



JohnsonMowat

Planning & Development Consultants

**PENNINE PROPERTY PARTNERSHIP
(ON BEHALF OF THE HUDDERSFIELD AND
CALDERDALE NHS TRUST)
AND AVANT HOMES**

**LAND AT FORMER ST LUKE'S HOSPITAL,
BLACKMOORFOOT ROAD,
CROSLAND MOOR,
HUDDERSFIELD**

PLANNING CASE REPORT

IN SUPPORT OF:

- (I) RESERVED MATTERS APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 200NO. DWELLINGS IN PURSUANT OF APPLICATION REF 2016/70/91337/W (REFERENCE TO BE AMENDED UPON DETERMINATION OF S73 APPLICATION 2018/93098); AND
- (II) FULL APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 26NO. DWELLINGS AND ONSITE OPEN SPACE



Pennine Property Partnership and Avant Homes
Land at Former St Luke's Hospital,
Blackmoorfoot Road,
Crosland Moor,
Huddersfield

Planning Case Report

Date: 28 September 2018

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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

Johnson Mowat Planning Ltd makes no representation whatsoever concerning the legal significance of its findings or to other legal matters referred to in the following report.

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been prepared by Johnson Mowat on behalf of the Pennine Property Partnership (on behalf of the Huddersfield and Calderdale NHS Trust) and Avant Homes to form part of the planning application submission for the proposed residential development of Land at Former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield.
- 1.2 The document supports the following applications on the site:-
- (i) Reserved Matters Application for the residential development of 200No. dwellings in pursuant of application Ref 2016/70/91337/W (reference to be amended upon determination of current S73 application 2018/93098). Plots 1 - 200; and
 - (ii) Full application for the residential development of 26no. dwellings and onsite open space. Plots 201-226.
- 1.3 Please note that the red outline for the Full Application now extends to include the additional land outside that of the original outline planning consent for the whole development of 226no houses. The development of the 26no additional plots fall within the previous red outline consent for 200no dwellings.
- 1.4 The application site covers an area totalling approximately 8.15 hectares. The development proposals (through both applications) seek consent for 226No. dwellings in total and associated works including the provision of onsite open space to benefit the whole residential proposals.
- 1.5 The site is presently located within the urban area of Huddersfield with no specific policy allocation (white land) and is located within a defined regeneration area within the adopted Kirklees Unitary Development Plan (UDP) (1999 and revised in 2007) proposals map. The site is a preferred mixed use allocation within the emerging Kirklees Local Plan under plan ref MX1903.
- 1.6 This statement should be read in conjunction with the following supporting information which support both applications:
- Statement of Community Involvement – Johnson Mowat;



- Design and Access Statement – STEN Architecture;
- Plans and Details (including temporary construction access plan) – STEN Architecture;
- Landscaping plan – Rosetta Landscape Architects;
- Air Quality Assessment – BWB;
- Arboricultural Assessment – BWB;
- Drainage Strategy – Haigh Huddleston and Associates;
- Ecological Appraisal – BWB;
- Flood Risk Assessment – Haigh Huddleston and Associates;
- Lighting Assessment – BWB;
- Noise Assessment – BWB;
- Site Investigation – Eastwood and Partners;
- Consolidated Contaminated Land Risk Assessment – BWB;
- Transport Assessment – BWB;
- Travel Plan – BWB;

1.7 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

1.8 It should be noted that the application should be considered in the context of the S73 application submitted to the Council by WYG on behalf of the Pennine Property Partnership (on behalf of the Huddersfield and Calderdale NHS Trust) in relation to the amendment of Conditions 28, 33, 34 and 35 and removal of Condition 31 of Planning Permission Ref 2016/70/91337/W. The application is supported by a Viability Assessment detailing up to 240No. dwellings are viable with zero provision for affordable housing and amended highways and access arrangements.

