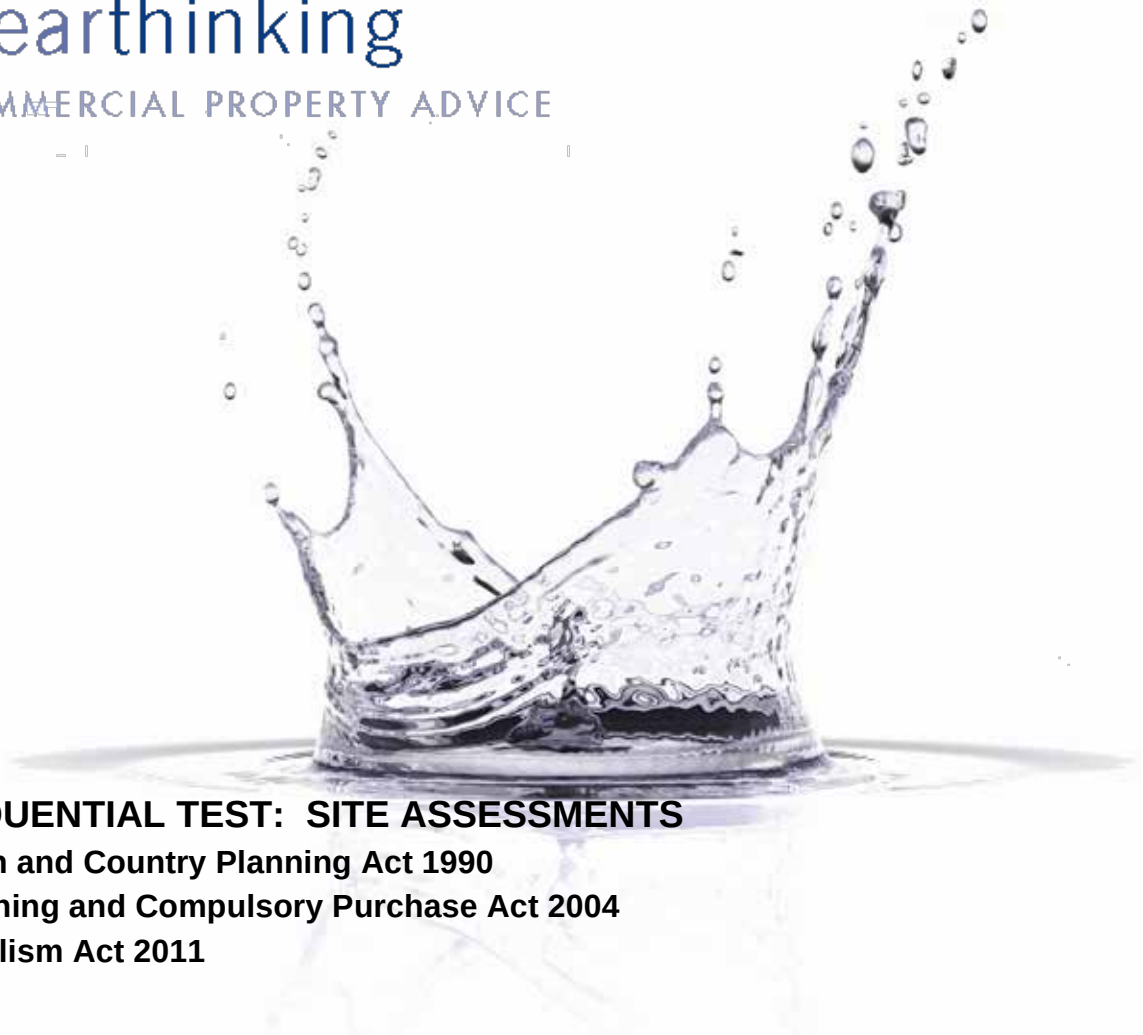


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COMMERCIAL PROPERTY ADVICE



SEQUENTIAL TEST: SITE ASSESSMENTS

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Localism Act 2011

PROPOSED ERECTION OF A TWO-STOREY RESTAURANT TOGETHER WITH DRIVE THRU AND TAKEAWAY FACILITY AND ASSOCIATED CAR PARK (REF: 66254/FUL) AT LAND OFF KING STREET, FENTON, ST4 2LT

On Behalf Of:

Staffs Fitness Limited

Prepared By:

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Job Ref: P1855

Date: May 2021

FINAL

SEQUENTIAL TEST: SITE ASSESSMENTS

**PROPOSED ERECTION OF A TWO-STOREY RESTAURANT TOGETHER
WITH DRIVE THRU AND TAKEAWAY FACILITY AND ASSOCIATED CAR
PARK (REF: 66254/FUL)**

AT LAND OFF KING STREET, FENTON, ST4 2LT

Main Contributors
Olivia Morris BA (Hons) MSc

Issued By



Signature:

Print Name: Olivia Morris

Date: 24.05.2021

Approved By



Signature:

Print Name: John Pearce

Date: 24.05.2021

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1.0 INTRODUCTION

1.1 This Sequential Test Report (“**STR**”) has been prepared by Harris Lamb Planning Consultancy (“**HLPC**”) on behalf of Staffs Fitness Limited (“**The Applicant**”) in respect of the Applicant’s proposed development (“**The Application Scheme**”) on land off King Street, Fenton ST4 2LT (“**The Application Site**”).

1.2 The Application Scheme comprises:

The proposed erection of a two-storey restaurant together with drive thru and takeaway facility and associated car park.

1.3 This sequential test is submitted in conjunction with a planning application reference 66254/FUL which is currently awaiting validation by the LPA. As the site is located in an out of centre location as defined in the National Planning Policy Framework (NPPF), it has been advised that a sequential test is required (as per the guidance in paragraph 86 of the NPPF) in order to demonstrate that there remain no sequentially preferable sites in the town to accommodate the proposed development.

1.4 This STR has been structured as follows:

- In Part 2 we describe the Application Scheme.
- In Part 3 we describe the relevant planning policy background relating to the carrying out of sequential tests. In so doing we identify the town centre boundary for Fenton (Policy SP7 and SP81) as outlined within the Local Plan Development Framework Proposals Map, in addition to the relevant policies of the Framework and the PPG regarding the application of the sequential test.
- In Part 4 we set out the implications of recent case law regarding the application of the sequential test.

- In Part 5 we describe the methodology which has been undertaken for this sequential test. The methodology has regard to the physical circumstances of Fenton, the lack of any allocations in the adopted Local Plan and relevant policy guidance and case law regarding the application of the sequential test to town centre uses.
- In Part 6 we set out our assessment of these sites, which were identified through the sequential test exercise.
- In Part 7 we set out our conclusions.

2.0 THE APPLICATION SCHEME

- 2.1 The Planning Application details are described in the Design and Access Statement prepared by Hulme Upright Architects.
- 2.2 The application site area is 2,733 square metres and is located on the junction of King Street and City Road, Fenton. The application site is currently vacant, having previously served as a car park for a now vacant medical centre to the south. The site forms part of a wider site to the south which is within the applicaant's control. The site is accessed from Alan Alfred Avenue, off the roundabout junction at City Road, King Street and Victoria Road. Beyond Alan Alfred Avenue to the east and south of King Street, is existing commercial development comprised of a KFC restaurant and drive through, Costa Drive through and a Sainsbury's on the Go. The wider area, therefore, already accommodates a variety of town centre uses.
- 2.3 A full planning application has been submitted by the Applicant seeking the proposed erection of a two-storey restaurant together with drive thru and takeaway facility and associated car park. The development proposals comprise a 167 sq m (1,800 sq ft) GIA Burger King restaurant ancillary drive thru with a total of 19 car parking spaces.
- 2.4 The application is proposed on a site area of 2,733 square metres. We have, therefore, undertaken the Sequential Test in order to assess the availability of alternative sites of a suitable or similar size. The site is in excess of 150 metres from the town centre boundary of Fenton, and, is therefore, situated in an edge of centre location as defined by the NPPF. Accordingly, the sequential test exercise has been undertaken on the basis of trying to identify a site of this size within or on the edge of the town centre since other out-of-centre locations would not be sequentially preferable.

