

## PLANNING STATEMENT

### PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT ATLAS WORKS, WARWICK ROAD, BATLEY

**JULY 2015**

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## **1. INTRODUCTION**

- 1.1 This planning statement is produced in support of a planning application for the part demolition and conversion of Atlas Works on Warwick Road, Batley into 18 residential units.
- 1.2 The purpose of the statement is to provide an evaluation of the site and the planning application proposals, together with a review of local and national planning policies before compiling a case in support of the application taking into account all material planning considerations.

## **2. THE SITE AND PLANNING HISTORY**

- 2.1 The site comprises of an existing mill which is fronts onto Warwick Road and includes an open curtilage area to the rear. The building is predominantly of a two storey appearance but includes a three storey element at the southern end which is attached to a commercial building outside the applicant's ownership.
- 2.2 The site is on the junction of Warwick Road and Upper Mount Street and is within a densely built up area of the town, where there is a mix of residential and commercial (including retail) units.
- 2.3 The building has most recently been in use for a combination of offices and storage but is now only partly occupied for these purposes.
- 2.4 Vehicular access to the rear area of the site is obtained via an archway along the Warwick Road frontage.

## **3. THE APPLICATION**

- 3.1 The application proposes the conversion of the building into 18 flats over four internal storeys, with demolition of single storey elements to the rear including a lean-to

extension and detached garage, and a section on the frontage where the access point is.

- 3.2 The flats are split into 4 one bed units and 14 two bed. The basement area will include ancillary rooms for units 7, 8 and 9, comprising of private gyms, cinema rooms and utility areas. The second and third floor areas are limited to the highest part of the building at the southern end and form two 2 bed units (nos 5 and 6).
- 3.3 The access into the site will be as existing but with the alterations referred to in paragraph 3.1 above.
- 3.4 The external appearance of the building involves re-using existing openings, retention of the stone frontage and slates, with any more detailed alterations being to the rear where render is to be used.

#### **4. PLANNING POLICY FRAMEWORK**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the statutory development plan consists of the Kirklees Unitary Development Plan (“UDP”). The site is unallocated in the UDP.
- 4.2 The new Local Plan has not reached a stage as yet where it can carry any weight in the decision making process.

##### **Local Policy**

- 4.3 Policy D2 advises that planning permission for development (including changes of use) on land that is unallocated in the UDP will be granted provided that the proposals would not prejudice:
- i. The implementation of proposals in the plan;
  - ii. The avoidance of over-development;

- iii. The conservation of energy;
- iv. Highway safety;
- v. Residential amenity;
- vi. Visual amenity;
- vii. The character of the surroundings;
- viii. Wildlife interests;
- ix. The efficient operation of existing and planning infrastructure.

- 4.4 Policy H8 advises that the change of use of buildings to residential will normally be permitted subject to employment, environmental, amenity and traffic considerations.
- 4.5 Policy H10 refers to the provision of affordable housing and negotiations between the LPA and developers. The extent and nature of affordable housing provision has regard to evidence of local need, the size of the site and its suitability in terms of access to local services, the degree to which a mix of house sizes and types is provided, and the viability of the overall development. Supplementary Planning Document 2 (adopted in 2008) provides more detailed advice on affordable housing and the issues of site suitability and financial viability.
- 4.6 Policies BE1 and BE2 relate to design with the former requiring all development to be of good quality design such that it retains a sense of local identity, is visually attractive and promotes safety as well as energy efficiency. Policy BE2 requires proposals to take into account site topography, respect the design, materials, scale, density and layout of surrounding development and to incorporate existing and proposed landscape features.
- 4.7 Policy BE11 requires new development to be constructed in natural stone or similar materials to that prevailing in the local area.
- 4.8 Policy BE12 requires new dwellings to be designed to provide privacy and open space for occupants and physical separation from adjacent property and land..
- 4.9 Policy T10 does not support development if it would create or materially add to highway safety problems.

