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| **Consultation Response from KC Town Centres** |
| **2024/92349 143 Upper Commercial Street, Batley, WF17 5DH** |
| **Change of use of former public house to 4 flats (C3) (within a Conservation Area)** |
| **Date Responded:**<br>**Responding Officer: NR**<br>**Responding Ref:** |

This application is for the change of use from a former public house to 4 flats at 143 Commercial Street, Batley. The site is located approximate 65m from the boundary of Batley Town Centre and is located within the Batley Market Place Conservation Area (CA1) as designated in the Kirklees Local Plan which was adopted on 27th February 2019. The Local Plan should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Currently, the site is vacant having previously been occupied by The West End Public House and the proposed use would change the use of the pub to 4 apartments as follows:

- The ground floor:
    - Flat 1 – one bedroom and 55 sq. m floorspace
    - Flat 2 – one bedroom and 50.1 sq. m floorspace
- Flat 3 would be on the first floor and consist of 64.8 sq. m floorspace
- Flat 4 would be on the second floor and consist of 65.1 sq. m

With public houses being considered to be a community facility, this application needs to be assessed against Policy LP48 in the Kirklees Local Plan. Also, with the application proposing the change of use to a residential use, the application also needs to be considered against relevant principles in the Housebuilders' Design Guide Supplementary Planning Document (SPD).

**Policy LP48 – Community facilities and services**

This policy states that proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted 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; or
b. its current use is no longer viable; or
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 a Community Asset Register have satisfied the requirements under the relevant legislation.

Planning Policy have considered the availability of alternative public houses in the area and are aware that there are two public houses in Batley Town Centre at The Taproom on Commercial Street and The Union Rooms on Hick Lane. Therefore, it can be considered to be adequate alternative provision in an equally accessible location and as such fulfils criterion c of Policy LP48.

**Housebuilders' Design Guide SPD**

The application should also have regard to Principle 16 of this SPD which states that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

It is considered that in proposing 55 and 50.1 sq. m of floorspace respectively, Flats 1 and 2 meet the space standards for two person, one bedroom apartments. In the case of Flats 3 and 4, it is considered that whilst the proposed changes of use would meet the space standards for two bedroom, single storey dwellings accommodating 3 people but not the space standards for two bedroom, single storey dwellings for 3 people.

**Conclusion**

It is considered that adequate alternative provision of licensed venues exists within Moldgreen to serve the local community and therefore the proposal fulfils the requirements of Policy LP48 in the Kirklees Local Plan. Regard should also be had to the Housebuilders' Design Guide SPD to ensure acceptable amenity standards for residents.