



Pennine Property Partnership

Section 73 Application, Former St Luke's Hospital Site, Blackmoorfoot Road, Huddersfield

Planning Statement

September 2018



Document Control

Document: Planning Statement

Project: Section 73 Planning Application, Former St Luke's Hospital

Client: Pennine Property Partnership

Job Number: A096658

Date: 21 September 2018

Prepared by S Butterfield

Checked by G Sweeney

Approved by S Butterfield



Contents

1	Introduction.....	3
2	Site, Background and Proposals	5
3	Proposed Amendments to Conditions	8
4	Viability and Variations to the Section 106 Agreement	14
5	Summary and Conclusions	17

1 Introduction

- 1.1 This Planning Statement has been prepared by WYG on behalf of the Pennine Property Partnership (on behalf of the Huddersfield and Calderdale NHS Trust) (the Applicant) under Section 73 of the Town and Country Planning Act 1990 (as amended). For reasons relating predominantly related to matters of site viability, the Application seeks to amend Conditions 28, 33, 34 and 35 and delete Condition 31 on Outline Planning Permission Reference 2016/70/91337/W. The Section 106 Agreement associated with the outline planning permission is also proposed to be varied. The approved development is for:

"Removal of conditions 25. (Drainage System) 31. (Floorspace) and variation of conditions 3. (phasing plan) 6 (Remediation Strategy) 7. (Contamination) 8. (Validation Report) 9. (Construction Environmental Management Plan) 10. (Air Quality Impact Assessment) 11. (Charging Plug) 15. (Acoustic Barriers) 18. (Bat Roost and Bird Nesting Opportunities) 19. (Lighting Scheme) 20. (Drainage) 21. (Surface Water Discharge) 22. (Storm Events) 23. (Drainage) 24. (Surface Water Drainage) 26. (Surface Water Flows) 27. (Surface Water) 30. (Gross Floorspace) 35. (Construction and Layout Specification) 36. (Retail Site Access) 37. (Residential Site Access) 40. (Construction Vehicles) 41. (Parking Spaces) on previous permission no. 2014/93099 for outline application for phased 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)."

- 1.2 The changes proposed within this application do not alter the total amount of development or the nature of that development. Rather, they reflect the current position of the Site with reference to abnormal costs associated with the Site's development, and the change in the retail market since the time of the original grant of planning permission (ref: 2014/60/93099/W) in 2015.

Planning Application Submission

- 1.3 The following documents are submitted in support of this Section 73 Application and should be read in conjunction with this Planning Statement:
- Application Forms;
 - Site Location Plan, Drawing No. 0121 A_0004 Rev C;
 - Planning Statement (this document);



- Viability Appraisal, February 2018 (GVA)
- Viability Addendum Letter, June 2018 (GVA)
- Viability Covering Letter, September 2018 (GVA)
- Highways Technical Report (BWB Consulting);
- Drawing SLAS-BWB-GEN-01_DR-TR-100: Access Option 1;
- Drawing SLAS-BWB-GEN-01-DR-TR-110: Refuse Vehicle Tracking;
- Drawing SLAS-BWB-GEN-01-DR-TR-111: Retail Vehicle Tracking;
- Planning Application Fee of £254.00.

1.4 The remainder of this Statement is structured as follows: **Section 2** provides a brief Site Location and Description, **Section 3** identifies the proposed changes to the conditions, **Section 4** refers to the required amendments to the Section 106 Agreement and **Section 5** provides a Summary and Conclusions.

2 Site, Background and Proposals

- 2.1 The application site comprises the extent of the former St Luke's Hospital, as shown on the submitted Redline Plan, Drawing No. 0121 A_0004 Rev C.
- 2.2 The now cleared Site is located within the administrative boundary of Kirklees Council and is approximately 9ha in size.
- 2.3 The Site was developed in the 1860s as the Crosland Moor Workhouse and was converted from an 'institution' to a dedicated hospital in 1928, a new hospital building was erected on site, a female annex and a new lodge for the master and matron. During the 1960's, the Site was regenerated to incorporate out-patient facilities, radiology units, pathology laboratories and a 100 bed psychiatric unit. A new psychiatric unit and geriatric day car unit was constructed in the 1980s. The Site was closed as a hospital in 2011 and was vacated by the Calderdale and Huddersfield NHS Trust as part of plans to consolidate healthcare facilities within the region. The Site has remained vacant since 2011 and the buildings on Site have been demolished.
- 2.4 The demolition of the existing buildings and structures on the Site have allowed for the /redevelopment permitted by the outline planning permission ref: 2016/70/91337/W, as set out at paragraph 1.1.
- 2.5 Outline planning permission (ref: 2014/60/93099/W) was originally granted on 1st December 2015 for:
- "Outline application for phased 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)."*
- 2.6 The outline planning permission was subject to a Section 106 Agreement (dated 10th November 2015) which included a number of obligations:
- An education contribution of £462,090 towards the provision of and / or enhancement of primary education facilities at Crosland Moor Junior School and Dryclough CS (VC) Infant School.
 - A metro card contribution of £88,965 towards the provision of 'limited period travel tickets' which provide unlimited travel on transport services in the West Yorkshire Area.
 - A Public Open Space contribution of £50,000 towards the improvement of existing open space at Walpole recreation ground.

