
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 11-Apr-2019****Subject: Planning Application 2018/93098 Variation of conditions 28,33,34 and 35 and removal of condition 31 on previous application 2016/91337 Former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RQ****APPLICANT**Vivienne Clements,
Calderdale and
Huddersfield NHS
Foundation**DATE VALID**

21-Sep-2018

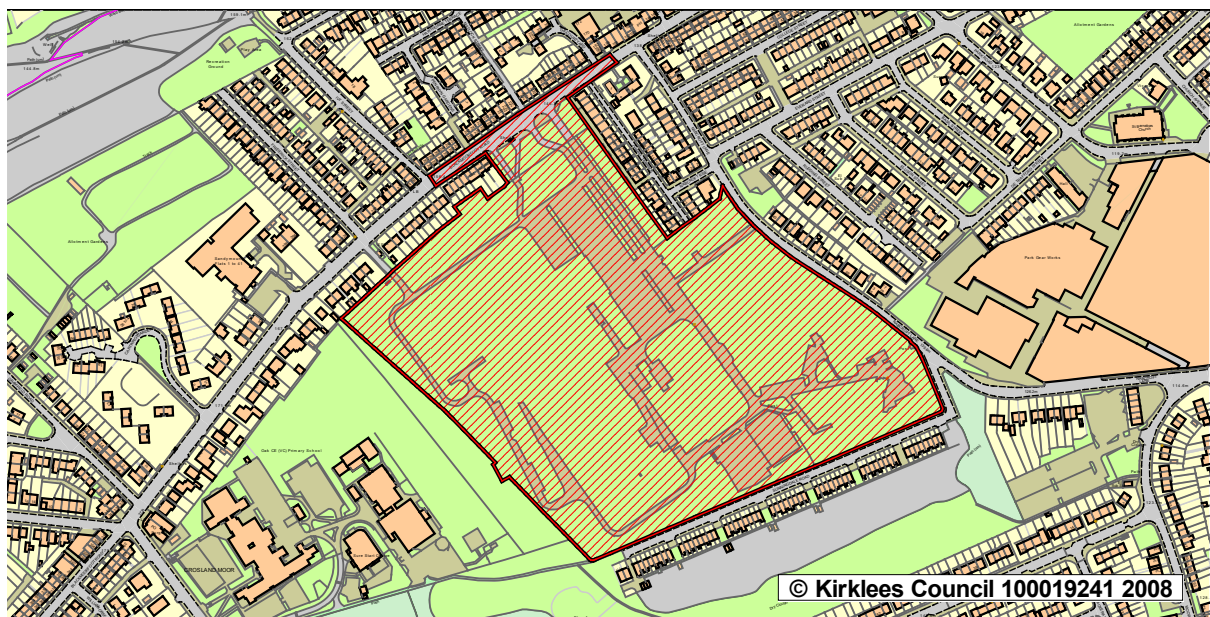
TARGET DATE

21-Dec-2018

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Crosland Moor and Netherton

YES

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to ensure:

1. The provision of on-site POS and subsequent maintenance
2. The delivery of 10 starter homes on the site (Affordable Housing)
3. The land currently shown as being for commercial purposes (as shown on drawing number ref: 1835.100 dated 11.09.18) shall be actively marketed for residential development for a minimum period of 3 years, with the stipulation that the provision of a policy compliant affordable housing scheme on the site shall be provided.
- 4 Contributions to provide signal equipment to the site access site access onto Blackmoorfoot Road. £22,3403.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

1.0 INTRODUCTION:

- 1.1 This planning application seeks planning permission to vary a number of conditions on the existing outline permission 2016/91337 is presented to Strategic Planning Committee for determination as this application should be considered with the other two applications on the St Luke's site (2018/93200 and 2018/93201) that cumulatively propose a significant redevelopment of the St Luke's site. This is a significant change from the previous mixed use planning permission involving retail development on the site.
- 1.2 Members will recall that a pre-application submission (2018/20339) was brought to Strategic Planning Committee in August 2018 where Members also requested that when the applications were received with the updated viability information and the justification for reducing the Section 106 contributions the applications would be brought to Strategic Committee.
- 1.3 This application was deferred at the Strategic Committee 15th February, with a number of questions and points raised by the Committee.

