

PLANNING STATEMENT

LAND AND PREMISES (FORMER BATLEY & DISTRICT COTTAGE
HOSPITAL) AT TRANSVAAL TERRACE/CARLINGHOW HILL,
BATLEY, WF17 0AA

DEMOLITION OF PART OF EXISTING BUILDING (FORMER
BATLEY & DISTRICT COTTAGE HOSPITAL), CONVERSION OF
RETAINED BUILDING TO 20 NO APARTMENTS; AND ERECTION
OF 20 NO NEW DWELLINGS

Prepared by Jay Everett BSC Hons MRTPI Director,
Addison Planning Consultants Ltd on behalf of
FERNBROOK ASSOCIATES LTD

16th October 2019



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REFERENCE DOCUMENTS

N/A

QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Jay Everett and I have been a Chartered Member of the Royal Town Planning Institute since 1993. I hold a degree in Town and Regional Planning, and I am Managing Director of Addison Planning Consultants Ltd.
- 1.2 I have 28 years of experience of working in the field of town planning, including 12 years in local government working in both planning policy and development control and 16 years acting for landowners, developers, occupiers and investors throughout the North of England. My involvement in the property market involves the preparation of complex planning applications, strategic promotion of land and property through the local planning policy system and acting as expert witness at planning appeals.
- 1.3 My Statement deals with the planning policy context relating to the site and specifically the history of the application site, why the proposed residential scheme has been developed and the planning policy context for the proposals. I then consider the planning case for the scheme.
- 1.4 **Chapters 2 to 4** introduce the proposal. Chapter 3 describes the site and its environs, and the planning history. Chapter 4 examines the planning policy context for the consideration of the proposals.
- 1.5 **Chapter 5** of my Statement examines the planning case for the proposed scheme.
- 1.6 **Chapter 6** summarises the principal conclusions from Chapters 5.

INTRODUCTION & BACKGROUND INFORMATION

- 2.1 This Statement has been prepared on behalf of Fernbrook Associates Ltd, owners of the site known as land and premises (former Batley & District Cottage Hospital) at Transvaal Terrace/Carlinghow Hill, Batley, WF17 0AA.
- 2.2 The site is 'previously developed land' comprising a range of now vacant former hospital buildings which are at the end of their useful lifespan. Indeed, several of the structure on site are now derelict and in an extremely poor condition following vandalism and arson.
- 2.3 The site urgently needs regeneration and the landowners are therefore proposing a re-development proposal that involves selective demolition, conversion and new build.
- 2.4 The proposal is to demolish some of the structures on the site and convert the retained building to 20 number apartments. It is also proposed to erect 20 new dwellings on the site of the demolished buildings and former hard standing areas to the northern part of the site. This includes the former hospital car park and areas of previously developed land that fall within the Green Belt.
- 2.5 In this regard, the proposal illustrates 13 new dwellings on the site of the proposed demolished parts of the hospital and grounds; and a further 7 new dwellings to the northern part of the site within the Green Belt (but on previously developed land).
- 2.6 Dwellings are proposed on the previously developed Green Belt land to achieve the efficient development of the site and optimum viable solution that will ensure the retention and regeneration of the important elements of the former buildings which are regarded as heritage assets.
- 2.7 The Application is supported by several plans and documents as follows:
- T1a: APC Covering Letter 16-10-2019
 - T1b: Planning Application Form 16-10-2019
 - T1c: Residential Dwellings Supplementary Info Form 16-10-2019
 - T1d: 18001-D01-A Location Plan

 - T2: Design Material
 - 16-1113-001 Proposed Site Access Improvement
 - 18001-D02-A Existing Site Plan
 - 18001-D03-A Proposed Site Plan
 - 18001-D04-A Site Elevations
 - 18001-D05-A Existing and Proposed Hospital Plans
 - 18001-D06-A Existing and Proposed Hospital Elevations
 - 18001-D07-A Site Plan House Type Key

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18001-D08-A HouseType1 Plans
18001-D09-A HouseType1 Elevs
18001-D10-A HouseType2 Plans
18001-D11-A HouseType2 Elevs
18001-D12-A HouseType3 Plans
18001-D13-A HouseType3 Elevs
18001-D14-A HouseType4 Plans
18001-D15-A HouseType4 Elevs
18001-D16-A Materials and Boundary Treatments
18001-D17-A Electric Charging Points and Bin Stores
18001-Visualisations

T3: Landscaping Plans
R-2289-1A Landscape Masterplan 10-10-2019
R-2289-2 Landscape Details 200@A1 16-10-2019

T4: Design and Access Statement 15-10-2019

T5a: Planning Statement 16-10-2019
T5b: Affordable Housing Statement 11-10-2019

T6: Built Heritage Statement 11-10-2019

T7a: Structural Condition Report 18-04-2019
T7b: Structural Condition Report App 1

T8: Transport Statement 16-1112 V2 24-09-2019

T9: FRA and Drainage Assessment 4605 Final v1.1 07-10-2019

T10: Tree Survey and Constraints Plan – March 2019
T10b: Tree Impact Assessment and TPP

T11a: Preliminary Ecology Appraisal R-3952-01 12-03-2019
T11b: Bat Emergence Survey R-3952-02 10-09-2019
T11c: Bat Activity Survey R-3952-03 07-10-2019
T11d: Reptile Survey R-3952-04 07-10-2019
T11e: Ecological Impact Assessment R-3952-05 - 07-10-2019
T11f: Biodiversity Management Plan R-3952-06 BMP 10-10-2019

T12a: Coal Mining Risk Assessment 12-03-2019
T12b: Geo-Environmental Report – June 2019
T12c: Geo-environmental Report (2of5) - June 2019
T12d: Geo-environmental Report (3of5) - June 2019
T12e: Geo-environmental Report (4of5) - June 2019

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T12f: Geo-environmental Report (5of5) - June 2019