1.9 It is requested that the planning reference for the Reserved Matters Application is amended upon approval of the revised S73 Application (Ref 2018/93098) to refer to that reference number.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located approximately 2km to the south west of Huddersfield City Centre in the urban area of Crosland Moor. The site is located off Blackmoorfoot Road.
- 2.2 The site bounds predominately residential properties along its south, east and northern boundaries. To the south is Sunningdale Road which contains terraced houses. To the east is Nabcroft Road with a mix of terraced properties, semidetached properties and industrial units. Blackmoorfoot Road to the north which is a mix of terraced house and semi-detached properties. To the west of the site is Oak Primary School.
- 2.3 The application site formed St Luke's Hospital. The buildings on site have been demolished and areas of hardstanding remain. The site covers an area of approximately 8.15 hectares. The site is located within the urban area of Huddersfield with no specific policy allocation (white land) and is located within a defined regeneration area within the adopted Kirklees Unitary Development Plan (UDP) (1999 and revised in 2007) proposals map. The site is a preferred 'mixed use' allocation within the emerging Kirklees Local Plan under plan Ref MX1903.
- 2.4 The site is located solely within Flood Zone 1 (lowest risk) according to the Environment Agency (EA) Flood Zone maps for planning.
- 2.5 The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The nearest bus stops are located on Blackmoorfoot Road a short walk from the site. This service provides links to Huddersfield Town Centre every 10 minutes at peak times via 328 and 393 buses. The bus route also provides links to the Bradley area of the town.
- 2.6 The site lies within a short walk of a number of facilities including Post Office, supermarket, takeaways, Working Mens Club, butchers and grocers.
- 2.7 Oak CE Primary School is located to the west of the site. Moor End Academy is located circa 500 meters to the south of the site.
- 2.8 The nearest doctors surgery to the site is located within is the Crosland Moor Surgery which is located along circa 0.3 miles from the site.



3.0 PLANNING HISTORY

3.1 In relation to the recent planning history of the site, the Council in May 2013 granted a prior notification for the demolition of the existing hospital buildings on site (Ref 2013/90248).

3.2 Subsequently in December 2015 the Council granted planning permission 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)” (Ref 2014/93099).

3.3 It should be noted that Condition No. 28 of this permission limited the number of dwellings to 187 based on the submitted viability assessment.

3.4 In October 2017 the Council granted permission 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)” (Ref 2016/91337).

3.5 The principal of residential development on the site is therefore well established.

Pre-Application Advice (August 2018)

3.6 Prior to the submission of the application a pre-application was put before the Council at Strategic Planning Committee on 30th August 2018. The pre-application presentation to members included matters of viability for up to 240No. dwellings on the site without the



requirement for affordable housing. The Viability Appraisal Update was agreed by the Council's independent assessor.

S73 Application (Ref 2018/93098) (Currently Pending)

- 3.7 It should be noted that the application should be considered in the context of the S73 application submitted to the Council by WYG on behalf of the Pennine Property Partnership (on behalf of the Huddersfield and Calderdale NHS Trust) in relation to the amendment of conditions 28, 33, 34 and 35 and removal of condition 31 of Planning Permission Ref 2016/70/91337/W. The application is supported by a Viability Appraisal detailing up to 240No. dwellings are viable with no provision for affordable housing and amended highways and access arrangements.
- 3.8 It is requested that the planning reference for the Reserved Matters Application is amended upon approval of the revised S73 Application to refer to that reference number.



4.0 PROPOSED DEVELOPMENT

- 4.1 The Planning Case Report supports the following applications on the site:-
- (i) Reserved Matters Application for the residential development of 200No. dwellings in pursuant of application Ref 2016/91337 (reference to be amended upon determination of S73 Application (Ref 2018/93098). Plots 1- 200; and
 - (ii) Full application for the residential development of 26no. dwellings and onsite open space. Plots 201 – 226.
- 4.2 The application site covers an area totalling approximately 8.15 hectares. The development proposals (through both applications) seek consent for 226No dwellings in total and associated works including the provision of onsite open space to benefit the whole residential proposals. The proposed schedule of accommodation is detailed on the supporting plans and Design and Access Statement.
- 4.3 No affordable housing is proposed on the site as demonstrated by the Viability Appraisal submitted via the current S73 Application (Ref 2018/93098).
- 4.4 It is considered that the proposed density is wholly appropriate in this locality.
- 4.5 The development proposals, where possible, seek to retain existing boundary trees on site. Further trees are proposed within the site.
- 4.6 A landscaping and planting scheme accompany the application which seeks to create a visually pleasing environment with biodiversity benefits.