3.0 RELEVANT PLANNING POLICY BACKGROUND REGARDING SEQUENTIAL TEST ISSUES

- 3.1 This chapter focuses on the policies that are relevant to the application of the sequential test. The Development Plan for the borough currently consists of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, the saved Local Plan Policies, the Minerals Local Plan for Staffordshire, the Staffordshire and Stoke-on-Trent Waste Local Plan, the Loggerheads Neighbourhood Plan, and the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan.

1. Local Plan Policies

- 3.2 The town centre boundary of Fenton is defined by the Local Development Framework Proposals Map within the Core Spatial Strategy 2006-26 (Adopted 2009). Policy SP.7 and SP.8 of that plan identifies the extent of town centres and outlines the Town Centre area of Fenton.
- 3.3 The application site does not appear to have a specific policy designation and appears as white land on the Proposals Map. The site is, however, located outside of the defined town centre boundary of Fenton and is, therefore, considered to be an edge of centre location as defined in the NPPF.
- 3.4 Policy SP1 Spatial Principles of Targeted Regeneration states that retail development will be focused towards the City Centre and Newcastle Town Centre. Development in other centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. The policy goes on to state that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. As such, the application site is within walking distance of Fenton Town Centre and forms part of a wider area that has already been established for a range of uses including town centre uses in the form of a KFC restaurant and drive through, Costa Drive through and a Sainsbury's on the go.

- 3.5 Fenton is identified as a 'Significant Urban Centre' in the Settlement Hierarchy and is considered to 'play a complementary role to the two strategic centres (City Centre of Stoke-on-Trent and Newcastle Town Centre) primarily providing retail and services to meet local needs.

Policy SP2 Spatial Principles of Economic Development encourages the diversification of the centres for new business investment, particularly in terms of retailing, amongst other uses, that is appropriate in scale and nature to the respective centre.

The Emerging Stoke-on-Trent City Council Local Plan

- 3.6 The Council are currently preparing a new Local Plan which will replace the Newcastle-under-Lyme and Stoke-on-Trent core spatial strategy.
- 3.7 From 2013 to January 2021 Newcastle Borough Council worked with Stoke-on-Trent City Council to produce a Joint Local Plan. Work on the Joint Local Plan has now ceased and both authorities have, therefore, resolved to separately undertake a new Local Plan. Stoke-on-Trent City Council are currently undertaking Issues and Options consultation, with consultation on the Draft Local Plan containing proposed policies and site allocations scheduled to take place during Winter 2021.

2. Policies of the Framework

- 3.8 Turning to the policies of the Framework, Paragraph 86 identifies the need to carry out a sequential test for planning applications which contain main town centre uses but which are not in an existing centre and which are not in accordance with an up-to-date Local Plan. The advice states that applications for main town centre uses should be located in town centres, then in edge-of-centre locations and only then, if suitable sites are not available, should out-of-centre sites be considered. The reference to 'availability' is clarified by reference to this being within 'a reasonable period', although the length of this period is not quantified.

- 3.9 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. The definition of the edge of centre is set out in the Glossary to the Framework and this states that retail proposals within 300m of the primary shopping area can be regarded as edge of centre and other town centre uses are classed as edge of centre if they are within 300m of the town centre boundary. The application site is considered to be in an edge of centre location.

The Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council Retail and Leisure Study (July 2019)

- 3.10 The Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council Retail and Leisure Study (July 2019) identifies Fenton as the smallest town centre in Stoke-on-Trent, both in terms of the quantum of floorspace and the number of operators it accommodates. Further stating that, the mix of operators in the centre is limited and the provision is very substantially below what would be expected of a town centre. The Study also concludes that Fenton lacks the diversity of comparison and convenience goods retailers that one would expect to find in a town centre and there would be significant benefit in diversifying Fenton's retail offer in order that it performs a role more commensurate with its designation.

3. National Planning Practice Guidance

- 3.11 The National Planning Practice Guidance supplements the policies contained in the National Policy Framework. Further guidance on the application of the sequential test is set out in the 'Ensuring the Vitality of Town Centres' section. The requirements of paragraph 86 of the Framework are reiterated. It is confirmed that the purpose of the sequential test is to guide main town centre uses towards town centre locations first, then, if no town centre location is available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations. Preference is given to accessible sites which are well connected to the town centre.

- 3.12 Paragraph 011 (Paragraph: 011 Reference ID: 2b-011-20190722) provides guidance on how the sequential test should be used in the decision-making process. It is for the applicant to demonstrate the compliance with the sequential test. Local planning authorities should support the applicant in undertaking the sequential test. The application of the test should be proportionate and appropriate to the given proposal. A checklist of considerations for the sequential test is provided. The checklist requires the need to demonstrate flexibility and to consider the suitability of more central sites. Consideration should then be given to flexibility in the format and/or scale of the proposal.
- 3.13 The concluding, third bullet point of paragraph 011 is clear, in that if there are no suitable sites in sequentially preferable locations then the sequential test is passed. Suitable sites must be sites that are available and appropriate for the given proposal. Appropriate sites include available sites that can accommodate the proposal but it should be noted that flexibility should be applied to the proposal concerned.
- 3.14 The guidance further advises at paragraph 012 that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements. Therefore, there is an inherent acceptance in the PPG that the sequential test needs to have regard to the economic factors that influence locational decisions of businesses.
- 3.15 In summary, the application of the sequential test means:
1. Assessing whether there are any available sites that are suitable and in sequentially preferable locations.
 2. Acknowledging the market and locational requirements of the uses concerned.
 3. Ensuring the assessment is proportionate and appropriate to the given proposal.
 4. Being flexible to demonstrate whether more central sites have been fully considered.

4. Operation of the National Planning Policy Framework

- 3.16 On the 16th December 2014 the Communities and Local Government Select Committee published their report on the operation of the National Planning Policy Framework. The report noted that the requirement to look at disaggregation in the application of the sequential test did not appear within the Framework. Planning Policy Statement 4 – Planning for Sustainable Economic Growth, which was superseded by the Framework, required local authorities to ensure that developers demonstrated flexibility over the scope for disaggregating specific parts of retail and leisure developments as part of a sequential test. The Committee’s report noted, however, that “there is no such provision in the NPPF”. It was recommended that the Government restored to the NPPF the policy on disaggregation for the application of the sequential test.
- 3.17 In February 2015 the Government published its response to the CLG Select Committee report into the operation of the Framework. In response to the request to introduce text into the Framework on disaggregation the Government advised that it recognised the Committee’s view that planning policies should support the vitality and viability of town centres. The response further noted that the Framework makes it clear that the local authorities should apply a sequential test to main town centre uses to direct development to town centres, and then edge of centres only if suitable sites are not available in an out of centre location. However, this has not resulted in any amendments to either the Framework or the PPG requiring the application of disaggregation in the sequential test. It is, therefore, clear that, in applying the sequential test, the opportunity to divert development to sequentially preferable sites should be applied to the development as a whole.

4.0 CASE LAW IMPLICATIONS REGARDING APPLICATION OF THE SEQUENTIAL TEST

- 4.1 Section 3.0 of this report details the National Planning Policy Framework (NPPF) requirements in respect of the sequential test. The Planning Practice Guidance (PPG) thereafter indicates how the sequential test should be assessed in determining a proposal which is outside of a defined centre and not in accordance with the development plan.
- 4.2 In applying the sequential approach, Paragraph 86 of the Framework requires applicants and local planning authorities to demonstrate flexibility on issues such as format and scale; this contrasts to the former PPS4 guidance (policy EC15.1d) which specifically referred to 'car parking' and 'disaggregation' in applying the flexibility component of the test.
- 4.3 Consequently, prior to undertaking the sequential assessment in support of the application proposals, it is important to summarise the key considerations when determining whether sequential preferable sites (in this instance in-centre and edge-of-centre) are available and suitable to accommodate the proposed scheme. Whilst Paragraph 86 of the Framework makes no specific reference to the issue of viability in assessing the suitability of sites a brief overview of viability considerations is also provided for robustness where relevant; clearly a site which is not commercially viable will not, in practice, be 'suitable' for a development.

