

**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:	2021/62/93531/E
Site Address:	20, Station Road, Batley, WF17 5SU
Description:	Alterations to convert auction house and one flat to 19 no. one bedroom suites, basement communal living space, waste and re-cycling storage (Listed Building within a Conservation Area) for Class C2 use
Recommending Officer:	Alex Cowling

DECISION - Refused

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

David Wordsworth

AUTHORISED OFFICER

Date: 11/11/22

Site Description

No.20 Station Road at Batley is a former textile warehouse which forms part of the Grade II listed building 20 and 22 Station Road. The building is three storeys high including a basement, and access is provided to the side and rear of the building through an arched entranceway between No.22 and No.20. The rear of the building fronts onto Rouse Mill Lane.

The building is located outside of the local centre of Batley. The site itself is unallocated in the Kirklees Local Plan, siting adjacent to but not within a Priority Employment Area. It does however fall within the boundary of the Station Road Batley Conservation Area.

Description of Proposal

The application seeks full planning permission for alterations to convert the building from an auction house and one flat, into specialist residential accommodation for persons with mental health issues. It is intended each prospective resident would be granted a six month tenancy and would be allocated an individual case worker for their needs.

The layout as shown on the amended plans, proposes communal living accommodation and 19 no single occupancy bedrooms with shower rooms. The main living areas are located in the basement, in an open plan living arrangement with cooking, dining and laundry facilities. The basement would be lit by a new lightwell with two new window openings, together with an existing rear window which would be refurbished. At ground floor level 5no bedrooms with shower room are proposed, and on both the first and second floors 7no bedrooms with shower room are proposed.

The proposed internal and external works to the listed building include demolition of existing internal walls and a non-original secondary staircase (ground floor/first floor), the installation of new internal walls and new window openings, and the creation of a basement lightwell with two new windows. No parking is proposed to serve the development and bin storage (4x 1100ltr bins) would be located to the southern side of the building, accessed by the arched entrance between No.20 and No22 Station Road.

History of negotiations/amendments received

Officers negotiated with the applicant to advise that the proposal would not provide sufficient amenity for future occupiers and would likely be recommended for refusal.

Relevant Planning History

95/90732 – Use of ground floor of furniture warehouse as auction room with store and office and formation of external steps and door and window openings (Listed Building) – Conditional Full Permission

96/90974 – Listed Building Consent for erection of new chimney, formation of 2 no sash windows and internal alterations – Consent Granted

96/91041 – Installation of 2no sliding sash windows (Listed Building) – Conditional Full Permission

95/93456 – Listed Building Consent for refurbishment of external and internal fabric and new external steps to basement, installation of internal staircases and toilets (within a conservation area) – Consent Granted

96/93548 – Installation of security cameras (Listed Building) – Conditional Full Permission

96/93549 – Listed Building Consent for installation of security cameras – Consent Granted
96/93658 – Change of use and alterations to second floor of auction house to living quarters in connection with existing business (Listed Building) – Conditional Full Permission
96/93659 – Listed Building Consent for conversion of second floor of auction house to living quarters – Consent Granted
2004/90214 – Erection of wrought iron security railings (Listed Building) – Conditional Full Permission
2004/90215 – Listed Building Consent for erection of wrought iron security railings – Consent Granted
2020/93719 – Internal and external alterations to existing warehouse to form 23 bedsits and associated external works (Listed Building within a Conservation Area) - Withdrawn
2020/93720 – Listed Building Consent for internal and external alterations to existing warehouse to form 23 bedsits and associated external works (within a Conservation Area) - Withdrawn
2021/93532- Listed Building Consent for alterations to convert auction house and one flat to 18 no. one-bedroom suites, site manager's office, waste and re-cycling storage (Listed Building within a Conservation Area) – pending decision

Representations

The application has been advertised by neighbour letter, site notice and press notice with the amended plans publicity expiring 25th June 2022. As a result of this publicity six representations have been received.

The applicant has submitted further amendments to the plans proposing a different internal layout, however it is considered taking into account the publicity of the previous amended plans and the nature of the further revisions shown, a further period of advertisement is not required.

