

SEQUENTIAL ASSESSMENT

Change of use and extension of a Public House to create a café and residential accommodation at 315, Bradford Road, Batley, WF17 6HY



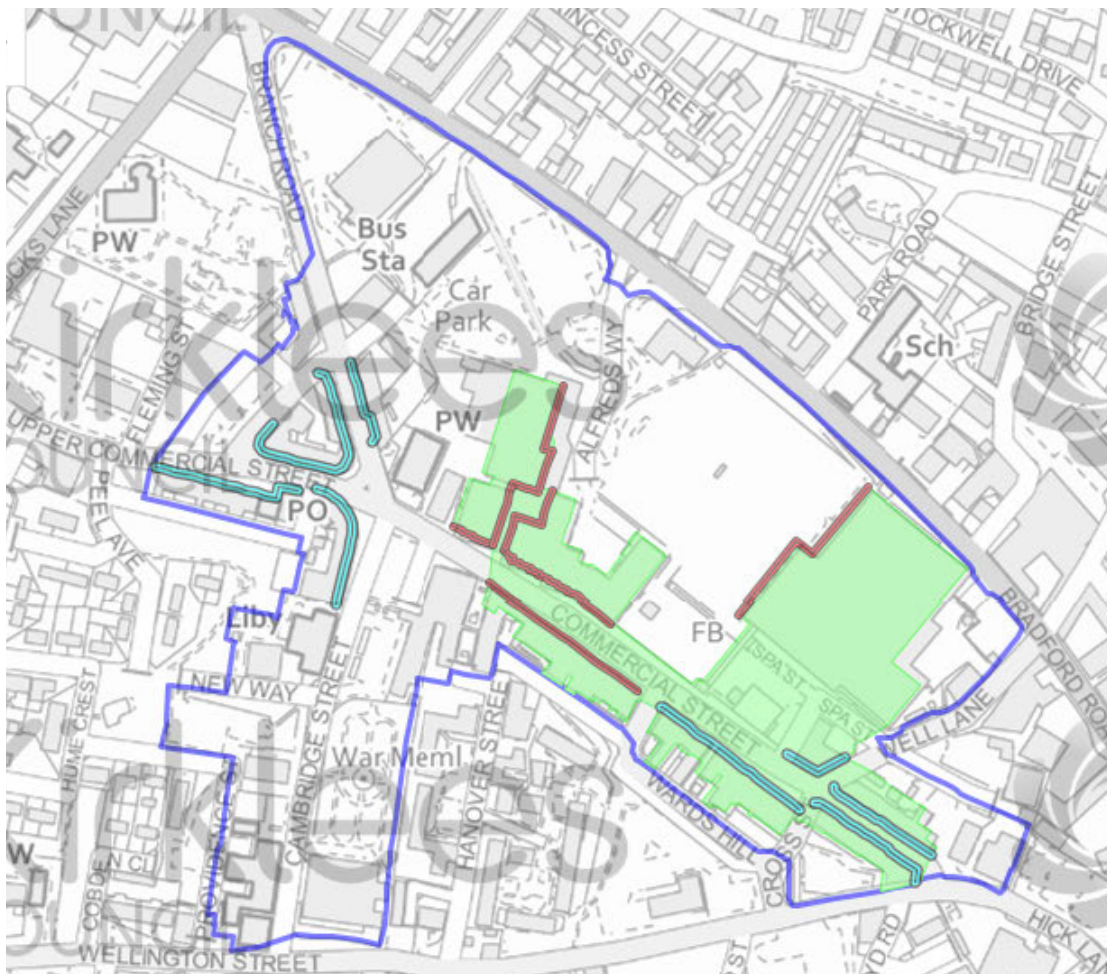
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1.0 INTRODUCTION

- 1.1 RR Planning Ltd, based in Leeds, West Yorkshire is a planning consultancy specialising in retail matters throughout the United Kingdom and advises retail and non-retail clients on change of use proposals and other retail proposals. We specialise in town centre uses including restaurant and hot food takeaway as well licenced gaming establishments and tanning shop uses.
- 1.2 The subject proposal is an application for change of use change of use and extension of a Public House to create a café and residential accommodation at 315, Bradford Road, Batley, WF17 6HY . The upper parts of the building are to be used for short term rental accommodation with 5 'suites' comprising of bedrooms with ensuite bathrooms set off a shared hallway The floor space of the property is 186sqm at ground floor level and 138 sqm at first floor level. The subject property formerly known as the Legends Bar is located on a section of Bradford Road that is decidedly mixed in character where there are many large commercial premises, such as car showrooms, former night clubs, garages, a large gym and shopping centres such as the Red Brick Mill, restaurants and desert shops and hot food takeaways. Directly opposite to the east on the other side of Bradford Road is the Brooklands Sports and Party Bar and a number of takeaway and restaurant uses. To the north is White Rose Leisure, a supplier of amusement machines and Frank Key DIY Hire Shop. There are no residential or noise sensitive properties in the vicinity of the site. Historically the area has always been in commercial use and was for many years was dominated by the former Frontier Nightclub. The Legends Bar was one of the foremost destinations on the "Golden Mile" as it was then known such that there is a long-established history of entertainment use at the application site. The bar had been in operation for at least 27 years and was licensed by Kirklees Council to accommodate 250 people. The Former Frontier premises is now in use as a Class E gym and is adjoined by other similar Class E uses such as a Pizza restaurant and a Starbucks coffee shop and drive through which was approved on 24th July 2019 (ref: 2019/62/91585/E). As such, typical town centre uses abound on Bradford Road in the vicinity of the site and there is no planning reason to suggest that a mixed use of development comprising café use with short term residential letting above will negatively impact on the vitality and viability of Batley Town centre.
- 1.3 The planning officer dealing with the application has requested that a sequential site assessment is submitted with the area of study being Batley Town Centre as shown by the area bounded by a blue line on the local plan policy map below. The areas coloured green are defined primary shopping areas with red lines defining primary shopping frontages and green/blue lines designating secondary shopping frontages. The application site itself is approximately 550m from the boundary of the town centre.



