

1. Introduction

- 1.1 Baltic PDC are instructed by Mr Bradley of the M&B Company Shop (the 'applicants') to produce a sequential test report, to support a retrospective planning application (ref: 21/00796/FUL), that is under consideration by Knowsley Council (the 'LPA') for changes to an existing retail unit at Arbour Lane, Knowsley Industrial Park, Kirkby, L33 7XB (the 'site').
- 1.2 Planning application ref: 21/00796/FUL was lodged on 08th October, seeking retrospective permission for a *'change of use application to regularize internal changes made to Previous Consent 19/00642/COU.'*
- 1.3 For the avoidance of doubt, 19/00642/COU permitted the retention of a change of use of the property from a vehicle repair centre (Class B2) to the company shop. This was defined as Class B8 owing to the extensive proportion of storage at the premises. Floor plans setting out the components of the property, both previously and as proposed, is enclosed at Appendix 1.
- 1.4 This application was not sequentially tested as only a small percentage of the property was to be used as retail, and there was only limited opening hours. This was confirmed by the LPA, by email (dated 18th November 2021).
- 1.5 The application currently under assessment (ref: 21/00796/FUL) now proposes an alternative arrangement, which means that retail will be the primary use on site, with extended opening hours. The proposed arrangement comprises an overall floor area of 530sq.m split between: 310sq.m of retail, 130sq.m of storage and 90sq.m of office, staff and ancillary space.
- 1.6 As such, the property requires a sequential test, in line with national and local planning policy, as detailed below.

2. Policy Context

- 2.1 The National Planning Policy Framework (the 'Framework') sets out the Government's commitment to a planning system that does everything it can to support sustainable growth. Local planning authorities are expected to plan positively for new development.

2.2 One of the Government's over-arching objectives is sustainable economic growth. To help to achieve this, the Government's objectives for planning are to build prosperous communities; reduce the gap in economic growth rates between regions; deliver more sustainable patterns of development and respond to climate change; and to promote the vitality and viability of town and other centres as important places for communities. The strategy for achieving this is set down within chapter 7 of the Framework '*ensuring the viability of town centres*'. Key paragraphs include the following:

2.3 **Para 86** of the Framework identifies planning policy as critical to supporting the role that town centres play at the heart of local communities and sets out a series of

2.4 **Para 87**, which goes on to provide guidance on the sequential approach to development management, states:

'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 Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

2.4 **Para 91** directs local planning authorities to refuse such development that '*fails to satisfy the sequential test...*'.

2.5 Supplementary guidance to the Framework comes in the form of National Planning Practice Guidance (the 'PPG'). PPG was originally published on 6 March 2014 and is a material consideration in the determination of planning applications. NPPG (**para 009 Ref ID: 2b-009-20190722**) reiterates guidance in NPPF on the sequential test that:

'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.'

2.7 Paragraph 011 (**Ref ID: 2b-011-20190722**) sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test, as follows:

- *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. It is important to set out any associated reasoning 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.*

2.8 The sequential test undertaken for the proposed development, as detailed through this report, has been structured to follow the checklist, as set down above.

2.9 Locally, the LPA's Unitary Development Plan (the 'UDP') sets out its retail strategy in saved Policy S1. **Policy S1(2)** states:

'Where there is a clearly demonstrated need for new retail and town centre use development which cannot be met through re-use or development of existing buildings or land within an existing centre, the preferred location for the development will be on the edge of an existing centre, in preference to an out-of-centre location.'

2.10 The LPA's Core Strategy, **Policy CS4(5)** goes on to state that:

'New retail and other main town centre uses, as defined in Appendix A: Glossary, will be primarily located within existing town centres in accordance with Policy CS6: Town Centres and Retail Strategy. A sequential approach to site selection shall be applied with locations in existing town, district and local centres of an appropriate scale being considered first, then edge of centre locations and then only if suitable sites are not available should out of centre sites be considered. For edge of centre

and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.'

- 2.11 The following sections provide details of *how* an assessment was carried out on the relevant 'town centre' and 'edge of centre' locations and *what* was identified. As follows:

3. Methodology

- 3.1 A defined search area was confirmed by the LPA, by email, on 24th November 2021. The agreed area is limited to Kirkby town centre (and edge of centre), as defined by the LPA's Policy Map. The relevant extract is enclosed below at Figure 1.



