



Graham Anthony Associates

# Planning & Sequential Assessment

Shakespeare Hotel



Wednesday, 31 January 2024

<b>PROJECT TITLE:</b>	<b>Shakespeare Hotel</b>
<b>REPORT REF:</b>	<b>GA3599 – Statement</b>

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## 1.0 Introduction

- 1.1 This Statement has been prepared by GA Associates supporting a full planning application submitted to Burnley Borough Council on land referenced as *'The Shakespeare'*. The application is submitted in full with the description as follows:

*'Change of use of part of ground floor from public house (sui generis) to convenience store (use class E) and whole of first floor to four flats (Use Class C3), change of use of garage to barbers shop (use class E) and various external works.'*

- 1.2 The aim of the project is to redevelop a failing single use public house and deliver a myriad of community centric uses and high-quality residential accommodation which will turn a derelict venue into a small community hub, delivering far greater benefits for a wider demographic of the local population.
- 1.3 GA Associates consider that all material planning considerations have been addressed within this document and all additional information required to determine the application has been provided within the accompanying drawings.

## 2.0 The Site Location

- 2.1 Situated on Wytham Street in a predominantly residential area of Padiham. Wytham Street is accessed from Abingdon Road which connects with Burnley Road (A671) the main arterial route linking Burnley and Padiham. The design rational has sympathetically considered the incorporation of green infrastructure into the design process, creating urban wildlife habitat by means of amenity green spaces.
- 2.2 The pub building is a detached two storey property of traditional brickwork construction beneath a pitched slate roof. The windows are white UPVC double glazed throughout. Internally there are currently two trading areas which are interlinked via a bar. The ground floor also provides male and female w.c.'s and small kitchen area. The first floor provides owners accommodation comprising five bedrooms, living room, kitchen, bathroom and stores. The upper floor accommodation is accessed internally.

- 2.3 The site is situated in a highly accessible location, within close proximity to the local services and amenities in Padiham. It has excellent accessibility for pedestrians via the well-maintained network of continuous pavements along Shakespeare Street. The site has bus stops directly adjacent to the access, which provide frequent services and train stations are located within a convenient distance from site.

## 3.0 Planning Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with policies contained within the Statutory Development Plan, unless material planning considerations indicate otherwise. In this case, the Burnley Local Plan adopted in July 2018 sets out the policies that will be used to decide this planning application.

### **Principle of Development**

- 3.2 Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework. This site is located within the highly sustainable primary residential area, within the development boundary as set out in Policy SP4.

### **Loss of Community Facility**

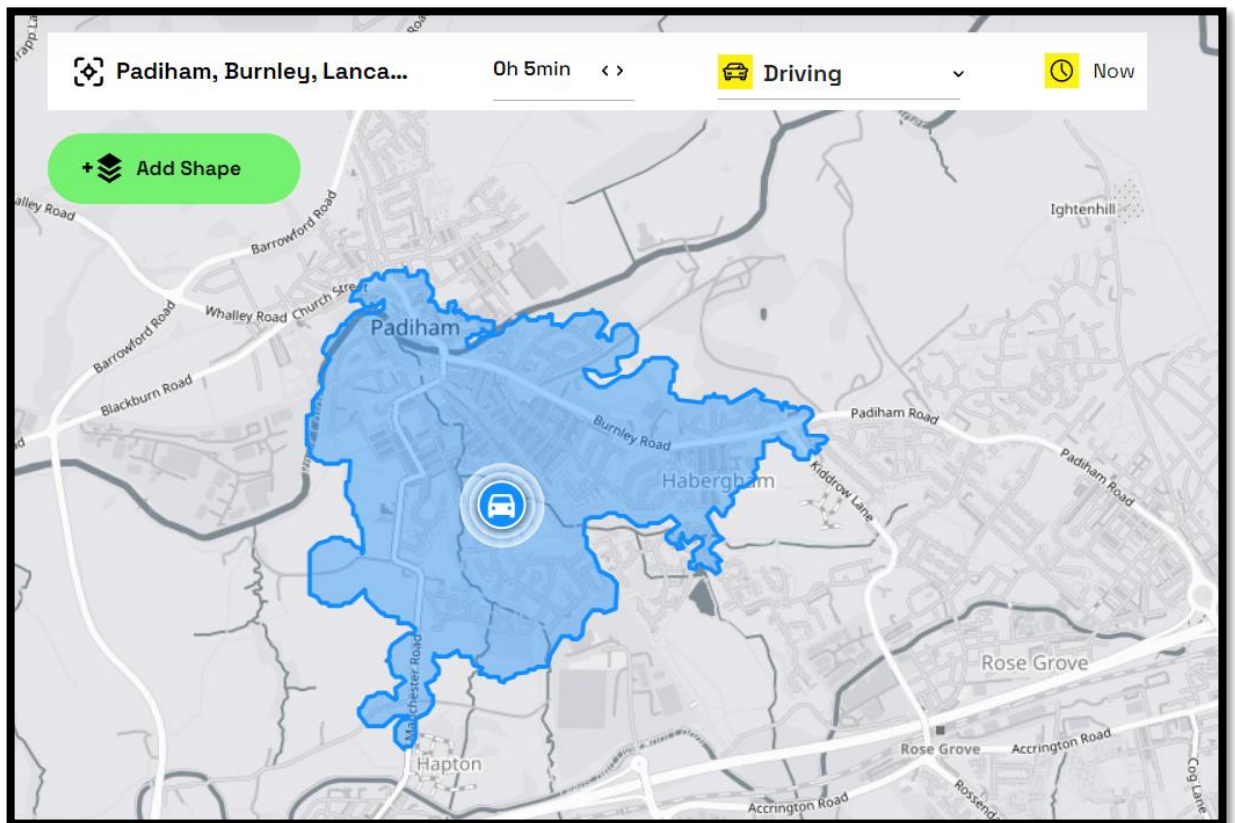
- 3.3 Policy IC5 of the Burnley Local Plan aims to protect social and community infrastructure. Some social and community facilities are considered to be essential, whilst others play an important role in stimulating a sense of community and improving quality of life. It is considered that public houses are social and community uses. Part a, of the policy is clear that social and community uses such as a public house should be safeguarded, however only if there is a continued need or likely future need or demand for the facility in question. The policy acknowledges that a use shouldn't be protected in vain, as a derelict building is a detriment not an asset to a host community. It should be further reinforced that this application will not see the total loss of the primary function of The Shakespeare, but rather facilitate the creation of a more resilient mixed use commercial asset.

