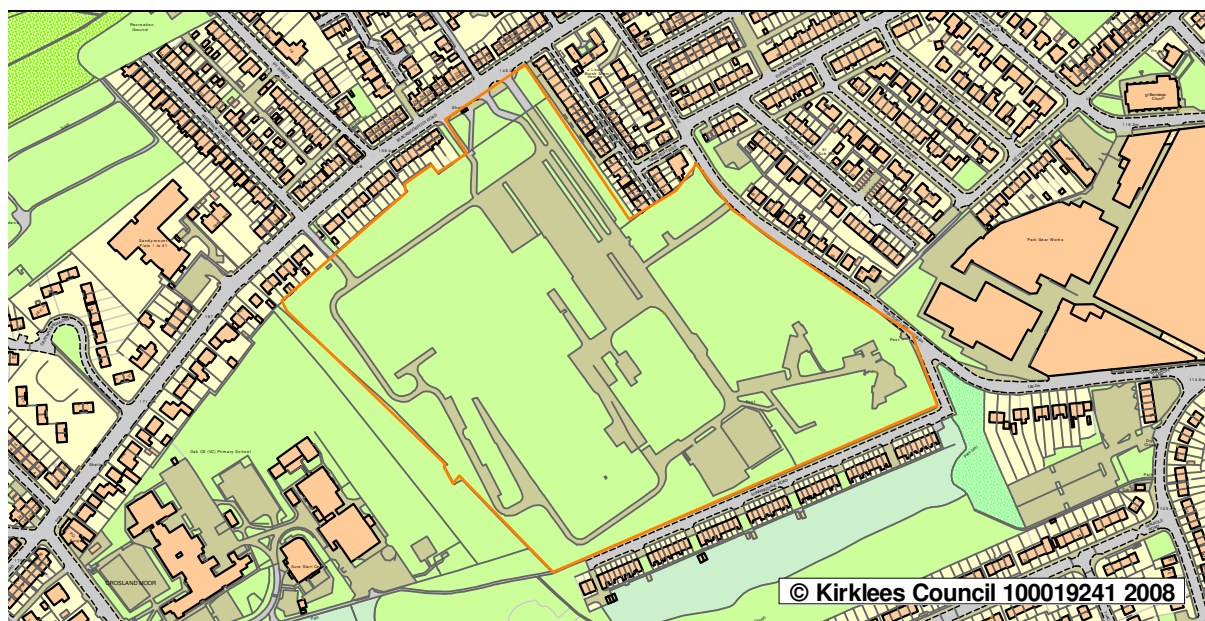


LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Crosland Moor and Netherton.

No

Ward Members consulted

RECOMMENDATION

For Members to note

1.0 INTRODUCTION:

- 1.1. This is a Pre application enquiry (2018/20339) in relation to the former St Luke's hospital off Blackmoorfoot Road, Crosland Moor.
- 1.2. There is an extant permission on the site –Outline approval for up to 200 dwellings, retail units; accommodation for potential neighbourhood uses; restaurant/ public house; and petrol filling station (2016/91337). This is subject to a Section 106.

- 1.3. The proposal for consideration relates to the same site for up to 226 dwellings, and a significantly reduce commercial structure and associated car parking.(ie the retail unit, petrol station, restaurant/ public house are omitted, and the residential area extends north to the rear of existing dwellings on Blackmoorfoot Road covering the area previously occupied by the retail unit and commercial terrace for potential neighbourhood uses.
- 1.4. The purpose of the enquiry is twofold:-
- a) To discuss the viability issues associated with this site, and renegotiation of the Section 106 agreement contributions and affordable housing condition on the outline to this end a viability appraisal for the scheme has been submitted for consideration and this has been independently assessed on behalf of the Council at the expense of the applicant.
 - b) Discuss the form of future submission possibly via of a series of applications to deliver housing on this site, ie
 - Application to vary the existing Section 106 Agreement;
 - A Section 73 application to vary the conditions that relate to affordable housing and restriction of the numbers of houses on the site;
 - A reserved matters application for 200 dwellings; and
 - A full application for the balance of houses ie in this case 26.