- 1.4 These included a dissatisfaction with the level of contributions that were forthcoming within the development, and the strong desire to see more affordable housing units delivered on the site. Re-appraisals at reduced levels of profit were sought particularly at 16% and 17%.
- 1.5 The feasibility of using the commercial plot of the development for housing was discussed and whether this would generate a more viable position from which more affordable housing could be achieved. Additionally, Clarification was sought regarding some outstanding abnormal costs queries from the Council's independent assessor RLB.
- 1.6 A viability appraisal was submitted by the applicants as part of the application and this has been assessed by the council's independent viability assessor. The recommendation is that the most recent changes to the proposal (highlighted in paragraph 9.12 -9.14 of this report) can achieve 10 starter homes on site and the delivery of a housing scheme on the former "commercial site" with a policy compliant affordable housing scheme. This viability scenario that provides this level of affordable housing is based upon a Developer profit of 17% which is one of the key considerations particularly given that this site is on the council's stalled sites list.
- 1.7 A summary of the viability issues is included within the main agenda report at paragraphs 9.4 to 9.14. The council's independent viability assessor has completed their assessment and details of the findings will be reported within a confidential paper that will be circulated to committee members prior to the committee meeting as viability issues are considered to be commercially sensitive information,

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of 9ha located approx. 2km to the south west of the Huddersfield Town Centre. The site previously accommodated St Luke's hospital, which closed in 2011. The buildings have been demolished but there are still significant areas of hardstanding plus the internal roads, some areas have become overgrown, and the overall appearance of the site is derelict and unkempt. The site has been fenced off for security purposes for a number of years.
- 2.2 The surrounding area is predominantly residential in nature with dwellings bordering the site to the north (Blackmoorfoot Road), east (Nabcroft Lane) and south (Sunningdale Road). To the west is the Dryclough Road Church of England Infant School.
- 2.3. The site slopes upwards from east to west following the incline of Blackmoorfoot Road. There are a significant number of protected trees across the site, these are a mix of individual orders and group orders to part of the eastern and western boundaries. There are no public footpaths across the site, but there is a public footpath close to the south western boundary.
- 2.4. The site is unallocated on the Unitary Development Plan, and allocated as a mixed use on the Emerging Local Plan. There is also a long triangular strip of land that along the boundary with Dryclough School that is unallocated on the Emerging Local Plan.

3.0 PROPOSAL:

3.1. There is an extant permission on this site application 2016/91337:

“Outline approval for upto 200 dwellings with associated infrastructure and open space, retail units (open class A1); accommodation for potential neighbourhood uses (use classes A2/D1;D2 and sui generis) public house(class A3/A4) and petro filling station.”.

3.2. This was approved subject to a Section 106 Agreement; which contains the following contributions

- Education -£462,090
- Off-site POS- £50,000
- Glazing for Nabcroft Lane -30,000
- Various junction improvements
- Lockwood Bar contributions £200,000
- 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

3.3. This application seeks to remove and vary a number of conditions, on this approval, and if accepted, this would impact upon the terms of the Section 106.

3.4. Removal of condition 31: (Affordable Housing)

31. No development of any residential dwelling shall commence until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) The number (based upon 5% of the total floorspace of the residential development) and type of affordable housing units to be provided.
- b) The layout and disposition of the unit's affordable housing to be provided.
- c) The timescale for the implementation and completion of the affordable housing units;
- d) The mechanism for ensuring that the affordable housing units remaining affordable for both the initial and subsequent occupiers.

3.5. The applicants have submitted a viability appraisal to support this request.

3.6. Variation of condition 28: (Number of dwellings)

Existing-“Notwithstanding the submitted information, the number of dwellings hereby permitted by this consent shall not exceed 187 unless otherwise agreed in writing by the Local Planning Authority”.

3.7 *Proposed*- Notwithstanding the submitted information the number of dwellings hereby permitted by this consent shall not exceed 200, unless otherwise agreed in writing by the Local Planning Authority. It should be noted that the full application provides for 26 dwellings in addition to the 200 controlled by this permission.

