



# PLANNING, DESIGN AND ACCESS STATEMENT

**CHANGE OF USE OF OFFICE BLOCK TO RESIDENTIAL  
APARTMENTS, INCLUDING ALTERATIONS TO THE FACADE  
OF THE BUILDING AND ASSOCIATED WORKS**

**AT**

**GRAFTON STREET BRADFORD ROAD, BATLEY, WEST  
YORKSHIRE, WF17 6AR**

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Astrum Planning Ltd  
Bilton Lane, Harrogate

# 1. Introduction

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- 1.1 This Planning, Design and Access Statement is submitted on behalf of my client 'The Unitech Industries Group' in support of an application to Kirklees Council for the change of use of existing office space to residential apartments, including alterations to the façade of the property, including new doors and windows and associated works, which includes new fencing.
- 1.2 The Site is located within the settlement limits of Batley, and comprises a vacant office block. The Site was bought by 'The Unitech Industries Group' in 2021 from 'Dixon Hall and Co'. The Office building has been vacant since summer 2020, and is considered more suited to residential development - given its age, location and composition.
- 1.3 Importantly, the proposal has been informed by a full review of the Site, with a full set of plans and technical documents submitted in support of the application. The application package has identified the following central planning issues, which include:
  - The objective of bringing a vacant building back into active use, and to recognise the level of investment required and positive contribution this will make towards housing supply within Kirklees;
  - The need to consider the appropriate level of parking, alongside bike and bin storage;
  - Consideration of access; and,
  - The provision of a high quality standard of residential amenities for future residents of the site and the safeguarding of the living conditions of neighbouring occupants.
- 1.4 The above factors are considered within the main body of the report - where it is concluded that the development is acceptable in these terms.
- 1.5 Overall, and taking all material factors into account, it is submitted that the presumption in favour of sustainable development expressed throughout the NPPF should be applied to this proposal. Allied to the recognised social, environmental and economic benefits of the scheme; and in the absence of significant and demonstrable adverse harm to other NPPF and Development Plan objectives, it is submitted that the proposed scheme is acceptable in planning terms.

## 2. The Site

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### Location and Context

- 2.1 The Site comprises a vacant two-storey office building, fronting Grafton Street. Historical maps (old-maps.co.uk) confirm that the building was built between 1961 and 1974.
- 2.2 The property in question is two stories in height, and made from brick with pebble dash. The building benefits from two entrance doors, with car parking to the rear and on-street.
- 2.3 Importantly, a planning history search confirmed that there are no restrictive conditions in place. This was confirmed with Kirklees Council on 12<sup>th</sup> January 2021.

### Technical Constraints

- 2.4 The Site is not within a conservation area and comprises no listed buildings. It is also remote from any nearby areas of ecological interest, such as Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, Ramsar Sites, National or Local Nature Reserves. The Site is also located within Flood Zone 1 as identified by the Environment Agency.

### Site Allocation

- 2.5 The Site is unallocated in the Adopted Development Plan. The Site is not within a Primary Employment Area, but situated within the settlement limits of Batley.

### Planning History

- 2.6 A prior notification application was submitted and registered under reference. 2023/CLASS MA/92103. The proposal was for the change of use of offices to 6 dwellings. The proposal was refused on the grounds that it was considered that the application has not been submitted with sufficient information to allow the Local Planning Authority to assess the transport and highways impact.
- 2.7 It was also considered the building form part of a wider unit of uses formally used by Dixon Hall and Co Limited. These uses appear to include storage and distribution of construction products including tools, small plant, hardware with a retail outlet on the Bradford Road frontage. The building appears to have served as an office to the wider functions of the company including storage and distribution of goods, retail and ancillary office. Taken as a whole it is considered these uses would have formed a single planning unit as a composite mixed use falling outside Class E as defined by the Use Classes Order 1987 (as amended). The applicant has not provided sufficient information to demonstrate the proposed use of the building currently benefits from a Class E use. As such, the proposal would fail to comply with requirements as set out by the Town and Country Planning (General Permitted Development) Order 2015 (Amended) Schedule 2, Part 3, Class MA.

### 3. The Development Proposal

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#### The Proposal

- 3.1 The proposal is to convert an existing office block into 6 x 1 bedroomed apartments over three floors.
- 3.2 The existing external walls and windows will remain in the most as existing. The only external change proposed comprise new door opening, new windows and changes to the façade of the building.
- 3.3 Car parking will be provided to the rear of the building on an existing area of hardstanding – one space per apartment.
- 3.4 A 2m high timber fence and new gate is also proposed to the rear of the building.

