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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 11-Apr-2019****Subject: Planning Application 2018/93200 Erection of 26 dwellings land at, former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RQ****APPLICANT**Pennine Property  
Partnership**DATE VALID**

11-Oct-2018

**TARGET DATE**

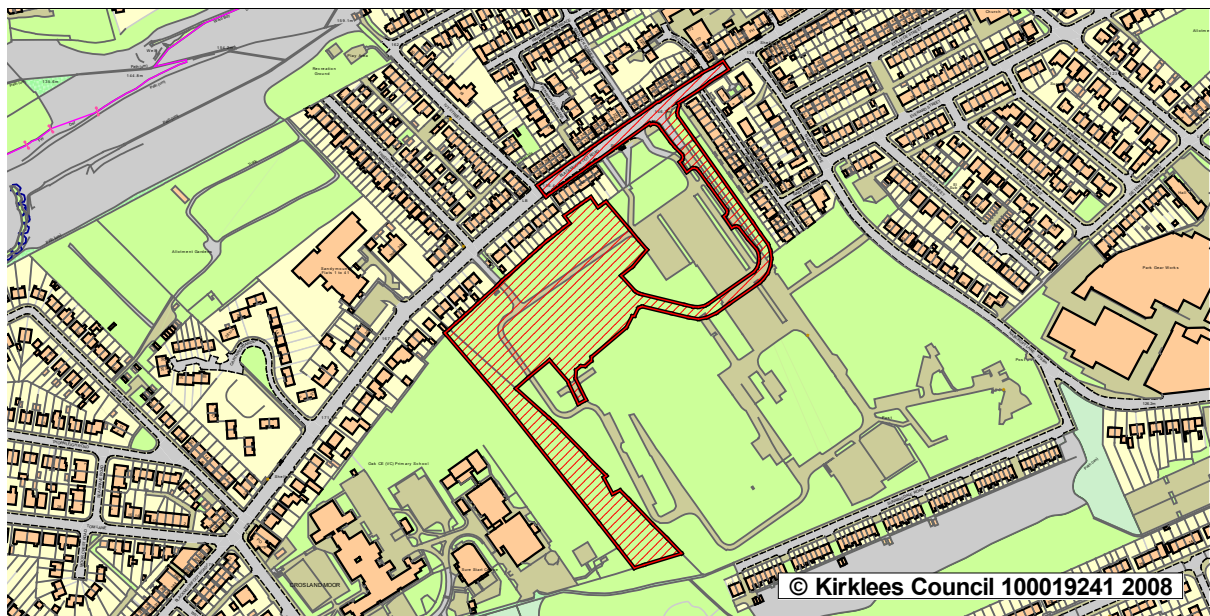
10-Jan-2019

**EXTENSION EXPIRY DATE**

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

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

**LOCATION PLAN**

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

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**Electoral Wards Affected: Crosland Moor and Netherton.**

Yes

Ward Members consulted  
(referred to in report)

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 which will relate to both the outline consent (2016/91337) and this application 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 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. £22,340

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 application for full planning permission 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 (2018/9309 & 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 (2014/ 93099) involving retail and residential development on the site.
- 1.2 Members will recall that a pre-application submission (2018/20339) was brought to Strategic Planning Committee in August of 2018. Members also requested that when the applications were received with the updated viability information and the applicant's justification for reducing the Section 106 contributions the applications would be brought to Strategic Committee.
- 1.3 This application (along with the other applications on the St Luke's Site) 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 for the whole of the St Luke's site 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 remaining 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.
- 1.7 This viability scenario that provides this level of affordable housing that 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.
- 1.8 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 former St Luke's Hospital 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.
- 2.5 This application for 26 no dwellings relates to a portion of the site located in the NW area of the site, to the rear of existing dwellings on Blackmoorfoot Road on the north, and the boundary with the school playing fields to the west. This site is contiguous with the site subject of a Reserved Matters application for 200 dwellings (2018/93201)

## **3.0 PROPOSAL:**

- 3.1 Full permission is sought for the erection of 26 no dwellings, access is taken off Blackmoorfoot Road, and is shared with the residential development that is the subject of the Reserved Matters application for 200 dwellings( 2018/93201).
- 3.2. The site also includes a substantial area of land set aside from open space that extends to the boundary of the school playing fields and further to the south near the boundary with Sunningdale Road. This open space area is contiguous

to an open space area provided as part of the Reserved Matters for 200 dwellings (2018/93201).