3.8. Variation of condition 33: (Highways)

Existing –“The commercial phase of the development shall not commence until a scheme detailing construction and layout specification for

a. The relocation of bus shelter/stop 19300 on Blackmoorfoot Road.

b. Indicative plan ref: LDS/1043/103-01 rev. P3; works to Park Road West/Blackmoorfoot Road signalised junction to include the provision of wireless / physical communications between the Park Road West/Blackmoorfoot Road and the retail site access/Blackmoorfoot Road signalised junctions. The implementation of Scoot (reactive software) on both junctions to increase junction capacity, manage co-ordination and queue lengths, develop control strategies and provide bus priority at both locations Remove the Far Side Pedestrian Red and Green aspects for Near Sided Puffin Indicators, provide kerbside detection. Reconfigure the existing junction at Park Road to provide a right turn green arrow. Provide CCTV.

c. Indicative plan ref: LDS/1043/104-01 rev. P3; works to Park Road West/Manchester Road to include the provision of a pedestrian puffin crossing on Manchester Road with vehicle detector loops.

d) Indicative plan ref: LDS/1043/102 rev. P3; works to replace the zebra crossing on Blackmoorfoot Road with a central island. (Note: works to the Nabcroft Lane/Blackmoorfoot Road junction to provide 2.4m x 40m east and 2.4m x 43m west visibility splays are included within condition 37).

Including management of on-street parking, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted and approved in writing by the Local Planning Authority. Thereafter the completed scheme shall be retained throughout the lifetime of the development. The approved scheme and programmed works must be implemented prior to the commercial phase of the commercial development being brought into use.

3.9. *Proposed-* delete c and d.

3.10 Variation of condition 34 (Highways)

Existing -. With reference to the indicative plan LDS/1043/100-01 rev. P6; the commercial phase of the development shall not commence until a scheme detailing construction and layout specification for the retail site access with Blackmoorfoot Road including, management of on-street parking, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted and approved in writing by the Local Planning Authority. The approved scheme and programmed works shall be implemented prior to any part of the commercial element of the development being brought into use.

3.11. *Proposed-* amended indicative plan SLAS-BWB-GEN-01-DR-TR-S2-P2. Note this amendment would reflect the changes that would occur should the variation of condition 34 be agreed (ie: a significantly scaled down level of commercial development).

3.12. Removal of condition 35 (Highways)

35. With reference to the indicative plan LDS/1043/101 rev. P1 and LDS/1043/102 rev. P3; the residential phase of the development shall not commence until a scheme detailing construction and layout specification for the Nabcroft Lane/Blackmoorfoot Road junction to provide 2.4m x 40m east and 2.4m x 43m west visibility splays (Note: works to replace the zebra crossing on Blackmoorfoot Road with a central island are included within condition 35), and the residential site access with Nabcroft Lane including 2.0m wide footway along the site frontage with Nabcroft Lane, 2.4m x 43m visibility splays, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted and approved in writing by the Local Planning Authority. No part of the residential phase of the development shall be brought into use until the approved scheme and programmed works have been implemented. Thereafter, the completed works shall be retained throughout the lifetime of the development.

- 3.13. Note; The rationale for this request is that the proposed access to the entire site for commercial and Residential, is a single access off Blackmoorfoot Road, whereas the outline approval shows access for the residential element taken off Nabcroft Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2013/90248- Prior notification for the demolition of existing buildings- Approved
- 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.
- 4.4. 2018/93200- Reserved Matters application pursuant to approval 2016/91337 for 200 dwellings- Still to be determined, (on this agenda).
- 4.5. 2018/93201- Full application for 26 dwellings- Still to be determined (on this agenda).

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

- 5.1. A pre application enquiry 2018/20339 was submitted regarding the alteration of the extant outline permission on the former St Luke's Hospital site,
From - Outline permission for up to 200 dwellings; retail units, accommodation for potential neighbourhood uses; restaurant/public house; and petrol filling station;
To - The erection of 226 dwellings, a significantly reduced commercial area, and associated car park. In addition the previous access arrangements which provided for access to the commercial uses from Blackmoorfoot Road and from Nabcroft Lane for the residential uses, to be altered to provide for one access off St Luke's Road to serve the whole development.