T13: Noise Impact Assessment 8683-19-8641-v1 25-09-2019

T14: Construction Method Statement 10-10-2019

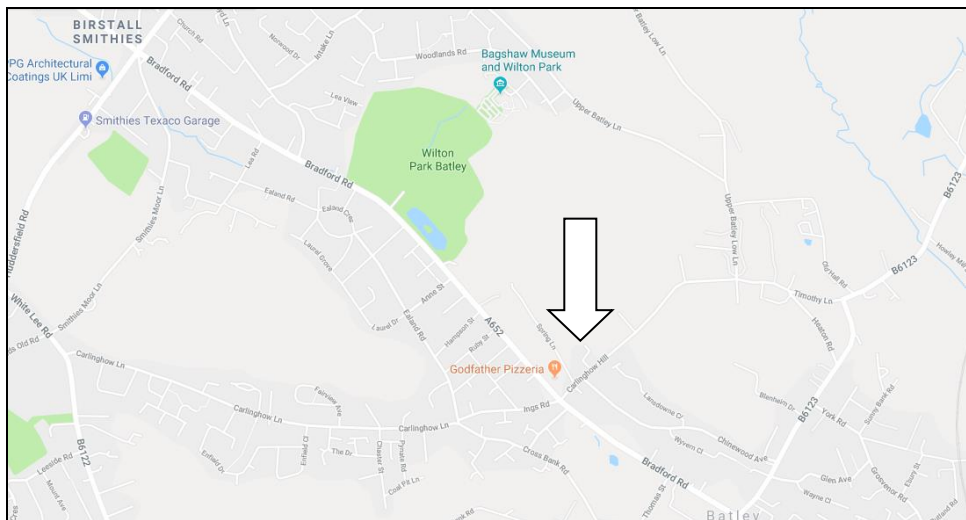
T15a: Statement of Community Involvement 15-10-2019

T15b: KC Pre-App Advice Letter 09-07-2019

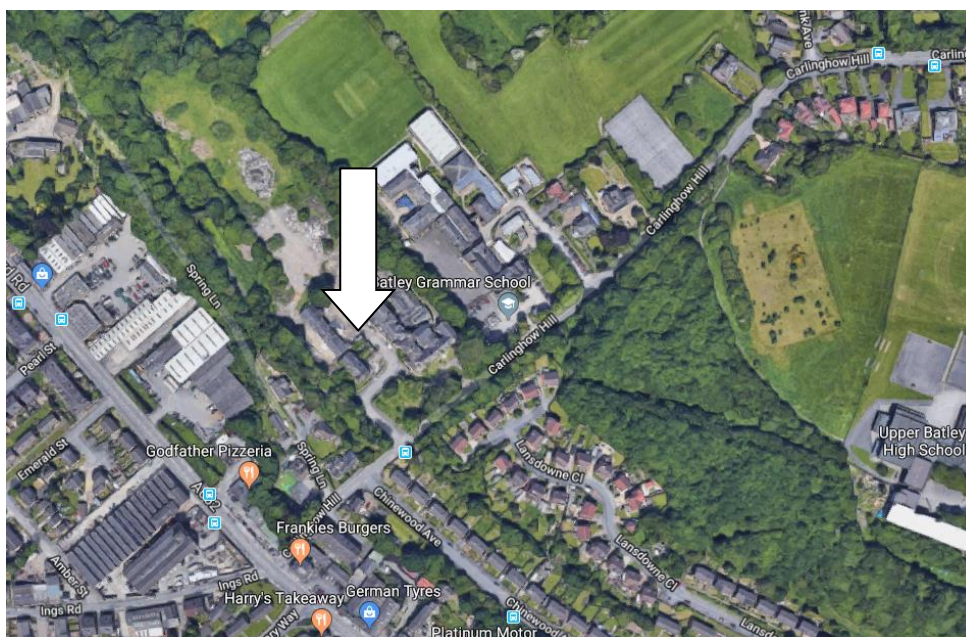
2.8 The following section of this Statement sets out a description of the site and its surroundings and its Planning History.

SITE DESCRIPTION AND PLANNING HISTORY

3.1 The application site is located at Transvaal Terrace/Carlinghow Hill, Batley, WF17 0AA. The map below shows the approximate location of the site in context with the wider District.