- 3.2. The scheme is a mixture of 3 and 4 bedroom dwellings mainly detached properties but with some semi-detached dwellings.
- 3.3. The materials proposed are brickwork and grey tile (the brickwork being buff with red brick detailing).
- 3.4. To the North West corner is a former pedestrian link point out of the former hospital site to Blackmoorfoot Road that is reinstated as part of this proposal.

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

- 4.1 2013/90248 – Prior notification for 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. 2018/93098- Section 73 Variation/ removal of conditions 28,32,33,34 &35 of Outline approval 2016/91337.
- 4.5. 2018/93201 Reserved Matters application for 200 dwellings pursuant to Outline approval 2018/91337

#### **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. Further / and updated viability information has been sought from the applicants regarding the justification for reducing the Section 106 contributions.

- 5.5. 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.
- 5.6. 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.

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 generated 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 This application has been advertised by site notices and neighbour letters. To date there has been one response;
- 7.2. This states that there should be sufficient car parking within the site, and that no overspill parking should take place onto Blackmoorfoot Road, which would not be able to cope with this, and it would be a disadvantage to existing dwellings on Blackmoorfoot Road, that rely on street parking.

#### **8.0 CONSULTATION RESPONSES:**

##### **8.1 Statutory:**

**KC Highways DM-** Advise conditions- Some minor amendments are required to make the proposal acceptable – (See assessment)

**Yorkshire Water Authority-** No objections recommend conditions in the event of an approval.

##### **8.2 Non-statutory:**

**KC Environmental Health-** Recommend conditions regarding; decontamination and remediation; noise attenuation; and air quality.

**KC Lead Local Flood Authority-** Support this application, subject to imposition of conditions in line with the outline ie 2016/91337.

**KC Education Services-** request an education contribution. In this case the site needs to be considered as part of the larger residential scheme for 226 dwellings, for which the total contribution agreed at outline stage was £462,000

**KC Landscape/ Parks-** The scheme is broadly acceptable, however some additional work is required in some areas of the site to provide a greener environment. Details of the provision and maintenance of the POS area that is within this particular plan should be secured via the Section 106 Agreement.

**KC Trees-** The scheme retains the majority of the perimeter trees that are an important feature across the site and within the area. It is unfortunate that the revised site access results in the loss of a number of important Lime trees.

**KC Environment Unit-** The majority of the enhancement has been concentrated within the periphery trees which is acceptable. Satisfied with the biodiversity measures submitted. Lighting information needs to be reviewed in conjunction with a landscape design, this should be covered by condition

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highways
- Landscape issues
- Environmental Issues

## **10.0 APPRAISAL**

### Principle of development

- 10.1 This scheme for 26 dwellings is part of the larger housing proposal including the Reserved Matters, however this is technically a stand-alone application which seeks an alternative use for this site.
- 10.2. The site is unallocated on the Unitary Development Plan, and allocated as a mixed use site (including residential) in the Emerging Local Plan. The site is flanked by housing on Blackmoorfoot Road, and within an area which is predominantly housing. As such there is no policy objection to the use of the site for housing.
- 10.3. Given the numbers of dwellings involve the Councils policies regarding POS, Affordable housing and Education contributions are relevant. This scheme provides for a significant area of public open space, and this links to the open space within the reserved matters submission.
- 10.4 The issues of affordable housing and POS provision are the subject of a viability appraisal that has been submitted for the entire site, including the reserved matters proposal, ie the total number of dwellings 226.
- 10.5. This viability appraisal has been independently assessed at the expense of the developer, as part of the consideration of application 2018/93098. These

issues and the conclusions and recommendations are covered comprehensively in the report on 2018/93098, and are reflected in the recommendation. However a brief summary is given below.