- 5.3 The enquiry also sought to discuss issues of viability and renegotiation of the Section 106, and the format of any future planning submission ie:
- 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.
- 5.4. These applications are on this agenda for determination.
- 5.5. Updated viability information was sought from the applicants regarding the justification for reducing the Section 106 contributions.
- 5.6. Additional highway modelling to justify the provision of a single access point from Blackmoorfoot Road, has been sought, this is also needed to justify the removal of some junction improvements detailed within the Section 106.
- 5.7. Some detailed alterations to the internal layout have been sought, and additional information regarding the protection of trees, and landscaping.

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 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, its published modifications and Inspector's final report dated 30 January 2019 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2.
- D2- Unallocated
 - BE1- Quality of Design
 - BE2- New Development in keeping with surroundings
 - BE23- Crime Prevention
 - T10- Highways Safety
 - T16- pedestrian routes
 - T17- Cycling provision
 - T19- Parking standards
 - EP4- Noise Sensitive development
 - EP6- Noise levels

- EP1-1 Ecological landscaping
- G6- Contaminated land
- NE9- Tree
- H10-Affordable Housing

Supplementary Planning Guidance / Documents:

6.3

- Interim Affordable Housing Policy;
- Providing for education needs generate by new development (Kirklees Policy Guidance).

Emerging Local Plan

6.4. The site is allocated as a mixed use (allocation MX 1903).

- PLP1 Presumption in favour of sustainable development
- PLP3 Location of new development
- PLP7 Efficient use of land and buildings
- PLP11 Housing mix and affordable housing
- PLP13 Town Centre uses;
- 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

National Planning Guidance:

6.5

- 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notices and neighbour letters. To date there have been 5 letters of representation, the main points raised being:

- Only one access off Blackmoorfoot Road, could prove problematic for significant number of the surrounding junctions, as far away a Longroyd Bridge;

- There is a need for housing and the development is welcome o this eyesore of a site.
- There is no objection to housing, subject to the surrounding road network being improved to accommodate the extra traffic that will be generated;
- It is important there is adequate car parking within the site, there should be no overspill onto Blackmoorfoot Road, which would not be able to cope with this.
- The developers should not be allowed to get away with reducing /removing section 106 contributions such as affordable housing.
- Housing is acceptable subject to it being affordable.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory: KC Highways DM.** See comments in the assessment

9.0 APPRAISAL.

9.1. In this case the assessment relates to 2 different areas ie

- Variation of Condition 31.(Affordable Housing) and issues of viability that impact upon the previous Section 106.;
- Variation of Conditions 28,33,34 and 35(ie: Highway issues)

9.2. Variation of Condition 31.

9.3 The application to vary condition 31 relates specifically to the 5% affordable housing contribution. However the accompanying viability appraisal relates to a number of contributions that are secured within the existing Section 106.

9.4. The financial contributions covered in the Section 106 are
 Affordable Housing-5%;
 Education Contribution-£462,000;
 METRO cards £88,965.
 New bus shelter £10,000;
 Off-site POS-£50,000;
 Glazing on Nabcroft Road properties- £30,000
 Pedestrian cycle path- £17,000
 Travel plan £30,000.

9.5. Also the Section 106 secured a series of highway junction improvements and a contribution towards Lockwood Bar Junction. The assessment below relates to the request to vary or delete highway conditions, in view of the significant difference between the proposed scheme, and previous approval. The necessary junction improvements to deliver this site for 226 no dwellings and the reduced commercial area, are secured by the revised conditions, and will also be included within the Section 106.

9.6 With the revised schemes being predominantly residential, and incorporating some additional land, some of the above S106 contributions are required or relevant.