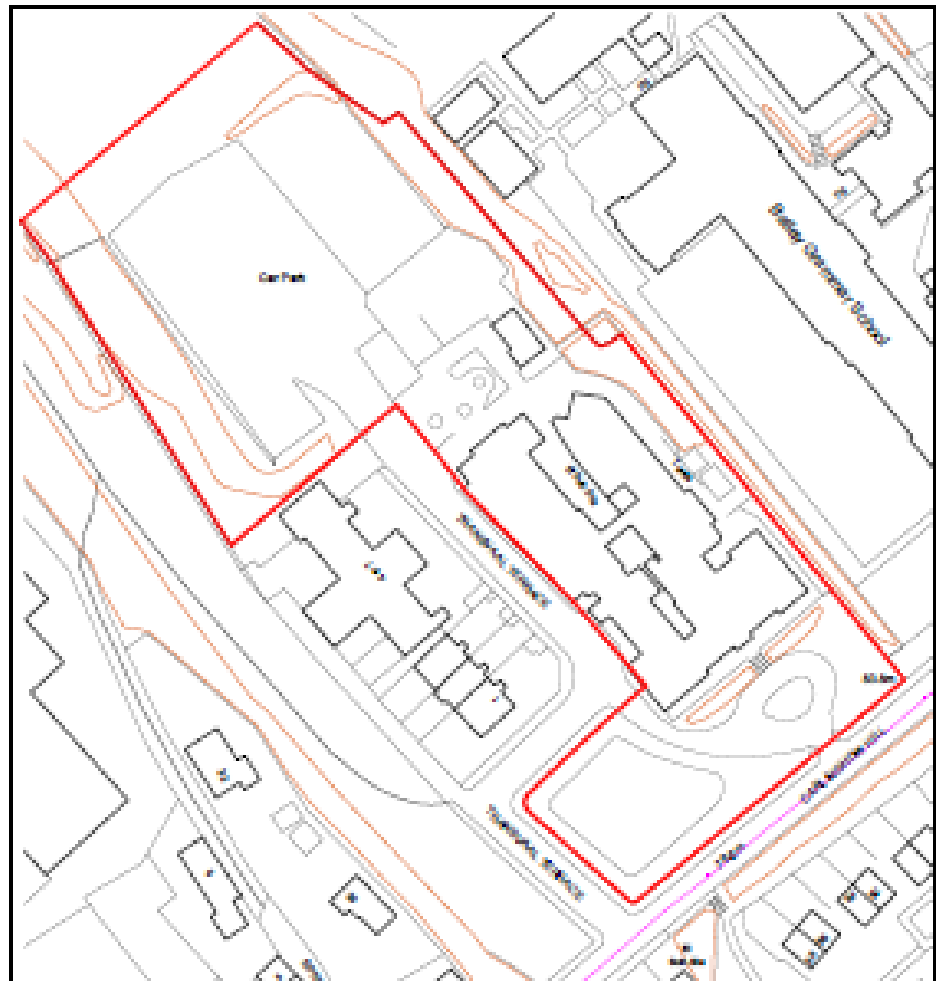


3.2 The Aerial photograph below shows the site in context with its immediate surroundings.



3.3 The plan below shows the extent of the Application site delineated with a red boundary. The Application site measures approximately 1.22 Ha.

SITE DESCRIPTION AND PLANNING HISTORY



- 3.4 The assessment building was historically used as a hospital and subsequently a nursing home which closed in late 2011 and the building has remained vacant since. Permission was granted in 2014 for the change of use of the building from the nursing home to a school (LPA ref. 2012/62/91697/E).
- 3.5 Whilst some minor internal works have been undertaken no substantive alterations are apparent in connection with this approval and the new use was not implemented. Subsequently the building has been subject to significant fire damage, partial collapse and loss of fabric through vandalism.
- 3.6 The buildings on the site are not identified as a designated heritage asset – that is, they are not ‘listed’ nor is the former hospital site identified by the West Yorkshire Historic Environment Record (WYHER).
- 3.7 The site falls within the Upper Batley Conservation Area which was first designated by Kirklees Council in 1979 with review and extension in 2006. The hospital building is referenced as a key unlisted building within the

SITE DESCRIPTION AND PLANNING HISTORY

conservation area holding architectural merit and historic importance to the character of Upper Batley and the growth of civic pride and wider social awareness in Batley.



- 3.8 A specialist assessment of the significance of the premises as a non-designated heritage asset is included with the Application submissions.

THE SURROUNDING AREA

- 3.9 To the north-east of the site is the Batley Grammar School campus separated by a mature tree belt. To the south, beyond Carlinghow Hill, is later 20th century residential estate development on Lansdown Close and Chinewood Avenue. Land to the north of the former hospital building comprises areas of hardstanding and open scrubland enclosed by woodland. The boundary to the site comprises a stone wall with capping to the Carlinghow frontage which continues along Transvaal Terrace and encloses an area of open garden land.
- 3.10 Boundaries to the west and north are open with an area of hardstanding historically used for car parking.
- 3.11 Surrounding the site, there are several mature trees all of which are protected.

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- 3.12 Transvaal Terrace is an adopted road which serves the application site as well as a small number of other properties. The main road is Carlinghow Hill which connects Bradford Road with Upper Batley. Carlinghow Hill has several Traffic Regulation Order's (TRO'S) which include double yellow lines.

PLANNING HISTORY

- 3.13 The following Planning History has been derived from the Council's Public Access database – a full Land Search has not been undertaken and there may therefore be other older planning applications relating to the site.
- 3.14 Application 2017/92712
Discharge condition 5 (landscape scheme) on previous permission 2017/90213 for alterations to convert nursing home to 6 dwellings (within a Conservation Area): Nightingale Nursing Home, 4-8, Transvaal Terrace, Batley, WF17 0AA. Application approved.
- 3.15 Application 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). Nightingale Nursing Home, 4-8, Transvaal Terrace, Batley, WF17 0AA. Application approved.
- 3.16 Application 2017/92045
Certificate of lawfulness for proposed erection of single storey rear extension (within a Conservation Area): 1, Transvaal Terrace, Batley, WF17 0AA. Application approved.
- 3.17 Application 2017/90213
Alterations to convert nursing home to 6 dwellings (within a Conservation Area): Nightingale Nursing Home, 4-8, Transvaal Terrace, Batley, WF17 0AA. Application approved.
- 3.18 Application 2016/94240
Work to TPO(S) 16/89 within a conservation area: 1, Transvaal Terrace, Batley, WF17 0AA. Application approved.
- 3.19 Application 2016/94231
Dead or Dangerous Tree: 1, Transvaal Terrace, Batley, WF17 0AA.
- 3.20 Application 2015/90349
Alterations to existing roofs to replace flat roofs with pitched, demolition of existing timber-framed structure at upper floor level and replace with

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brick cavity wall: Zakaria Muslim Girls High School, Transvaal Terrace, Batley, WF17 0AA. Application approved.

- 3.21 Application 2014/93044
Works to TPO(s) 16/9 within a Conservation Area: Zakaria Muslim Girls High School, Transvaal Terrace, Off Carlinghow Hill, Batley, WF17 0AA. Application approved.
- 3.22 Application 2012/91697
Change of use from C2 (residential institution) to D1 (non-residential institution) (within a Conservation Area). Nightingale Nursing Home, Transvaal Terrace, Batley, WF17 0AA. Application approved.