5.0 PLANNING POLICY

Introduction - The Development Plan

- 5.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 5.2 At the time of writing, the current development plan comprises solely of the saved policies of the Kirklees Unitary Development Plan (adopted 1999, saved polices by the Secretary of State 2007).
- 5.3 The Council have prepared a new Local Plan which includes the allocation of sites for mixed use. The Kirklees Local Plan was submitted to the Secretary of State on 25th April 2017. Examination in Public (EiP) took place from 10th October 2017 with the last hearing session having taken place on the 26th April 2018. The Council are currently consulting on proposed modifications to the Local Plan between 20th August 2018 and 1st October 2018.
- 5.4 It should be noted that application is acceptable in principal under both the existing UDP and the new Local Plan. The section below has been undertaken in light of both the current and emerging policy on the basis that the new Local Plan may be adopted upon determination of the new Local Plan.

National Planning Policy Framework

- 5.5 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.
- 5.6 Para 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in



preparing the development plan, and is a material consideration in planning decisions.”

- 5.7 There are three objectives (Para 8) to sustainable development comprising economic, social and environmental roles.
- 5.8 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.
- 5.9 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or***
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date¹, granting permission unless:***
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or***
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. (JM underlining).***

- 5.10 It is noted that the application may be determined at a time at which the new Local Plan is adopted, which will constitute an up to date development plan or may be determined against the Unitary Development Plan, an out of date plan. It is considered that for the reasons set out in this statement the proposal complies with both plans.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

² The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.



5.11 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below:-

Section 4: Decision Making

5.12 In determining applications, Para 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.13 Para 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

5.14 Para 48 goes on to state that:-

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);***
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².”***

5.15 Para 49 goes on to state that:-



“However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and***
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”***

5.16 It is considered that no circumstances exist where the proposal could be considered premature particularly in light of its previous planning consent and its non-restrictive policy allocation.

Section 5: Delivering a Sufficient Supply of Homes

5.17 Para 59 reiterates the Government’s objective of significantly boosting the supply of home, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

5.18 Para 73-76 (inclusive) require local planning authorities to maintain a five year supply of land for housing and for a suitable buffer to be included within this supply (based on previous delivery). Para 75 places a requirement on local planning authorities to produce an Action Plan where delivery falls below 95% of requirement over a three year period.

Section 8: Promoting healthy and safe communities

5.19 Para 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

5.20 Para 103 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable



transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

5.21 Para 110 sets out development should:-

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.22 Para 111 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 11: Making Effective Use of Land

5.23 The Government remains committed to encouraging high density development and the most efficient use of land. Para 118 sets out planning policies and decisions should:-

(c) “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...”

(d) “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.



5.24 Although the use of minimum density policies is encouraged the Framework does not advocate any national standards for such minimum densities. §122 also specifically refers to the need to reflect the type of dwellings needed in an area and respect for the character of that area.

Section 12: Achieving Well Designed Places

5.25 Para 124 stresses the Government's commitment to achieving good design, high quality buildings and places.

5.26 Para 127 sets out planning policies and decisions should:-

- a) ***will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) ***are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) ***are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) ***establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) ***optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) ***create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."***

Section 14: Meeting the challenge of climate change, flooding and costal change

5.27 Para 150 sets out that new development should be planned to:-

- "a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are***



vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.28 Further at Para 153 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Section 15: Conserving and enhancing the natural environment

5.29 Para 170 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- “d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Section 16: Conserving and enhancing the historic environment

5.30 Para 189 sets out:-



“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Annex 1: Implementation

5.31 Para 212 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

5.32 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

Local Policy

Kirklees Unitary Development Plan (adopted September 1999)

5.33 The Kirklees Unitary Development Plan (UDP) was adopted in September 1999, with ‘saved’ selective alterations in 2007. The site is presently located within the urban area of Huddersfield with no specific policy allocation (white land) and is located within a defined regeneration area within the adopted Kirklees Unitary Development Plan (UDP) (1999 and revised in 2007) proposals map.

5.34 The following policies are relevant to the current proposal in the UDP.

5.35 Policy G1 sets out how regeneration will be secured through developments. It specifically identifies the reuse of land and buildings (ii).