SEQUENTIAL TEST CONSIDERATIONS

1) Availability

- 4.4 The NPPF and associated PPG do not specifically reference how to determine whether any alternative sequentially preferable sites are available. It is however notable that an Inspector's Report in relation to a call-in inquiry in Rushden (known as Rushden Lakes) details at para. 8.55 that the Framework (2012 version) requires that a site is 'currently available' thereby, rejecting the approach taken in the now superseded Planning for Town

Centres Practice Guidance, which referred (para. 6.37) to availability within a reasonable period of time having regard to the urgency of the need. It is recognised that the Framework 2019 refers to the availability of sites within a reasonable period, although that period is not defined.

- 4.5 Further clarification has been given to the definition of ‘availability’ in a recent (December 2017) appeal decision in Hull (Kingswood) whereby the Inspector found (para. 59):

‘...it would be unreasonable to exclude sites as non-available where there is a reasonable prospect that they will be both vacant and in single ownership within a matter of months’.

- 4.6 This conclusion is, therefore, adopted by the applicant in concluding whether sites are available to accommodate the proposed development.

2) Suitability

- 4.7 There are two important judgments in relation to the suitability component of the sequential test:

§ **Supreme Court Judgment** in respect of Tesco Stores Ltd (the appellant) v Dundee City Council (the respondent), which was issued on 21st March 2012; and

§ **High Court Judgment** in respect of Aldergate Properties Ltd and Mansfield District Council and Regal Sherwood Oaks Ltd, which was issued on 8th July 2016.

- 4.8 An overview of the respective judgments is provided below.

SUPREME COURT JUDGMENT (SCJ) IN DUNDEE

- 4.9 The Dundee SCJ provides a ruling on the interpretation of the ‘suitability’ component of the sequential test. In this case, the Court had to decide whether the word ‘suitable’ means *‘suitable for the development proposed by*

the applicant', or 'suitable for meeting identified deficiencies in retail provision in the area' (see paragraph 21 of the Judgment). Subject to the requirement for the applicant to demonstrate flexibility, the court endorsed the former and rejected the latter. The reasoning and clarification are set out in paragraphs 28, 29, 30, 36, 37 and 38 of the Judgment.

- 4.10 In Paragraph 28 of the Judgment, it is confirmed that 'suitable' means suitable for the development proposed by the applicant, but the judgement adds the qualification that there is a need for '*.... Flexibility and realism from developers and retailers as well as planning authorities*'. In paragraph 29, it is specified that provided the applicant has shown flexibility and had regard to the circumstances of the particular town centre, the question that remains is '*.... 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*'.
- 4.11 Finally, Paragraph 38 of the Judgement confirms that '*...the whole [sequential] exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer*' and that '*... developments of this kind are generated by the developer's assessment of the market that he seeks to serve....*' And that the sequential 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 doing so*'.
- 4.12 The Inspector in the aforementioned Rushden call-in inquiry describes the Dundee Judgment as being of '*seminal importance*' and states that it establishes:
- a) '*That if a site is not suitable for the commercial requirements of the developer in question, then it is not a suitable site for the purposes of the sequential approach*'; and:

b) *'That in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site'.*

4.13 Further clarification on flexibility is however provided in a more recent appeal decision in Hull (*Kingswood*) whereby the Inspector found (para 33) that:

'Flexibility in 'form' or 'format; could include: whether the proposal can be provided in one or more buildings; whether space is on one or more levels; how individual units are laid out; and how and where parking and servicing provision is made'.

4.14 However, as detailed later in this section, the conclusions reached in the *Kingswood* appeal are based on scheme and site-specific considerations (outline scheme with no named operators seeking flexible permission) which informed the Inspector's conclusions.

4.15 The *Mansfield* Judgment provides further clarification in relation to how the sequential test should be applied and it establishes a number of important principles, as follows:

1) *'In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in {24} NPPF and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee CC, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator' (Paragraph 35 of the Judgment).*

- 2) *Second, ‘.....NPPF [24] positively “requires” retail investment in the first place to locate in town centres rather than elsewhere.... Its thrust is rather more emphatic than those policies on which the Dundee decision was based]... NPPF [24] cannot therefore be interpreted as requiring “suitability” and “availability” simply to be judged from the retailer’s or developer’s perspective, with a degree of flexibility from the retailer, and responsiveness from the authority’ (Paragraph 37 of the Judgment).*
- 3) *‘Third, and of crucial importance here, still less can it [NPPF 24] be interpreted as envisaging that the requirement or preferences of an individual retailer’s trading style, commercial attitudes, site preferences, competitive preferences whether against itself or greater competition should dictate what sites are “suitable” or “available” subject only to a degree of flexibility. NPPF [23] and [24] are simply not couched in terms of an individual retailer’s corporate requirements or limitations (Paragraph 38 of the Judgment).*
- 4) *‘Any alternative approach would reduce the sequential test to one of the individual operator’s preference, with the suitability of centres, sites and their availability varying from applicant to applicant each proposing the same broad type or even identical form of development. This case illustrates just why on the proper interpretation of NPPF [24], the identity of the applicant or proposed occupier is generally irrelevant’ (Paragraph 39 of the Judgment).*
- 5) *“Available” cannot mean available to a particular retailer but must mean available for the type of retail use for which permission is sought’ (Paragraph 42 of the Judgment),*

4.16 Of crucial importance, therefore, is the conclusion that there is no inconsistency between the Dundee and Mansfield Judgments because the Supreme Court was referring to the suitability of sites by reference to the

type of development proposed by the applicant, and not to the identity of the applicant or proposed operator.

3) Viability

- 4.17 Reference to considering viability is made in the supporting Planning Practice Guidance which details that:

‘The sequential test seeks to deliver the government’s ‘town centre first’ policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere local planning authorities need to be realistic and flexible in terms of their expectations’.

- 4.18 However, the Inspector’s report (para. 8.54) in respect of the aforementioned Rushden call-in Inquiry, does details that *‘....the task is to identify sequentially preferable sites that are suitable and available which necessarily includes consideration of deliverability/viability’*. This is further reinforced by the aforementioned (recent) Kingswood appeal decision whereby the Inspector acknowledged that:

‘The PPG at ID 2b-009-20140306 refers to viability as a criterion for identifying sites to meet identified needs for main town centre uses, but again only in the context of plan-making, not decision-taking. Nevertheless, it is material when applying the sequential test to consider whether alternative sites... can be viable in the sense there is a reasonable prospect they could be delivered’.

4) The Requirement for Disaggregation

- 4.19 The application does not require arbitrary disaggregation of the proposal for the purposes of the sequential test.

5) Area of Search/Catchment

- 4.20 The catchment analysed in this sequential test is based on Fenton, Stoke-on-Trent. The application proposal will predominately serve Fenton and its immediate hinterland; this is the primary catchment for the proposal and is justifiable on the basis that Fenton is identified as one of the Town Centres within the Core Spatial Strategy.
- 4.21 Therefore, seeking to direct the proposed development to an alternative centre outside of Fenton would not address the current needs / deficiencies of the town.

6) Site Search

- 4.22 The application site is accepted to constitute an edge-of-centre location in sequential terms given that it is within 300 metres of the Town Centre boundary for Fenton as defined in the adopted Core Strategy. However, the site is considered to be an appropriate location for the proposed uses and the Council have resolved to grant planning permission for similar uses on land to the east of the site; including a KFC restaurant and drive through, Costa Drive through and a Sainsbury's on the go. Furthermore, the site is considered, in accordance with the Planning Practice Guidance, to be an accessible edge-of-centre site which is well connected to the town centre.
- 4.23 Therefore, out-of-centre sites further remote from the town centre have been discounted from the assessment; only in-centre and edge-of-centre sites have been considered as part of the sequential test.