- 3.4 There are several reasons for the commercial decline of the traditional public house business model, including an increase in running costs, limited scope for diversifying income streams, individual drinking habits changing - socialising at home / garden. The impacts of Covid have also seen the pub industry suffer terribly. Competing venues in the area benefit from locational benefits connected with proximity to other leisure venues, which drives footfall and allows cultivation of spin off trade.
- 3.5 The marketing report confirms that the property last operated on a profit-making basis in 2019 with the pub running on a charitable basis since this date to protect the asset from dereliction. There have been numerous failed marketing attempts over the years and it was ultimately at auction where a prospective purchaser came forward. The site is located within a residential area and is therefore not effectively serving a community because the majority of customers will in all likelihood travelled the short distance to locations that have numerous pubs, bars and restaurants such as Padiham Centre. There are similar traditional public house facilities scattered along the A671, less than 500 meters from the site.
- 3.6 As such, it is considered that the adaptation of this community facility would not have a significant detrimental impact on the social and community infrastructure in the immediate vicinity. The redevelopment would see a smaller more bespoke bar that would be better suited to the nature of the local market, while also providing other community facilities. Thus, it is deemed that the requirements of the policy are therefore met in regards to Policy IC5.

## 4.0 Sequential assessment

- 4.1 This application includes the convenience shop (use Class E) comprising 286 sqm gross internal area (GIA) with a net sales area of 113 sqm and a small barbers shop. The business model is to create a small community hub with these micro uses combining with the remodelled bar to improve the sustainability of the surrounding residential neighbourhood. To confirm the convenience store will provide a different offer to the main food retailers found locally and this material difference can be secured by condition. The condition would limit the use of the store to convenience retail only and no other use within class E without first obtaining express consent from the local authority.

4.2 The community hub proposed would serve a relatively compact catchment area and is intended to provide a local shopping facility for residents. The locational strategy is to take advantage of the residential location of the former pub, and serve an area that broadly equates to a 0-5 minute drive-time of the site. Owing to the scale, people do not tend to travel long distances to shop at a convenience store, or attend a small barber. The catchment has regard to the nature of the settlement and proximity to the adjacent retail centre, the location of existing retail provision within the catchment and consumer travel patterns.



4.3 As stated above, many customers will use the store as a top-up retail option, then visit other retailers to purchase their main weekly shop, luxury food or more specialist items that are not offered. Subsequently, Padiham centre and edge of centre locations have been considered for potentially sequentially preferable sites.

4.4 Policy TC2 seeks to maintain and enhance the retail function of Burnley through promotion of new retail development in defined Centres. Policy TC2 also sets that that proposals for comparison goods that do not comply with a Town Centre location should be located in accordance with the sequential test of: edge of centre locations – within 300m of the Primary

Shopping Area); other Town Centre locations; edge of centre locations (300m of the Town Centre boundary) and out of centre.