Figure 1: Defined search area- Kirkby Centre (as defined on Unitary Development Plan Policy Map)

- 3.2 To ensure that all available alternatives were identified for assessment, several approaches were taken. Initially a visit to the search area was carried out, noting all units available at the time, through external advertisement. A follow-up desk top search was carried out on the sites identified in the visit, to establish if any additional units were available. Finally, all relevant agents were contacted by telephone and email to confirm enquiries.
- 3.3 In light of recent changes to the Town and Country Planning (Use Classes) Order 1987 (as amended), there are now certain freedoms concerning the change of use of

properties within Use Class E (*Commercial, Business and Service*). To ensure that the evaluation of available alternatives was comprehensive, the search included all commercial spaces within the town centre and at edge of centre. Any limitations are considered as part of individual assessments.

- 3.4 All units identified within these searches were evaluated. The results are included later in this report (Section 5). The proposed floor area of the applicant's premises has been considered in the assessment of alternative properties and judgement has been exercised as to whether alternatives are deemed to be 'comparable' in this regard. Where properties are either far too large or far too small, they have been discounted without further planning consideration.

4. Disaggregation

- 4.1 There is a requirement for some flexibility in applying the sequential test, as referred to in the PPG, however this needs to be applied sensibly in the context of scale and format. It is clearly not the purpose of national or local planning policy to require applicants to compromise their proposal by requiring them to disaggregate it into its constituent parts. There is no guidance on the matter of disaggregation in the Framework or PPG, where it removed previous policy (PPS4) on the matter.
- 4.2 As such the disaggregation of the applicant's property is not considered reasonable or necessary. Whilst the primary use of the site is proposed to be retail, there remains a large element of storage, essential to the operation of the business, along with parking and ancillary staff areas.

5. Site Visit Kirkby Town Centre & edge of town area

- 5.1 A site visit to the defined search area (Figure 1) was carried out on 14th December 2021 to identify any suitable alternatives to the application site. All available units were noted and researched in further detail online.
- 5.2 During the site visit, several properties were identified. The locations of these properties are identified on Figure 2 below.
- 5.3 It was noted during the site visit that a Council-led initiative was being rolled out, targeting the reuse of existing, vacant commercial stock, along with a regeneration programme directed toward the north of the town centre. The Council's commercial

partner's Colliers and Cheetham and Mortimer ('C&M') were identified as key agents associated with these properties. Both have been contacted and their relevant information considered later in this report.



Fig 2: Identified properties within Kirkby town centre

5.4 The identified properties are as follows:



Fig 3: Property 1: Poundland Store, Newtown Gardens

- 5.5 Whilst a Mason Owen market board is displayed at this address, a search confirmed that no property is currently being marketed by this agent within Kirkby. As such, it is considered that Property 1 is not available and can be discounted, without further planning consideration.



Fig 4: Property 2: Vacant store, Newtown Gardens

- 5.6 Property 2 is far too small to accommodate the required floor space and as such can be discounted, without further planning consideration.



Fig 5: Property 3: Vacant retail unit, Irlam Drive

- 5.7 Property 3 forms part of the Kirkby Town Centre portfolio and is considered in further detail below.



Fig 6: Property 4: Vacant unit, Cherryfield Drive

- 5.8 Property 4 appeared vacant at the time of visiting. Having undertaken a further search, including enquiries with relevant agents, it is not possible to establish whether it is available. As such, Property 4 has been discounted on the basis that it is not available.



Fig 7: Property 5: Vacant unit, Cherryfield Drive

5.9 Property 5 forms part of the Kirkby Town Centre portfolio and is considered in further detail below.



Fig 8: Property 6: Former Bank, Newtown Gardens

5.10 Property 6 forms part of the Kirkby Town Centre portfolio and is considered in further detail below.

5.11 It was established that a significant number of available units, including Properties 3 & 5 (above) are being marketed as part of the 'Kirkby Town Centre' initiative, being led by C&M and Colliers. See Fig 9 below for more details.