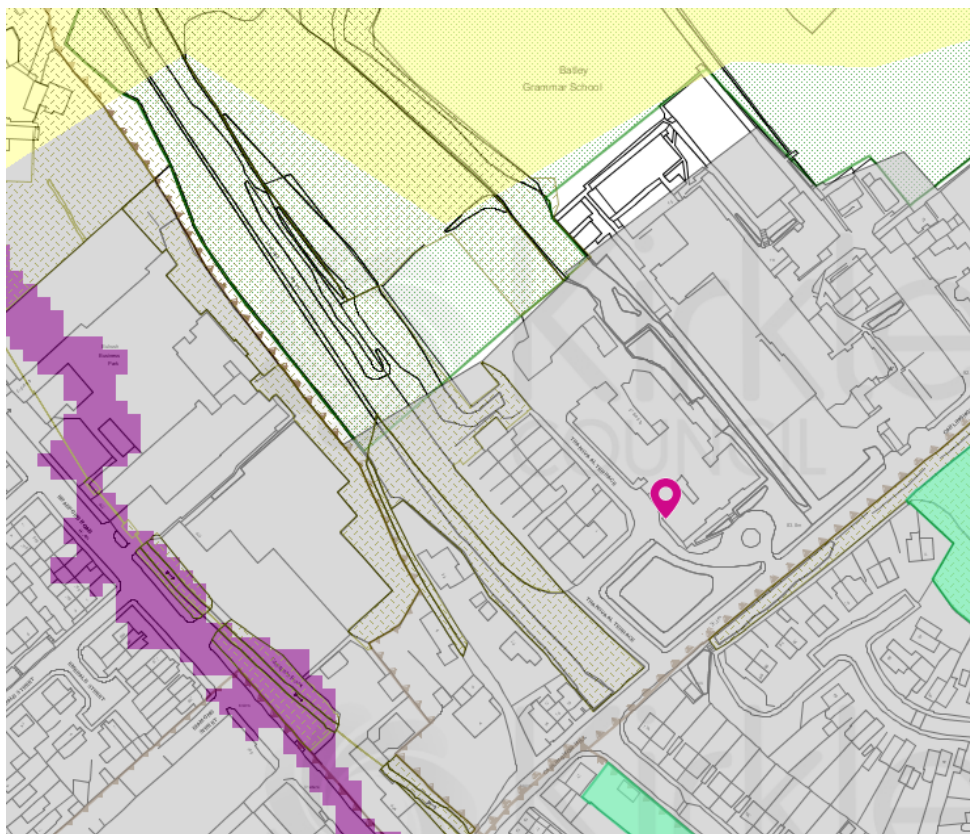
PLANNING POLICY CONTEXT

4.1 The following paragraphs set out a description of relevant adopted development plan and saved Local Plan Policies.

THE DEVELOPMENT PLAN

4.2 The Kirklees Local Plan was adopted on 27 February 2019. The Local Plan is now the statutory development plan for Kirklees and has superseded the Kirklees Unitary Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The Local Plan comprises the strategy and policies document, allocations and designations document and associated policies map showing the allocations and designations. The extract below is taken from the adopted Proposals Map and shows that the predominant part of the site is within the main urban area (dark grey shading).



4.4 Part of the site (at the northern end) is within the Green Belt albeit the land that is included with the Application proposal is Previously Developed Land. The extent of the Green Belt on the Proposals Map is shown on the extract below:

PLANNING POLICY CONTEXT



4.5 The submitted proposals map shows that 7 dwellings are proposed on the previously developed land within the Green Belt. The hatched red line demarks the Green Belt boundary.



PLANNING POLICY CONTEXT

4.6 The Adopted Local Plan policies of relevance in this case are likely to be considered as:

Policy LP1 Presumption in favour of sustainable development

Policy LP3 Location of new development

Policy LP7 Efficient and effective use of land and buildings

Policy LP11 Housing Mix and Affordable Housing

Policy LP20 Sustainable travel

Policy LP21 Highways and access

Policy LP22 Parking

Policy LP24 Design

Policy LP27 Flood Risk

Policy LP28 Drainage

Policy LP30 Biodiversity & Geodiversity

Policy LP33 Trees

Policy LP35 Historic environment

Policy LP53 Contaminated and unstable land

Policy LP59 Brownfield sites in the Green Belt

Policy LP63 New open space

4.7 These policies are considered in my assessment of the proposal in the next Chapter.

SUPPLEMENTARY PLANNING DOCUMENTS

4.8 The Council has the following Supplementary Planning Document of relevance to the Application proposals. NB – this is a Draft document that is currently the subject of consultation ahead of examination.

- Highway Design Guide Supplementary Planning Document (SPD)

COMMUNITY INFRASTRUCTURE LEVY

4.9 The CIL Draft Charging Schedule has been submitted to the Secretary of State for Communities and Local Government together with the Kirklees Local Plan, so that it can be examined by an independent inspector. Applied in this case:

- The site appears to fall within Charging Zone 3 (£5 per sq. m of residential development over 10 dwellings).

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- 4.10 The Charging Schedule has not yet been Adopted however and so is not directly relevant to the proposal at the current time.
- 4.11 The following chapter of my Statement therefore examines the case for planning within this Development Plan and planning policy context which includes the NPPF and NPPG, and the evidence base that has been completed to inform the emerging Local Plan.

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- 5.1 The proposal is to demolish some of the existing buildings on the site and retain the part of the former hospital with the greatest historical/design significance and which is capable of conversion.
- 5.2 A second element of the proposal is to construct new dwellings on the site of the demolished buildings. Additional dwellings (a total of 7) are also proposed on the former hard standing/car park area to the north of the complex, on previously developed land. The proposed 7 dwellings are on the part of the site which falls within the statutorily defined Green Belt.
- 5.3 A full set of drawings including site layout have been included with these submissions.
- 5.4 This proposal raises two in principle issues:
 - 1. Whether the demolition of existing structures within a Conservation Area, retention and conversion of the 'front' part of the former hospital and the development of approximately 13 dwellings (on the previously developed part of the site within the identified urban area) is acceptable in principle having regard to impacts on heritage assets.
 - 2. Whether the development of an additional 7 dwellings on the northern part of the site within the Green Belt is appropriate development and/or there are enough exceptional circumstances to justify this aspect of the proposal.