4.5 Local planning policy sets the limit in the development plan for the requirement for an impact assessment in Policy TC 2 at 1,000 sqm gross. This unit is 381 sqm gross and so the requirement threshold for a retail impact assessment is not breached and therefore an impact assessment is not required.

4.6 When addressing the sequential approach, both the applicant and Local Planning Authority must adopt realism and only consider sites which are 'suitable' for the development proposed by the applicant. The Supreme Court case, involving Tesco and Dundee Council (March 2012), considered the issue and definition of 'suitability', and the degree to which an application should demonstrate flexibility. The judgement concluded that:

- The natural reading of each policy is that the word suitable, in the first criteria, refers to the suitability of site for the proposed development – it is the proposed development which will be acceptable if no suitable site is available more centrally and
- The application of the sequential approach requires flexibility and realism from developers and retailers, as well as planning authorities (paragraph 28).

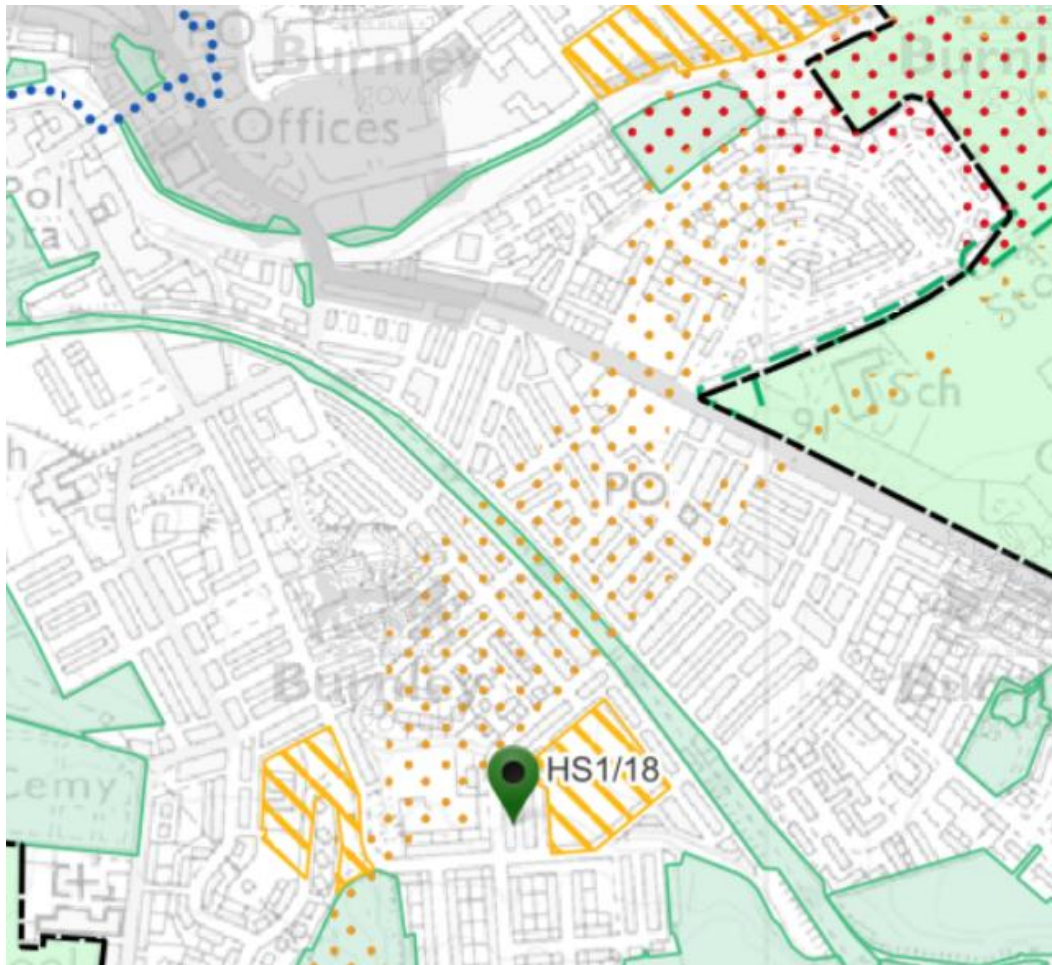
4.7 When determining what constitutes a suitable site, regard has to be given to the need that the proposed development is intending to serve. The High Court Decision involving Warners Retail and Cotswold District Council (July 2014), confirmed that the Dundee decision applies in England. The judgement of Justice Ouseley in Aldergate Properties v Mansfield District Council (EWHC 1670 (Admin) 8 July 2016), further clarifies the context in which the 'suitability' and 'availability' of sites should be considered:

- "'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" (Paragraph 35);
- "this incorporates the requirement for flexibility in the NPPF, and excludes generally, the identity and personal or corporate attitudes of an individual retailer" (Paragraph 35); and
- "'Available' must generally mean available for the type of retail use for which permission is being sought" (Paragraph 42).