Fig 9: Kirkby Town Centre Brochure- Cheetham & Mortimer

- 5.12 Telephone enquiries were lodged with both C&M and Colliers. In respect of Colliers, they had nothing available within proximity of the town centre, nor edge of centre (see email dated 16th December at Appendix 2 of this report). In respect of C&M, they provided the Kirkby Town Centre brochure (extract at Fig 9) and the following properties:

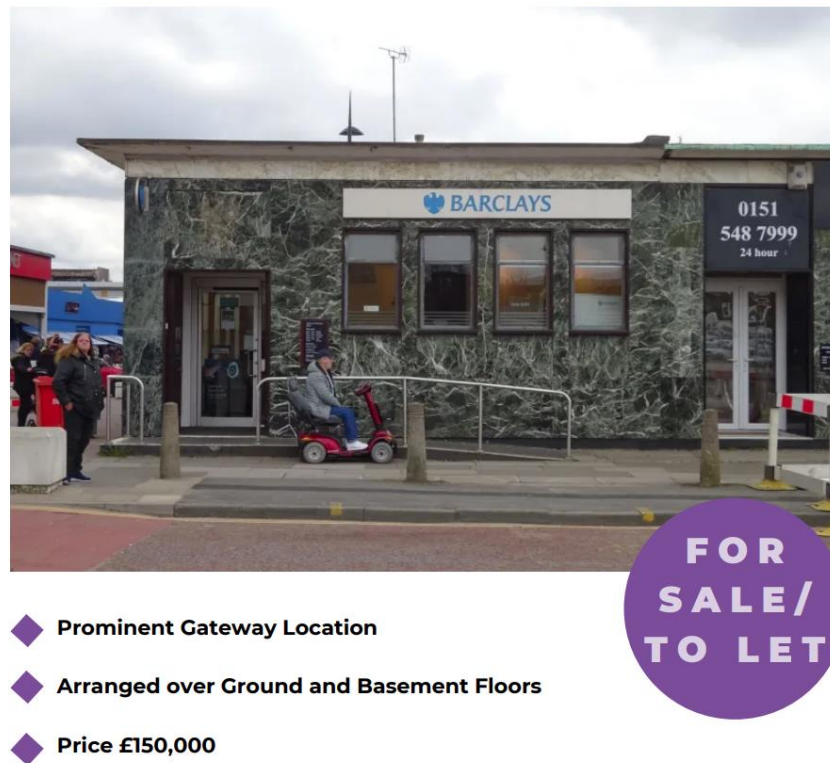


Fig 10: Former Barclays Bank, 3 Chad's Drive

- 5.13 The property comprises 67.26sq.m of basement and 110.36sq.m ground floor accommodation (total 177.62sq.m). As such, the property is too small to accommodate the operations of the applicant and can be discounted without further planning consideration.
- 5.14 Turning to the Kirkby Town Centre brochure map, there are a number of units within the new shopping park, along with a series of existing units throughout the town centre being marketed by C&M. These are considered as follows:

Market Square

- 5.15 Both no.9 Market Square (105.91sq.m) and 11 Market Square (106.28sq.m), also marketed via C&M, are far too small for the applicants needs and can be discounted without further planning consideration.

St Chad's Parade

- 5.16 No.s 3, 6, 11D, 17, 18, 25, 34, 38, 40, 52, 72-74 & 82-84 St Chad's Parade all fall significantly below the required floor area that is required by the applicants and can therefore be discounted without further planning consideration.

Newton Gardens

- 5.17 No.18 Newton Gardens is too small and no. 20-24 (former NatWest), although comparable in size, does not now appear to be available. Information was sought from New River (Completely Retail), C&M and NovaLoca websites, with the latter stating that the property had been withdrawn from the market on 19th April 2021.

Cherryfield Drive

- 5.18 Although floor areas for no. 132 Cherryfield Drive were not available, the unit is significantly larger than any of the other properties considered above. It can be reasonably assumed that the unit far exceeds the required floor space for the applicant. As such, it can be discounted without further planning consideration.

New Development- Retail Park

- 5.19 Unit 5 is too large for the requirements of the applicant. Units 8, 9, 10, 11, 12 & 13 are all too small. As such, all units can be discounted, without any further planning consideration.