ISSUE 1 - PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 5.5 The predominant part of the site (the area outside of the Green Belt) is unallocated within the recently adopted Development Plan as outlined in the Policy Context section. The main policies of relevance to the principle of development are Policies LP1 and LP3.
- 5.6 Policy LP1 sets out the 'principles of sustainable development' and therefore reflects the main emphasis of the NPPF.
- 5.7 Policy LP3 seeks to guide the location of new development taking account of various criteria, including the need for housing relative to 5-year land supply. In this regard, the site is within the urban area (in a highly sustainable location) and the proposal should, therefore,

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be regarded as a 'windfall' site that accords with the spatial strategy of the plan. Criterion (c) also emphasises the importance of realising opportunities for development on brownfield (previously developed) sites early in the plan period. Having regard to the accessibility of the site to both green infrastructure and a range of transport choices, the proposal accords with the aims and objectives of Policies LP1 and LP3 and the principle of residential development is therefore acceptable against Development Plan policies.

- 5.8 Given the proposal is for a relatively small number of dwellings (40 in total) and that the applicant is a developer of small/medium sized residential schemes, the NPPF lends added weight to the role that such sites can play in boosting housing supply.
- 5.9 Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"*.
- 5.10 The redevelopment of this part of the site results in the erection of 13 houses and the conversion of the existing building to 20 apartments that would make a significant contribution to housing delivery in a District.
- 5.11 Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. This is caveated to ensure that the development continues to contribute to the area's prevailing character and setting. Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)).

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- 5.12 The development would therefore contribute to the aims of the NPPF in that it would provide a significant amount of additional housing in a sustainable location.
- 5.13 The existing site has gradually fallen into a state of dereliction exacerbated by vandalism and fires. The proposal seeks to regenerate the site by retaining and refurbishing the buildings with the greatest heritage significance.
- 5.14 Although the buildings are not listed, the Statement of Significance submitted with this enquiry highlights the heritage value of the front portion of the former hospital building and its role within the Conservation Area. The proposal therefore seeks to enhance this non-designated heritage asset through sensitive conversion and refurbishment of the principle parts of the building.
- 5.15 In principle, the development of this previously developed site for housing in a highly sustainable location should be afforded **significant material weight in favour** of the proposal as it will deliver much needed housing, as well as retaining and enhancing a non-designated heritage asset.

ISSUE 2 - PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 5.16 The northern part of the site raises different 'in principle' planning policy issues due to the Green Belt designation that affects it. The issue here is whether the development of an additional 7 dwellings on the northern part of the site within the Green Belt (but on previously developed land) is appropriate development and/or there are enough exceptional circumstances to justify this aspect of the proposal.
- 5.17 This aspect of the proposal is included in order to achieve a viable development scheme. That is, the additional 7 dwellings proposed are necessary to ensure the delivery of the regeneration of the site and retained buildings.
- 5.18 The Green Belt designation places a restrictive planning policy on this part of the site. The presumption is against inappropriate development and, in principle, new housing development would be

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regarded as 'inappropriate development' subject to a list of exceptions.

- 5.19 In this regard, both Government Policy and the new Local Plan policy make provision for the re-development of 'brown field' sites in the Green Belt – but only subject to several criteria. Paragraph 145 of the NPPF criterion (g) states:

*"g) limited infilling or the partial or **complete redevelopment of previously developed land**, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

- 5.20 Local Development Plan Policy LP59 deals with proposals on previously developed land in the Green Belt:

"Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for."*

- 5.21 Having regard to the criteria of this policy seven of the proposed dwellings are located on previously developed land within the Green Belt – being an area of hard-standings formerly used as a car park. The car park relates directly to the built form of the former hospital building, the proposal does not exceed the footprint of the hard-standings, and the proposal does not result in the loss of any land that has a high environmental value. This latter point is confirmed in the evidence set out in the Preliminary Ecological Appraisal submitted with the Application.

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- 5.22 The proposed area for the new residential development of 7 dwellings, is contained within the wooded setting to the north, the school to the east, the former hospital buildings to the south and the existing dwellings to the south west, affording a framework of built-form to three sides. This area of the site is visually contained, and for this reason cannot be considered as being particularly prominent.
- 5.23 Whilst the development of this part of the site will alter its character the level of change is restricted to a small area and is well contained, limiting the overall change in character and loss of openness within the setting of the Green Belt.
- 5.24 The development of the seven dwellings in this area will constitute built development within the Green Belt but due to its previously developed character and contained setting it cannot be considered as unrestricted urban sprawl.
- 5.25 The visual effects associated with the development of the seven dwellings on previously developed land will be extremely limited and its impact on the local character and identity of the settlement has been substantially mitigated through its considered design and scale; and through enhancing the landscape and visual appearance of the site from the public footpath to the west.



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- 5.26 The extract from the landscape plan submitted with the application shows a substantial landscape strip along the western boundary of the site which will be planted with indigenous species and managed as part of the development. The visual appearance of this part of the Green Belt will be significantly enhanced - as will the appreciation of openness by users of the footpath.
- 5.27 The proposal therefore accords with Development Plan Policy LP59. It also accords with Paragraph 145 criterion (g) of the NPPF as no substantial harm would be caused to the openness of the Green Belt through the development of the previously developed land in this location. As the proposal accords with both the NPPF and the Development Plan, there is no need to demonstrate special circumstances to justify this element of the proposal which must be considered as acceptable in principle.
- 5.28 Notwithstanding, the development of these 7 dwellings will also provide a significant public benefit because the profit that will be achieved by this part of the scheme is necessary to achieve a viable scheme for the conversion of the former hospital building. The importance of the original building as a non-designated heritage asset is considered later in this Statement. The cost of refurbishment of this building (which is in a parlous state of repair) outweighs the anticipated revenue. The development of the 7 dwellings will increase revenue and assist to achieve an overall viable scheme that will be deliverable. Such a significant public benefit could also therefore be considered as a 'very special circumstance' to justify the development of the 7 dwellings in this part of the site. I conclude that this aspect of the proposal is also acceptable in principle having regard to national and adopted Development Plan policy.
- 5.29 For completeness, I have also undertaken an assessment of the proposals against the policies of the NPPF as follows:

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 5.30 The NPPF states that there are three dimensions to sustainable development:
Economic;
Social; and

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Environmental.