- The proposal includes extensive areas of POS within the scheme not previously included, as such the POS on site is policy compliant and there is no need for an off- site POS contribution of £50,000;
 - the amended highway junction details no longer require the provision of a new bus shelter (£10,000);
 - As there is no longer a new vehicle access proposed off Nabcroft Lane, there is no longer a justification for the provision of new glazing (£30,000).
 - The £30,000 travel plan monitoring, could potentially be reduced to a residential only travel plan monitoring of £15,000.
- 9.7. The applicant's initial viability Appraisal has indicated a sum of £187,000, that could be used towards Section 106 contributions, with the site delivery remaining viable.
- 9.8. The Officers recommendation was that this money should be used to provide
- £17,000 cycle /pedestrian route within the development;
 - £170,000 towards Education Contribution.
- 9.9. Following discussion Members deferred the application to seek additional information and work.
- 9.10. In accordance with the Committees requests following the deferral, the applicants have carried out revised appraisals at both 16% and 17%.
- 9.11. At 16% they indicate the loss of a further £549,990 which would come off the land value, was not a reduction the NHS Trust was able to proceed with.
- 9.12. At 17% an additional £133,702 would accrue, and this couple with the £187,000 would deliver £320,702. If this were to be ring fenced in the Section 106 towards "starter homes" within the residential schemes then 10 starter units could be delivered. It should be noted that the Committee could decide to use all the contributions towards a meaningful, number of affordable units, however there is still the option of distributing the improved "pot" to include an Education contribution.
- 9.13. Regarding the commercial plot coming forward for residential use, the applicants feasibility indicates that this would not yield any additional section 106 contributions, however they are "committed to delivering at least policy compliant affordable housing contributions on the former commercial plot (It is estimated that subject to design the commercial plot, could accommodate between 20-30 dwellings subject to design issues).
- 9.14. The means of delivering future housing on the former commercial site and the policy compliant affordable housing as part of this scheme can be legally delivered within the scope of this application. These means include a covenant within the S106 to actively market the site for housing for a period of 3 years; with stipulations in the covenant that the affordable housing scheme must be policy compliant. When a housing application is received this could be determined by the Strategic Planning Committee. Legal advice is been received that confirms that it is a legitimate process given the land in question is within the applicants ownership, and the terms relate to the relevant planning matters and the site of the application(ie complies with the CIL tests contained in the NPPF).

9.15. Variation of Condition 28,33, 34 ,and 35.

9.16. In terms of a summary of the site history, the extant planning consent (2016/91377) would be accessed off Blackmoorfoot Road and Nabcroft Lane, with the sites junction off Blackmoorfoot Road being signalised with displaced on-street parking being provided within the retail element of the site.

9.17. The approved outline planning application is for a phased development comprising up to 200 dwellings; retail units and some accommodation for potential neighbourhood uses (Use Class A2/D1/D2/Sui Generis); a restaurant/public house; petrol filling station (PFS), with all matters reserved except access.

9.18. The 'approved traffic trip generation' forecast is set out in Table 1 below:

Table 1.

	Weekday AM Peak (0800 – 0900hrs)		Weekday PM Peak (1700 – 1800hrs)		Saturday Peak (1100 – 1200hrs)	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Residential	42	94	89	57	7	35
Retail (inc PFS)	84	54	157	164	250	263
Public Hse	n/a	n/a	26	20	21	15
Totals	126	148	272	241	278	313
	274		513		591	

9.19. The current development proposal on this site has been submitted into three parts:

- 2018/93098: A variation of planning conditions 28, 33, 34, and 35; and removal of condition 31 on planning consent 2016/91337 (200 dwellings; retail units and some accommodation for potential neighbourhood uses (Use Class A2/D1/D2/Sui Generis); a restaurant/public house; petrol filling station (PFS), with all matters reserved except access.
- 2018/93200: Reserved matters pursuant to outline permission 2016/91337
- 2018/93201: Full application for erection of 26 dwellings within curtilage of existing site.

9.20. Highway Development Management's (HDM) comments are based on the Transport Assessment (Ref: (SLAS-BWB-GEN-XX-RP-TR-001_Highways Technical Report dated Aug 2108) and supporting information submitted by the applicant's highway consultant BWB for the above applications and are as follows:

9.21. In terms of the full development proposal and forecast traffic trip generation, and the comparison with the approved forecasts traffic trip generation, this is set below in Table 2:

Table 2.