5.0 METHODOLOGY FOR UNDERTAKING THE SEQUENTIAL TEST EXERCISE

5.1 A Scoping Letter was submitted to Angela Barlow on 28th April 2021 setting out and seeking to agree the scope of the assessment at the outset. However, to date, a response has not been received. The scoping letter set out the following series of search criteria that the Sequential Test would be based upon:

- Search Area – the occupier has stated an operational and business requirement to develop a facility in Fenton. As such, our assessment will focus on those sites in Fenton Town Centre and any available sites and properties that are within 150 metres of the edge of the town centre, as anything else would be sequentially less preferable than the application site.
- Prominent Road Frontage - the new facility needs to occupy a prominent location along a main road to appeal to the 'grab and go market' and ideally be located within close proximity to the town centre.
- In order to operate successfully the facility needs premises that provides at least 167 sq m (1,800 sq ft) of GIA floorspace. This is the minimum amount of floorspace that would be required, however, in order to provide some flexibility, we will assess premises that are up to 186 sqm (2,000 sq ft) in size. This represents a flexibility factor of approximately 11%.
- In order for the business to be viable a sufficient lease length is required in order to justify the investment i.e. short term lets are not suitable. As a consequence, the property must be available with at least a 20-year full repairing and insuring lease. Furthermore, the unit must also be available within the next 12 months as the occupier is looking for immediate occupation once planning permission is granted.

- The appearance of the property is important in order to attract customers and to promote the brand. The ability to deliver key product branding is a key requirement.
- Located away from residential properties so as to avoid any potential adverse impact on the amenity of existing residents.
- When assessing edge of centre and out of centre locations, the Framework gives preference to accessible sites that are well connected to the town centre. In assessing sites, the accessibility of the property to the town centre will be a key consideration.

5.2 In order to undertake the sequential test exercise for the Application Scheme we have adopted the following methodology: -

1. We have identified the town centre boundary by reference to the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2009, which contains an inset plan identifying the Fenton town centre boundary. (See Appendix 1).
2. We have investigated opportunities for the identification of sites, first, within Fenton Town Centre boundary and, second, for any available sites and properties that are within 150 metres of the edge of the town centre boundary, having regard to the definition of edge of centre in the Glossary to the Framework. We have not looked at other out of centre sites beyond this area as they are not sequentially preferable to the Application Site.
3. We have applied the Test of Suitability in order to determine if individual sites would be acceptable for retail and drive through restaurant development. In this context we have ruled out the possibility of sites being developed which are in public open space or private open space uses on the basis that this will entail a loss of open space, which would be contrary to Policy CSP5 of the Core

Strategy and the Framework (Paragraphs 96 and 97 of the Framework).

4. We have examined sites to determine if they are genuinely available within an appropriate period for the form of development required.
5. Based on the interpretation of policy and case law, we have not disaggregated any element of the Application Scheme.

6.0 ASSESSMENT OF SITES

- 6.1 The assessment has focused on the town centre of Fenton. Generally speaking, the centre comprises older buildings on relatively small plots which are typically occupied by smaller independent traders with only a small proportion of national retailers present. The centre is such that there are relatively few sites, if any, that are capable of being developed at present. The physical characteristics of the town centre do affect the ability to physically accommodate additional town centre uses within or immediately adjoining the town centre area.
- 6.2 We have assessed sites which are sequentially preferable to the Application site, i.e. those sites in or within 150 m of the Fenton Town Centre boundary. We have also considered other sites in the Defined Town Centre and which adjoin the boundary in order to provide a robust assessment.
- 6.3 We have undertaken a review of available sites that are currently on the market either for sale (freehold) or for lease by reviewing commercial property databases and utilising our HLPC's own knowledge of the local market.

Sites to Let

- 6.4 A Co Star search, undertaken in April 2021, of vacant properties for lease in the town centre and wider Fenton area. The results of which are included at Appendix 2. It identified 4 available units and premises. The following properties are located in the town centre or between the edge of centre and the Application Site.

Site No	Site Address	Size/Floor Area (square metres)	Suitable for Retail Y/N	Suitable for Drive thru Y/N
1	97-107 King Street Stoke on Trent ST4 3LZ	89	Y	N
2	9 Victoria Road Stoke on Trent ST4 2HE	41	Y	N

3	13 Victoria Road Stoke on Trent ST4 2HE	274	N	N
4	72 Victoria Road Stoke on Trent ST4 2JX	31	N	N

- 6.5 In terms of the suitability of the units identified above to be used for the proposed uses submitted as part of the application, none of the units are an appropriate size in gross floorspace terms for the foodstore. In addition, the configuration of these units are such that they would not be suitable to accommodate the building and associated floorspace over two floors and none of them would be able to actually accommodate the drive thru element or associated parking area. As such, none of them are considered appropriate or capable of accommodating the proposed development.

Sites for Sale

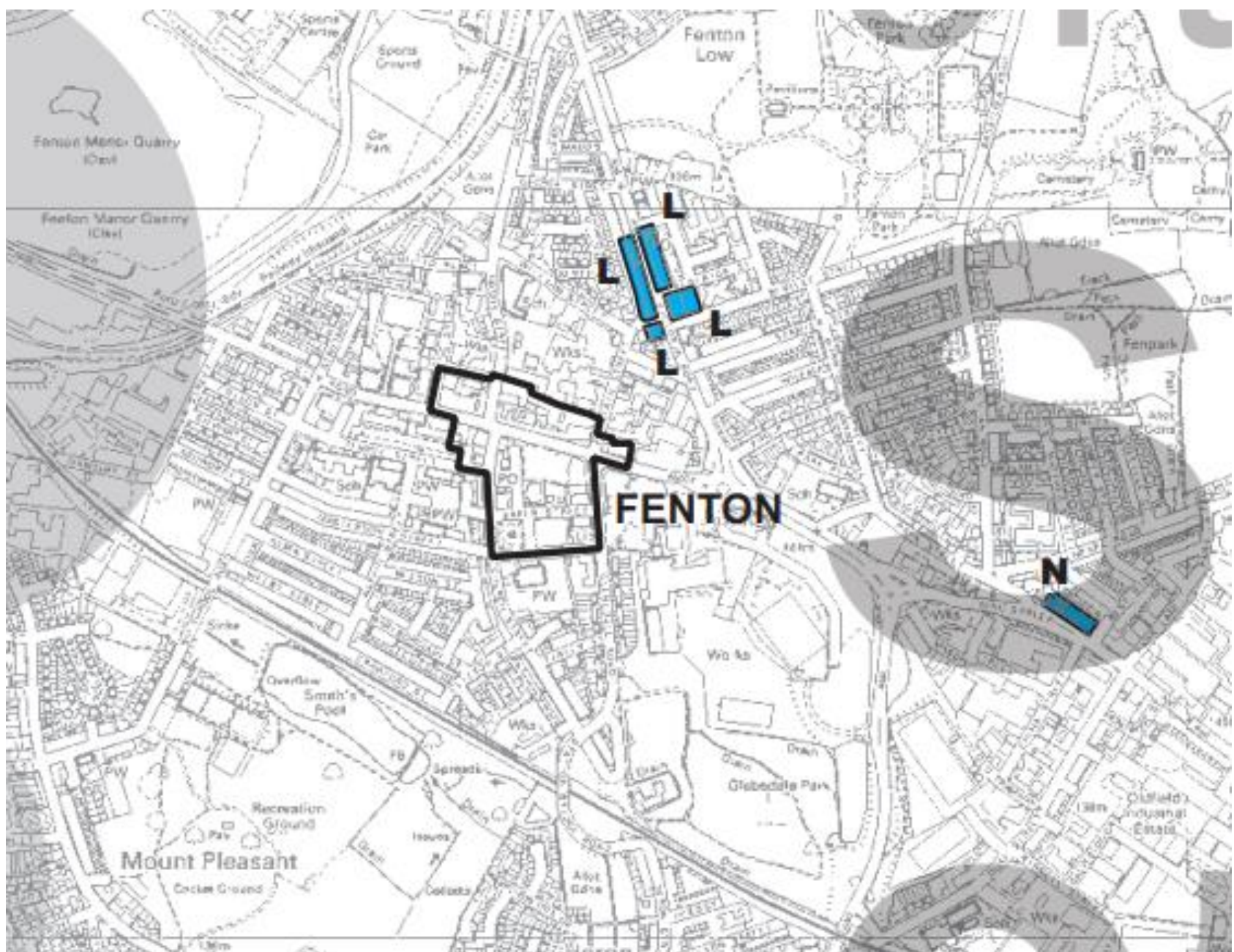
- 6.6 The Co-Star search also considered land and properties that are on sale on a freehold basis within the same search area. Of the 8 returned results, 4 of these units are being sold as investments with sitting tenants so again not currently available. Details of the listings can be found at Appendix 3.
- 6.7 On the basis of the above, whilst there are units available, the size of these is not compatible with what is proposed as part of the application proposals. As such, the units are unsuitable and are discounted from this assessment. Furthermore, none of the sites available are of a sufficient size to accommodate the development as a whole.
- 6.8 The Sequential Test has identified a number of units in the town centre and these have been assessed as to their suitability to accommodate retail and drive through restaurant development. Notwithstanding the availability of a variety of units none are considered appropriate to accommodate the