5.31 The proposal to develop 40 dwellings on a derelict Previously Developed Site in a highly sustainable location is precisely the type of development that the NPPF says there should be a presumption in favour of granting planning permission for. I assess the proposed development against the relevant core principles of the NPPF as follows:

DESIGN, HOUSING MIX AND DENSITY

5.32 Regarding the design of the scheme, Policy LP24: Design - sets out the primary objective that new housing development should be high quality and achieve good design.

5.33 The design has evolved from a thorough understanding of the heritage significance of the site and its context, together with several discussions with the Council's planning and design officers. A Design and Access Statement has been prepared which sets out the context of the site, and the evolution of the design process. This is included with the Application submission with Reference: T4 - Design and Access Statement 15-10-2019.

5.34 The design and layout provide good quality amenity space for residents and is of a significantly high quality to reflect the importance of the heritage assets. In my view, the proposal clearly accords with Policy LP24.

5.35 Regarding housing mix, Policy LP11: Housing Mix seeks to ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. The policy requires the exact mix to be based both on market demand and evidence of local need within the District's SHMA together with any other robust local evidence or information. The location and nature of the site and its surroundings and the profile of the existing stock in the area should also be considered.

5.36 The submitted proposal provides for the following housing mix:

- 9 one-bed apartments
- 6 two-bed apartments
- 5 three-bed apartments
- 14 three-bedroom dwellings

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- 6 four-bedroom dwellings
- 5.37 The Council’s evidence base (the Strategic Housing Market Assessment) is somewhat out of date and is not a useful tool to guide housing mix on this site.
- 5.38 Nevertheless, the proposal adds a varied mix of residential accommodation to that which is currently available in this location and helps to meet the housing requirement, particularly for young people/start up families in the apartments and family households in the new build.
- 5.39 Indeed, the proposed mix includes a balanced mix of accommodation of different types and sizes which are specifically designed to meet local housing market needs for families. In my view, the proposal clearly accords with Policy LP11 of the Development Plan.
- 5.40 Regarding density, national policy aims to achieve the efficient use of land. The gross developable area of the site is approximately 1.22 hectares; however, the net developable area is lower than that allowing for the landscape strip along the western boundary. The proposal is for 40 dwellings overall including 20 dwellings within existing buildings and 20 new dwellings within the curtilage of the site. This would result in the overall density in excess of 30 units per net developable hectare. The proposal therefore makes efficient use of the site.

HERITAGE ASSETS

- 5.41 Regarding the impact of the proposals on Heritage Assets, the former hospital building is regarded as a non-designated heritage asset due to its age and architecture. Accordingly, the development proposals have been prepared with input from a specialist Heritage consultant and a Heritage Impact Assessment undertaken. This is included with the Application submissions with reference: T6a - Built Heritage Statement 11-10-2019.
- 5.42 Development Plan Policy LP35 deals with the ‘Historic Environment’ states that proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the

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development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. It goes on to state that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.

- 5.43 The Built Heritage Statement establishes the heritage significance of the site and remaining structures and then assesses the impact of the proposals on those assets.
- 5.44 The site comprises the original cottage hospital, erected in 1881-1883 to designs by the prominent local architect Walter Hanstock. The retained fabric of the building, and most notably the principal façade, holds a high level of architectural and historic interest in the local/regional context. Later 20th century extensions hold more limited heritage value and works post-dating the 1930s are largely unsympathetic to the original building.
- 5.45 The current vacancy of the building, in combination with both fire damage and attacks of vandalism, has led to significant deterioration and loss of fabric with substantial areas of structural collapse. Most of the original internal fabric has been lost.
- 5.46 The Assessment concludes that:

“There is a clear urgency to bringing forward redevelopment proposals for the site in order to prevent further loss of historic fabric. The proposed development provides an important opportunity to remove later unsympathetic built elements and better reveal to significance of the earliest structures falling within the site. This includes areas of former garden land to the frontage of the site which remain significant to the historic setting of the original building. In terms of potential demolition, it is not considered that the removal of those buildings and extensions post-dating the 1905-1907 ward extension will impact substantively upon the heritage values of the site. This reflects comparative late dating, limited architectural interest and the poor aesthetic condition of the buildings. These works will provide opportunities for enhancement in terms of the Upper Batley

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Conservation Area and in securing an adaptive reuse for the original hospital building."

- 5.47 The new dwellings will be sympathetic in terms of scale, layout and material treatment, to the setting of the former Hospital building. They will not impact upon significant views onto the building or the visual relationship with existing properties on Transvaal Terrace. The set back of the new buildings within the site, in combination with existing woodland enclosure, will limit visual impact upon the conservation area and the setting of listed buildings in proximity to the site.
- 5.48 In my view, significant Heritage benefits will arise through the re-use of the buildings and external works which will secure enhancement and uplift to aesthetic appearance of the retained building and the wider Conservation Area. As such, the proposed restoration and enhancement of the retained former hospital building must be regarded as a significant public benefit that weighs heavily in favour of the proposals.



- 5.49 Having regard to Policy LP35 the proposal will maintain and reinforce local distinctiveness and conserve the significance of a non-designated heritage asset; will conserve the element of the buildings which contributes to their significance within the

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Conservation Area; and will secure a sustainable future for a heritage assets at risk of dereliction and demolition. The proposal therefore accords with Policy LP35 of the Local Plan.