Main Concerns Raised:

- Concerned about anti-social behaviour in proximity to a children's dance school
- Concern about the impact on the Conservation Area.

Councillor Comments

Cllr Zaman "I cannot agree more with Cllr Fazila Loonat. I too cannot support this application for the reasons she has stated below"

Cllr Loonat - As per our conversation on this and the previous application, I currently am of the opinion the number of units, and their size – the location – safeguarding security concerns – no Site management plan are all reasons why I will not be looking to support this application. I note that the applicant has chosen to omit some information as in the previous application but included some of it in a statement instead. I would appreciate you keep me informed on the applications progress

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K.C Lead Local Flood Authority – Object; the applicant should carry out investigation of the existing drainage system to ensure that it is in suitable condition, relevant information including the proposed

discharge point, discharge rate, drainage layout and associated calculations should be submitted for review.

- K.C Environmental Services -The premises are in a town centre location and there are various commercial sources nearby that may impact the property. The application proposes to place bedrooms level with Station Road and Rouse Mill Lane. Future occupiers may be negatively impacted by noise from road traffic and commercial activities. The applicant must demonstrate that acceptable sound levels can be achieved in indoor amenity areas, therefore noise conditions are necessary.

The site is located close to potentially contaminated land and groundworks are proposed, it is appropriate to apply contaminated land conditions for any unexpected contamination.

Restricting the hours of construction is appropriate to minimise adverse impacts on occupiers of nearby properties.

- Designing Out Crime Officer – No objections
- K.C Ecologist – No response received
- K.C Strategic Housing – The applicant proposes specialist accommodation to house homeless individuals which is supported by Strategic Housing. This aligns with the Kirklees Preventing Homelessness Strategy and the Kirklees Housing Strategy. Fusion Housing manage existing accommodation that supports vulnerable citizens in North Kirklees and this development would extend their provision.

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 unallocated on the Kirklees Local Plan (KLP).

Kirklees Local Plan (KLP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP8** – Safeguarding employment land and premises
- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable Travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity

- **LP35** – Historic Environment
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contamination and Unstable 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 1** – Achieving Sustainable Development
- **Chapter 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and Enhancing the historic environment

Assessment

Principle of Development

No.20 Station Road at Batley is a former textile warehouse, located outside of the local centre of Batley. The site itself is unallocated in the Kirklees Local Plan. The proposal is to change the use of the building from a former auction house and one dwelling to specialist accommodation for persons with mental health issues.

The existing building has an employment use and Policy LP8 of the Kirklees Local Plan (Safeguarding employment land and premises) is applicable. This stipulates that in Priority Employment Areas, proposals for redevelopment resulting in a non-employment generating use will only be acceptable where it can be demonstrated that the site or premises are no longer capable of employment use. In this case, 20 Station Road falls just outside of the boundary of the adjacent Priority Employment Area. It is understood the existing building has been vacant for some time, and the applicant has submitted a copy of a sales brochure for the building to evidence that the property has been previously marketed for employment uses.

Considering the location of the building is just outside the boundary of the Priority Employment Area, the applicant is not required to demonstrate that the building is no longer capable of employment use. It is however evident that the building has failed to attract a future employment use, and the use of this grade II listed building for another use is welcomed. Therefore, the proposal to change this vacant building into a residential use is considered in principle to be acceptable.

The acceptability of the proposal however must consider among other matters whether future residents would have sufficient amenity, and whether the

alterations would preserve or enhance the significance of the grade II listed building and the Station Road Batley Conservation Area

Impact on Residential Amenity (other than noise):

Policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring that they provide a high standard of amenity of future and neighbouring residents. The proposal for residential accommodation has been amended during the course of the application. The applicant's initial proposal was to provide sheltered accommodation for the homeless with 22 no self-contained suites for single occupancy. It was proposed the accommodation would be available for up to two years.