- Residential travel plan contribution of £15,000.
- A secondary glazing works scheme. Relevant properties fronting Nabcroft Lane are to be provided with secondary glazing in accordance with Approved Document F of the Building Regulations. The scheme is to be administered by the Applicant and the total cost is not to exceed £30,000.
- An enhanced bus facilities contribution of £10,000 towards the relocation of the existing bus shelter which is part of the retail access of Blackmoorfoot Road and improvements to the shelter with seating, lighting and raised bus boarding kerbs.
- A highways contribution of £200,000 towards the Lockwood Bar junction improvements to assist in the partial funding of the improvement scheme to be undertaken by the Council.
- An offsite highways contribution for works to Nabcroft Lane/Blackmoorfoot Road junction, Park Road West/Blackmoorfoot Road junction and Park Road West/Manchester road junction (contribution agreed with the Council at a cost of £160,000).
- A retail travel plan monitoring contribution of £15,000.
- Pedestrian cycle link (contribution agreed with the Council at a cost of £17,000).

2.7 Affordable housing was secured by condition 33 with 5% of the total floorspace being sought.

2.8 Subsequently, an application was made under Section 73 of the Town and Country Planning Act 1990 (as amended) (ref: 2016/70/91337/W) to amend conditions attached to the original outline planning permission. This resulted in outline planning permission being granted on 5th October 2017. A Deed of Variation (dated 4th October 2017) tied the S106 Agreement from the original outline to the amended outline planning permission and affordable housing is secured through condition 31, at 5% of the total floorspace.

2.9 The Applicant, the Pennine Property Partnership, which is a joint venture between Henry Boot Development and the Calderdale and Huddersfield NHS Foundation Trust, has undertaken a number of ongoing negotiations with residential developers for the site since the grant of outline permission. These have proven unsuccessful due to the high level of abnormal costs associated with the site. Additional investigation work and surveys has increased these costs further, beyond a level that the market has viewed as viable to progress.

2.10 As such, to enable a viable development to come forward on the Site, the Applicant has amended the scheme to reflect current market demand and a viability appraisal supports this Section 73 application for amendments to conditions and to vary the Section 106 Agreement.

2.11 The retail market is currently very challenging and as such this element of the scheme has been reduced to a level that the market can support, with the site now accommodating the full complement of 200 dwellings granted in the outline planning permission, with a much reduced retail scheme. As

set out in the Viability and Transport Assessments accompanying the application, the level of contributions currently required are either not viable or now not necessary when based on a predominantly residential scheme. Further details of the proposed variations to the Section 106 Agreement are set out in Section 4 below.

- 2.12 The Applicant remains committed to delivering this important development and to secure this delivery, the revised scheme comprises a retail development that is more in line with current market requirements and an increase in housing numbers to support the loss in supermarket value.
- 2.13 Pre-application discussions have been held with the Local Planning Authority to discuss matters relating to viability (ref: 2018/20339) and matters were presented to the Strategic Planning Committee on 30th August 2018.
- 2.14 The Officer's report to the Strategic Planning Committee confirms that the Council's independent assessors agree with the Applicant's Viability Appraisal submitted with the pre-application enquiry, i.e. that the scheme is only able to deliver reduced levels of contributions, including no affordable housing.
- 2.15 The provision of 200 residential units and a reduced retail scheme requires only a single site access, and the Transport Assessment and Drawing No. SLAS-BWB-GEN-01-DR-TR-100 Access Option 1 accompanying this application demonstrates the proposed access alterations.

3 Proposed Amendments to Conditions

Introduction

- 3.1 Following the grant of the outline planning permission for the redevelopment of the former St Luke's Hospital site (ref: 2016/70/91337/W), it is proposed to amend the wording of conditions 28, 33, 34 and 35 and delete condition 31.

The proposed development permitted by the extant outline planning permission for the former St Luke's site is for its redevelopment for a mix of commercial and residential development. The purpose of this Section 73 application does not relate to the principle of development, which will remain as permitted.