TRANSPORT AND HIGHWAYS

- 5.50 Regarding the impact of the proposals on the highway network, the proposal is to utilise (but improve) the existing access into the site. The development proposals have been prepared with input from a specialist consulting engineer and a Transport Statement prepared. This is included with the Application submissions with reference: T8 - Transport Statement 16-1112 V2 24-09-2019.
- 5.51 Development Plan Policy LP21 deals broadly with the impact of development proposals on the highway network and seeks to reduce congestion and encourage changes in travel patterns to more sustainable modes such as walking, cycling and use of public transport. It states:
- “Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.”*
- 5.52 The submitted Transport Assessment has firstly assessed the condition of the local network, including undertaking traffic counts and speed surveys in order to understand how the local highway environment around the Application site operates. The Assessment then considers the potential impact of the traffic that would be generated by the proposal, considering both the historical use of the site (and the consented use as a school).
- 5.53 The Transport Assessment summarises that the site is in a highly sustainable location in proximity to a range of services and facilities and public transport modes. Indeed, that is consistent with the role of the settlement strategy for the District. These facilities are within established walk and cycle distance.
- 5.54 The Transport Assessment concludes that there are no local highway capacity or safety issues along the road frontage to the Application site. Walking and cycling are catered for by direct connection onto

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the network and the trips that will be generated will have little or no impact on the network assessed.

- 5.55 The Transport Assessment therefore shows that there are no transport or highway reasons that would prevent the site from being taken forward for residential development. In accord with Paragraph 109 of the NPPF the proposal should not be prevented or refused on highways grounds as there would clearly not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. I consider therefore that the proposal also meets the terms of Policy LP21.
- 5.56 Policy LP22 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place. The Policy is designed to be flexible to reflect the site circumstances and access to sustainable alternative travel modes.
- 5.57 In this proposal, the proposed parking ratios average at approximately 1.5 spaces per dwelling (61 spaces across 40 dwellings). However, the availability of individual spaces is tailored to the type of housing proposed.
- 5.58 The proposed levels of car parking within the site are therefore designed to ensure there is no risk of pressure for residents to park on the local highway network. Parking provision has also been sensitively designed to support the street scene and local character and create a safe and pleasant environment within the development.
- 5.59 In summary, my view is that the proposal accords with Development Plan policies LP21 and LP22.

FLOOD RISK AND DRAINAGE

- 5.60 Regarding flood risk, the development proposals have been prepared with input from a specialist consulting engineer and a Flood Risk Assessment undertaken. This is included with the Application submissions with reference: T9 - FRA and Drainage Assessment 4605 Final v1.1 07-10-2019.
- 5.61 Development Plan Policy LP27 deals with Flood Risk. Policy LP28 deals with drainage to ensure that development proposals have

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- adequate drainage design and to ensure the development will not be at risk of flooding or exacerbate flooding problems off site.
- 5.62 The areas of land covered under this planning application are wholly located in Flood Zone 1, Low Probability according to the Environment Agency Flood Risk Map. Flood Zone 1 has a less than 1 in 1,000 annual probability of river or sea flooding.
- 5.63 Nevertheless, given the site area is great than 1Ha, the proposal constitutes 'Major development' with respect to the NPPF and so a full Flood Risk assessment has been carried out.
- 5.64 The Flood Risk Assessment concludes that the risk of flooding on the development site (or off site) is low with appropriate mitigation measures identified. A detailed drainage design has also been prepared to accompany the application. The FRA concludes that:
- "The Flood Risk from Surface Water map indicates that the site is predominantly at 'Very Low' risk of flooding from surface water but with the potential for the accumulation of surface water due to ponding and obstructions from buildings during an extreme event.*
- This report has demonstrated that the proposed development may be completed in accordance with the requirements of planning policy subject to finished floor levels being set at a minimum of 0.15 m above adjacent ground levels following any reprofiling at the site.*
- Surface water runoff from the developed site can be sustainably managed in accordance with planning policy and the development is not expected to impact flood risk elsewhere. The detailed drainage design should be submitted to and approved by the local planning authority prior to the commencement of development Yorkshire Water has confirmed that there is existing capacity in the local foul sewerage network to receive and treat foul flows from the proposed development. In addition, foul water can discharge without restriction into the public combined sewer along Transvaal Terrace at a point to the south-west of the site."*
- 5.65 The FRA demonstrates therefore that the proposal accords with the terms of Development Plan policies LP27 and LP28 and accords with Section 14 of the NPPF.

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TREES

5.66 Regarding potential impact on trees, the development proposals have been prepared with input from a specialist tree consultant and a Tree Impact Assessment undertaken. This is included with the Application submissions with reference: T10: Tree Impact Assessment.

5.67 Development Plan Policy LP33 deals with issues and seeks to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the District. It states:

“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.”

5.68 There are several trees within the application site and immediately adjacent to the site, most notably along the north-eastern boundary and to the foreground of the hospital building. The layout of the development has been carefully prepared to ensure that good quality tree specimens are retained.

5.69 In summary, the proposed development will only affect a small number of poor tree specimens. As indicated on the Landscape Proposal Plan submitted with the Application, a significant number of new trees, plus a substantial number of shrubs and several lengths of hedge, are proposed as a component of the site’s landscaping scheme. The delivery of the proposed landscaping scheme will therefore more than adequately compensate for the identified necessary tree losses.

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- 5.70 Overall, the proposal will not result in the loss of any medium or high-quality tree specimens and will not result in a net loss of tree cover. Moreover, the quality of the natural environment will be enhanced through the proposed landscaping plans together with landscape management. The proposal therefore accords with the terms of Policy LP33.

ECOLOGY

- 5.71 Regarding potential impact on ecology, the development proposals have been prepared with input from a specialist ecologist. A Preliminary Ecological Appraisal (PEA) has been undertaken along with surveys for protected species. These are included with the Application submissions with references:

T11a: Preliminary Ecology Appraisal R-3952-01 12-03-2019

T11b: Bat Emergence Survey R-3952-02 10-09-2019

T11c: Bat Activity Survey R-3952-03 07-10-2019

T11d: Reptile Survey R-3952-04 07-10-2019

T11e: Ecological Impact Assessment R-3952-05 - 07-10-2019

T11f: Biodiversity Management Plan R-3952-06 BMP 10-10-2019

- 5.72 Development Plan Policy LP30 deals with 'Biodiversity and Geodiversity' and sets out criteria for the assessment of the impact of proposals on ecology. The Policy seeks to ensure that proposals contribute positively towards the overall enhancement of the District's biodiversity resource.