5.36 Policy G4 requires new development to achieve a high standard of design.

5.37 Policy G5 requires an equality of access to buildings for all users.

5.38 Policy G6 sets out information on contamination or instability of land will be considered.



- 5.39 Policy D2 sets out planning permission for land with no notation on the proposals map and not subject to specific policies in the plan will be granted provided that proposals do not prejudice:
- i the implementation of proposals in the plan;*
 - ii the avoidance of over-development;*
 - iii the conservation of energy;*
 - iv highway safety;*
 - v residential amenity;*
 - vi visual amenity;*
 - vii the character of the surroundings;*
 - viii wildlife interests; and*
 - ix the efficient operation of existing and planned infrastructure.”*
- 5.40 Policy NE9 sets out development should retain mature trees. The policy also requires no construction within crown spread unless satisfactory precautions can be taken to ensure their viability.
- 5.41 Policy BE1 sets out that development should be of good quality design and essentially provides a checklist for development proposals.
- 5.42 Policy BE2 provides a checklist of design polices including:-
- i it is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass;*
 - ii the topography of the site (particularly changes in level) is taken into account;*
 - iii satisfactory access to existing highways can be achieved; and*
 - iv existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.”*
- 5.43 Policy BE12 relates to space about buildings separation distances.
- 5.44 Policy BE23 requires for new development to incorporate crime prevention measures.
- 5.45 Policy EP11 requires for the incorporation of a landscaping scheme which protects or enhances the ecology of the site.
- 5.46 Policy T10 requires new development sets out that:-



“New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.”

- 5.47 Policy T16 requires new development to make provision for safe, convenient and pleasant pedestrian routes including crime prevention measures.
- 5.48 Policy T17 requires development to have regard to the needs of cyclists.
- 5.49 Policy T19 sets out the provision of off-street parking will be required in new developments in accordance with the standards set out in appendix 2 of the plan.
- 5.50 Policy EP4 and EP6 relate to proposals for noise sensitive development in proximity to existing sources of noise or noise generating uses of land close to existing noise sensitive development and the requirement to take into account existing/proposed noise levels.
- 5.51 Policy H10 set out that the provision of affordable housing will be a material consideration.

Emerging Local Policy

Kirklees Local Plan (currently under examination 2018)

- 5.52 The Council have prepared a new Local Plan which includes the allocation of sites for mixed use. The Kirklees Local Plan was submitted to the Secretary of State on 25th April 2017. Examination in Public (EiP) took place from 10th October 2017 with the last hearing session having taken place on the 26th April 2018. The Council are currently consulting on proposed modifications to the Local Plan between 20th August 2018 and 1st October 2018.
- 5.53 At the time of determination of the applications the new Local Plan may be adopted. The following section has been undertaken on the basis of the new Local Plan is adopted.
- 5.54 Within the proposals map for the Kirklees Local Plan publication and consultation on modifications the site forms mixed use allocation MX1903 land south of Blackmoorfoot Road, Crosland Moor, Huddersfield.



- 5.55 Policy PLP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.
- 5.56 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-
- “a mix of high quality housing which offers choice and meets the needs of all our communities....*
- People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure.”*
- 5.57 Policy PLP 2 sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan. The site is located within the sub-area of Huddersfield, the plan sets out the strengths/opportunities for growth and challenges to growth within the sub-area.
- 5.58 The Spatial Development Strategy is located at section 6.1 of the Plan. It sets out the need for 31,430 new dwellings between 2013 and 2031 (1730 per annum). 6,000 dwellings within and adjoining the urban area of Huddersfield.
- 5.59 Policy PLP 3 sets out the location of new development will reflect the spatial strategy. It sets out the requirements for development and the need for development to support housing growth in a sustainable way.
- 5.60 Policy PLP 4 relates to the provision of infrastructure. It sets out that development should contribute to its provision either on site or off site through planning conditions, legal agreements or Community Infrastructure Levy Contributions.
- 5.61 Policy PLP 7 relates to the efficient and effective use of land and buildings. It sets out that housing density should ensure the efficient use of land, include (a) the efficient use of previously developed land in sustainable locations, and be in keeping with the character of the area.
- 5.62 Policy PLP 11 requires that housing is of high quality and design and contribute to mixed and balanced communities.



5.63 Policy PLP 20 relates to sustainable travel. It sets out that development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The Council will support alternative modes of transport and development close to local facilities. It also requires Travel plans for major planning applications.

5.64 Policy PLP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The proposal does not conflict with the criteria set out by this policy and detailed considerations in terms of these matters are contained within the Transport Assessment/Highways Statement.

