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**Report of the Head of Planning and Development****STRATEGIC PLANNING COMMITTEE****Date: 27-Feb-2020**

**Subject: Planning Application 2019/93444 Partial demolition of existing building, alterations to convert retained building to 20 apartments and erection of 20 dwellings (within a Conservation Area) land at former, Batley & District Cottage Hospital, Transvaal Terrace, Carlinghow Hill, Batley, WF17 0AA**

**APPLICANT**

Fernbrook Associates Ltd

**DATE VALID**

21-Oct-2019

**TARGET DATE**

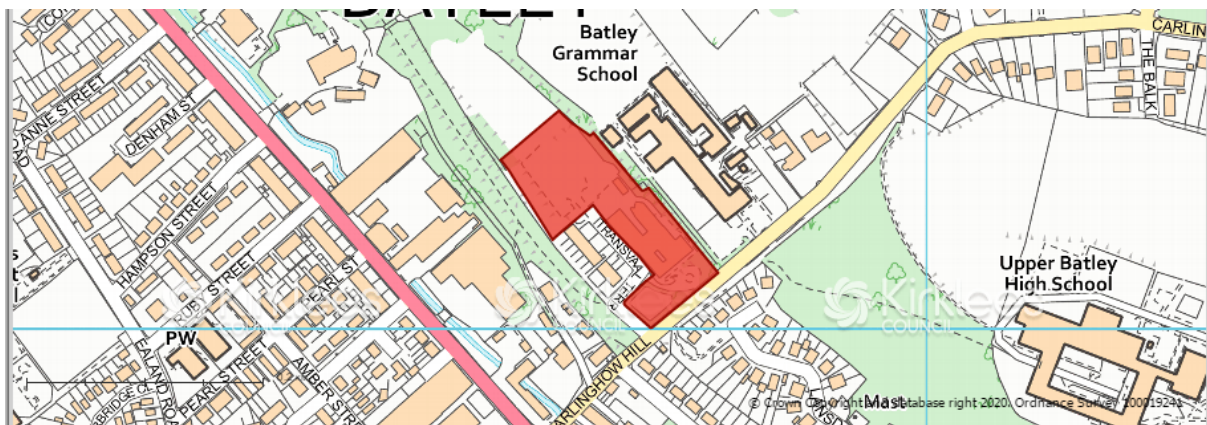
20-Jan-2020

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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## Electoral Wards Affected: Batley East and Batley West

Yes

Ward Members consulted  
(referred to in report)

**POSITION STATEMENT:** For Members to note the content of the report and presentation, and to respond to the questions at the end of each section

### **1.0 INTRODUCTION:**

- 1.1 The Council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement is provided prior to an application being formally considered by the Planning Committee.
- 1.2 This proposal includes redevelopment of vacant building, which is considered to be a non-designated heritage asset within a Conservation Area. The proposal involves an element of enabling development to fund the renovation of the existing non-designated heritage asset. A financial viability appraisal is being prepared and this will give detailed breakdown of the viability issues involved with this development. The outcomes of the viability assessment will be reported to the committee in private as it includes Exempt Information. This information is to be taken in private because it contains commercially sensitive information.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

### **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site measures 1.22 hectares in size and comprises a former hospital and subsequent nursing home which is now vacant. The building fronts Carlinghow Hill. To the north of the building is an area of hardstanding and open scrubland which is enclosed by woodland.
- 2.2 To the northeast of the site is Batley Grammar School which is separated by a border of mature trees. To the south is a 20<sup>th</sup> century residential estate on Lansdown Close and Cinewood Avenue. To the west is a row of terraced dwellings on Transvaal Terrace.