2.0 THE NEED TO DIVERSIFY

- 2.1 The applicant is the freeholder and local business owner. The Legends Bar closed on 19th July 2020 after 27 years following the impact of the coronavirus pandemic. Prior to that a number of other bars, pubs and nightclubs had already closed on the golden mile such that continuing the same use was no longer viable. Making good use of vacant urban land is a key component of the sustainable development and the premises lends itself to café use with residential accommodation above. There is high demand for units in Batley town centre with few units available that are capable of conversion to a mixed-use scheme. As such, it is not possible to locate the proposed use in the town centre as the applicant does not own any property in the town centre and there is a need to re-use the existing commercial space in a sustainable and financially viable way. The application site is an established pub use that was licensed to accommodate 250 people. There is also demand for commercial and restaurant and class E type premises in the area and this is borne out by the fact that other premises nearby such as the benefit from such permissions.

3.0 The National Planning Policy Framework

- 3.1 The primary objective of the NPPF is to allow development that is sustainable to proceed, without delay. A presumption in favour of sustainable development is the basis for every plan and every decision. The NPPF sets out clearly what could make a proposed plan or development unsustainable. The NPPF is a material consideration in planning decisions.
- 3.2 Paragraph 11 of the NPPF sets out the foundation upon which planning proposals should be considered.
- 3.3 Local authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 3.4 With regard to business and the economy the NPPF advises at Paragraph 81 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

- 3.5 The NPPF places an emphasis on being flexible enough to accommodate needs not anticipated in the plan and to allow for new and flexible working practices. Local authorities are advised that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 3.6 Whereas the NPPF advises that 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 plan it should be noted that the existing long-established use is already a main town centre use that is located outside a defined centre –

Main town centre uses: 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).

- 3.7 Short term lets are considered to be sui generis uses and are not specifically included as main town centre uses in the NPPF but are included in this assessment for completeness as this is a mixed used proposal. The adopted Kirklees Local Plan is silent on hostel or short-term residential lettings. It is worth noting that recent changes to planning legislation brought into effect by the government as a result of the coronavirus pandemic and its impact on town centre uses has resulted in the down grading of primary and secondary frontages and town centre boundaries such that any use in Class E use can now be used for a wide range of purposes. For example, out of town office parks can now be converted to retail and restaurant uses or even gym use under permitted development rights with no requirement for sequential assessments.

4.0 Sequential Assessment

- 4.1 The adopted Kirklees Local Plan identifies Batley as a defined 'Town Centre' in its hierarchy of centres which provides for the shopping needs of residents mainly in the convenience (food) goods sector and is the focus for the local provision of financial services; offices; entertainment and leisure facilities; arts, culture and tourism facilities, further education; and health services. We have surveyed all of the properties within the defined town centre boundary and also researched the main commercial property websites in the UK being –

- Estates Gazette
- ShopProperty/CoStar LoopNet;
- Zoopla;
- Prime Location;
- BoxPod Commercial Property;
- Completely Retail and
- Holroyd Miller (local retail agents including telephone request for all available properties in Batley TC); and
- Michael Steel and Co. (local retail agents including telephone request to confirm all available property in Batley TC)
- Ernest Wilson – specialist regional business agent including telephone request to all available businesses in Batley town centre.
- Whitegates Estates Agents local bespoke database search for available property in Batley town centre.

- 4.2 We can confirm that none of the above nationally renowned websites as well as local agents lists any suitable available property for sale or to let in Batley Town Centre. Indeed, the only property advertised are as follows –

4.3 Retail Unit at Batley Bus Station

This is 112 sqm unit located inside Batley Bus Station. The application site has ground floor space of 186 sqm. This is the only commercial unit in Batley Bus station. The unit is more suited for retail newsagent / sandwich shop type use rather than as a mixed-use café and residential let. It is highly unlikely that the West Yorkshire Combined Authority would allow such a use in this location.

4.4 Howies Fish and Chip Shop 17 Branch Road Batley

We have previously interviewed the owner of the business . Twice offers were made on the business but they fell through as they were not near the asking price. The unit is extremely small with only 38 sqm of ground floor space. Yet it is being marketed at . As such, the cost of the premises is unviable for the applicant who is trying to diversify their own property. Furthermore, the business as confirmed by is only viable as an ‘owner operator’ model. i.e. with one person owning and running the shop and working all hours. This is not viable as a going concern for the applicant who already owns and operates a business and is looking to make use of under used space on site. They cannot afford to invest in another business in a different part of the town and leave their existing property vacant. The point is that by diversifying their existing holding on Bradford Road will help to create new jobs and opportunities in the town.

4.5 Ernest Wilson Marketing a unit on Commercial Street Batley (106 Upper Commercial Street)

This is a small unit with a ground floor space of 23 sqm such that it is not suitable at all for café use.

- 4.6 As such there are no sites sequentially actively available or being marketed online in Batley town centre.

5.0 Conclusions

- 5.1 The proposal has been evaluated with regard to its conformity with NPPF guidance and a bespoke sequential assessment has been undertaken, as agreed with the LPA.

There are no available sites being actively marketed by commercial agents in Batley town centre.

- 5.2 The proposed use of the premises as a mixed-use cafe and short-term letting use at first floor level cannot not be located in Batley town centre as there are no suitable available premises.