5.65 Policy PLP 22 relates to is a general policy on parking. In relation to car parking provision the policy sets out:-

“in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development”

The relevant subsection requirements of this policy are that:-

- “f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;*
- g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*
- h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*

5.66 Policy PLP 24 relates to design and promotes the pre-application process. In then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with.

5.67 Policy PLP 28 relates to drainage. The policy sets out a presumption in favour of SuDS. Matters of drainage are set out in the supporting Drainage Report.



- 5.68 Policy PLP 30 this policy seeks to protect the biodiversity and geodiversity of international, national and local importance of Kirklees. It should be noted that the site does not fall within such a zone. The proposed Ecological Report and Arboricultural Report ensures there is no direct or indirect adverse effect on any identified habitats and species and biodiversity gains on site.
- 5.69 Policy PLP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area.
- 5.70 Policy PLP 33 seeks to protect trees and woodland of significant amenity. An arboricultural report supports the application.
- 5.71 Policy PLP 34 seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water.
- 5.72 Policy PLP 35 relates to the historic environment and seeks to conserve the significance of designated heritage assets.
- 5.73 Policy PLP 47 promotes health, active and safe lifestyle through access to open spaces, local initiatives for healthy food, improving walking and cycling, energy efficient design, air quality and inclusive environments.
- 5.74 Policy PLP 49 relates to educational and health care needs and requires the Council to work with applicants prior to a planning application being submitted.
- 5.75 Policy PLP 53 requires that contamination assessments and/or instability risk assessments are provided on unstable, contaminated or suspected contaminated land. If identified necessary measures are followed with.
- 5.76 Policy PLP 63 requires new housing development to provide or contribute to new open space or the improvement in the existing provision.
- 5.77 The site forms mixed use allocation MX1903 land south of Blackmoorfoot Road, Crosland Moor, Huddersfield. It identifies a gross site area of 9 hectares.



Other Material Considerations

National Planning Practice Guidance (2018)

- 5.78 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.



6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.2 The application site is currently not allocated for a specific purpose in the adopted Kirklees UDP (1999) and is proposed to be allocated as a mixed use site in the Emerging Local Plan MX1903. The proposal is therefore not subject to either an existing or emerging policy constraint and accords with both existing and emerging local plans. The site also benefits from an extant Outline permission for mixed use development which includes 200No. residential dwellings.

6.3 It is noted that the Council are currently unable to demonstrate a five year housing land supply, therefore highlighting the shortage of new homes and the urgent need for delivery.

Other Material Considerations

6.4 Having regard to the sites suitability for residential development, other material considerations are summarised in detail below. The basis for determining these applications is contained in the Framework and such elements of the development plan which retain some weight following the preceding analysis.

Viability

6.5 The August 2018 Viability Appraisal work for up to 240No. dwellings by others and presented to elected members. It is our understanding this was agreed with the Council's independent assessor prior to the submission of the application that 240No. houses can be provided on the site with no affordable housing.

6.6 The current applications seek a total of 226No. dwellings with no affordable housing.

6.7 Please note the commercial area will be subject of a separate planning application.

Design & Sustainability

6.8 The development would form the redevelopment of a brownfield site which has had previously outline planning consent and is a proposed allocation where housing has been identified in the Local Plan. The application is supported by plans and details and a Design and Access Statement.



6.9 Further details as to sustainability of the site are contained within the Design and Access Statement, Transport Documentation and within this report.

Design and Access Statement

6.10 The Design and Access Statement has been produced by STEN Architecture. The statement seeks to explain the design principles for the development, based upon an understanding of what is appropriate for the site, determined through an analysis of the previously submitted design proposals, an assessment of site opportunities and constraints and local consultation.

6.11 The document has been made on the basis of:-

- National Planning Policy Framework, July 2018;
- National Design Guidance - 'By Design' (DETR and CABE), The Urban Design Compendium (English Partnerships and Housing Corporation), and 'Better Places to Live By Design'. and
- National Planning Policy Guidance, Design.

6.12 The document contains design considerations of legibility, character, townscape, human scale, detailing, richness and interest; quality within the public realm, adaptability, robustness and sustainability, movement and permeability, primary vehicle access and secured by design.

6.13 The document also includes matters of sustainability:-

- Support and help revitalise the Local Economy;
- Reinforce Neighbourhoods and Communities;
- Provide a range of transport options and inclusive access;
- Protect and enhance the natural environment and resources; and
- Integrate high quality design and construction.