## 4. Policy Framework

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### Local Development Plan for Kirklees

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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 following policies are material to the consideration of this application:

- LP1 – Presumption In favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 52 – Protection and improvement of environmental quality

4.2 Kirklees Council are in the process of preparing a New Local Plan. The Plan is at the early stages of development and holds limited material weight.

4.3 The Council have confirmed that they have a shortfall in the four year housing land supply.

### Other Material Considerations

#### Supplementary Planning Guidance/Documents

4.4 The following Supplementary Planning Guidance/Documents are material to this Case for development:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

#### National Policies and Guidance

4.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places

## 5. The Planning Case and Design and Access Statement

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### Principal of Development

- 5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Kirklees consists of the remaining saved policies of the 2019 Local Plan (adopted February 2019).
- 5.2 We are aware that Kirklees Council have committed to preparing a New Local Plan. However, the Plan is still at the early stages of preparation, and in accordance with Paragraph 48 of the National Planning Policy Framework ('The Framework') it can only be afforded limited weight. We note that amendments are also proposed to The Framework by the Government - to boost the supply of housing. The document is a consultation only and holds limited weight in the determination of this application. Adoption is expected 2025.
- 5.2 Paragraph 11 of the Framework is engaged in the determination of an application and states that Councils should apply the "presumption in favour of sustainable development". For decision taking - this means approving development that accords with an up-to-date development plan without delay. Where there are no relevant plan policies, or the policies which are most important for determining the application are 'out of date', granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.3 Footnote 8 of the Framework confirms that policies should be considered 'out of date' in such scenarios which involve the provision of housing, and the Council is unable to:
- i) demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77); and
  - ii) does not benefit from the provisions of paragraph 76; or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years. Our assessment against this framework is outlined below.

### Housing Land Supply & Housing Delivery Test

- 5.5 Kirklees Council have confirmed that the Council can only demonstrate a housing supply of 3.96 years, with the housing delivery test under the 75% of the requirement, over the last three years. The presumption in favour of sustainable development therefore applies, and paragraph 11 is engaged.
- 5.6 Located within the built fabric of Batley, the Site represents a sustainable location for residential development, and is within close proximity to existing services and facilities.

- 5.7 Importantly, the Site is not located within a Primary Employment Area (PEA); as such Policy LP8 does not apply. A position supported by the wording of paragraph 7.23 which supports the Policy and states that there are other employment areas across the district that have less strategic significance. The paragraph goes on to state that these areas do not meet the needs at a local scale or the needs of modern business operations, due to a combination of poor location, layout and building design. In these instances, the council do not consider it appropriate to formally protect these sites with a PEA designation. This is the case for proposed application Site. On this point, the existing office building has been vacant since 2020, and is no longer considered suitable to modern day requirements, based on its age, location and composition. The proposal therefore represents an opportunity to deliver much needed housing, where there is an acute need.
- 5.8 Expanding on the above, paragraph 7.23 goes on to state that the council will therefore not resist the 'change of use of such employment sites' where they have not been designated as a PEA. The proposal is therefore supported, and will ensure the effective re-use of brownfield sites for an alternative end use, which is more suitable to its composition and will protect its longevity.
- 5.9 Finally, located within in an area that currently contains residential, commercial and retail buildings - the loss of this building would not unduly unbalance the area or cause an unacceptable risk to the sustainability of the existing commercial operations subject to noise protection conditions. The principal of development is therefore considered acceptable in this case.

### **Affordable Housing and Mix**

- 5.10 The proposal is for 6 x 1 bed roomed apartments, and does not trigger the need for affordable housing. The mix has been influenced by the existing built form and local market.

### **Sustainable Development**

- 5.11 The NPPF is underpinned by a presumption in favour of sustainable development. Paragraph 7 of the framework describes that the purpose of planning is to contribute to the achievement of sustainable development. The planning system needs to perform a number of roles as set out in Paragraph 8 which is outlined below:

#### Economic Benefits

- Provision of jobs during the construction phase of the development.
- New residents to Batley which will contribute to the local economy and the vitality of the settlement. The additional dwelling will support local businesses and reinforce the town's role within the settlement hierarchy.