- 4.10 Policy T19 requires the provision of off-street parking as set out in Appendix 2 to the UDP. For flats the requirement is 1 space for one bed units and 1.5 spaces for 2 bed units.
- 4.11 Policy EP4 advises that proposals for noise sensitive development in proximity to existing sources of noise need to take into account the effects of existing or projected noise levels on the occupiers of proposed noise sensitive development.
- 4.12 Policy B4 states that proposals involving the change of use of premises with established use for business and industry will be considered having regards to:
- i. The suitability of the premises for continued business use;
  - ii. The availability of business and industrial premises of equivalent quality;
  - iii. The number of jobs likely to be created or maintained;
  - iv. The compatibility of the proposed use with surrounding uses;
  - v. The effect of the future operational flexibility of any neighbouring businesses;
  - vi. The effect on any buildings of architectural or historic interest;
  - vii. The effect on local amenity;
  - viii. The effect on the local highway network.

### **National Policy**

- 4.13 The previous regime of Planning Policy Statements and Guidance has been replaced by the National Planning Policy Framework (“NPPF”) as published in March 2012, supported by Planning Practice Guidance published in March 2014. The key theme with the NPPF is the importance placed on sustainable development.
- 4.14 The Framework defines sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 highlights the economic, social and environmental elements of delivering sustainable development. Paragraph 8 advises that these economic, social and environmental roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental

standards, and well-designed buildings and places can improve the lives of people and communities.

- 4.15 The Government has made clear its expectation, through the Framework, that the planning system should positively embrace well-conceived development to deliver the economic growth necessary and the housing we need to create inclusive and mixed communities. The ‘presumption in favour of sustainable development’ is the golden thread running through national policy. With regarding to decision-taking, Paragraph 14 confirms this means approving development proposals that accord with the development plan ‘without delay’. Where the development plan is absent, silent or out-of-date, planning permission should be granted, provided the impacts do not significantly and demonstrably outweigh the benefits.
- 4.16 In relation to housing considerations, paragraph 9 states that this involves “...*seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including widening the choice of high quality homes*”.
- 4.17 Paragraph 17 of the NPPF sets out the 12 core land-use planning principles of the planning system and these include proactively driving and supporting sustainable economic development to deliver the homes, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth.
- 4.18 Paragraph 47 states that local planning authorities should “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.*”
- 4.19 Paragraph 49 advises that, “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*”

4.20 To support the delivery of sustainable development, Paragraphs 186-187 state that:

*“Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*

## **5. THE CASE IN SUPPORT OF THE APPLICATION**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The key issues with this application are considered to be the principle of development having regard to the UDP designation, the position with the established commercial use of the site, highway safety, amenity, design and planning obligations.

### *Principle of development*

5.3 The site is unallocated in the current adopted development plan.

5.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF with the advice being that *‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’*. Hence, if there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

- 5.5 As set out in Section 4 above, the main thrust of the NPPF is an overarching presumption in favour of sustainable development. This reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 5.6 In view of the above it is necessary to consider whether or not the application site is sustainable. No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means*' and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 5.7 In terms of sustainability the site is within the heart of an existing settlement and has good access links onto main roads where there are public transport links and good pedestrian access routes into the town centre where there are a wide range of services, facilities and employment opportunities. There are also local schools together with community and recreational facilities in the immediate area.
- 5.8 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 5.9 At this time the Council can only currently demonstrate a 2.45 year supply of housing (as established from information contained in the most recent Annual Monitoring Report). The most recent AMR advises that:

*"Guidance on the provision of land for housing contained in national planning policy indicates that local authorities should identify sufficient specific sites to deliver a five year housing supply. Information relating to the current five year housing land supply*

*position will be published in an addendum to the AMR upon completion of the latest SHLAA in spring 2015.”*

- 5.10 As yet that guidance has not been published. The advice in the NPPF is that local planning authorities should be able to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing and where this cannot be demonstrated relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 5.11 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 5.12 In this case, the site is not within any area of special environmental protection and it is considered that the proposal is in line with the broad objectives of the NPPF in that it has will provide economic benefits and also reflects the general need and demand for housing in the area. In conclusion on this issue therefore, having regard adopted policy in the UDP (specifically policies D2 and H8) and to the advice in the Framework, the proposal is considered to be acceptable in principle.