6.14 The report considers the proposal as a sustainable and high quality living environment, makes efficient use of land in terms of housing numbers and density, well planned sustainable solution with dwellings which will meet high architectural standards alongside the creation of pleasant and well planned streets.



Highways

6.15 A Transport Assessment and Travel Plan have been undertaken by BWB. In summary the Transport Assessment sets out the following in the context of a smaller commercial area developed than that previously approved:-

- The proposed revised scheme would generate significantly less vehicle trips than the approved scheme at the site during the peak hours of the local highway network. In the weekday morning and evening peak hours, the revised proposal is projected to generate 87 and 282 fewer two-way vehicle trips than the consented quantum of development. During the Saturday peak hour of the local highway network, the proposed revised scheme is expected to generate 451 fewer two-way vehicles trips than the consented development.
- Owing to the significant net reduction in vehicle trip generation associated with the revised development at the site the junction modelling shows that the development can be served by a priority access rather than a signalised junction. Furthermore, the site can be adequately served by a single shared access from the existing adopted highway network, rather than separate residential and commercial points of access, as was previously approved.
- The Junctions 9 modelling of the proposed site access junction demonstrates that this would operate within theoretical operational capacity in all three peak hours, with the inclusion of local major committed developments in the area.

6.16 The report summarises with the mitigation measures in place the proposed development is considered to be in accordance with local development management policies and the Revised National Planning Policy Framework. The development would not have a 'severe' impact on highways safety or the capacity of the local highway network.

6.17 It should be noted that the current S73 application (Ref 2018/93098) seeks to amend the point of access. This amended access point is taken into account in both applications.



Lighting Assessment

6.18 The application is supported by a Lighting Assessment produced by BWB. In summary the report sets out as follows:-

- The likely significant effects created by new lighting indicate effective management of direct lighting effects can be achieved.
- Potentially significant effects from the operation phase lighting on residential and wildlife / habitat receptors can be managed to create a minimal night-time impact with the most noticeable lighting contribution being a small increase to local area sky glow.
- The proposed Former St. Luke's Hospital lighting is expected to have a negligible level of change with respect to local residential properties and a generally minor to moderate adverse effect on areas containing sensitive wildlife / habitat.
- The potential significant effects from new lighting for the proposed development can be adequately managed and all tested parameters are expected to meet recommended guidance benchmarks.
- The proposed lighting installation can achieve the required minimum lighting levels and distribution to meet the applicable standards.
- The proposed lighting installation can contain all lighting overspill within the site boundary and as such cause no light trespass to the adjoining land.
- Indicative lighting design presented will cause no light intrusion through the vertical windows of the existing dwellings which bound the proposed new site.

6.19 In summary report sets out that the impact of the Former St. Luke's Hospital lighting is considered to be generally negligible with respect to residential properties and minor to moderate adverse in direct relation to wildlife / habitat locations on site, resulting in a negligible effect at local, regional and national levels. The most noticeable effect due to the proposed lighting installation expected to remain is sky glow.

Ecology

6.20 The application is supported by a Preliminary Ecological Appraisal by BWB. Table 6.1 below informs of key topic areas and makes recommendations where necessary.

Table 6.1: Ecological Considerations

Designated Sites	Gledholt Woods Local Nature Reserve (LNR) is an area of woodland and meadow approximately 0.85km north of the Site. The Site is also within a SSSI Risk Zone, but the development type is not included within a risk category.	No Recommendations
Habitats	Habitats on-site comprised woodland, scrub, rank grassland, tall ruderal and ephemeral/short-perennial. The central area of the site comprised an open mosaic of hard-standing, ephemeral/short-perennial, tall ruderal and scattered scrub on the remains of previously demolition buildings; this habitat is classified as a UK BAP habitat.	Areas of woodland must be retained and protected during the works as they contain bat boxes (mitigation measures installed relating to the demolition of hospital buildings). Areas of open mosaic habitat should ideally be incorporated into the final design.
Amphibians	The Site provided suitable habitat for amphibians including great crested newts (GCN) <i>Triturus cristatus</i> offering foraging habitat, vegetative cover and refugia. However, there were no water bodies present on-site. A search of aerial photography and OS maps highlighted several ponds within 500m of the Site. However, these were north of the A62, a busy road with kerb stones likely to act as a significant dispersal barrier to GCN. No other waterbodies were recorded within 500m of the Site. Furthermore, there were no desk study records of this species from within 500m of the Site. GCN were considered highly unlikely to be present on-site.	No Recommendations