- 3.2 As set out in Sections 1 and 2, the purpose of this planning application is to allow for some proposed changes to the conditions that will reflect the viability matters associated with bringing forward the development of the site. The proposed changes to the conditions are set out below.
- 3.3 It is proposed to alter 5 conditions and delete 1 condition on the permission. The proposed amendments and deletions are as set out in Table 1.
- 3.4 The BWB Highways Technical Report accompanying the application has assessed the development on the basis of a predominantly residential use coming forward across the Site, and with reference to the provision of one site access only, off Blackmoorfoot Lane. As set out in Section 6, a reduced retail development and predominant residential use will result in a net reduction in vehicle trip generation associated with the development. this means that one site access and a priority junction (rather than a signalised junction) is sufficient to serve the proposed development of the site.
- 3.5 Similarly, the off-site mitigation works required have reduced proportionately to the traffic generated by the proposed development and the modelling results demonstrate that mitigation is required only at the Blackmoorfoot Road / Park Road / Park Road West signalised junction. This application therefore proposes to amend the Section 106 Agreement and relevant conditions to reflect these requirements.



TABLE 1: Proposed Amendments and Deletion of Planning Conditions on Outline Planning Permission ref: 2016/70/91337/W

Condition No	Current Wording	Proposed Wording	Reason
28	Notwithstanding the submitted information, the number of dwellings here permitted by this consent shall not exceed 187 unless otherwise agreed in writing by the Local Planning Authority.	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.	The Viability Assessment submitted with this application demonstrates viability for the development of 200 dwellings on the Site.
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 arrangement 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 units 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 remain affordable for	Delete Condition	The Viability Appraisal demonstrates that the provision of affordable housing on this site is not viable.



	both the initial and subsequent occupiers.		
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	Delete bullet points c) and d): 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	As demonstrated in the Highways Technical Report, the condition should be amended to reflect the off-site highways mitigation now required.

	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 spays 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	at Park Road to provide a right turn green arrow. Provide CCTV. 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.	
--	---	--	--



	implemented prior to the commercial phase of the development being brought into use.		
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.	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.	As demonstrated in the Highways Technical Report, the condition should be amended to reflect the off-site highways mitigation now required.
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	Delete	As demonstrated in the Highways Technical Report, the condition should be amended to reflect the off-site highways mitigation now required.



	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.		
--	---	--	--

4 Viability and Variations to the Section 106 Agreement

- 4.1 The Viability Appraisal submitted with this application demonstrates that the current scheme obligations, required through conditions on the outline planning permission (ref: 2016/70/91337/W) and the Section 106 Agreement, are not viable.
- 4.2 The Section 106 requirements as set out in the Section 106 Agreement associated with the original outline planning permission (dated 4th October 2017) in reference to planning permission 2014/60/93099/W and subsequent Deed of Variation (dated 4th October 2017) associated with outline planning permission 2016/70/91337/W comprised:
- An education contribution of £462,090 towards the provision of and / or enhancement of primary education facilities at Crosland Moor Junior School and Dryclough CS (VC) Infant School.
 - A metro card contribution of £88,965 towards the provision of 'limited period travel tickets' which provide unlimited travel on transport services in the West Yorkshire Area.
 - A Public Open Space contribution of £50,000 towards the improvement of existing open space at Walpole recreation ground.
 - Residential travel plan contribution of £15,000.
 - A secondary glazing works scheme. Relevant properties fronting Nabcroft Lane are to be provided with secondary glazing in accordance with Approved Document F of the Building Regulations. The scheme is to be administered by the Applicant and the total cost is not to exceed £30,000.
 - An enhanced bus facilities contribution of £10,000 towards the relocation of the existing bus shelter which is part of the retail access of Blackmoorfoot Road and improvements to the shelter with seating, lighting and raised bus boarding kerbs.
 - A highways contribution of £200,000 towards the Lockwood Bar junction improvements to assist in the partial funding of the improvement scheme to be undertaken by the Council.
 - An offsite highways contribution for works to Nabcroft Lane/Blackmoorfoot Road junction, Park Road West/Blackmoorfoot Road junction and Park Road West/Manchester road junction (contribution agreed with the Council at a cost of £160,000).
 - A retail travel plan monitoring contribution of £15,000.

- Pedestrian cycle link (contribution agreed with the Council at a cost of £17,000).

4.3 In addition, conditional requirements from the outline planning permission require contributions as follows:

- Condition 11 (Electric Vehicle Charging Points) - £50,000
- Condition 15 (Acoustic Fencing) - £10,000
- Condition 18 (Ecological Mitigation) - £20,000
- Condition 21 and 22 (Surface Water Discharge) - £50,000

4.4 The scheme can only support a total of £237,000 contributions, which can be provided for Section 106 costs and conditional requirements. In addition, development cannot support any affordable housing.

