

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2024/44/92906/E
Site Address:	Former Storthes Hall Hospital, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA
Description:	Discharge of condition 4 (materials) of previous Reserved Matters approval 2016/90711 for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities pursuant to outline permission 2012/91503 for Extension to time limit to previous permission 2005/91330 for outline application for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 06/12/2024

Discharge of condition 4 (materials) of previous Reserved Matters approval 2016/90711 for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities pursuant to outline permission 2012/91503 for Extension to time limit to previous permission 2005/91330 for outline application for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities

Condition 4 (Materials)

Wording of Condition

Notwithstanding the submitted details, before development of any residential unit first commences, a scheme detailing the combination of materials of construction for each residential unit shall be submitted to and approved in writing by the Local Planning Authority. The units shall then be constructed in accordance with the approved scheme.

Reason: *In the interests of visual amenity and to accord with Policy BE11 of the Unitary Development Plan.*

Documents Submitted

- Covering Letter
- Photographs of prototype dwelling and factory
- Concrete Material Specification

Assessment

An approval pursuant to condition 4 was previously issued in 2018 (application ref 2018/91011). Following negotiations during the course of that application, that previous decision approved:

- One stone type (type 1 – Stanton Moor sandstone)
- Two brick types (type 1 – Orange Multi Gilt stock and type 2 – Stockbury Multi)
- Roofing material (type 1 – Redland Clay Rosemary in red)
- 23 colours of render
- White Steel windows and doors
- Stainless steel and glass balustrades

The applicant now proposes to utilise modern methods of construction to build out the site, and they cite the reasons for this being an increase in material costs and a shortage of skilled workforce. The applicant sought pre-application advice with the Local Planning Authority in July 2024 where officers advised that the applicant submit a Section 73 application for consideration.

Procedure

The applicants have chosen to submit a discharge of condition application, rather than a Section 73 application. This matter was queried with the agent who provided the following response:

“In terms of the DoC approach (rather than the S73), we took some legal advice from Walton and Co, Planning Lawyers, who advised; A s.73 application actually does not make that much sense as it is not the condition which is being varied but rather the details already approved under it. All the condition does is require the details approved under it to be accorded with. That does not change and so no variation to the condition itself is needed. It would also avoid the issues with a s.73 application in that it strictly speaking results in the grant of a new planning permission (even if it is only the variation of a condition on the RM approval). That brings into the question the need for s106 variations etc. As a result of the advice we followed the DoC route”

It is agreed that the wording of condition 4 does not require the condition to be varied in order for officers to consider a different specification of the main walling material. However, the matter of whether the proposal to use modern methods of construction would fundamentally change the character of the approved scheme has been considered. The agent was asked to confirm whether the proposal to use modern methods of construction would require any change to the dimensions of the dwellings, and the agent has confirmed this would not be the case. Whilst the appearance of the dwellings would undoubtedly be different (by virtue of a different method and material of construction), it is considered the proposal would not result in a scheme materially different to that approved in character or scale which would necessitate the submission of a Section 73 application. This has full regard to the fact that the dimensions and design/fenestration detailing of the units would remain as approved.

Proposal

The proposal is for a patented large panel reinforced concrete system with a stone effect cast into the surface. The panels would be joined at corners and junction using serrated jointing plates. The roofing material, and windows and doors, would be as previously approved.

No details of the concrete specification were initially submitted, and the applicant was therefore asked to provide the specification of the concrete material proposed. A plan showing foundation designs (pad or piling) has been submitted, which show a concrete wall reinforced with mesh, behind which would be a layer of insulation. No further elevational details are provided, and the agent is unable to confirm at this stage which foundation design has been chosen. A prototype house has, however, been constructed in the yard area of a manufacturing facility at Brighouse (HD6 2QS) which will produce the units, and photographs have been provided in the submission. Senior officers who responded to the pre-application enquiry have viewed this building on site.

Officers support the principle of using modern methods of construction, however there is concern about the use of concrete as a facing material for circa 300 dwellings, in respect of its aesthetics and longevity. The agent was asked to confirm whether the applicant has considered other materials which may also be used in modern methods of construction, and if so, to confirm which have been considered and the reasons they were discounted. The agent was unable to confirm that alternative materials have been considered and instead advised that the focus has been on developing a concrete panel solution. The agent stated that concrete is highly efficient, thermally secure and ensures the same visual output as the previously approved scheme. The agent also went on to say that there is a materials and skills shortage which has left the applicant to consider this approach in order to bring forward the scheme.