<p>Badgers and Hedgehogs</p>	<p>A single badger latrine was recorded on-site but no setts were recorded. The site was suitable to support foraging hedgehogs.</p>	<p>As a matter of good practice, any trenches dug as part of construction work should be covered over at night, or left with a ramp or sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm in diameter should be capped off at night. As badgers can create new setts at any time, contractors should remain vigilant. Should any large mammal holes be discovered works must stop and an ecologist be contacted. An updated badger survey should be conducted should the onset of the development be delayed for a period of more than twelve months.</p>
<p>Bats</p>	<p>All buildings have previously been demolished including those which supported roosting bats. Bat boxes to mitigate for the loss of these roosts have been installed within the woodlands on-site.</p> <p>The habitats provided opportunities for foraging bats with the areas of woodland providing the best opportunities for foraging and commuting</p>	<p>The adjacent hedgerow and woodland should be retained and adequately protected during the works as outlined above. Additionally, a dark corridor should be maintained along the boundaries both during construction and operational phases.</p> <p>Should any trees identified as having low potential to support roosting bats require removal, these should be soft felled as a precautionary measure i.e. the trees should be sectioned felled and lowered to the ground with the arisings left on the ground for 24 hours to allow bats to fly away in the unlikely event that roosts are present.</p> <p>Opportunities for bats should be incorporated into the final masterplan. This could include integrated woodland areas within which bat boxes have been mounted must be retained and protected during the works. A sensitive lighting scheme should be developed to maintain a corridor in these areas.</p>



Birds	An important assemblage of bird species was considered unlikely to be present on-site. However, all bird species receive legal protection during nesting, there is the potential for any vegetation clearance to damage or destroy active nests, if undertaken during the nesting season.	As all species receive legal protection during nesting, it is advised to complete any vegetation clearance and building works outside of the breeding bird season of March to August (inclusive). Vegetation clearance outside of this period should still be preceded by a nesting bird carried out by contractors, as some species can nest all year round. Any active nests would need to remain unaffected until all chicks had fledged.
Reptiles	It was considered unlikely that reptile species would be present on-site.	Contractors should remain vigilant for the presence of reptiles. In the unlikely event that a reptile is seen works should stop and an ecologist be contacted.

Air Quality

6.21 The application is supported by an Air Quality Assessment which recommends as follows:-

“A qualitative construction phase assessment was undertaken and measures were recommended for inclusion in a Dust Management Plan to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions is considered to be ‘not significant’ in accordance with the IAQM Guidance.

A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. Road traffic emissions were modelled using the dispersion model ADMS-Roads and concentrations of NO₂, PM₁₀ and PM_{2.5} were predicted at identified sensitive receptor locations. The modelling assessment was undertaken in accordance with Defra Local Air Quality Management Technical guidance. Concentrations were predicted to be below the relevant air quality objectives at all receptor locations considered in the assessment and impact of the development on local air quality was predicted to be ‘negligible’ in accordance with the IAQM and EPUK Guidance[1].

Pollutant concentrations were also predicted at proposed residential unit locations within the development Site. Concentrations of NO₂, PM₁₀ and PM_{2.5} were predicted to be below the relevant air quality objectives. The Site was therefore considered to be suitable for the proposed use with regard to air quality.”



Noise

- 6.22 A noise assessment has been produced to support the application by BWB. The report highlights that the existing noise environment is dominated by road traffic on the surrounding road network. The report makes recommendations in relation to window and trickle vent specifications and a barrier. The report considers that noise is not a determining factor in granting planning permission.

Arboricultural Report

- 6.23 The supporting Arboricultural Impact Assessment recommends and Method Statement by BWB recommends:-

- 7 Individual trees and 5 tree groups were classified as Category A.
- 16 individual trees and 2 tree groups were classified as Category B.
- 30 individual trees and 5 tree groups were classified as Category C.
- 8 individual trees were classified as Category U.