2.0 SITE AND SURROUNDINGS:

- 2.1. The application site comprises 9 hectares of land approximately 2km to the south west of Huddersfield. It formerly accommodated the St. Luke's hospital buildings which were demolished last year. The site was closed as a hospital in 2011.
- 2.2. Remnants of the buildings and access roads remain in the form of hardstanding, and the site is now partially overgrown with grassed areas. The site slopes upwards from east to west, following the incline of Blackmoorfoot Road.
- 2.3. The area is predominantly residential in nature with dwellings bordering the site to the north (Blackmoorfoot Road), east (Nabcroft Lane) and the south (Sunningdale Road). To the west of the site is Dryclough C of E Infant School.
- 2.4. The site contains a significant number of protected trees. These are mostly individual orders, with group orders to part of the eastern, southern and north western boundaries. There are no public rights of way through the site, but there is a public footpath close to the south western boundary.

3.0 PROPOSAL:

- 3.1. Permission was granted for up to 200 dwellings with associated infrastructure and open space; retail units (open use class A1); accommodation for potential neighbourhood uses (use class A2/D1/D2/sui generis); restaurant/public house (use class A3/A4); and petrol filling station (sui generis) ref 2014/93099.
- 3.2. A number of conditions were removed and varied under approval 2016/91337, which is the most up to date and extant approval. This approval is subject to a Section 106 Agreement, covering contributions towards Education, affordable housing, off site POS, highway improvements, travel plan monitoring, METRO cards and bus shelter improvement.
- 3.3. The proposal for consideration relates to the same site for up to 226 dwellings, and a significantly reduced commercial structure and associated car parking. (ie the retail unit, petrol station, restaurant/ public house are omitted, and the residential area extends north to the rear of existing dwellings on Blackmoorfoot Road covering the area previously occupied by the retail unit and commercial terrace for potential neighbourhood uses.
- 3.4. The extant approval is served by 2 access points, the commercial element ie retail, public house/ restaurant A2/ D1/D2 and sui generis, uses are served off Blackmoorfoot Road, and the residential development, of up to 200 houses is accessed off Nabcroft Road. The current pre-app proposal is to serve the entirety of the development off Blackmoorfoot Road.
- 3.5. The enquiry is accompanied by a viability appraisal, which has been independently assessed at the expense of the applicant. A private paper will be sent to the committee members prior to committee and this will include details and figures of the viability appraisal and the independent assessment (for members information only). This element of the scheme is to be taken in private because it is commercially sensitive information.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1. 2013/90248 – Prior notification for demolition of existing buildings. Approved 9th May
- 4.2. 2014/93099 - Outline planning permission for development comprising up to 200 dwellings with associated infrastructure and open space; retail units (open use class A1); accommodation for potential neighbourhood uses (use class A2/D1/D2/sui generis); restaurant/public house (use class A3/A4); and petrol filling station (sui generis) – Conditional Outline Approval
- 4.3. 2016/91337-Variation of conditions for 2014/93099 Approved.

5.0 PLANNING POLICY:

- 5.1. 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

5.2. Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- BE1 Quality of Design
- BE2- New development in keeping with surroundings
- BE11 – Materials
- BE23 – New development should incorporate crime prevention measures
- B1 – Employment needs
- T10 – Highway safety
- T16 – Pedestrian routes
- T17 – Cycling provision
- T19 – Parking standards
- EP4 – Noise sensitive developments
- EP6 – Noise levels
- EP11 – Ecological landscaping
- G6 – Contaminated land
- NE9 – Trees
- H10 – Affordable Housing
- H12 – Retention of Affordable Housing

Supplementary Planning Guidance / Documents:

- Interim Affordable Housing Policy;
- Providing for education needs generated by new developments (KMC Policy Guidance).

5.3. Emerging Local Plan.

The site is allocated a mixed use on the Emerging Local Plan (Allocation MX1903).