### **3.0 PROPOSAL:**

- 3.1 The application is submitted in full and proposes the partial demolition of the existing former hospital building, alterations to convert the retained building to 20 apartments and the erection of 20 dwellings.
- 3.2 Access to the site would be from the existing access via Transvaal Terrace from Carlinghow Lane to the South of the site.
- 3.3 The proposed apartment units contained within the vacant building would comprise the following:
- 9x 1-bedroom apartments
  - 6x 2-bedroom apartments
  - 5x 3-bedroom apartments
- 3.4 The proposed dwellings would comprise 3- and 4-bedroom terraced and detached dwellings. The split is detailed below:
- 14x 3-bedroom dwellings
  - 6x 4-bedroom dwellings
- 3.5 The proposed dwellings would be positioned in a linear form accessed via a central access road which has a slight serpentine form. The access road provides pedestrian and vehicular access to the proposed dwellings. Each dwelling would benefit from private parking within a driveway or within an attached garage.
- 3.6 A detailed soft landscaping scheme has been submitted and comprises a mixture of low-level shrub planting, shrub mix and trees throughout the site. To the west of the site a linear strip of land is offered as public open space which offers native species shrub mixture and the retention and planting of trees. To the south of the site adjacent to Carlinghow Lane is an area of open space which offers a paved communal area where existing areas of grass would be enhanced by tree and hedge planting.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- |     |            |   |
|-----|------------|---|
| 4.1 | 2017/92712 | Discharge of condition 5 (landscape scheme) on previous permission 2017/90213 for alterations to convert nursing home to 6 dwellings (within a Conservation Area)<br>Approved |
|     | 2017/92590 | Variation of condition 9 (appearance) on previous permission 2017/90213 for alterations to convert nursing home to 6 dwellings (within a Conservation Area)<br>Approved       |
|     | 2017/90213 | Alterations to convert nursing home to 6 dwellings (within a Conservation Area)<br>Conditional Full Permission  |
|     | 2012/91697 | Change of use from C2 (residential institution) to D1 (non-residential institution) (within a Conservation Area)<br>S106 Full Permission                                      |

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 To date consultation responses have requested further information and/or revisions as follows:

*Crime Prevention:* Details of a landscape management scheme and alterations to fence design and layout.

*KC Highways DM:* Amended plans to address the following: Revised garage dimensions; additional 5 no. parking spaces for apartments; type 1 house type requires 3 no. parking spaces; 2m footway required; swept path analysis required; longitudinal sections required; bin collection points to be shown; State 1 Road Safety Audit.

*Lead Local Flooding Authority* – Further details to be submitted

## **6.0 PLANNING POLICY:**

- 6.1 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).

On 12/11/2019, 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

- 6.2 Kirklees Local Plan (2019):

Relevant policies are:

LP1 –Presumption in favour of sustainable development  
LP3 – Location of New Development  
LP7 – Efficient and effective use of land and buildings  
LP11 – Housing Mix and Affordable Housing  
LP20 – Sustainable Travel  
LP21 – Highway safety and access  
LP22 – Parking  
LP24 – Design  
LP27 – Flood Risk  
LP28 – Drainage  
LP30 – Biodiversity and Geodiversity  
LP32 – Landscape  
LP35 – Historic Environment  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP63 – New Open Space

### 6.3 Supplementary Planning Guidance / Documents:

- Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

### 6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 8 – Promoting healthy and safe communities  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice and neighbour notification letters.

7.2 To date, a total of four representations have been submitted to date: two in support and two in objection. The comments are summarised as follows:

#### *Support*

- Over recent years the progressive deterioration and state of dilapidation of the property has become an increasing concern.
- Frequent calls have been required to the emergency services to deal with fires and vandalism.
- More than happy with the work that is hopefully going to take place.

#### *Against*

- Concern as to the generated traffic throughout the demolition and construction stages.
- Potentially 80 additional vehicles generated by the residents of the new development.
- Carlinghow Hill is already heavily congested due to traffic for Batley Grammar School.
- Existing TRO's and on street parking causes congestion for nearby connecting roads. Any additional traffic will add to this.
- Highway improvements are required to improve the traffic flow at the junction with Carlinghow Hill and Bradford Road.
- Improvements to the existing zebra crossing on Carlinghow Hill is also required.
- Concerned about the environmental impacts of the proposal.

- The last time any major development was carried out on Carlinghow Hill, it caused a tremendous amount of dust. This problem could be overcome with the use of a water misting system that will keep dust to a minimum.