proposals. As such, we conclude that none of the other sites are sequentially preferable.

7.0 CONCLUSIONS

- 7.1 There are no suitable or available sites that are sequentially preferable. The Sequential Test exercise requested by the Council and in accordance with paragraph 86 of the Framework are, therefore, passed.

APPENDIX 1



Appendix 2

Property Summary Report

97-107 King St



Stoke On Trent Staffordshire, ST4 3LZ - Stoke-on-Trent Submarket



BUILDING

Type	2 Star Retail Storefront
Tenancy	Single
Year Built	1950
NIA	955 SF
Floors	2
Typical Floor	955 SF
Construction	Masonry

FOR LEASE

Smallest Space	955 SF	Retail Avail	955 SF
Max Contiguous	955 SF		
# of Spaces	1		
Vacant	0 SF		
% Leased	100.0%		
Rent	£12.04		

AVAILABLE SPACES

Floor	Use	Type	SF Available	Bldg Contig	Rent	Term
E GRND	Retail	Direct	955	955	£11,500 PA	1 - 5 Years

Johnson Fellows LLP

This space comprises 955 sq ft of retail space.

Rental per annum is £11,500.

TRANSPORTATION

Commuter Rail	2 min drive to Longton Commuter Rail
Airport	52 min drive to Manchester Airport
Walk Score®	Very Walkable (74)
Transit Score®	Minimal Transit (0)

Property Summary Report

97-107 King St



Stoke On Trent Staffordshire, ST4 3LZ - Stoke-on-Trent Submarket

PROPERTY CONTACTS

Leasing Company



Johnson Fellows LLP
163 Newhall St
Birmingham, WMD B3 1SW
0121 643 9337 (p)
0121 643 6407 (f)

BUILDING NOTES

This property comprises a building of brick construction arranged over two floors offering retail accomodation within.

The property is within the Fenton Surburb of Stoke on Trent on King St.

Property Summary Report

9 Victoria Rd



Stoke On Trent Staffordshire, ST4 2HE - Stoke-on-Trent Submarket



BUILDING

Type	2 Star Retail Storefront Retail/Residential
Tenancy	Single
Year Built	1936
NIA	443 SF
Floors	2
Typical Floor	443 SF
Docks	None
Construction	Masonry

TENANTS

One Tasty Thai	443 SF
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AMENITIES

- EPC - D

FOR LEASE

Smallest Space	443 SF	Retail Avail	443 SF
Max Contiguous	443 SF		
# of Spaces	1		
Vacant	443 SF		
% Leased	0%		
Rent	£21.44		
Service Type	Fully Repairing & Insuring		

AVAILABLE SPACES

Floor	Use	Type	SF Available	Bldg Contig	Rent	Term
P GRND	Retail	Direct	443	443	£9,500 PA	Negotiable

Rory Mack Associates Ltd

Available by way of a new full repairing and insuring lease for a term of years to be agreed subject to rent reviews every three years and with the incoming tenant being responsible for Landlord's reasonable legal fees. A rent deposit may be required subject to status.

Property Summary Report

9 Victoria Rd



Stoke On Trent Staffordshire, ST4 2HE - Stoke-on-Trent Submarket

TRAFFIC & FRONTAGE

Frontage	35' on Victoria Road
Made with TrafficMetrix® Products	

TRANSPORTATION

Commuter Rail	2 min drive to Longton Commuter Rail
Airport	51 min drive to Manchester Airport
Walk Score®	Very Walkable (81)
Transit Score®	Minimal Transit (0)

PROPERTY CONTACTS

Leasing Company	Rory Mack Associates Ltd	True Owner	Mr Peter Kyriacou
	37 Marsh Para Newcastle Under Lyme, STS ST5 1BT 01782 715725 (p)		

BUILDING NOTES

The property comprises a mid-terraced building of masonry construction arranged over two floors offering retail accommodation throughout the ground floor, and residential accommodation above on the first.

The property is located on Victoria Road, a busy thoroughfare within the Fenton region of Stoke-on-Trent. The route is served well by local bus routes and is surrounded by local amenities, including retail units of a similar size and eateries.

Property Summary Report

13 Victoria Rd



Stoke On Trent Staffordshire, ST4 2HE - Stoke-on-Trent Submarket



BUILDING

Type	3 Star Retail Storefront Retail/Residential
Tenancy	Multi
Year Built	1960
NIA	330 SF
Floors	3
Typical Floor	330 SF
Construction	Masonry

FOR LEASE

Smallest Space	330 SF
Max Contiguous	330 SF
# of Spaces	1
Vacant	330 SF
% Leased	0%
Rent	£18.18
Service Type	Fully Repairing & Insuring

Retail Avail	330 SF
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AVAILABLE SPACES

Floor	Use	Type	SF Available	Bldg Contig	Rent	Term
P GRND	Retail	Direct	330	330	£6,000 PA	1 - 10 Years
Butters John Bee						
Leasehold - on new terms to be agreed.						

TRANSPORTATION

Commuter Rail	2 min drive to Longton Commuter Rail
Airport	51 min drive to Manchester Airport
Walk Score®	Very Walkable (81)
Transit Score®	Minimal Transit (0)

PROPERTY CONTACTS

Leasing Company



Butters John Bee
Festival Park
Stoke On Trent, STS ST1 5RQ
01782 212201 (p)
01782 202159 (f)

Property Summary Report

13 Victoria Rd



Stoke On Trent Staffordshire, ST4 2HE - Stoke-on-Trent Submarket

BUILDING NOTES

The property comprises a mid-terrace building providing a ground floor retail unit.

The property is located within a parade of shops with flats above on Victoria Street, which is one of the main roads linking Hanley to Fenton, Longton and the A50.

Property Summary Report

72 Victoria Rd



Stoke On Trent Staffordshire, ST4 2JX - Stoke-on-Trent Submarket



BUILDING

Type	2 Star Retail Storefront Retail/Residential
Tenancy	Single
Year Built	1900
NIA	452 SF
Floors	3
Typical Floor	365 SF
Docks	None
Construction	Masonry

TENANTS

Bang Tidy Butties	431 SF
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AMENITIES

- Roller Shutters
- Storage Space

FOR LEASE

Smallest Space	344 SF	Retail Avail	344 SF
Max Contiguous	344 SF		
# of Spaces	1		
Vacant	0 SF		
% Leased	100.0%		
Rent	£18.84		

AVAILABLE SPACES

Floor	Use	Type	SF Available	Bldg Contig	Rent	Term
E GRND	Retail	Direct	344	344	£6,480 PA	Negotiable

Butters John Bee

A ground floor lock up shop located on a busy main road connecting Fenton and Hanley. Most recently trading as a sandwich shop, the premise is available on a new lease and the equipment is available by separate negotiation if required.