4.5 The requirements of conditions 11, 15, 18 and 21/22 can still be met but it is proposed that the Section 106 Agreement be varied, to reflect the contributions which are viable and now proposed for the Site. The obligations that will be made therefore now comprise:

Conditional Requirements

- Condition 11 (Electric Vehicle Charging Points) - £50,000
- Condition 15 (Acoustic Fencing) - £10,000
- Condition 18 (Ecological Mitigation) - £20,000
- Condition 21 and 22 (Surface Water Discharge) - £50,000

Section 106 Contributions

- Secondary Glazing Scheme - £30,000
- Pedestrian Cycle Link - £17,000
- £60,000 toward off-site highway mitigation works at the Blackmoorfoot Road / Park Road / Park Road West signalised junction.

4.6 The BWB Highways Technical Report accompanying the application has assessed the development on the basis of a predominantly residential use coming forward across the Site, and with reference to the provision of one site access only, off Blackmoorfoot Lane. As set out in Section 6, a reduced retail development and predominant residential use will result in a net reduction in vehicle trip



generation associated with the development. this means that one site access and a priority junction (rather than a signalised junction) is sufficient to serve the proposed development of the site.

- 4.7 Similarly, the off-site mitigation works required have reduced proportionately to the traffic generated by the proposed development and the modelling results demonstrate that mitigation is required only at the Blackmoorfoot Road / Park Road / Park Road West signalised junction. This application therefore proposes to amend the Section 106 Agreement and relevant conditions to reflect these requirements.
- 4.8 It is also noted that the 'Enhanced Bus Contribution' in the Section 106 Agreement is no longer necessary as instead of a bus stop relocation, the bus stop is only required to be moved back in the footpath, in the same location to allow appropriate visibility. On this basis, the Applicant will include the bus stop relocation in the S278 works they undertake.

5 Summary and Conclusions

- 5.1 This Planning Statement has been prepared by WYG on behalf of the Pennine Property Partnership (on behalf of the Huddersfield and Calderdale NHS Trust) (the Applicant) under Section 73 of the Town and Country Planning Act 1990 (as amended). For reasons relating predominantly related to matters of site viability, the Application seeks to amend Conditions 28, 33, 34 and 35 and delete Condition 31 on Outline Planning Permission Reference 2016/70/91337/W. The Section 106 Agreement associated with the outline planning permission is also proposed to be varied. The approved development is for:

"Removal of conditions 25. (Drainage System) 31. (Floorspace) and variation of conditions 3. (phasing plan) 6 (Remediation Strategy) 7. (Contamination) 8. (Validation Report) 9. (Construction Environmental Management Plan) 10. (Air Quality Impact Assessment) 11. (Charging Plug) 15. (Acoustic Barriers) 18. (Bat Roost and Bird Nesting Opportunities) 19. (Lighting Scheme) 20. (Drainage) 21. (Surface Water Discharge) 22. (Storm Events) 23. (Drainage) 24. (Surface Water Drainage) 26. (Surface Water Flows) 27. (Surface Water) 30. (Gross Floorspace) 35. (Construction and Layout Specification) 36. (Retail Site Access) 37. (Residential Site Access) 40. (Construction Vehicles) 41. (Parking Spaces) on previous permission no. 2014/93099 for outline application for phased 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)."

- 5.2 The changes proposed within this application do not alter the total amount of development or the nature of that development. Rather, they reflect the current position of the Site with reference to abnormal costs associated with the Site's development, and the change in the retail market since the time of the original grant of planning permission (ref: 2014/60/93099/W) in 2015.
- 5.3 The Applicant, the Pennine Property Partnership, which is a joint venture between Henry Boot Development and the Calderdale and Huddersfield NHS Foundation Trust has undertaken a number of ongoing negotiations with residential developers for the site since the grant of outline permission. These have proven unsuccessful due to the high level of abnormal costs associated



with the site. Additional investigation work and surveys has increased these costs further, beyond a level that the market has viewed as viable to progress.

- 5.4 As such, to enable a viable development to come forward on the Site, the Applicant has amended the scheme to reflect current market demand and a viability appraisal supports this Section 73 application for amendments to conditions and to vary the Section 106 Agreement.
- 5.5 The main matters which have led to the changes proposed to the outline planning permission and Section 106 Agreement are based on:
- Viability - The Viability Appraisal shows that the scheme can only support a total of £237,000 contributions, made up of the Section 106 costs and the conditions requirements referred to in the sections above.
 - The traffic generation for a predominantly residential development has been shown to have a significantly reduced impact compared to the outline application and only a single site access is required to serve the development.
- 5.6 It is therefore requested that through this S73 application the conditions identified be amended or deleted, and the S106 Agreement varied in accordance with the details set out in this application.