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory:

**KC Highways** – No objection subject to condition

**Lead Local Flooding Authority** – No objection subject to condition

**Historic England** – No comment.

**The Coal Authority** – No objection.

**Historic England**- Does not wish to comment on the application

### 8.2 Non-Statutory:

**KC Conservation and Design** – Full Response to be included within the agenda update.

**KC Ecology** – No objection subject to condition.

**KC Environmental Health** – No objection subject to conditions.

**Crime Prevention** – requested alterations to fence design and locations

**KC Trees** – No objection subject to condition.

**KC Landscape** – Contribution required for Public Open space.

**KC Strategic Housing** – Contribution required.

**KC Education** – No contribution required.

## 9.0 SUMMARY OF MAIN ISSUES

- Land use, principle of enabling development and quantum
- Heritage issues and urban design
- Residential amenity and quality
- Sustainability and climate change
- Affordable housing planning obligations
- Highways and transport
- Flood risk and drainage
- Coal mining legacy
- Ecology and trees
- Environmental health issues
- Other matters

## 10.0 MAIN ISSUES

- 10.1 The purpose of this Position Statement is to provide an initial assessment of the proposed development and the current position of the Local Planning Authority in the decision-making process.

### Land use, principle of enabling development and quantum

- 10.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be has as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.3 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum
- 10.4 The Northern part of the site is located within the Green Belt as identified within the Kirklees Local Plan (KLP). Paragraph 143 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.5 The NPPF offers exceptions within paragraph 145 whereby the construction of buildings within the Green Belt could be acceptable. The exceptions include limited infilling of the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt over and above the existing development.
- 10.6 Policy LP59 of the KLP states that the redevelopment of brownfield sites will normally be acceptable where the existing footprint is not exceeded and any new building does not materially exceed the height of the existing built development or result in any detrimental cumulative impact on the openness of the Green Belt.
- 10.7 The proposal is for the redevelopment of a vacant building within the Conservation Area which is considered to be a non-designated heritage asset. In order to enable the development and create a profitable outcome for the developer, the proposal includes the erection of 20 dwellings to the North of the existing building, seven of which are to be located on Green Belt land as allocated within the Kirklees Local Plan.
- 10.8 Viability assessment has been concluded by Avison Young on behalf of the Council. Full details of the viability assessment are assessed within the private paper.

**10.9 Do Members have any comments in relation to land use, the principle of enabling development and quantum?**

Heritage issues and urban design

- 10.10 The application site is located within the upper Batley Conservation Area (CA). Although the former hospital building is not listed, the building is recognised as a non-designated heritage asset for which the Conservation Area was extended in 2006 to include the land and buildings within it.
- 10.11 The Conservation Area benefits from an appraisal which itemises the hospital as a key unlisted building stating that the buildings have “high quality and historical importance”. The building was erected in 1883 and is a high Victorian style which was considered to be a “major step forward in the provision of health care in Batley”. Officers are of the opinion that due to this the building should be considered to be a non-designated heritage asset (as defined within the NPPF) that contributes positively to the significance of the conservation area.
- 10.12 Section 5.1 of the Upper Batley Conservation Area references the hospital and Batley Grammar School (located to the north and North East) in relation to the playing fields attached to the properties provide important areas of open space and help frame and protect the character and setting of the Conservation Area”. Whilst the area of the land to the rear of the site is not necessarily considered to be a playing field, the importance to the setting of the CA and the framing it provides is still felt to be an important consideration.
- 10.13 Historic England were consulted but commented that they did not wish to comment upon the application and suggest the views of the specialist conservation and archaeological advisers, are sought as relevant.

**Do Members have any comments in relation to Heritage Issues & urban design?**

Residential amenity and quality

- 10.14 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 LP24 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.
- 10.15 The closest residential properties to the application site are the properties on Transvaal Terrace to the South West and properties 66-88 Carlinghow Lane adjacent to the site to the South East.

*Properties on Transvaal Terrace*

- 10.16 The properties on Transvaal Terrace are two storey, terraced dwellings which face directly on to the former hospital site. The dwellings have private driveways and stone boundary walls. The dwellings currently overlook the three storey hospital building which will be demolished as part of the proposed development and replaced by a row of two storey terraced dwellings. There is considered to be sufficient separation distance between the dwellings which will be increased above the existing relationship so as not to impact on residential amenity through overlooking or overshadowing.