Property Summary Report

72 Victoria Rd



Stoke On Trent Staffordshire, ST4 2JX - Stoke-on-Trent Submarket

SALE		TRAFFIC & FRONTAGE	
Sold Price	Not Disclosed	Frontage	18' on Victoria Street
Date	Jun 2013	Made with TrafficMetrix® Products	
Sale Type	Owner User		

TRANSPORTATION	
Commuter Rail	3 min drive to Longton Commuter Rail
Airport	52 min drive to Manchester Airport
Walk Score®	Very Walkable (79)
Transit Score®	Minimal Transit (0)

PROPERTY CONTACTS			
Leasing Company	Butters John Bee	Leasing Company	Butters John Bee
	Festival Park		Festival Way
	Stoke On Trent, STS ST1 5RQ		Stoke On Trent, STS ST1 5BJ
	01782 212201 (p)		01782 212201 (p)
	01782 202159 (f)		

BUILDING NOTES

The property comprises a building of traditional construction arranged over two floors and basement with retail accommodation on the ground floor and basement and residential above.

The property is located on the A50 (Victoria Road) within the heart of Fenton. Stoke on Trent Railway Station is close by and other local public transport links are within close proximity.

Appendix 3

1 10 Campbell Pl

Stoke On Trent, ST4 1LX
1,295 SF Retail Storefront Building Built in 1970
Property is for sale at £110,000 (£85/SF)

Investment Information

Sale Price: £110,000
Price/SF: £85
Net Initial Yield: -
Tenure: Freehold
Sale Status: Available
Sale Conditions: -
Sale Type: Owner User

Days On Market: 172

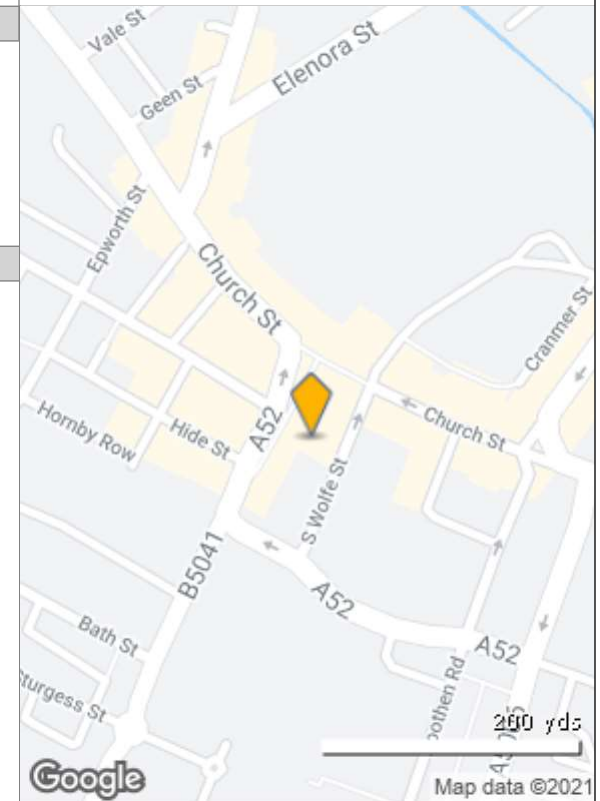


Sale Notes

The property comprises a self-contained retail premises arranged over ground and first floor. The ground floor is accessed via a pedestrian entrance facing onto Campbell Place and comprises of an open plan retail space with some storage.
The first floor is accessed via a single staircase to the front of the property which provides retail / office space as well as a kitchen and WC.

Centre Information

Centre Type:	Storefront	Centre Size:	1,295 SF
Bldg Status:	Built 1970	Use Class:	
% Leased:	100.0%	Owner Type:	No
Rent PA:	For Sale	Land Area:	-
Floors:	3	Lot Dimensions:	-
Elevators:	-	Service Charge:	-
Total Avail:	1,121 SF		
Bldg Vacant:	0 SF		
Owner Occupied:	Yes		
Tenancy:	Single Tenant		
Star Rating:	★★★★★		
Loading Docks:	None	Ceiling Height:	-
Street Frontage:	21 feet on Campbell Place		
Amenities:	Security System, Storage Space		



2 16-32 Campbell Pl - Majestic Chambers, Unit 26

Stoke On Trent, ST4 1NA
19,427 SF Retail Storefront Retail/Office Unit Built in 1937
Unit for sale at £125,000 (£156/SF)

Unit Information

Sale Price: £125,000
Unit SF: 802 SF
Price/SF: £156
Net Initial Yield: -
Tenure: Long Leasehold

Sale Status: Available
Days On Market: 341
Sale Type: Owner User
Sale Conditions: -

Floor #: GRND
Unit #: 26

Sale Notes

Virtual freehold (year lease) subject to contract

Centre Information

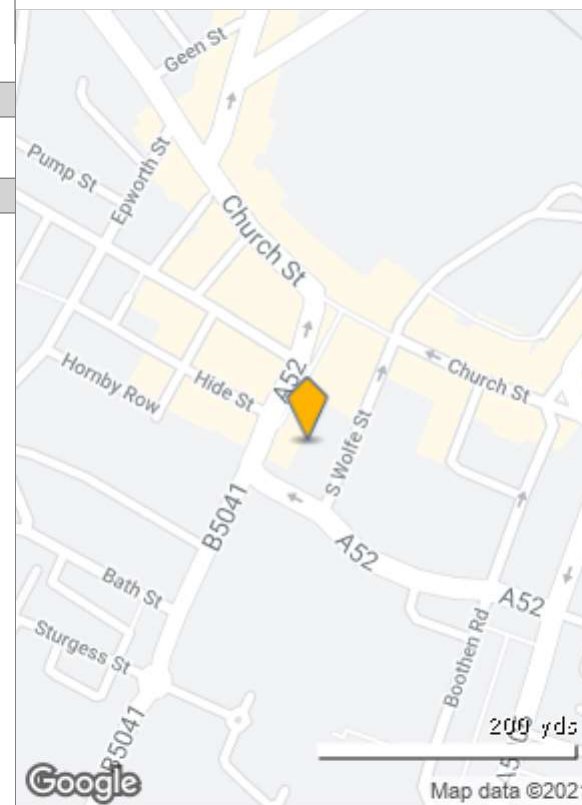
Centre Type: Storefront Retail/Office
Bldg Status: Built 1937
% Leased: 100.0%
Rent PA: Withheld
Floors: 4
Elevators: -

Total Avail: 802 SF
Bldg Vacant: 0 SF
Service Charge: -
Ownership: Condo
Star Rating: ★★☆☆☆

Centre Size: 802 SF
Use Class: -
Owner Type: -
Land Area: -
Lot Dimensions: -
Owner Occupied: No
Tenancy: Multiple Tenant

Loading Docks: None
Ceiling Height: -

Street Frontage: 107 feet on Campbell Place
Amenities: Roller Shutters, Security System, Storage Space



3 72 Church St

Stoke On Trent, ST4 1BS
2,164 SF Retail Storefront Building Built in 1909
Property is for sale at £200,000 (£92/SF)

Investment Information

Sale Price: £200,000
Price/SF: £92
Net Initial Yield: -
Tenure: Freehold
Sale Status: Available
Sale Conditions: -
Sale Type: Investment Or Owner User