Following concerns raised by officers regarding residential amenity matters, the applicant amended the scheme, seeking to provide accommodation for persons with mental health issues, with 18no bedrooms with shower rooms, and communal living spaces, a manager's room and support worker office. The final scheme as amended remains to provide accommodation for persons with mental health issues, but has now removed the managers room and support workers office and proposes the communal living spaces to be wholly within the basement, instead of previously shown at ground floor level. The ground and upper floors would accommodate a total of 19no bedrooms. From email correspondence from the applicant it is understood that future residents would have an initial six month tenancy. It is envisaged there will be staff on site (housing officers and support staff) during office hours.

As noted above, Policy LP24 requires all proposals to provide a high standard of amenity of future residents. In addition, the Technical Housing Standards – Nationally Described Space Standard provides useful guidance in the assessment of residential amenity in new housing schemes. Although not an adopted Local Plan Policy the standards set out in this document are a useful guide and a material consideration. For a 1 bed, 1 person unit with a shower room, the floor space should be a minimum of 37sqm, furthermore a single bedroom should have a floor area of at least 7.5m² and be at least 2.15m wide.

The proposal would provide a total communal living space for the 19 residents of 91.05m², the smallest bedroom (inclusive of en-suite) size is 14.17m² and the largest is 23.54m². Taking into account the limited amount of communal space available to serve 19 individual people, it is considered the proposal will fall short of providing adequate internal space to ensure a reasonable level of amenity. In addition the proposal to accommodate living accommodation within a basement with no reasonable outlook, and limited natural light would be detriment to the amenity of future residents.

Consultation has been carried out with the Mental Health, Learning Disabilities and Provider Services section of the Council. It is their opinion that the proposed model is not one they would recommend or commission as a Council. They consider people with complex mental health need independent space and being with others who have similar issues would need such careful management with in built specialist support, the proposal does not fit that model.

Overall, it is considered the proposal would provide an inadequate level of amenity for residents in terms of their private living accommodation which would not be conducive to good standards of health. The proposal would

provide an unacceptable standard of amenity and would be contrary to Policy LP24 of the Kirklees Local Plan.

Impact on Visual Amenity and Heritage Matters:

20 Station Road forms part of the grade II listed building 20 and 22 Station Road, and is located within the Station Road Batley Conservation Area. Policy LP35 states development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. Policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring the form, scale, layout and details respects and enhances the character of the townscape, heritage assets and landscape.

20 Station Road is a former textile warehouse thought to date from c.1870. There are several listed examples of this building type on Station Road built to serve the local textile industry. Their architectural details differ, but they are typically styled on Venetian palazzi of the Renaissance period, an association that is not without meaning, since Venice at that time was pre-eminent in the textile industry and similar buildings were used for the production and storage of fabric. They are typically three-storey, symmetrical with a central entrance at ground floor. A grander treatment was sometimes given to the first floor, as at no.20, imitating the *piano nobile* of a Venetian palazzo. In common with the practice of Renaissance architecture, roofs were hidden behind parapets as at no.20 or had shallow pitches so as not to be visible.

Textile warehouses had a simple plan, reflecting the function of the building, with offices at the front of the building for transacting business, and large open-plan areas behind for storage. The office spaces to no.20 retain numerous features of architectural interest including Victorian fireplaces, deep cornices, picture rails and dado rails, deep skirtings, four-panelled doors with moulded door surrounds, arch-top sash windows with moulded window surrounds and timber shutters. There is a fine glazed screen to the northern office space, it has narrow margin panes and fine glazing bars.

Taking-in doors, of which three survive at no.20, provided a means of getting goods in and out of the building readily, these are located on the south elevation adjacent to the yard shared with no.22. The building has an L-shaped plan with the base of the L fronting onto Station Road. There is a full basement.

Impact of the proposals on significance

The proposed alterations would cause a high level of harm to the interior of the listed building. It is proposed to dryline the walls, which would result in the loss or alteration of many of the original features which form part of the significance of the building. The introduction of drylining would see the loss of internal decorative joinery and plasterwork features of architectural interest are retained and repaired. Their loss cannot be justified and is unnecessary. Listed buildings are exempt from compliance with the energy efficiency requirements of Part L of the Building Regulations to the extent that the requirements would unacceptably alter the character or appearance of such buildings as is the case here. The proposed changes to the layout would also result in the loss of the fine glazed screen to the north office space. The proposed replacement of the loading doors with new timber infill and windows designed to retain the appearance of doors will cause harm to the significance of the listed building.

