

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/92351/E

Site Address: Batley Police Station, Market Square, Batley, WF17
5AA

Description: Change of use of former police station to 9 apartments
with associated works (Within a Conservation Area)

Recommending Officer: Nia Thomas

DECISION – CONDITIONAL FULL PERMISSION

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Paul Dowd

AUTHORISED OFFICER

Date: 16-Nov-2020

Officer Report

Site Description

The application site is a former two-storey police station which is constructed from stone and with traditional fenestration details. The site is adjacent to the war memorial park to the south and the Market Place pay and display car park to the east.

The buildings surrounding the application site are constructed of stone with traditional and with historic fenestration and architectural detailing. The Batley Town Hall and Batley Art Gallery are both Grade II listed buildings.

The site is allocated as Batley Market Place Conservation Area and is located within the Town Centre boundary.

Description of Proposal

Planning permission is sought for the change of use of the former police station to 9 apartments and the associated works.

The works can be seen on the submitted plans – minimal external alterations are proposed.

History of negotiations/amendments received

The case officer requested a revised site plan from the agent to address Highways DM concerns, which was received. The site plan addressed concerns. The case officer also requested a noise report, which was also received. This has been reviewed by Environmental Health and, subject to a condition, is acceptable.

Relevant Planning History

Pre application advice issued.

Representations

Final publicity date Expires: 15.9.2020.

No representations have been received.

No parish/town council comments are required.

Consultation Responses

Highways DM – comments made re bin storage/cycle provision.

K.C Environmental Health – no objection subject to condition (following noise report submission).

K.C Crime Prevention – no objection.

K.C Waste and Storage – no objection following receipt of amended plan.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is allocated as Batley Market Place Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP13** – Town Centre uses
- **LP15** – Residential use in town centres
- **LP21** – Highway safety
- **LP22** – Parking provision
- **LP 24** – Design
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP33** – Trees
- **LP35** – Historic environment
- **LP43** – Waste management hierarchy
- **LP48** – Loss of a community facility
- **LP51** – Local air quality
- **LP52** – Protection and improvement of local environmental quality
- **LP53** – Unstable and contaminated land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5- Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres

- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Documents:

- Highways Design Guide SPD
- National Space Standards

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is within the Batley Market Place Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

As well as the above, Chapter 7 of the NPPF that planning decisions should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. The proposed development complies with this aim of the NPPF (para.85). As well as this, Chapter 5 of the NPPF states that the Government's objective is to significantly boost the supply of homes – this proposal complies with this.

The principle of development is acceptable subject to an assessment of relevant material planning considerations as stated within in this report.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. The only external changes to the building relate to the provision of a terrace to the rear of the site. Pre application advice was sought on the scheme and, given that there are

minimal changes to the external appearance of the building, this is acceptable in line with the policies discussed below.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

- the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape,
- they provide a high standard of amenity for future and neighbouring occupiers.

Chapter 12 of the NPPF emphasises the requirement for good design and echoes the aims of Policy LP24 of the Kirklees Local Plan (KLP). In this case, consideration also needs to be given to Policy LP35 of the KLP and Chapter 16 of the NPPF – this is because the site is in a Conservation Area and close to listed buildings.

Policy LP35 of the KLP states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset, and proposals should retain those elements of the historic environment, which contribute to the distinct identity of the Kirklees area, which in the case of conservation areas is meant to ensure that proposals conserve those elements which contribute to their significance.

The terrace element of the proposal is to the rear of the main building and would not be overly visible from the main aspect of this building. The terrace is small in scale and would complement the main building by virtue of its minor impact on the appearance of the rear elevation – the railings are black and in keeping with other railings in the area. The openings would remain as existing, apart from changes to facilitate access onto the balcony. The openings are of a similar design and of an appropriate scale to retain the character of the building and replicate the existing openings. These changes will be captured in condition 2 of the decision notice.

In this case, given that there are minimal external alterations proposed to the building or its curtilage land, there will be no harm to visual amenity (including to the character of the conservation area), complying with policies LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF, as discussed above.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

From a site visit and review of the Council's mapping system, there are no residential units within proximity of the application site.

For this reason, the re arrangement internally, meaning that there would be habitable room windows in elevations where there are none currently, would

not result in any overlooking. The position of the terrace would also be acceptable and would not result in direct overlooking.

The built form of the building would not change, so the potential for overbearing impacts is not being considered.

K.C Environmental Health have commented on the planning application and advised that a condition should be recommended to protect the future occupiers of the development, through adequate noise mitigation measures. It was noted, by the case officer and K.C Environmental Health Officers, that the location of the building is close to the Town Hall car park in the centre of Batley, where there are other commercial uses and road traffic, which could result in noise that could affect the amenity of the future occupiers of these units.

The case officer initially considered the requirement for this condition and the information the agent has provided in response:

- The noise attenuation measures will be covered at Building Regulations stage
- Not a noise generating use

Considering this, the case officer returned to the agent and advised that a pre-commencement condition will be recommended for a noise report, which assesses the noise within the vicinity and recommends acceptable mitigation, to ensure that the development has a satisfactory impact for future occupiers.

Instead of the imposition of a pre-commencement condition, the agent subsequently provided a noise report which has been reviewed by K.C Environmental Health. The noise impact assessment found that the western façade of the building would be exposed to noise levels exceeding the BS8233 standard in the daytime and during the night.