- 4.8 GA Associates have taken the above judgements into account in defining the parameters for assessing the suitability and availability of potentially sequentially preferable sites. In this case, the development is seeking to create a community hub combining uses together therefore we are seeking to identify site's that can accommodate the totality of development without segregation.
- 4.9 On this basis, the following parameters have been identified for the search of Padiham Centre/ edge of centre locations which reflect the development proposed having regard to the scale, nature and range of goods and services proposed:
- A minimum total site area of 0.14ha, reflecting the need to provide the store, associated servicing, parking, landscaping and residential amenity, as well as the additional road network;
  - A site that can accommodate a minimum retail size of 372 sqm (+ or - 10%);
  - A site capable of accommodating the residential, retail and leisure uses proposed.
  - Site's that have a realistic prospect of obtaining planning consent for the proposal.
- 4.10 The above parameters reflect the minimum requirement necessary to provide the community hub proposed and, as such, the applicant has applied reasonable flexibility in the consideration of potentially sequentially preferable sites within the identified catchment area in this context.
- 4.11 From a comprehensive review of the above, there are no sequentially preferable sites within or on the edge of the identified retail centres, which are superior to the proposed site from a sequential perspective.



Extract from Burnley Local Plan Proposals Map showing proximity of site to Padium Centre.



## 5.0 Conclusion

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposed development is situated within the built-up area of Burnley, on a brownfield site, in accordance with the urban sequential development strategy. The Framework states that the presumption in favour of sustainable development means local planning authorities should approve development proposals that accord with the development plan without delay.

5.2 The development would not have any unacceptable impacts upon highway safety, visual amenity or residential amenity. Any potential harm arising from contamination, drainage, waste management, air quality or energy efficiency could be adequately mitigated by condition. The application would contribute positively to increasing the Council's supply of high-quality housing, supporting the Government's objective of significantly boosting the supply of homes, which is an important material consideration. The development would also further enhance local access to amenities creating a true community asset from what is currently a derelict building.

5.3 Taking the above into consideration, we respectfully request that the application is approved without delay.

GRAHAM ANTHONY ASSOCIATES

January 2024

## Broughton 21 Burnley Road



Site Description

The site includes a total of 100.86 square meters of floor space at 21 Burnley Road, Padiham, Burnley, Lancashire, BB12 8BY

Site Context

The site comprises a ground floor retail unit. Upper floor flat. The site is within Padium Centre.

Policy Position

For the purposes of the sequential test, the site is in an in-centre location in respect of Padium.

Planning History

The planning permissions for retail use and residential flats exist.

Suitability

The site is not of a sufficient size to accommodate the proposed development.

Availability

The site is currently vacant.

Conclusions

On the basis of the above, the site is not considered to be suitable for the proposed use.

## Molly Rigbys, 17-19 Mill Street, Padiham BB12 8EX



### Site Description

The site includes a total of 372 square meters of floor space at Molly Rigbys, 17-19 Mill Street, Padiham BB12 8EX

### Site Context

The site comprises:

- Well-presented Members Club
- Total floor area circa 4,000 sq ft
- Bar area,
- snooker room & snug
- 1st floor function room &
- Kitchen Enclosed beer terrace and smoking area.

### Policy Position

For the purposes of the sequential test, the site is in an in-centre location in respect of Padiham.

### Planning History

The planning permissions for bar & restaurant exists but the restaurant/pub is commercially viable and deemed a community asset so wouldn't be available for conversion.

### Suitability

The site is of sufficient size to accommodate the proposed development.

### Availability

The site is currently vacant.

### Conclusions

On the basis of the above, the site is not considered to be suitable for the proposed use as planning would be refused.



## 1 Central Buildings Padiham, Burnley, Lancashire, BB12 8NB



Site Description	The site includes a total of 24 sqm at 1 Central Buildings, Padiham, Burnley, Lancashire, BB12 8NB
Site Context	The site comprises of a recently refurbished shop that has traded as a takeaway.
Policy Position	For the purposes of the sequential test, the site is in an in-centre location in respect of Padium.
Planning History	The planning permissions for a takeaway use exists.
Suitability	The site is not of a sufficient size to accommodate the proposed development.
Availability	The site is currently vacant.
Conclusions	On the basis of the above, the site is not considered to be suitable for the proposed use.