- PLP1 Presumption in favour of sustainable development
- PLP3 Location of new development
- PLP7 Efficient and effective use of land and buildings
- PLP11 Housing mix and affordable housing
- PLP13 Town Centre uses
- PLP16 Food and drink uses and the evening economy
- PLP20 Sustainable travel
- PLP21 Highway safety and access
- PLP22 Parking
- PLP23 Core Walking and cycling network
- PLP28 Drainage
- PLP30 Bio diversity and geodiversity
- PLP32 Trees
- PLP49 Education and health care needs
- PLP53 Contaminated and unstable land

5.4. National Planning Guidance: National Planning Policy Framework

- Part 2. Achieving sustainable development. (Development Contributions)
- Part 5. Delivering a sufficient supply of homes
- Part 7. Ensuring the vitality of town centres
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 11. Making effective use of land
- Part 12. Achieving well designed places
- Part 14 Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving the natural environment

6.0 **PUBLIC/LOCAL RESPONSE:**

6.1. n/a

7.0 **CONSULTATION RESPONSES:**

7.1 **Statutory:** n/a

7.2 **Non-statutory:**

KC Highways- No objections in principle to the development, the mix and access arrangements are different, and will need to be considered afresh as part of subsequent submissions. (See assessment)

KC Strategic Housing- The Interim affordable housing policy relates to 20% of numbers as opposed to the previous policies percentages of floor area. The provision of affordable units is important and necessary, and any reduction in appropriate contributions needs to be justified via independent assessment.

8.0 MAIN ISSUES

- Principle of development
- Highways
- Urban Design
- Residential Amenity
- Landscape/ Trees and Bio diversity
- Drainage
- Environmental Issues (Decontamination and remediation/ Noise/Air Quality,

9.0 APPRAISAL

Principle of development

- 9.1. The site already has an outline permission including up to 200 dwellings, and it is allocated a mixed use site including housing, in the Emerging Local Plan. As such there is no objection in principle to increasing the number of residential units on the site, and utilising a much larger proportion of the site for residential than is shown on the indicative layout on the Outline approval.
- 9.2. The site is brown field and has now been cleared, but is in an unkempt state. Given that the Council is unable to demonstrate 5 year supply of deliverable housing, the provision of additional numbers of dwellings is welcome.
- 9.3. In terms of the loss of alternative approved uses, ie the retail unit petrol station and the public house/ restaurant, this in itself is not objected to or contrary to any policy. The site is technically an edge of centre location, and the existing outline approval would still allow for a future reserved matters submission for either a smaller retail unit, community uses development. In the NE portion of the site fronting onto Blackmoorfoot Road
- 9.4. Both the Emerging Local Plan and the guidance in the NPPF, put strong emphasis on the provision of a 5 year housing supply, and its delivery.
- 9.5. The current approval is the subject of a Section 106 Agreement that requires the following contributions
 - Education -£462,090
 - Off-site PO- £50,000
 - Glazing for Nabcroft Lane -30,000
 - Various junction improvements totalling-£360,000
 - Travel Plan monitoring-£30,000
 - METRO cards-£88,965
 - Bus shelter-£10,000
 - Pedestrian/ cycle link-£17,000
 - Affordable housing-5% of the total floor area of the residential

- 9.6. The applicant has submitted a viability appraisal for consideration, and this has been independently assessed on behalf of the LPA at the expense of the applicant.
- 9.7. The appraisal information indicates that the level of contributions required above, based on the amended primarily housing scheme would be unviable, and therefore undeliverable with the above level of contributions, and confirm that the scheme would only be able to deliver much reduced levels of contributions which would not include affordable housing.
- 9.8. The advice from the LPA's independent assessor concurs with the submitted appraisal.
(Details of the Viability Appraisal and the independent assessment will be included within the private paper that will be circulated to committee members).