- 10.17 It is assumed that the car parking to the proposed apartments would be served by artificial lighting which may have an adverse impact on existing properties as well as new properties within the development. Officers would consider that a condition would be required to secure an appropriate artificial lighting scheme to minimise any impact.

*66-88 Carlinghow Lane*

- 10.18 The residential dwellings adjacent to the site on Carlinghow Lane are two storey, semi-detached dwellings which are set behind a row of mature trees and embankment. There are no proposed alterations to the existing former hospital building which would be considered to impact on the residential amenity of the neighbouring occupiers due to the existing relationship.

*Future residents*

- 10.19 The proposed dwellings would benefit from an acceptable level of living accommodation and external amenity space to the rear.
- 10.20 A Construction Method Statement by Addison Planning Consultants Ltd dated 10 October 2019 was submitted by the applicant. The statement considers a number of aspects relating to the construction phase of the development including the times of construction, air quality and noise and vibration which are within the remit of Environmental Health. Officers consider the proposals within the statement regarding these to be largely satisfactory considering the size of the development. A condition is necessary requiring the construction phase of the development to be in accordance with this statement.

**Do Members have any comments in relation Residential amenity and quality?**

Sustainability and climate change

*Climate budget*

- 10.21 The development would include the redevelopment and conversion of a former hospital to 20 no. apartments. The redevelopment of the site is considered to be a sustainable use of the vacant building which would limit the works required should the building be demolished and re-built or the site redeveloped.
- 10.22 Taking into account the above, in order a condition has been added to secure vehicle charging points within the development in order to reduce the emissions associated within the proposed development. When considering the small scale of proposed development, the electric vehicle charging points for each dwelling and appropriate number of apartment parking spaces are considered to be proportionate to the scale of the development.
- 10.23 West Yorkshire Combined Authority recommend that to encourage the use of sustainable travel as a realistic alternative to the car, the developer should find a package of sustainable travel measures. It would be recommended that the developer contributes to sustainable travel incentives to encourage the use of sustainable modes of transport which would be advised for this development and secured by S.106 agreement.

**Do Members have any comments in relation to sustainability and climate change?**

Affordable housing and planning obligations issues

- 10.24 Through Kirklees Local plan policy LP11 the council seeks to secure 20% of dwellings on site for affordable housing. On-site provision (housing) is preferred, however, where the Council considers it appropriate, a financial contribution can be made in lieu of on-site provision.
- 10.25 However, The NPPF provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into a lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit which is equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution which will be sought.
- 10.26 In order to calculate a vacant building credit (VBC) the applicant would be required to confirm:
- That the existing building was vacant at the time that the application was submitted.
  - The floor space of the relevant existing vacant building and confirmation if they are vacant (fully or partially)
  - A schedule of the residential floorspace of the proposed new development. For mixed use developments, the Gross internal area of the proposed residential elements only will be included.
- 10.27 The required information as listed above was submitted by the applicant and considered to be acceptable. The proposed development would therefore benefit from Vacant Building Credit.
- 10.28 Details of the calculated affordable housing contribution for the scheme as confirmed by KC Strategic Housing is contained within the separate private paper.

**Do Members have any comments in relation to affordable housing and planning obligations?**

Highways and transport

- 10.29 The application site is accessed via Transvaal Terrace which also serves properties 4 to 8 Transvaal Terrace. The proposal would therefore increase the use of Transvaal terrace to serve 46 dwellings.
- 10.30 The application is supported by a Transport Statement prepared by Cora IHT which includes an assessment of the accidents local to the area, access, car parking and servicing, accessibility and traffic impact.
- 10.31 The proposed internal layout is considered by Officers to be acceptable. A turning head is shown to be provided within the site which would allow vehicles and service vehicles to turn.