The warehouse space would be subdivided into a large number of small units, this would cause harm to the plan form. The plan form of the building does form a part of the significance of the building and the introduction of such high number of subdivisions would remove the legibility and understanding of the building. The conversion would introduce a larger number of new bathrooms, kitchens and associated wiring, plumbing and ventilation required, of which there is limited to no detail provided. However, these elements would further contribute to the impact on the Listed Building.

The staircase between the ground and first floor at the rear (west end) of the building is modern and not considered to contribute to the significance of the Listed Building. The proposals to create a lightwell within the courtyard would not cause any significant harm to the Listed Building.

The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para.196).

As currently proposed, the development would cause harm to the significance of the listed building, that harm would be considered less than substantial harm. To accord with para.190 of the NPPF we should avoid or minimise conflict with the conservation of the listed building and minimise the level of harm.

Conservation and Design have concerns about the proposed alterations on heritage grounds, with particular regards to Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 190 and 194 of the NPPF. They consider that the current assessment focuses too heavily on the exterior of the building and pays little regard to the interior, not fully understanding the significance of the Listed Building. The current proposal would see too great an impact on the Listed Building to its significance and character and while there is an intention to reuse the building, this could be done in a more sensitive manner which would see the retention, repair/ conservation of the features of the building. While the principle of conversion and reuse could be acceptable, as presented the proposals do not seek to minimise the harm. With alterations and amendments an approvable scheme could be achieved, however it cannot be supported in its current form.

Noise Issues

Environmental Services note that there are various commercial sources nearby that may impact on the future use of the property. The application proposes to place bedrooms level with Station Road and Rouse Mill Lane and there is concern that future occupiers may be negatively impacted by noise from road traffic and commercial activities. They advise that the applicant must demonstrate that acceptable sound levels can be achieved in indoor amenity areas. The applicant has not provided any information to demonstrate that acceptable sound levels can be achieved however this is a matter that can be adequately considered by condition. If the application was otherwise considered to be acceptable, noise matters can be addressed by condition.

Contamination Issues

The site is located close to potentially contaminated land and some groundworks are proposed as part of the scheme. If the application was

otherwise considered to be acceptable, it would be appropriate to include contaminated land conditions to report any unexpected contamination.

Flood Risk / Drainage

The building is located within Flood Zone 1 and due to the size of the site does not require the submission of a site specific Flood Risk Assessment. The Lead Local Flood Authority note that no information on the proposed management of surface water has been provided, however as the application is for a change of use, it is likely the applicant will utilise the existing surface water drainage system.

The Lead Local Flood Authority currently object to the application as they require the applicant to carry out an investigation of the existing drainage system to ensure that it is in suitable condition. Relevant information including the proposed discharge point, discharge rate, drainage layout and associated calculations should be submitted for review. The objection is noted, however if the application was otherwise considered to be acceptable, it is reasonable that this matter can be addressed by a pre-commencement condition.

Protected Species

The site falls within the Bat Alert Layer and a Preliminary Bat Roost supports the application. The report finds no evidence of any roosts being present in the building and that the building has a low potential to support roosts of crevice-dwelling bats as a result of the combination of low potential external roosting features to the front and rear. Nevertheless, it makes clear that the loft space could not be fully accessed due to the deteriorated condition of the loft floor, and therefore cannot be fully discounted. It therefore recommends a single presence/absence bat survey is carried out between May-August to confirm if any bat roosts are present. This will inform the requirements for any additional surveys and/or mitigation. If the application was otherwise considered to be acceptable, this matter can be addressed by a pre-commencement condition.

Other Matters

Climate Change

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. In this case, the proposal is to bring back into use an empty building, furthermore there is no parking to be provided so future residents would be encouraged to use sustainable transport alternatives. It is considered this proposal would therefore contribute to the climate change emergency.