Highways Issues

- 9.9. The pre application scheme differs substantially from the extant approval, not just in the different mix of residential and commercial developments, but also in that the extant approval is served by 2 separate accesses ie: the Commercial element (retail store, pub/restaurant, petrol filling station and A2/D1/D2/ and sui generis uses accessed off Blackmoorfoot Road; and the residential development of up to 200 dwellings is accessed off Nabcroft Road.
- 9.10. The pre-application enquiry proposes access for the entire development off Blackmoorfoot Road.
- 9.11. The extant approval is subject to a section 106 agreement that includes a number of contributions towards junction improvements. These were:
- Nabcroft Lane/Blackmoorfoot Road-£35,000;
 - Park Road West/ Blackmoorfoot Road- £15,000
 - ParkRoad West/ Manchester Road-£110,000
 - Lockwood Bar Junction-£200,000
- 9.12. These contributions were based upon the extant mixed use scheme. However the pre- application scheme has a different mix of uses, with a single access. It should not, and is not assumed that the alternative mix and access arrangements would lead to a scenario where a number of the above contributions and improvements could be reduced. An updated Transport Impact Assessment would be necessary to consider any modifications to this part of the Section 106.

Urban Design issues

- 9.13. The site is within a primarily residential area surrounded by development, as such the use of the vast majority of the site for residential use is supported, and the layout plan is considered appropriate for the area, with the mix of housing shown being mainly detached and semi-detached, with a small number of terrace properties, would deliver a more spacious layout than the indicative outline approval.
- 9.14. The indicative layout allows for areas of open space on the periphery of the site, particularly the SW and southern boundaries where the majority of the mature protected trees are located. These green spaces around the site are considered to improve the relationship between the site and neighbouring houses, particularly on Sunningdale Road, and Nabcroft Road.
- 9.15. The internal layout is considered to be broadly acceptable with sensible use of the break in the road hierarchies to improve the appearance, and streetscape within the site, and with all dwellings retaining an open/active frontage onto the roads or areas of open space.
- 9.16. Whilst the main vehicular access to the site is now off Blackmoorfoot Road, pedestrian access into and across the site are shown as being retained, linking onto both Blackmoorfoot Road at the NW corner ,and some potential pedestrian steps to the SE onto Nabcroft Lane.

Residential Amenity

- 9.17. In terms of residential amenity, the amended scheme would represent an improvement for a significant number of the surrounding dwellings particularly those on Blackmoorfoot Road and Nabcroft Lane. The scheme omits the retail elements to the rear of dwellings on Blackmoorfoot Road, also the petrol; filling station and the pub/ restaurant. Each of these are potential noise/ nuisance generators that would need to be controlled via condition. The alternative residential units are obviously a compatible neighbouring use.
- 9.18. The removal of the vehicular access onto Nabcroft Lane represents a significant improvement in residential amenity for Nabcroft Lane residents opposite the site.
- 9.19. In the NE corner of the site an area is still, set aside for a commercial element, which could include Classes A1,A2, A3, D1, D2 and sui generis elements, or a mixture of the above. This is bounded to the rear by a small buffer area of planting which is considered appropriate to safeguard the future residential amenities of the proposed dwellings

Landscape/Trees and Bio diversity issues

- 9.20. The pre-application scheme identifies significant areas of green space around the periphery of the site, which are also adjacent or incorporated in to the majority of the mature trees that existing on the peripheries of this site.

- 9.21. As such the open space and trees enable an opportunity for significant biodiversity enhancement around the site, and also linking into adjoining green corridors and areas within the area.
- 9.22. Biodiversity enhancement measures (bat and bird roost opportunities) would be required across the site, by condition in the event of a new application.

Drainage

- 9.23. The existing outline approval was found to be satisfactory and capable of being drained and this is the subject of a number of conditions. The pre- application layout plan indicates an alternative drainage strategy across the site, to accommodate the amended layout and mix of uses. It is considered that the alternative strategy is capable of being delivered satisfactorily via appropriate conditions.

Environmental Issues (Decontamination/Remediation, Noise and Air Quality

- 9.24. The site is clearly highly contaminated give the previous uses, and the previous approvals have both required appropriate de contamination and remediation measures for the site, including the sensitive residential end users .It is considered that this issue is satisfactorily covered by appropriate conditions.
- 9.25. This pre- application scheme does not introduce any new issues regarding noise, or air quality that are not covered by either existing conditions that could be re-imposed.

10.0 CONCLUSION

- 10.1 For Members to note