The assessment recommends mechanical ventilation. No information was given on attenuation and therefore the following conditions are recommended:

- Implement noise mitigation measures, as set out in paragraph 6 of the noise report (acoustic solutions dated 10th October 2020)
- Ventilation of habitable rooms (if windows need to be kept closed)

Subject to the conditions recommended by Environmental Health being imposed on the decision notice, the proposed development would be acceptable, in principle, and the amenity of future occupiers is also considered acceptable.

The proposed development complies with Policies LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

4 – Impact on highway safety:

The impact on highway safety is acceptable. Highways Development Management has reviewed the application and has no objection to the proposed development. The proposed development is in a sustainable location in the centre of Batley. For this reason, the lack of parking provision is acceptable.

However, Highways DM did refer to cycle storage, stating it should be provided on a plan and that the bin storage area is not to the required standard and no collection point is provided. The agent subsequently submitted a plan addressing these points, which is considered acceptable.

Highways DM have also stated that a construction management plan should be submitted. However, following further discussions with Highways DM, given the scale of the development and the fact that only internal alterations are required (apart from the erection of a terrace), this is no longer required.

Subject to the above, the proposed development complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

5 – Other matters:

Loss of a community facility –

Policy LP48 of the KLP permits the loss of a community facility only where it can be demonstrated that:

- a) there is no longer a need for the facility and all options, including the scope for alternative community uses, have been considered;
- b) its current use is no longer viable;
- c) there is adequate alternative provision in the locality to serve the local community, which is in an equally accessible location; or,
- d) an alternative facility of equivalent or better standard will be provided, either on site or equally accessible; and,
- e) any assets listed on the community asset register have satisfied the requirements under the relevant legislation.

The agent was advised at pre-application stage that a statement should be submitted to cover the following points and justify the loss of the community facility (the former police station).

The agent's justification statement is as follows:

- vacant for a number of years;
- lack of funding/ reduced workforce confirmed by commissioner of West Yorkshire Police;
- local officers previously based in Batley are now using Heckmondwike Police Station as new deployment base (Heckmondwike building is more fit for purpose and cost effective).

Due to the justification as mentioned above, which complies with many of the points raised in Policy LP48, the proposal complies with Policy LP48 of the KLP and Chapter 8 of the NPPF and the loss of the community facility, in this instance, is acceptable and will bring a vacant historic building back into use.

Climate Change Emergency -

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the sustainable location of the development in Batley Town Centre, and the fact that no parking is provided as part of the development, there is no significant increase in harm to climate change that would require mitigation in accordance with LP51 of the KLP and Chapter 14 of the NPPF.

Pre commencement condition – the agent has agreed in writing their agreement to the pre commencement conditions.

High Risk Coal Mining Area

The site is within a high-risk coal mining area on the KLP and, therefore, consideration needs to be given to coal mining legacy on the site. In this case, the case officer has reviewed the Coal Authority's exemptions list and it is noted that change of use of a building is exempt from the submission of a Coal Mining Risk Assessment.

A Coal Mining Risk Assessment has not been requested and consultation with the Coal Authority has not be undertaken, as no significant ground works are required to facilitate the change of use to apartments. The proposal complies with Policy LP53 of the KLP and Chapter 15 of the NPPF.

Impact on listed buildings to the north and west of the building

Given that the external appearance of the building is changing only minimally (on the elevation facing Brunswick Street), and the original features of the building are being retained, it is considered that the proposed development is likely to have a neutral impact on the Conservation Area and the setting of the listed buildings nearby. This is consistent with the pre-application advice given. The applicant's heritage statement is noted.

The proposal will have a neutral impact on these heritage assets and is likely to be acceptable in this regard, complying with heritage policies in both the Local Plan and the NPPF, Policy LP35 and Chapter 16 of the NPPF.

Trees

There are some trees close to the Batley Police Station building and, therefore, consideration has been given to the impact of the proposed development on these trees, given that they may be protected by their Conservation Area status (if they are deemed to be large enough). However, given that the proposal is for the change of use of the building and will not require significant external alterations or building work, it is unlikely that these trees will be impacted. This is consistent with advice given at pre-application stage.

Therefore, the proposal complies with LP33 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

No representations were received.

7 – Conclusion: The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92351

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP21, LP22, LP24, LP27, LP28, LP33, LP35, LP43, LP48, LP51 and LP53 of the Kirklees Local Plan and Chapters 2,5,8,9,11,12,14,15 and 16 of the National Planning Policy Framework.

3. As windows need to be kept closed to prevent excessive noise levels, before any construction work commences, a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The ventilation Scheme shall show how habitable rooms of these apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of the apartments and retained thereafter.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in paragraph 6 the Noise Report produced by Acoustic Solutions dated 10 October 2020 (Ref 1965-76-20)

a) shall be completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority. incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the required noise levels have been achieved, shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Noise impact assessment	1965-76-20	-	12.10.2020
Proposed plans (including location plan)	3078/02	A	16.09.2020
Existing plans	3078/01	-	23.7.2020
Statement – loss of community facility	-	-	23.7.2020
Heritage statement	-	-	23.7.2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer has requested a revised site plan from the agent in order to address Highways DM concerns. The site plan addresses concerns. The case officer has also requested a noise report. This has been reviewed by Environmental Health and, subject to a condition, is acceptable.

Report Dated:

11.11.2020