The site is part of a wider area of Green Belt in the Kirklees Local Plan and is not within a Conservation Area. There is a listed building “The Old Barn House” located to the north of the site, however this is at some distance away and would be unaffected by the proposal. The site also benefits from natural screening to its boundaries. Officers note the applicant has not discounted other possible materials used in modern methods of construction, so as to provide clear evidence that the use of concrete is the only viable option. The key issue is therefore whether the ‘stone effect’ concrete panel system proposed would adequately preserve visual amenity, and that it is of sufficient quality. The panel system attempts to replicate the appearance of stonework, however the quality is poorer than the previously approved materials, and its longevity has not been demonstrated. Officers are, however, mindful that the scheme (whilst extant) has not been delivered and that the proposal to use concrete panels in a modern method of construction would assist in bringing forward this stalled housing development at a time when the council is unable to demonstrate a five-year supply. The use of concrete is highly unlikely to be acceptable for many sites, however the benefit of bringing forward this scheme which has been stalled for a considerable time is given significant weight. Furthermore, at this site there is the existence of significant natural screening to the site boundaries, and the dwellings are to be single storey only. On balance, the benefits of bringing forward a stalled site are considered sufficient to accept the change in the proposed construction material in this circumstance, on the understanding the development would now be brought forward.

There was lack of clarity in the covering letter regarding the specification of the roofing tile. In the covering letter it states four types of roof tiles were previously approved. However, in the delegated report which previously discharged details of materials (ref 2018/91011) it states:

“Officers considered this range of materials to be excessive, and asked for the palette to be amended to include only one stone type (type 1 – Stanton Moor sandstone), only two brick types (type 1 – Orange Multi Gilt stock and type 2 – Stockbury Multi), and only two roofing materials (type 1 – Redland Clay Rosemary in red (80) and type 2 – Redland Clay Rosemary tile in russet mix (94)). In the Proposed Schedule of

Materials submitted on 18/06/2018, the applicant amended the materials palette as requested (and in fact went further than officer's requests, as only one roof tile is now proposed). On 06/07/2018 the applicant's agent wished to use roof tile type 4 (Redland Clay Rosemary in mixed brindle (81)), but would use type 1 if type 4 was considered unacceptable. On 06/07/2018 the council's Design and Conservation Team Leader raised concerns regarding the weathering of type 4, and expressed a preference for type 1".

In light of the previous decision the agent was asked to clarify this matter and provide the specification of the roofing tile for the purposes of this application. The agent has confirmed this will be as approved and provided copies of the previously approved documents for application ref 2018/91011. For clarity, officers note this is Type 1 – Redland Clay Rosemary in red. Officers also asked the agent to clarify the windows and door materials, and the agent has advised that they are not deviating from those shown on the previously approved schedule which is white steel windows and doors.

It is noted no details have been provided of the community building in the central part of the site, and therefore no details have been considered as part of this application.

To clarify, the only details considered as part of this application are the walling material for the dwellings (patented large panel reinforced concrete system with a stone effect cast into the surface). No consent is given to deviate from the approved dimensions and design/fenestration detailing of the dwellings.

Recommendation: Approve the details.

Decision Notice Text

Condition 4 (Materials)

Documents Submitted

- Covering Letter
- Photographs of prototype dwelling and factory
- Concrete Material Specification

Assessment

You have submitted the above documents pursuant to condition 4. The details of the large panel reinforced concrete system with a stone effect cast into the surface are considered to be acceptable for the purposes of condition 4.

In the interests of clarity, the following is noted:

- This approval does not give consent to deviate from the approved dimensions and design/fenestration detailing of the dwellings which remain as previously approved. The photograph of the prototype

dwelling was submitted for the purposes of assessing the appearance of the concrete panel system only. Any other revisions would be outside of the remit of this application.

- The roofing tile specification remains as previously approved pursuant to application ref 2018/91011. For clarity, it is noted that this is Type 1 – Redland Clay Rosemary in red.
- All other materials (doors and windows) remain as approved pursuant to application ref 2018/91011.
- The submission includes no reference to the two-storey community facility, and no details in respect of this building have been submitted or considered as part of this application. Accordingly, the details remain as previously approved.
- The reference to Air Source Heat Pumps in the covering letter falls outside of the remit of this condition.

Report Dated: 04/12/2024