- 10.6. 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.
- 10.7 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.
- 10.8 Following discussion Members deferred the application to seek additional information and work.
- 10.9. In accordance with the Committees requests following the deferral, the applicants have carried out revised appraisals at both 16% and 17%.
- 10.10. 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.
- 10.11 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.
- 10.12 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).
- 10.13. 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).



### Urban Design issues

- 10.14. The site is flanked by dwellings to the north fronting onto Blackmoorfoot Road. These dwellings are 2 no storey in height, set around a shared surface access way. The dwellings face onto the access way, thus providing an active frontage. The dwellings to the west all face onto the area of open space.
- 10.15. The layout is at a density of approx. 25 per ha, and is considered in this case to represent an efficient use of land taking advantage of the site specific characteristics, which in this case include an impressive group protected trees. The scheme links into the adjoining reserved matters proposals for 200 no dwellings, as does the area of open space.
- 10.16. The pedestrian link from the former hospital to Blackmoorfoot Road, is reinstated, to providing for pedestrian permeability across this site.
- 10.17 Whilst the layout scale and appearance are all broadly acceptable, there are a number of amendments, as there are within the highway section that need to be secured to improve the scheme further. The applicants are aware of these and are preparing amended plans for submission, however should they not arrive prior to the committed date it is considered that all of the amendments are achievable, and it is requested the matter be delegated to officers to resolve before issuing any decision notice.

### Residential Amenity

- 10.18. The layout satisfies the Council's space about buildings policy, within the scheme, and also in relation to the dwellings backing onto the site from Blackmoorfoot Road, where the distances are in excess of the Council's standards.
- 10.19. There are no particular levels issues on this part of the site, so whilst located to the south of the Blackmoorfoot Road dwellings it is not considered there will be any adverse impact or overshadowing.
- 10.20. The dwellings to the eastern edge of this site (and some within the reserved matters scheme) back onto the remaining commercial area and its service yard. The scheme provides for a planted buffer area along that point that should provide a satisfactory visual screen, however given the potential future use it is considered that a noise report should be conditioned providing appropriate mitigation, which may take the form of an acoustic fence.

### Highways Issues

- 10.21. This scheme and the accompanying Reserved Matters proposal are both served off the principle access off Blackmoorfoot Road. That access and associated improvements are secured through approval 2018/93098 and the Section 106. These comments relate to the internal layout, which is considered to be broadly acceptable, subject to the receipt of some amendments and clarifications as listed below and are considered to be minor in nature and do not require further consultation.
- Information on vehicle swept paths for an 11.85m refuse collection vehicle should be provided on all internal roads, this should be shown including any

on street visitors parking and two way vehicle movements on internal bends with a motor car.

- Forward visibility to a design speed of 10mph should be demonstrated and be achievable within the proposed adopted highway.
- A stage 1 safety audit and designer's response should be provided covering the proposed access arrangement and all aspects of the proposed internal layout.

10.22. The applicants are aware of the need for this information and clarification, but it is considered that the above matters can be satisfactorily resolved. However if the additional information is not received before the Committee date it is requested that the matter be delegated to Officers to resolve prior to issuing any decision notice

10.23. As a new detailed application the issue of METRO card provision is relevant and was covered in the Outline approval. As stated earlier this full application needs to be considered in conjunction with the Reserved Matters a residential development of 226 dwellings. In addition to being on a busy bus route the site is in close proximity to a local railway station. The contribution needed to provide the whole development with METRO cards would be £111,870. Members could choose to use some of the S106 contribution towards the metro cards but officers advise that the money should be spent as per the recommendation.