*Loss of Employment Use*

- 5.13 At the current time, the extent of active use of the site is limited, as follows:

Basement – storage: 104m<sup>2</sup> occupied, 156m<sup>2</sup> vacant;

Ground floor – offices: 40m<sup>2</sup> occupied, 143m<sup>2</sup> vacant; storage: 478m<sup>2</sup> vacant;

First floor – offices: 29m<sup>2</sup> occupied, 65m<sup>2</sup> vacant; storage: 304m<sup>2</sup> vacant;

Second floor – storage: 114m<sup>2</sup> vacant.

- 5.14 The explanatory text to Policy B4 advises that, older premises in the existing stock are predominantly unsuited to many modern business requirements and in such

circumstances it is not appropriate to resist all proposals to change the use of business premises or for their conversion or redevelopment for alternative uses.

- 5.15 The 2010 Employment Land Supply Review is the most recent study available and this found that Kirklees has 86.57 hectares of available employment land, 35.68 hectares of which lies within North Kirklees (which includes Batley). Available employment land includes allocated sites and sites with extant planning permission for B Use Classes and does not include the application site.
- 5.16 The 2013/14 AMR advises that there is now over 65 hectares of available employment land in the district.
- 5.17 Whilst the site has historically been in use for employment purposes for a long period, the level of activity has become significantly reduced in recent times. This is principally because of the difficulties with its location, the type and layout of the buildings and the constrained nature of the access, which are not suitable to modern business requirements.
- 5.18 The proceeds from the development will facilitate re-investment in the applicant's business operations elsewhere in the region. The development of the site for housing will also bring about employment opportunities through the building and associated industries.
- 5.19 The site lies within what can reasonably be described as a mixed commercial and residential area, although residential is the most dominating presence. Therefore a residential use of the site would be compatible with the local character and surroundings.
- 5.20 Nevertheless there are commercial units to the south of the site. A noise report is being submitted with the application which is considered in more detail below under the section "*Amenity*".

- 5.21 The building, whilst being of a traditional design and materials is not considered to be of any particular architectural or historic interest. Notwithstanding this, the development retains the bulk of the existing building and has been carefully designed to respect the existing form and character in terms detail and materials.
- 5.22 On the basis of the above and having regard to the advice in the NPPF, the proposal is considered to be in accordance with Policy B4 of the UDP, subject to issues of amenity and highway safety as assessed below.

#### Amenity

- 5.23 The internal layout will introduce bedroom and living/dining rooms windows on the Warwick Road frontage. The grain of the local area is such that buildings are constructed up to the back of the footway or immediately adjacent to it, so the issue of residential buildings facing each other across roads is the general local theme and as such the layout submitted with the scheme is considered to adequately address the requirements of Policy BE12.
- 5.24 With regard to noise, the report submitted with the application concludes that satisfactory living standards can be achieved, and as a result it is considered that the proposals satisfy the requirements of Policy EP4 of the UDP.

#### Highway Safety

- 5.25 The application is accompanied by a Transport Statement which concludes that the development is acceptable in terms of traffic impact and accessibility provision, and that there are no highway safety or capacity reasons why planning consent for the proposed development should not be granted. Accordingly there are no highway safety implications having regard to policy T10.
- 5.26 With regard to parking standards 24 spaces are provided. Policy T19 requires 1 space for one bed units (so 4 in total in this case) and 1.5 spaces for two bed units (so 21 in total in this case). Although there is an under-provision of one space, the

site is located in a highly sustainable location where other options to private transport are available.

### Design

5.27 The design of the scheme retains existing openings and retains the existing stone frontage and slate roof.

5.28 Therefore, the proposals are considered to satisfy policies BE1, BE2 and BE11 of the UDP.

### Planning Obligations

5.29 Having regard to the advice at Policy H10 of the UDP, the applicant is prepared to discuss and negotiate on any reasonable requirements from the local authority.

## **6. CONCLUSION**

6.1 The proposals as put forward in this planning application are considered to comply with the key areas of policy advice in the NPPF. There is a presumption in that document in favour of residential development for housing applications.

6.2 There is no adverse impact on the character of the area or on the surrounding streetscape, and the proposal is in accordance with all relevant policies in the UDP and the NPPF.

6.3 We would therefore request, on behalf of the applicant, that planning permission is granted.