6. Online Searches

- 6.1 The following section provides an overview online search result. As follows:
- 6.2 Both Rightmove and Zoopla search engines were used. As part of this exercise, the following search criteria were used on each:
- *Minimum floor area (sq.m)- 500*
 - *Maximum floor area (sq.m)- 1,000*
 - *Price- 'Any'*
- 6.3 It is clear from the following map extracts that no results were found within the parameters set out above. As follows:

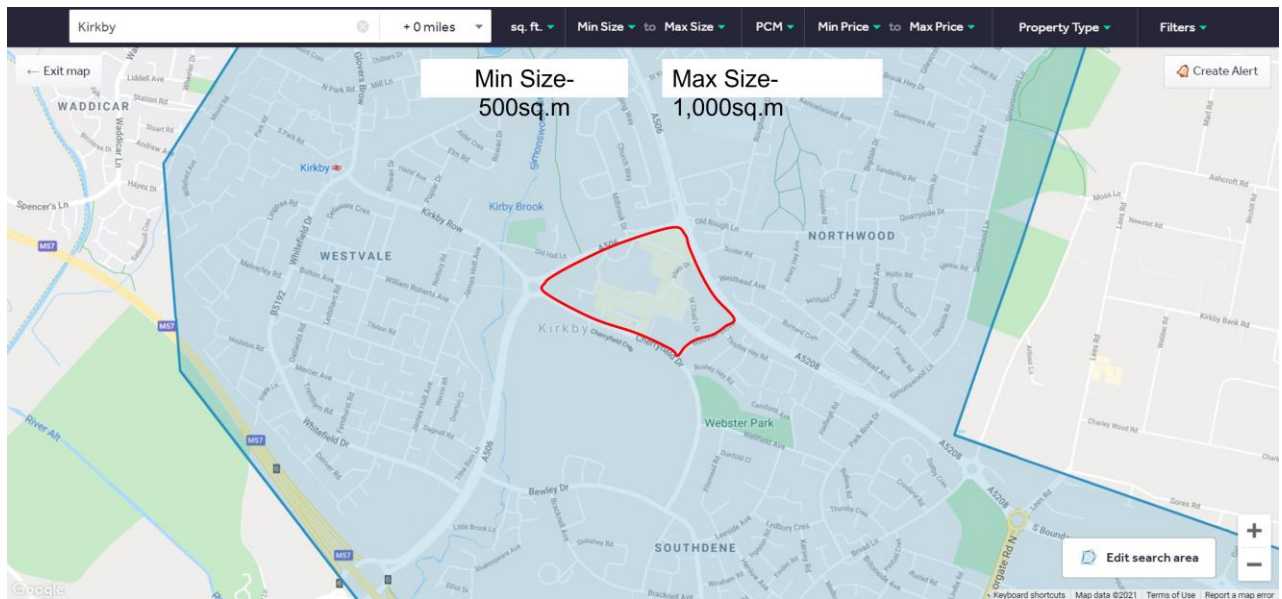


Figure 11: Rightmove Mapping Results (to let)