#### Landscape Issues.

10.24. This site contains a significant area of open land and a belt of trees along the entire western that abuts the neighbouring school. The trees are to be retained and the open space is visible and accessible from all parts of the site. This is considered to be a valuable and impressive landscape feature, and good quality and useable open space. The trees and the open space and its maintenance will be secured through the Section 106.

10.25. Within the cul- de- sacs that contain these 26 dwellings, as with the layout on the Reserved Matters some additional work is required to provide improved planting and opportunities for planting within the street scene. The applicants are aware of this requirement and amendments are in preparation. However should these plans not be received before the Committee date, it is considered the amendments can be provided and the landscaping consequently improved, it is requested the matter be delegated to Officers to resolve before the issuing of any decision and the matter can be controlled through the imposition of planning condition.

#### Environmental Issues (Remediation; Noise attenuation; Air Quality).

10.26. *De-contamination and remediation.* This site contained the St Luke's hospital now long demolished and the site is a derelict and run down state. Given the previous use the site is challenging to deliver for housing, however the matter can be covered by conditions. The applicants have carried out relevant surveys and submitted details for Environmental Health to consider.

- 10.27. *Noise attenuation* A Noise Impact Assessment has been submitted with the application, relating to the noise levels from existing road traffic on both Blackmoorfoot Road and Nabcroft Lane, the Assessment also recommends appropriate mitigation measures to the most affected houses. It is considered that the report has been properly undertaken and the mitigation measures appropriate. It is recommended that there be a condition attached to this approval requiring the implementation of the mitigation prior to the occupation of the relevant dwellings. Further information upon the siting and potential effectiveness of acoustic barriers is required, this too can be conditioned.
- 10.28 *Air Quality*- An Air Quality Impact Assessment has been submitted with this application. Given that this scheme is only for 26 dwellings it is not categorised a major development within the West Yorkshire Low Emissions Strategy. The Air Quality and its conclusions and recommended mitigation are considered to be satisfactory. It is recommended that the identified mitigation and the provision of a scheme for the provision of electric charging points for low emission vehicles be conditioned.

#### Drainage

- 10.29. The site is located within Flood Zone1 (ie the least likely to flood), and no objections have been received from the Yorkshire Water Authority and the Local Lead Flood Authority, who support the application agreeing the locations for surface water disposal and discharge rates.
- 10.30. The drain age issues on this site are considered to be satisfactorily addressed, and can be covered by a series of conditions.

#### Crime Prevention.

- 10.31. There are no objections in principle to a residential use of the site, and the layout shown is acceptable. The scheme provides for natural surveillance of the public open space area, the path through the site linking to Blackmoorfoot Road, is spacious and well overlooked.
- 10.32. The dwellings which back onto the future commercial area, and the lighting scheme across the site will need to cover the footpath links as well as the residential streets.
- 10.33. It is considered that the issues of crime prevention have been satisfactorily addressed in this condition, and the scheme will have conditions covering future boundary treatments and a lighting scheme.

### **11.0 CONCLUSION**

- 11.1. The site is a brownfield site in an area surrounded by residential properties and allocated for employment and housing on the Emerging Local Plan. As such there is no objection to the principle of residential in this location, and the dwellings make a welcome contribution towards the housing needs of the district as well as representing the development of a "stalled site".
- 11.2 The layout and density are considered to be acceptable, subject to minor detailed changes, mentioned in the assessment, and the technical issues of remediation and drainage have been resolved or can be dealt with by condition.

- 11.3. Approval is recommended, subject to a Section 106 Agreement, the contributions of which will relate to the entire former hospital site including the area of the Reserved Matters and remaining commercial area.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

- 1.3 years to commence
2. Build in accordance with approved plans
3. Samples of materials
- 4 Boundary treatments
5. Implement noise mitigation
- 6 Details on acoustic screening
- 7 Highways/ laying out parking
8. Electric charging points
- 9 Landscape Management Plan
- 10 Construction Management Plan
11. Drainage conditions.

**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%2f93200>

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