- 6.24 As part of the proposed development the following trees will need to be removed:

- T12, T13, T17, T19, T28, T46, T49 and T61 are all Category U trees and will require removal before construction begins.
- T1, T2, T3, T5, T6, T7 and G1 will require removal for the construction of the proposed access road to the development. The position of the proposed main spine access road is directly over the location of the trees.
- T4, T20 - T24 and T60 will require removal for the construction of the proposed car parking area for the proposed commercial development. The location of the car parking area is directly over the location of the trees.
- T14, T16, T18, T25 – T30, T32, T33, T35, T45, T48, T51, G3 and G6 will require removal for the construction of the residential units. The location of proposed units are directly over the location of these trees.
- T10, T9, T8, T15, T31, T41, T47, T50, G2 and G5 will require removal for the construction of the residential units. There will be significant construction requirements within the Root Protection Area (RPA) of these trees. The level of construction required within the RPA of these trees could not be mitigated against to ensure long term survival of the trees.



- T11, T34, T42 and T43 will require removal for the construction of the access roads throughout the site. The proposed roads and hard surfaces are located directly over the trees location.

6.25 To mitigate the loss of trees, new trees are proposed throughout the development and shown on the landscaping plan.

Flood Risk and Drainage

6.26 The application is supported by a Flood Risk Assessment by Haigh Huddleston and Associates. The report sets out that the site is within Flood Zone 1 on the EA Flood Maps. The area of the site to be developed is not at risk of flooding from river or tidal water up to a 1% return period.

6.27 The Haigh Huddleston Report confirms:-

“agreement to the allowable discharge rates for the proposed development have already been agreed with the Local Drainage Authority and Yorkshire Water. The development of the site utilising infiltration techniques is not considered feasible due to the near surface geology of the area. The use of attenuation systems to reduce the run-off to the agreed discharge rates would be required in the final site designs to ensure there is no increase in flood risk to the downstream catchment.”

6.28 The report also sets out that:-

“the risk of overland flows entering the site is considered to be low due to the topography of the area around the site and the drainage systems to the previously developed areas to the south. The risk can be further minimised by providing a flood water route through the site to ensure flood water flows are directed away from the existing and proposed housing. The floor levels of the proposed houses should be based on a minimum of 300mm above proposed road channel levels in the areas of flood routing.”

6.29 The application is supported by a drainage documentation by Haigh Huddleston and Associates. The report provides a strategy to address existing drainage, proposed drainage, both foul and surface water and provides a supporting plan.



Site Investigation

- 6.30 The application is supported by a Geotechnical and Geo-Environmental Site Investigation by Eastwood and Partners. The report considers the past use of the site, topography, geology, details of ground investigation and ground levels. The report makes recommendations in relation to design and construction requirements.
- 6.31 BWB have also provided an updated consolidated contaminated land risk assessment. The recommendations can no doubt be dealt with via condition.

Planning Balance

- 6.32 The site is within a highly sustainable location, with good access to social and physical infrastructure. The development would be fully compliant with policies contained within the both the existing and emerging Local Plan. The development can contribute toward the planned growth for Huddersfield and is therefore fully aligned with the spatial strategy's approach.
- 6.33 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.
- 6.34 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.
- 6.35 There are a number of significant benefits that will be delivered through the development of these housing proposals. The site would provide a deliverable supply of much needed land for housing in a district where previous delivery rates have fallen short of the target.
- 6.36 Other benefits include the provision of a range of new house types to provide increased housing choice. The development would also generate a significant amount of investment to the area in terms of the construction value of the project (over £20 million) and associated spend during the construction period. Benefits include direct jobs during the construction phase (over 40No. jobs), indirect "spin-off" jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.



- 6.37 The development of the site will also ensure the NHS raise funds from the sale of the site which can be used to assist the provision of local care and other needs to assist the local community.
- 6.38 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal would be policy compliant and it has been demonstrated there to be no technical issues which would prevent the grant of planning permission.



7.0 SUMMARY AND CONCLUSIONS

- 7.1 The National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development which should apply in both plan-making and decision-taking. Local Planning Authorities should, where relevant, grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.2 The development proposed constitutes sustainable development having access to a wide range of local facilities. The site benefits from existing planning permission and is an allocation in the emerging local plan. The site can make an immediate contribution towards overcoming the district shortfall in housing delivery and can contribute toward boosting the five year housing land supply together with a significant number of economic and social benefits.
- 7.3 The site would make a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.4 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with paragraph 11 of the Framework, permission should therefore be approved without delay.