	Weekday AM Peak (0800 – 0900hrs)		Weekday PM Peak (1700 – 1800hrs)		Saturday Peak (1100 – 1200hrs)	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Approved Dev. 2016/91377	274		513		591	
	Arrival	Departure	Arrival	Departure	Arrival	Departure
Proposed Residential	51	113	107	69	9	42
Proposed Retail	14	9	27	28	43	46
Totals	65	122	134	97	52	88
	187		231		140	
Residual Impact	187-274= -87		231-513= -282		140-591= -451	

- 9.22. Table 2 shows a marked reduction in the forecast vehicular trips compared with the approved and proposed development the forecast development trips onto the local highway network which are considered acceptable from a HDM point of view.
- 9.23. With respect to the cumulative impacts of approved developments and the current planning application at the Black Cat site, BWB have carried out junction analysis of the site access/Blackmoorfoot Rd; Nabcroft Rd/Blackmoorfoot Rd; Blackmoorfoot Rd/Park Rd/Park Rd West; Park Rd West/Manchester Rd; Blackmoorfoot Rd/Manchester Rd; Park Rd/Lockwood Station/Yew Green Rd; and Blackmoorfoot Rd/Dryclough Rd/Tom Lane.
- 9.24. Output data indicates the operation of the Blackmoorfoot Rd/Park Rd/Park Rd West signalised junction is and will continue to operate over capacity without mitigation. As such, a mitigation scheme to improve the junction's operational efficiency would be provided by the developer and secured by condition.
- 9.25. In terms of the Draft Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network (which takes into account current local road network/public transport use and forecasts planned growth). The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.
- 9.26. From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion.
- 9.27. Within the context of the local highway network and the application site, planned improvement works within the area at the Lockwood Bar junction, and the

Longroyd Bridge junction and associated corridor works are being designed with funding to deliver the schemes being secured via the West Yorkshire Transport Fund.

- 9.28. The current S106 development contribution towards the Lockwood Bar junction has been recalculated on the basis of the reduction in development vehicular trips. The revised S106 contribution should now be £22,340.

Plan Ref: 2018/93098 variation of highway related planning conditions 28, 33, 34, and 35;

- 9.29. **Condition 28** - The number of dwellings hereby permitted by this consent shall not exceed 187 unless otherwise agreed in writing by the Local Planning Authority.

Proposed wording: Notwithstanding the submitted information, the number of dwellings here permitted by this consent shall not exceed 200 unless otherwise agreed in writing by the Local Planning Authority.

Recommendation Due to the reduction to the scale of the retail element of the proposal HDM considers that the lower forecast trip generation justifies the proposed variation of Condition 28 from a highways point of view.

- 9.30. **Condition 33** – The commercial phase of the development shall not commence until a scheme detailing construction and layout specification for:

a) The relocation of bus shelter/stop 19300 on Blackmoorfoot Road

b) Indicative plan ref: LDS/1043/103-01 rev P3: Works to Park Road West/Blackmoorfoot Road signalised junction to include the provision of wireless/physical communications between the Park Road west/Blackmoorfoot Road and the retail site access/Blackmoorfoot Road signalized junctions. The implementation of Scoot (reactive software) of both junctions to increase junction capacity, manage co-ordination and queue lengths, develop control strategies and provide bus priority at both locations. Remove the Far Side Pedestrian Red and Green aspects for Near Sided Puffin Indicators, provide kerbside detection. Reconfigure the existing junction at Park Road to provide a right turn green arrow. Provide CCTV.

c) Indicative plan ref: LDS/1043/104-1 rev P3: Works to Park Road West/Manchester Road to include the provision of a pedestrian puffin crossing on Manchester Road with vehicle detector loops.

d) Indicative plan ref: LDs/1043/102 rev. P3: Works to Replace the Zebra Crossing on Blackmoorfoot Road with a central island. (Not: works to the Nabcroft Lane/Blackmoorfoot Road junction to provide a 2.4m x 40m east and 2.4m x 43m west visibility splays are included within condition 37). Including management of on-street parking, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the completed works shall be retained throughout the lifetime of the development. The approved scheme and programmed works must be implemented prior to the commercial phase of the development being brought into use.