#### Social Benefits

- Provide c. 6 new apartments.
- Encourage healthy, sustainable lifestyles maximising on the proximity of existing services, employment and bus services.
- Improve the character of the area through a sensitive redevelopment of a vacant building.

#### Environmental Benefits

- Improve the appearance of the existing building on site to create a more sensitive interface with the residential dwellings to the east.

## Highways

- 5.12 The NPPF states that all new development should be assessed in terms of i) their impact on the existing transport infrastructure; ii) impact on the safety of users; and iv) the impact if encouraging sustainable transport modes. The aspirations of the NPPF is set out in Policy 21 of the current Kirklees Local Plan.
- 5.13 The Site is located along Grafton Street within the urban area of Batley. The Site occupies a sustainable location, with strong linkages to existing infrastructure and services, including bus stops along Bradford Road to the south.
- 5.14 In response to comments on application 2023/92103 - a 2m footway is provided on the eastern side of the proposed access, as shown on the proposed Site Plan prepared by EDG Architecture.
- 5.15 The Site benefits from an existing access from Grafton Street, which also serves the wider Unitech Site. Evidence provided by ATTP Transport Consultants (Figure 1 below) confirms that the existing access is not wide enough to accommodate HGVs. As such, the tracking plans provided (and submitted as part of the previous application) are based on both a 3.5 and 7.5 box vans. The use of these vehicles is consistent with the Unitech business model, and type of vans that will be using the Site. The swept path plans from ATTP Transport also confirm that suitable visibility can be achieved for the existing and proposed use of the Site.

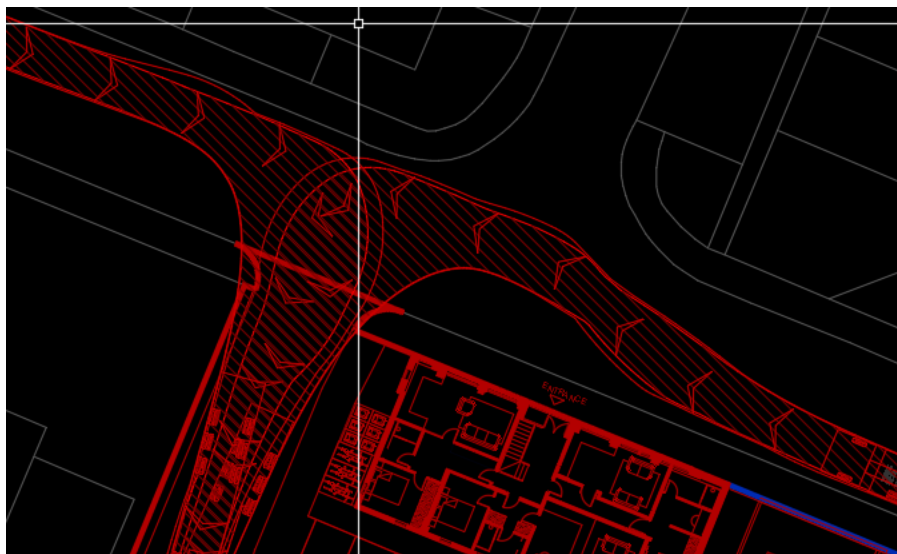


Figure 1: Tracking Plan for HGV Vehicles

- 5.16 The proposal provides 6 car parking spaces to the rear of the building – one space per flat, which has been tracked by ATTP Transport and shown on the enclosed ‘Proposed Site Plan’. The Plan confirms that vehicles can easily manoeuvre within the proposed car parking area, with no conflicts from the remaining service yard - which will be retained by the Applicant for continued operations for Unitech.
- 5.17 The accompanying Site plan also shows parking for the wider commercial activity. It is also noted that parking is available on street for vehicles. On this point, there are no restrictions to parking in this location. As such there is sufficient parking to accommodate the proposal and wider commercial activities; addressing comments in planning application 2023/92103.
- 5.18 Finally, secure cycle parking and a communal bin store is proposed, which will house general waste and recycling waste. The bin storage will be within walking distance for residents, with

a 2m high timber fence and new gate also proposed. As such the proposal complies with Policy 21 and the NPPF, and is therefore acceptable in highway terms.