Representations

As a result of the publicity six representations have been received. In so far as they have not been addressed above:

Concerned about anti-social behaviour in proximity to a children's dance school

Response: The Designing Out Crime Officer has considered the proposal and raises no objections.

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 the proposal would provide an inadequate level of amenity for residents in terms of their private living accommodation which would not be conducive to good standards of health. The proposal would provide an unacceptable standard of amenity and would be contrary to Policy LP24 of the Kirklees Local Plan.

Furthermore, Conservation and Design have concerns about the proposed alterations on heritage grounds, with particular regards to Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 190 and 194 of the NPPF. They consider that the current assessment pays little regard to the interior, not fully understanding the significance of the Listed Building. The current proposal would see too great an impact on the Listed Building to its significance and character and the intention to reuse the building could be done in a more sensitive manner which would see the retention, repair/ conservation of the features of the building.

It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation – Refusal

Decision Authorisation - Delegated Powers

Application Number: 2021/93531

Officer Recommendation: Refusal

1. The proposal fails to provide an adequate level of amenity for future residents in respect of the size of the proposed communal living spaces to serve 19 individuals, and its poor outlook and light levels being located within a basement, which would not be conducive to good standards of health. Furthermore, the proposed model is not one the Council would recommend or commission as it is considered people with complex mental health need independent space and being with others who have similar issues would need such careful management with in built specialist support, the proposal does not fit that model. To approve the application would be contrary to Policy LP24 of the Kirklees Local Plan which stipulates proposals should promote good design by ensuring that they provide a high standard of amenity of future and neighbouring residents
2. The proposal would cause harm to the significance of the listed building, that harm is considered less than substantial harm. The proposal fails to avoid or minimise conflict with the conservation of the listed building and minimise the level of harm. The current assessment focuses too heavily on the exterior of the building and pays little regard to the interior, not fully understanding the significance of the Listed Building. The current proposal would see too great an impact on the Listed Building to its significance and character and while there is an intention to reuse the building, this could be done in a more sensitive manner which would see the retention, repair/ conservation of the features of the building. The proposals do no seek to minimise the harm and would fail to accord with Section 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 190 and 194 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	A1-01		07/09/2021
Existing Site/Block Layout	A1-02		07/09/2021
Existing Basement Floor Plan	A2-01		07/09/2021
Existing Ground Floor Plan	A2-02		07/09/2021
Existing First Floor Plan	A2-03		07/09/2021
Existing Second Floor Plan	A2-04		07/09/2021
Existing Roof Plan	A2-17		07/09/2021
Existing Elevations	A4-01	A	07/09/2021
Proposed Site Layout	A1-03		07/09/2021
Basement Alterations Plan	A2-09	A	07/09/2021

Plan Type	Reference	Version	Date Received
Basement Proposed Constructions	A2-12	A	07/09/2021
Proposed Basement Floor Plan	A2-05	D	17/09/2022
Ground Floor Alterations Plan	A2-10		07/09/2021
Ground Floor Proposed Constructions	A2-14	A	07/09/2021
Proposed Ground Floor Plan	A2-06	G	17/10/2022
First Floor Alterations Plan	A2-11		07/09/2021
First Floor Proposed Constructions	A2-15	A	07/09/2021
Proposed First Floor Plan	A2-07	E	17/10/2022
Proposed Second Floor Plan	A2-08	E	17/10/2022
Second Floor Alterations Plan	A2-12		07/09/2021
Second Floor Proposed Constructions	A2-18	A	07/09/2021
Proposed Roof Plan	A2-18	A	07/09/2021
Proposed Elevations	A4-02	A	07/09/2021
Planning, Heritage, design and Access Statement			07/09/2021
Supporting Information – Amended Plans			07/09/2021
Photographic Record			07/09/2021
Bat Survey	WNT69105-766(00)		07/09/2021
Sale/Marketing Details			07/09/2021

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. Officers advised the applicant the proposal was unlikely to be supported on residential amenity grounds, the applicant has submitted amended plans, however the amended plans were not considered to overcome the concerns raised.

10th November
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**Report Dated:**