Days On Market: 33



Sale Notes

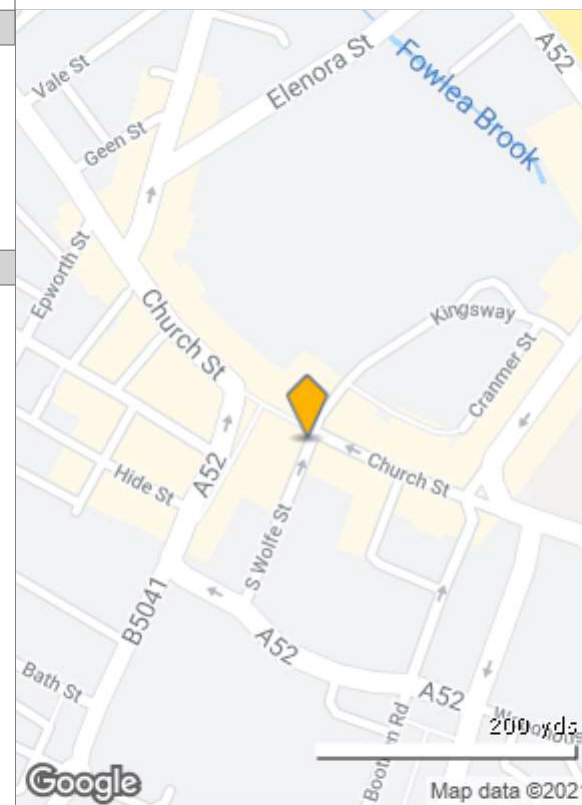
An attractive former bank premises with imposing elevations and a convenient central position at the junction of Church Street and Kingsway in Stoke that suggests this is an interesting opportunity for a variety of businesses. Three useful Stores, Strongroom and Boiler Room.

This property is conveniently situated between the principal retailing areas of Campbell Place where a number of national retailers will be found and the Kingsway car park with the Civic Offices beyond. There is easy access to the A500 motorway link providing speedy travelling connections throughout North Staffordshire

Centre Information

Centre Type:	Storefront	Centre Size:	2,164 SF
Bldg Status:	Built 1909	Use Class:	
% Leased:	100.0%	Owner Type:	No
Rent PA:	For Sale	Land Area:	-
Floors:	3	Lot Dimensions:	-
Elevators:	-	Service Charge:	-
Total Avail:	1,686 SF		
Bldg Vacant:	0 SF		
Owner Occupied:	No		
Tenancy:	Single Tenant		
Star Rating:	★★★★★		

Street Frontage: 28 feet on Church Street
38 feet on Kingsway
Parking: 4 Surface Spaces are available; Ratio of 1.85/1,000 SF
Amenities: Storage Space



4 113 Church St

Stoke On Trent, ST4 1DE
3,532 SF Retail Building Built in 1960
Property is for sale at £225,000 (£64/SF)

Investment Information

Sale Price: £225,000
Price/SF: £64
Net Initial Yield: -
Tenure: Freehold
Sale Status: Available
Sale Conditions: -
Sale Type: Investment

Days On Market: 133



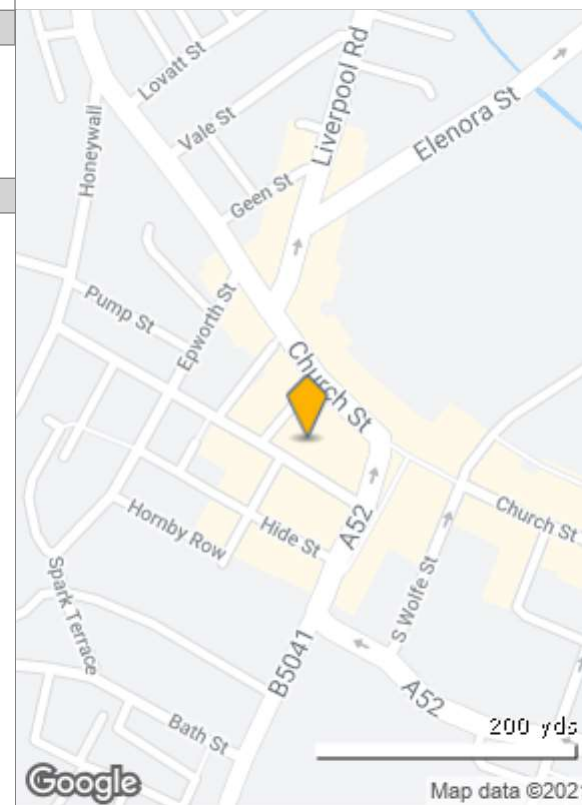
Sale Notes

Freehold subject to Contract.
The property has the benefit of planning permission (Application no: 60114/FUL) granted 4th January 2017 (now implemented) by Stoke on Trent City Council to be converted into a 14 ensuite bedroom House of Multiple Occupation.

Centre Information

Centre Type: Retail	Centre Size: 3,532 SF
Bldg Status: Built 1960	Use Class: -
% Leased: 100.0%	Owner Type: No
Rent PA: For Sale	Land Area: 0.07 AC
Floors: 2	Lot Dimensions: -
Elevators: -	Service Charge: -
Total Avail: 0 SF	
Bldg Vacant: 0 SF	
Owner Occupied: No	
Tenancy: Single Tenant	
Star Rating: ★★☆☆☆	

Street Frontage: 30 feet on Church st
93 feet on Trade St



5 193-195 City Rd, Unit 93

Stoke On Trent, ST4 2PL
2,436 SF Retail Storefront Unit Built in 1910
Unit for sale at £99,995 (£58/SF)

Unit Information

Sale Price: £99,995
Unit SF: 1,711 SF
Price/SF: £58
Net Initial Yield: -
Tenure: Freehold

Sale Status: Available
Days On Market: 393
Sale Type: Investment
Sale Conditions: Building Contamination Issue

Floor #: GRND
Unit #: 93



Centre Information

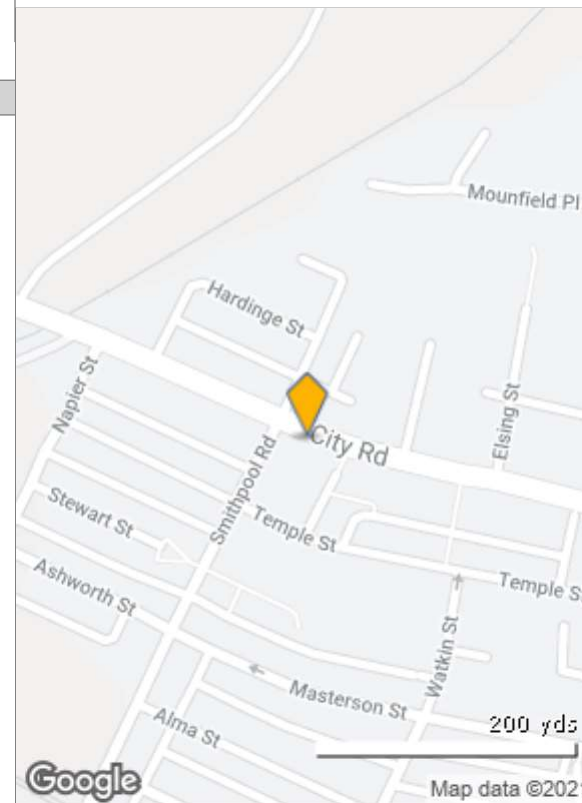
Centre Type: Storefront
Bldg Status: Built Jan 1910
% Leased: 100.0%
Rent PA: Withheld
Floors: 2
Elevators: -

Total Avail: 0 SF
Bldg Vacant: 0 SF
Service Charge: -
Ownership: Condo
Star Rating: ★★☆☆☆

Centre Size: 1,711 SF
Use Class: -
Owner Type: -
Land Area: -
Lot Dimensions: -
Owner Occupied: -
Tenancy: -

Loading Docks: None
Ceiling Height: -

Street Frontage: 37 feet on City Road
33 feet on Standard St



6 154 King St

Stoke On Trent, ST4 3EP
5,283 SF Retail Storefront Retail/Residential Building Built in 1934
Property is for sale at £200,000 (£38/SF)