- 10.32 The proposal will offer 2 no. car parking spaces for each dwelling. The apartments would be served by 31 off-street spaces. This level of parking is considered by officers to be acceptable.
- 10.33 Following amendments to the submitted scheme, the proposal is considered to be acceptable and in compliance with LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

**Do Members have any comments in relation to highways and transport?**

Flood risk and drainage

- 10.34 The applicant has submitted a flood risk and drainage assessment by Weetwood dated January 2020 (Version 1.2) the details of which are considered by Officers to be acceptable.

**Do Members have any comments in relation to flood risk and drainage?**

Coal mining legacy

- 10.35 The application site is located in a defined Development High Risk Area, therefore, the application is supported by a Coal Mining Risk Assessment and Geoenvironmental Appraisal (G&M Consulting, May 2019).
- 10.36 The Coal Mining Risk Assessment identifies a high risk of shallow workings to the application site and therefore recommends intrusive site investigations in order to assess the potential presence of shallow workings beneath the site which would be secured by pre-commencement conditions.

**Do Members have any comments in relation to coal mining legacy?**

Ecology and trees

- 10.37 The site within the Upper Batley Conservation Area, therefore, the trees on site afforded protection by this designation number of TPO.
- 10.38 The application is supported an Arboricultural Method statement (Bowland Tree Consultancy Ltd reference BTC1726) of which the recommendations are considered to be acceptable in order to minimise the impact on the protected trees throughout the construction phase and thereafter.
- 10.39 The application is also supported by a bat emergence survey; reptile survey and Biodiversity management plan in order to address the ecological impact of the development. The body of supporting information includes robust survey data, clear assessment, and realistic and proportional mitigation proposals that provide a high degree of certainty in relation to the ecological effects of the proposed development. The information demonstrates that the proposals will not result in a significant ecological harm or harm to the connectivity and function of the Kirklees Wildlife Habitat Network.
- 10.40 A condition would be added to secure the obligations of the proposed ecological measures. It would be advised also for the implementation of the biodiversity management plan to be secured by S.106 agreement.

## Environmental health issues

- 10.41 Parts of the application site are identified as being land that is potentially contaminated from their former use as a Quarry with an electricity sub-station. A Geoenvironmental Appraisal (combined phase I and Phase II) produced G&M Consulting dated 5<sup>th</sup> June 2019 was submitted to support the application.
- 10.42 The report concludes that the contaminated ground soils present a risk and therefore recommends that remediation and contaminated land pre-commencement conditions are necessary.

**Do Members have any comments in relation to environmental health issues?**

## S106 Contributions

- 10.43 The Council would consider that the 40 unit proposal would require S.106 contributions for both affordable housing and public open space. There would be no requirement for education contributions
- 10.44 The Council's affordable housing policy seeks 20% affordable housing which would equate to 8 plots to be affordable. However, the Vacant Building Credit (VBC) would be applicable to the proposed development as set out within paragraph 63 of the National Planning Policy Framework. The equivalent contribution (based on an affordable provision of 4 x 1 bed properties and 4 x 2 bed properties) for this development is £577,544.00. However, as VBC is applicable to 99% of the proposed floor space, the calculated financial contribution for this development is therefore £5774.40.

The required Section 106 Contributions for the development of the 40 units is as follows:

Affordable Housing	£5,774
Public Open Space	£15,454
<b>Total</b>	<b>£21,228</b>

**Do Members have any comments upon the level of contributions required for the development?**

## **11.0 CONCLUSION**

- 11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.
- Do Members have any comments in relation to land use, the principle of enabling development and quantum?
  - Do Members have any comments in relation to heritage issues and urban design?

- Do Members have any comments in relation to residential amenity and quality?
- Do Members have any comments in relation to sustainability and climate change?
- Do Members have any comments in relation affordable housing and planning obligations?
- Do Members have any comments in relation to highways and transport?
- Do Members have any comments in relation flood risk and drainage?
- Do Members have any comments in relation to coal mining legacy?
- Do Members have any comments in relation to ecology and trees?
- Do Members have any comments in relation to environmental health issues?
- Do Members have any other comments?

**Background Papers:**

Website link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93444>

Certificate of Ownership –Certificate A signed and dated 16/10/2019