Proposed: Delete sub-conditions c) and d)

Recommendation. Due to the reduction in scale of the retail element of the proposal HDM considers that the lower forecast trip generation justifies the removal of Sub-condition c); however sub-condition d) should remain as evidence indicates that the development proposal will add to the frequency of traffic queuing back over the existing zebra crossing.

Note: In addition HDM considers that sub-condition a) should be removed as the proposed reconfiguration of the access arrangement does not require the relocation of the existing bus stop/shelter.

- 9.31. **Condition 34** - With reference to the indicative plan LDS/1043/1001-01 rev. O; the commercial phase of the development shall not commence until a scheme detailing construction and layout specification for the retail site access with Blackmoorfoot Road including management of on-street parking, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and programmed works shall be implemented prior to any part of the commercial element of the development being brought into use.

Proposed wording: With reference to the indicative plan SLAS-BWB-GEN-01-DR-TR-100-S2-P2 the development shall not commence until a scheme detailing construction and layout specification for the site access junction with Blackmoorfoot Road, including management of on-street parking, surfacing, finished gradients, drainage, lighting retaining structures, all associated highway works, and appropriate Road Safety Audit has been submitted to and approved in writing by the Local Planning Authority. The approved scheme and programmed works shall be implemented prior to any part of the commercial element of the development being brought into use.

Recommendation: HDM considers that condition can be varied, a revised scheme for the site access layout has been submitted which is considered acceptable from a highways point of view.

The access would be a priority junction with the layout and construction being designed to accommodate signals at a later date when required with funding being achieved by other development contributions. Given that the Lockwood Bar junction has funding, HDM recommends that the £22,340 contribution is allocated towards providing the site access signal equipment.

Both layouts would require the removal of a section of on-street parking opposite the site access which would be relocated within retail element of the site secured via planning consent 2016/91337 Condition 39.

- 9.32. **Condition 35** - With reference to the indicative plan LDS/1043/101 rev. P1 and LDS/1043/102 rev.P3; the residential phase of the development shall not commence until a scheme detailing construction and layout specification for the Nabcroft Lane/Blackmoorfoot Road junction to provide 2.4m x 40m each and 2.4m x 43m west visibility splays)(Not: works to replace the zebra crossing on Blackmoorfoot Road are included within condition 35), and the residential site access with Nabcroft Lane visibility splays, surfacing, finished gradients, drainage, lighting, retaining structures, all associated highway works, and appropriate Road Safety Audits shall be submitted and approved in writing by

the Local Planning Authority. No part of the residential phase of the development shall be brought into use until the approved scheme and programmed works have been implemented. Thereafter, the completed works shall be retained throughout the lifetime of the development.

Proposal: Delete

Recommendation: HDM considers that Condition 35 should remain given that observed and submitted evidence indicates that the development traffic will increase turning movements at the Nabcroft Lane / Blackmoorfoot Road junction.

11.0 CONCLUSION.

- 11.1. The variation of conditions and the contributions within the Section 106, are considered to have been justified, and the amended junction works are satisfactory to deliver the site, and make accommodation for potential future development further up Blackmoorfoot Road.
- 11.2 Whilst it is accepted the significant reduction in contributions is regrettable, this is a long standing permission that has not been implemented, and a number of previous attempts to develop have failed, resulting in this being regarded as a “stalled site”. In achieving the future housing delivery targets set out in the Local Plan stalled sites need to come forward also, to satisfy the housing needs of the district.

12.0 CONDITIONS

12.1. The following is agreed;

Condition 28 variation agreed

Condition 31 Deleted

Condition 33 removal of parts a and c agreed

Condition 34 Variation agreed

Condition 35 Variation not agreed, condition to remain. As variation of conditions application for an outline, all other conditions on the outline will be restated.

As variation of conditions application for an outline, all other conditions on the outline will be restated.

Background Papers:

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93098>

Certificate of Ownership – Notice served on/ or Certificate A signed