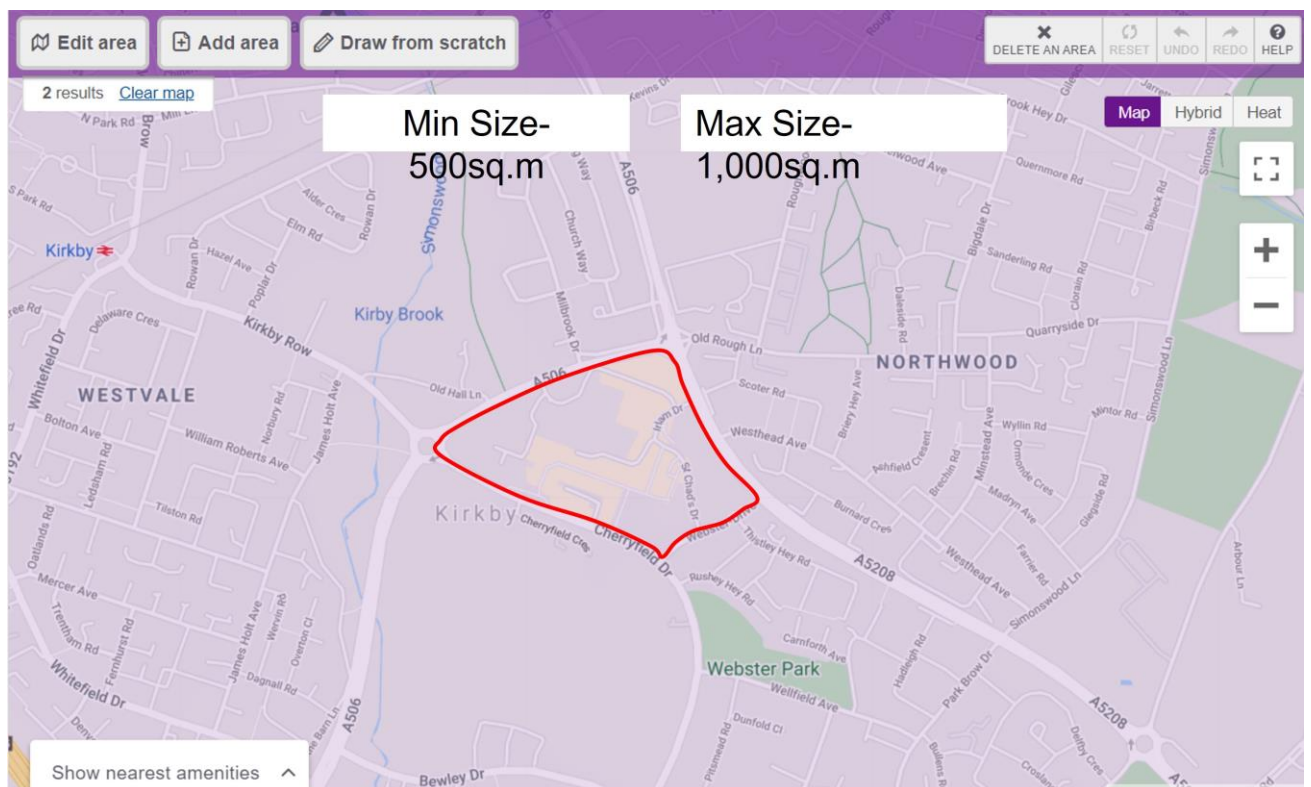


Figure 12: Zoopla Mapping Results (to let)