## **Design**

- 5.19 The proposed change of use requires only a small design change, which includes the insertion of a new doors and windows - in keeping with the existing building. Therefore, there are no concerns with regards to the impact on urban design according with principle LP24 of the Kirklees Local Plan (KLP).
- 5.20 Windows are proposed to be replaced for new UPVC windows to meet Building Regulations requirements for thermal performance, as well as fire safety.
- 5.21 The fenestration may also be amended to provide a means of escape in the event of a fire.
- 5.22 Importantly, from the plans submitted all rooms will benefit from:
- Sufficient natural light;
  - Include the provision of bedrooms, kitchen/living areas, hallways and bathrooms;
  - All habitable rooms have the provision of adequate natural light, and contain openings, which allow for natural light into the living spaces;
  - Achieve national space standards.
- 5.23 External changes include the layout of the hardstanding to the rear of the building to provide adequate parking provision

## **Ecology**

- 5.24 A preliminary roost assessment accompanies this application, and confirms that there are no potential bat roosting habitats within the structure. As such the building was classified as having negligible bat roosting potential and no further surveys were recommended. No additional ecological features were observed within or adjacent to the application Site that might otherwise require further consideration.
- 5.25 Policy LP30 of the KLP relates to the need for biodiversity net gain. However, the habitats recorded on-site were limited to hardstanding and a narrow strip of scrub vegetation; most of which originated from the adjacent site and was overhanging the application Site. Species recorded predominantly comprised bramble with occasional common ash, sycamore and wild cherry. The appointed consultants have measured the area which comes to 14.5m<sup>2</sup> in extent, which falls under the de-minimum threshold. As such the requirement to deliver 10% BNG does not apply. This is supported by a statement from Futures Ecology.

## **Climate Change**

- 5.26 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change, as it can influence the delivery of appropriately sited green infrastructure, and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the Framework as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development.
- 5.27 As outlined above, the proposal will convert an unused office space into residential use. The re-use of a vacant property is considered to be beneficial to the impact of climate change - in

that it contributes to reducing the requirement to construct new homes to meet the housing need of the Kirklees District.

### **Flooding Risk and Drainage**

- 5.28 The application Site is located within Flood Zone 1, and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation, and would impact on the proposed development. As the application involves only a change of use, internal modifications are proposed, alongside minor changes to the external areas. We note that any modifications to the existing building surface water drainage, will be dealt with by the Building Inspector to ensure any drainage works comply with Part H of the Building Regulations.
- 5.29 A Flood Risk Assessment is not required, as the Site area is under 1ha.

### **Phase 1 Land Contamination Survey**

- 5.30 The proposal is for the change of use of an existing building and given the use of the floors as office accommodation - we consider the risk of contamination is likely to be low. Furthermore, no breaking of the ground will be required to facilitate the change of use. As such, we do not consider that a Phase 1 Desk Study and/or Phase 2 (Site Investigation) Report and Remediation Strategy is required in this instance. However, a condition can be imposed if required by Kirklees Council. This was previously agreed under application 2023/CL/92103/E.

### **Noise**

- 5.31 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 5.32 The site comprises an office block, set within a mixed use area, with residential development to the east; retail to the south; a garage to the north; and commercial to the west. Importantly, the Applicant also owns the former Dixon Hall Site to the west and south, as shown by the enclosed Location Plan.
- 5.33 An acoustic report accompanies this application and confirms that from a sound insulation point of view the location of the bedrooms on the quieter side of Dixon Hall is appropriate. The proposed refurbishment works comply with current building regulations; will further enhance the sound insulation performance of the building; and will comply with the requirements of BS 8233:2014. As such, there is a low likelihood of adverse impact on the future occupants of the flats and current residents – in accordance with LP 24 of the KLP. This was previously agreed under application 2023/CL/92103/E.

## 6. Conclusion

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- 6.1 The Applicant wishes to work alongside Kirklees Council to deliver essential housing in the local authority area.
- 6.2 This Planning Statement has set out an appraisal of the main planning policy considerations. It considers the statutory responsibilities of the planning authority in considering this planning application in terms of the NPPF, the adopted Local Plan and other material considerations.
- 6.2 Importantly the proposal seeks to address comments made during the consideration of application 2023/92103, alongside the resubmission of evidence to address comments from Highways.
- 6.4 To summarise, it is considered that the scheme is fully in accordance with national and local policies, and represents an appropriate form of development for this Site. The proposal will also deliver a number of social, economic and environmental benefits; and should therefore be approved without delay.