



PLANNING AND HERITAGE STATEMENT

**Change of use from former public house to a house in
multiple occupation**

**143
Upper Commercial Street
Batley
WF17 5DH**

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1 INTRODUCTION

Context

- 1.1 This Planning Statement has been prepared by DPA Planning Ltd on behalf of Mr Sprawka (the "Applicant") to accompany a planning application for the change of use from former public house to a house in multiple occupation (the "Proposed Development") at Commercial Road, Batley (the "Application Site").
- 1.2 This report is to be read in conjunction with all other submitted documents which are listed as follows:
- Completed Planning Portal Application Form;
 - UCS001 Site Location Plan A4;
 - UCS002 Site Layout Plan Existing A3;
 - UCS003 Existing Ground Floor Plan A3;
 - UCS004 Existing First and Second Floor A3;
 - UCS005 Existing Roof Plan A3;
 - UCS006 Site Layout Plan Proposed A3;
 - UCS007 Proposed Ground Floor A3; and
 - UCS008 Proposed First and Second Floor A3.

Site Context

- 1.3 The application site is a former Public House 'The West End' located south of Upper Commercial Street in central Batley. The site has remained vacant since 2019 and to the rear has fallen into disrepair being unmanaged. The surrounding uses to the application site are mixed commercial and residential uses.
- 1.4 The application site is located within the Batley Market Place Conservation Area.



Figure 1.1: Application site in context

Proposed Development

- 1.5 The proposed development seeks permission to change the use of the building from the former public house into a house in multiple occupation. The existing building would be converted through internal alterations to provide an 11 bed HMO as detailed in the supporting plans. The footprint of the building would remain the same with no extensions proposed.
- 1.6 Each room would have private ensuite facilities and would have shared spaces for kitchen/dining, storage and laundry. Additionally, spaces are provided for secure bicycle storage.
- 1.7 The application is also accompanied by a floor plan to show the works that are involved in the change of use. Please note that the majority of changes made are internal with two external changes proposed with the addition of a window and a door as shown in the proposed elevations plans.

Planning History

- 1.8 The application site has the below relevant planning history;
 - 2024/62/92349/E - Change of use of former public house to 4 flats (C3) (within a Conservation Area)- Approved 24th October 2024

2 PLANNING POLICY

Kirklees Local Plan

2.1 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.

2.2 The Kirklees Local Plan was adopted on 27th February 2019. The relevant policies of the Local Plan include:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP11 – Housing Mix and Affordable Housing
- LP13 – Town Centre Uses
- LP 15 - Residential use in town centres
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35- Historic Environment
- LP47 – Healthy, Active and Safe Lifestyles
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

2.3 Other relevant local guidance includes:

- Kirklees Waste Management Design Guide (2020)
- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Amenity Standards for Houses in Multiple Occupation.

National Planning Policy Framework & Guidance

- 2.4 Relevant Government planning policy is now contained largely within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 2.5 Paragraph 2 of the NPPF states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 2.6 Paragraph 11 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For decision-taking this means approving development proposals where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- 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
 - 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.
- 2.7 Paragraph 135 of the NPPF states that policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Legislation and the NPPF

2.8 The duty of the Council as a Local Planning Authority is set out in paragraphs 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The duty in relation to Listed Buildings is to preserve its setting or any features of special architectural or historic interest which the building may possess. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3 PRINCIPLE OF DEVELOPMENT

Acceptability in Principle

- 3.1 Local Plan Policy LP11 aims to provide sufficient housing for all housing needs. This is reiterated at Chapter 5 of the NPPF.
- 3.2 It is considered the proposal would add to the supply of HMO's in compliance with Policy LP11 along with the property being located within a highly sustainable location with regular bus services via Halifax Road within a short walking distance.
- 3.3 In the case of this application, the host property is not listed however it lies within the Batley Market Place Conservation Area.
- 3.4 The proposal is considered to cause "less than substantial harm, with minor external changes made to the building with one new door for room 5 proposed and a new window to the side elevations. The proposed alterations will not to affect the significance of the heritage asset" as set out in Paragraph 205 of the NPPF. The harm should therefore be weighed against the public benefits of the proposal. In this case, the minimal harm of the works does not outweigh the public benefits of provision of housing and the continued use and maintenance of the building within the Conservation Area.
- 3.5 For these reasons the proposed development is considered acceptable in principle subject to an assessment against other material planning considerations which are discussed in turn as follows.

4 OTHER MATERIAL PLANNING CONSIDERATIONS

Visual Impact

- 4.1 Paragraph 135 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment.
- 4.2 Kirklees Local Plan policies LP1, LP2 and LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 4.3 There are minimal proposed external changes to the existing building, with the addition of one access door and one side elevation window, the change to a HMO would not be noticed from the street scene or wider vantage points. Moreover bringing the vacant site into use would bring some improvement to visual amenity through the management maintained and upkeep of the building and surrounding site.
- 4.4 The development would be in keeping with the existing neighbouring properties and the proposed to HMO would be in keeping with the character of the surrounding area and therefore acceptable in terms of visual amenity and compliant with Policy LP24 of the Local Plan as well as the NPPF.

Residential Amenity

- 4.5 Local Plan Policy LP24 as well as Paragraph 135 of the NPPF, seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 4.6 It is considered the proposed development which provides a 11-bedroom shared HMO use and thus creates a similar impact upon neighbouring amenity and highway safety. The internal and external layout as proposed is considered suitable and would provide an acceptable level of amenity.
- 4.7 It is not considered that the nature of occupation as a 11 bed HMO would have a negative effect on adjacent neighbours, however, the implementation of a comprehensive management plan would assist in such issues as, information

and advice to residents, garden maintenance, refuse and recycling collections and property maintenance issues. This would be controlled by condition, which would provide an opportunity for any problems that may arise to be referred to the applicant.

Impact upon Highway Safety

- 4.8 The application site is located in a highly sustainable location which access to a range of key facilities and services, including employment, retail, health and education uses.
- 4.9 Due to the sustainable town centre location with numerous facilities and services within walking distance of the application site as well as multiple public transport options, the development has not proposed any parking.
- 4.10 The impact of the development-generated traffic on the surrounding area for a minor development of this size would be negligible and it is therefore concluded that the proposed development could be accommodated without resulting in a significant detrimental impact upon the network. This is in line with the severe impact test within NPPF at paragraph 116 as well as Local Plan Policy LP22.

5 CONCLUSION

- 5.1 Paragraph 38 of the NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state that 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.
- 5.2 It is considered the proposal would add to the supply of HMO's in compliance with Policy LP11 along with the property being located within a highly sustainable location with regular bus services via Halifax Road within a short walking distance.
- 5.3 In the case of this application, the host property is not listed however it lies within the Batley Market Place Conservation Area. The proposal is considered to cause "less than substantial harm, with no only two minor external changes proposed without affecting the significance of the heritage asset" as set out in Paragraph 205 of the NPPF. The harm should therefore be weighed against the public benefits of the proposal. In this case, the minimal harm of the works does not outweigh the public benefits of provision of housing and the continued use and maintenance of the building within the Conservation Area.
- 5.4 It is considered that, on balance, the development complies with the aims and intentions of all relevant policies and would not result in adverse visual amenity, residential amenity or highway safety impacts. As such it is recommended that Planning Permission be granted.