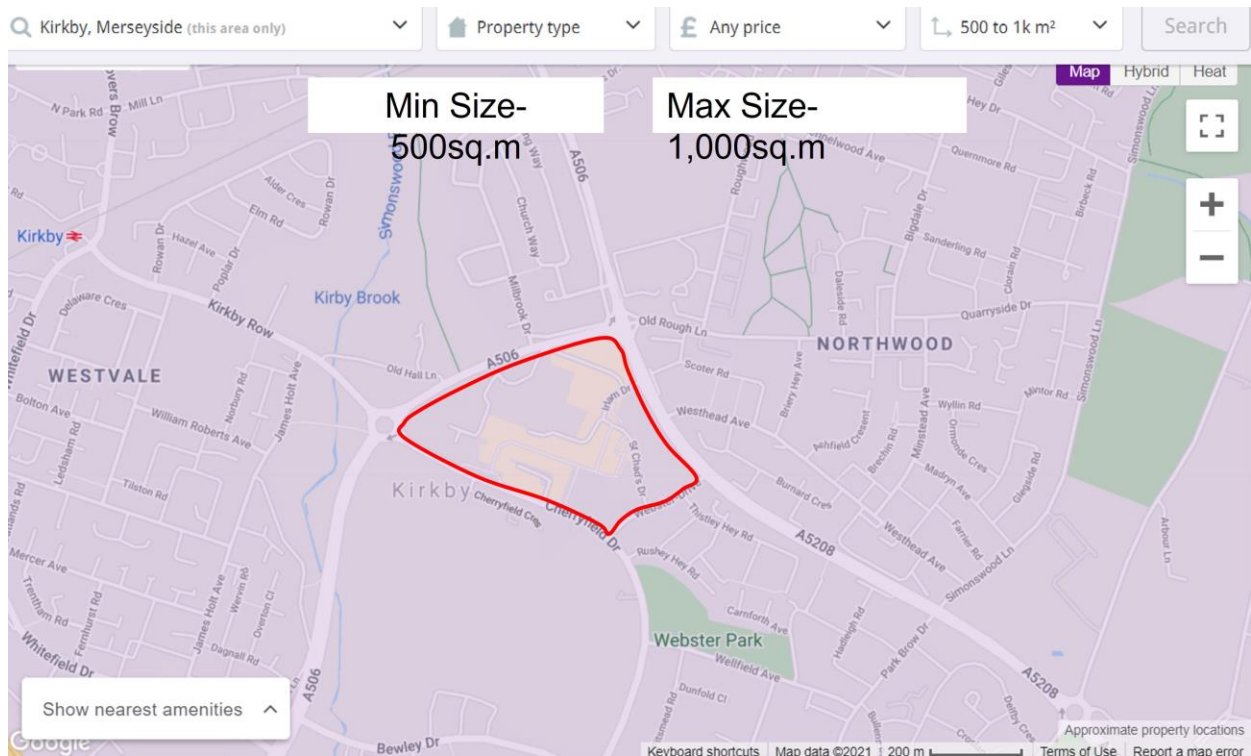


Figure 13: Zoopla Mapping Results (for sale)

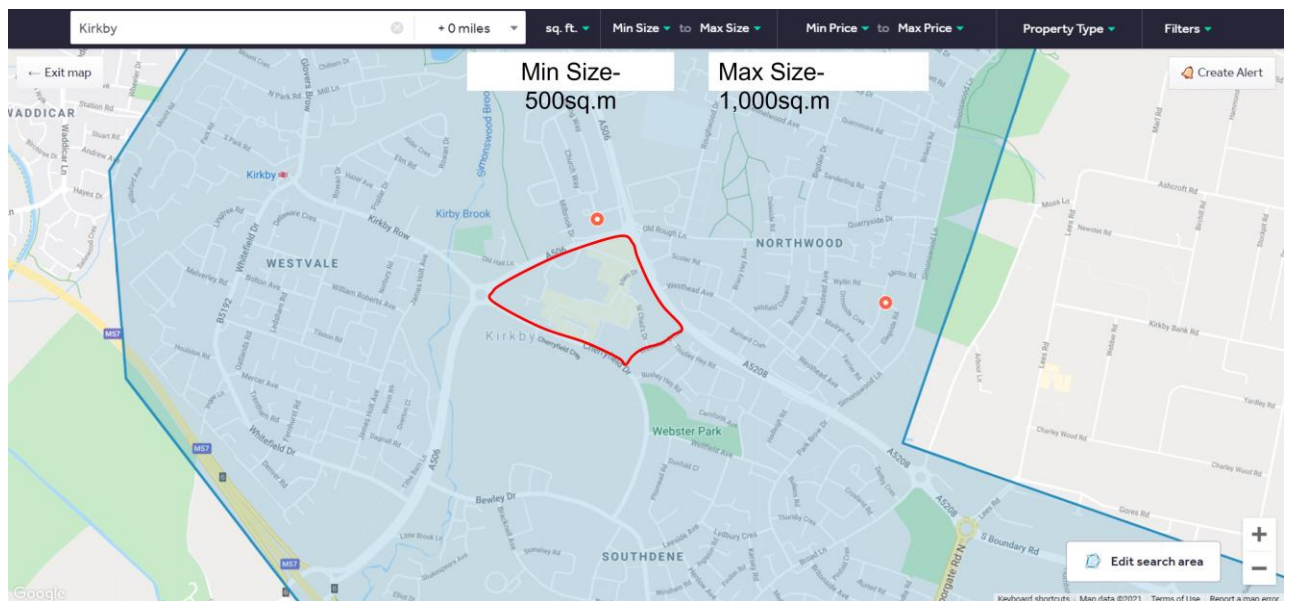


Figure 14: Rightmove Mapping Results (for sale)

7. Outcome and Conclusion

- 7.1 As demonstrated throughout this Sequential Test, whilst there are a range of alternative sites available within the search area, none of them can be considered 'comparable' and all have been discounted.
- 7.2 As is demonstrated above, none of the units are considered suitable for the proposed operations subject to this application. In such circumstances, the application site ought to be considered as an appropriate location in compliance with Paragraph 87 of the NPPF and Policy CS4 of the Council's Core Strategy.