- 5.73 The PEA submitted with the Application assesses the ecological baseline conditions at the Application site and identifies any potential ecological constraints to the proposed residential development. There are no statutorily designated sites located within a 2 km radius of the Application site. The PEA summary states:

"Much of the northern half of the Site (the area to the north of the Application site boundary) is covered by the Kirklees Wildlife Habitat Network (KWHN). This presents both a potential constraint and opportunity. Greenspace will need to be strategically designed to maintain and enhance the KWHN's function. An Ecological Design Strategy should be produced to maximise potential ecological gains.

The masterplan should seek to retain and protect existing on-Site trees and boundary woodland. Any losses will need to be suitably mitigated.

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Further survey is recommended for bats and reptiles, to confirm presence / absence or collect an accurate baseline for planning. Pre-commencement badger survey is also recommended."

- 5.74 The ecological appraisal also identified potential for the habitats on site to support other notable species. Further surveys were identified as required to fully determine the species present, their use of the site, potential impact of the proposed development, and to inform any mitigation.
- 5.75 Accordingly, protected species surveys were carried out and a Biodiversity Enhancement and Management Plan has been prepared that identifies appropriate ecological mitigation and enhancement proposals for the site.
- 5.76 The Biodiversity Management Plan sets out the ecological measures required to maintain and enhance habitat quality after the development has been completed, ensuring the long-term conservation of the site. This will ensure the development meets the local planning authority requirements (as set out in Policy LP30) to conserve and enhance local biodiversity.
- 5.77 The Biodiversity Management Plan concludes that the implementation of the identified ecological mitigation measures will ensure that the proposed development will not have a significant negative impact on the ecological value of the site, or the local area; and that a net gain in the biodiversity value of the site can be achieved. On that basis, the submitted evidence shows that the proposal will accord with Development Plan Policy LP30.

CONSTRUCTION

- 5.78 During the consultation stage on the Application there is the potential for residents to be concerned about potential impacts arising during the construction process including (amongst other issues) concerns about construction traffic. A Construction Method Statement has been prepared to set out the details of the management of the construction process including the management of construction traffic. This is included with the Application submissions with Reference T14 - Construction Method Statement 10-10-2019.

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CONTAMINATION

- 5.79 Development Plan Policy LP53 deals with 'Environmental Protection' and seeks to ensure that development proposals will not adversely affect human health. This includes the need for appropriate investigations into the quality of land which is particularly important for sites such as the Application site (previously developed land). A detailed investigation into potential contamination of the site has therefore been undertaken and is included with the Application submissions with Reference: T12b - Geo-environmental Report (1of5) - June 2019.
- 5.80 An appropriate Remediation Strategy will be prepared to show how the environmental risks at the site will be managed during the construction process. The Assessment shows therefore that there is a thorough understanding of the environmental conditions at the site and that the development proposal will result in a fully remediated site and appropriate residential environment. The proposal therefore accords with the terms of Policy LP53.
- 5.81 In relation to assessing the 'planning balance', the above paragraphs have set out that the proposals will not cause any adverse effects and will deliver significant benefits including:
- Boosting the supply of market housing
 - Delivering high quality homes to a high standard of design
 - Delivering economic benefits through construction and resident spend, adding to the viability and vitality of the local community.
 - Delivering the restoration and improvement of a non-designated heritage asset.
 - The improvement of the visual appearance and biodiversity of the site
- 5.82 I also consider that the proposals will not have any significant adverse effect:
- On the residential amenity of existing occupiers adjacent to the site
 - On drainage or flood risk
 - On any known heritage assets

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- On highway safety
- 5.83 Through the above assessment of the proposals against the core principles of sustainable development set out in the NPPF, it has been demonstrated how the proposals will deliver significant economic, social and environmental benefits. As there are no other material considerations which would indicate otherwise, in accordance with the NPPF the proposed development should be approved without delay as it represents sustainable development.

SUMMARY AND CONCLUSIONS

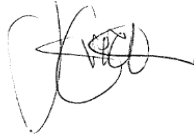
- 6.1 My intention in this Statement was to deal with the planning case for the proposal for the conversion and refurbishment of the former hospital building to 20 apartments and the construction of 20 new dwellings within the curtilage of the site.
- 6.2 In relation to the principle of development, the main part of the site is within the urban area of an identified service centre and in proximity to a range of services and facilities. The site is also entirely previously developed land. My assessment shows that the principle of the development is acceptable having regard to the policies of the development Plan. Moreover, the site is in a sustainable location and accords with the basic principles of the NPPF.
- 6.3 Having regard to my assessment of the Planning Balance I have then considered whether there are any other material circumstances that would outweigh the NPPF presumption that sustainable development should be permitted. I have concluded that the Application proposals will not cause any adverse effects and will deliver significant benefits including:
- Boosting the supply of market housing
 - Delivering high quality homes to a high standard of design
 - Delivering economic benefits through construction and resident spend, adding to the viability and vitality of this rural community.
 - Delivering the restoration and improvement of a non-designated heritage asset.
 - The improvement of the visual appearance and biodiversity of the site
- 6.4 I also consider that the proposals will not have any significant adverse effect:
- On the residential amenity of existing occupiers adjacent to the site
 - On drainage or flood risk
 - On any known heritage assets
 - On highway safety
- 6.5 Through the above assessment of the proposals against the core principles of sustainable development set out in the NPPF, it has been demonstrated how the proposals will deliver significant economic, social and environmental benefits. As there are no other material considerations which would indicate otherwise, in accordance with the NPPF the proposed development should be approved without delay as it represents sustainable development.
- 6.6 I conclude that the Application proposals are in conformity with the Development Plan and the Policies of the NPPF and should be granted planning permission.

SUMMARY AND CONCLUSIONS

Statement of Truth

"The evidence which I have prepared and provide for this Statement is to the best of my knowledge true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions."

Signature:



Date: 16th October 2019.....

JAY EVERETT BSc HONS, MRTPI