Investment Information

Sale Price: £200,000
Price/SF: £38
Net Initial Yield: -
Tenure: Freehold
Sale Status: Available
Sale Conditions: -
Sale Type: Investment

Days On Market: 182



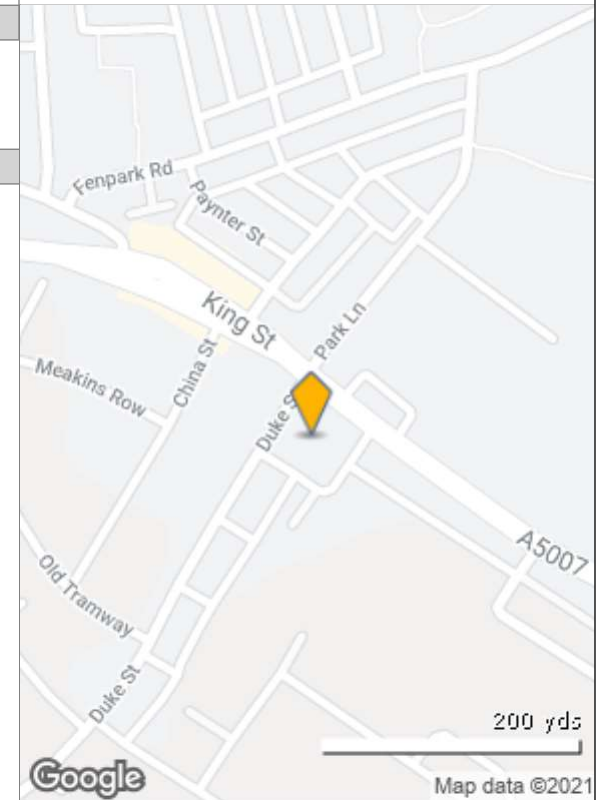
Sale Notes

A mixed use investment property consisting of ground floor retail unit, 2 ground floor flats and 4 first floor flats. The retail unit is let on a 5 year lease at £4,800 per annum, flat 1 is let at £425 pcm and flat 4 at £400 pcm. The remaining four flats are currently vacant.

Centre Information

Centre Type:	Storefront Retail/Residential	Centre Size:	5,283 SF
Bldg Status:	Built 1934	Use Class:	-
% Leased:	100.0%	Owner Type:	-
Rent PA:	For Sale	Land Area:	-
Floors:	3	Lot Dimensions:	-
Elevators:	-	Service Charge:	-
Total Avail:	0 SF		
Bldg Vacant:	0 SF		
Owner Occupied:	No		
Tenancy:	Multiple Tenant		
Star Rating:	★★★★		

Street Frontage: 50 feet on King St
Amenities: Storage Space



7 Land Old Whieldon Rd

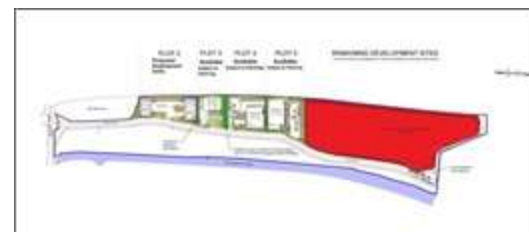
Stoke On Trent, ST4 4HW

Land of 4.24 AC is for sale at £250,000 (£58,962/AC)

Investment Information

Sale Price: £250,000
Price/AC: £58,962
Tenure: Freehold
Sale Status: Available
Sale Conditions: -

Days On Market: 448



Sale Notes

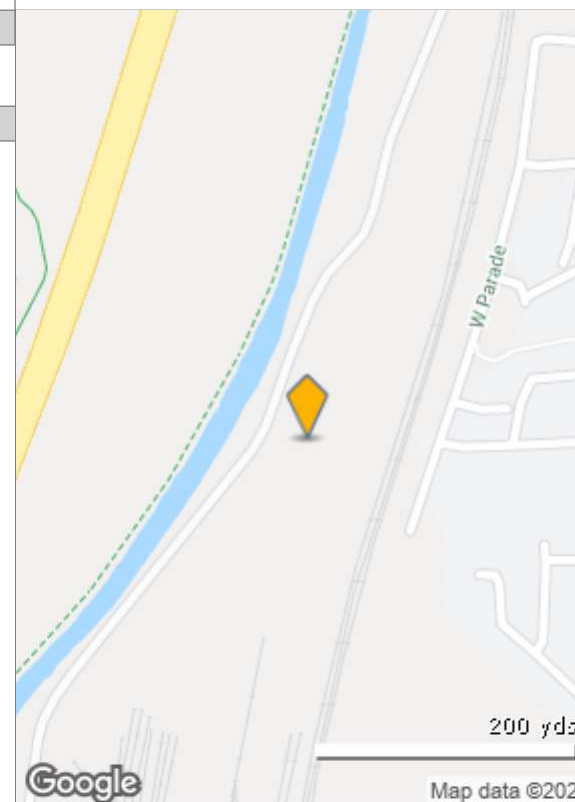
The site extends approximately 4.24 acres. Smaller plots and design and build opportunities will be considered.

Land Information

Number Of Lots: -
Improvements: -

Proposed Use: -
Parcel Size: 4.24 AC
On-Site Improv: -

Lot Dimensions: -



8 76 Victoria St

Stoke On Trent, ST4 2JX
1,651 SF Retail Building
Property is for sale at £58,000 (£35/SF)

Investment Information

Sale Price: £58,000
Price/SF: £35
Net Initial Yield: -
Tenure: Freehold
Sale Status: Available
Sale Conditions: -
Sale Type: Investment

Days On Market: 679

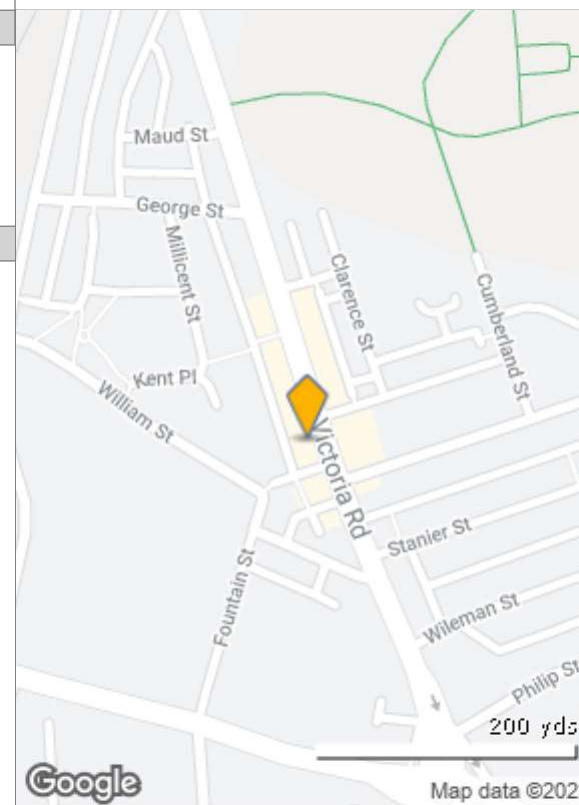


Sale Notes

A well maintained property on a main road location that would suit owner occupier or investors alike. The property has a ground floor salon which benefits from gas central heating and the cellar has been converted into a beauty room with storage cupboards. There is a self contained first floor flat with fitted ladders to access attic room with storage on the second floor. The ground floor has mahogany front retail window and upvc double glazing throughout the rest of the property, with the flat benefitting from a bay window

Centre Information

Centre Type: Retail	Centre Size: 1,651 SF
Bldg Status: Existing	Use Class: -
% Leased: 100.0%	Owner Type: -
Rent PA: For Sale	Land Area: -
Floors: 2	Lot Dimensions: -
Elevators: -	Service Charge: -
Total Avail: 0 SF	
Bldg Vacant: 0 SF	
Owner Occupied: -	
Tenancy: -	
Star Rating: ★★☆☆☆	



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